PERMIT NO. HI S000001

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AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. §1251 et. seq.; the "Act"); Hawaii Revised Statutes, Chapter 342D; and Hawaii Administrative Rules (HAR), Department of Health (DOH), State of Hawaii, Chapters 11-54 and 11-55;

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION (DOT)
HIGHWAYS DIVISION (DOT-HWYS)

(PERMITTEE)

is authorized to discharge storm water runoff and certain non-storm water discharges as identified in Part B.2 of this permit from the DOT-HWYS Municipal Separate Storm Sewer System (MS4); storm water runoff from the Keehi, Kakoi, Pearl City, Waianae, and Windward Baseyards; and additional storm sewer outfalls that may be identified from time to time by the Permittee,

into State Waters in and around the Island of Oahu, Hawaii,

in accordance with the general requirements, discharge monitoring requirements, and other conditions set forth herein, and in the attached DOH "Standard NPDES Permit Conditions," dated December 30, 2005, that is available on the DOH, Clean Water Branch (CWB) website at http://www.hawaii.gov/health/environmental/water/cleanwater/index.html.

All references to Title 40 of the Code of Federal Regulations (CFR) are to regulations that are in effect on July 1, 2011, except as otherwise specified. Unless otherwise specified herein, all terms are defined as provided in the applicable regulations in Title 40 of the CFR.

This permit will become effective on _____, 2013.

This permit and the authorization to discharge will expire **five (5) years from the effective date**.

Signed this ___ day of _____, 2013.

_____
(For) Director of Health

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Part A. GENERAL REQUIREMENTS

The Permittee shall:

Part A.1. Comply with the existing DOT-HWYS SWMP Plan until submittal of the revised DOT-HWYS SWMP Plan to DOH; and future activities as identified in its last submitted Annual Report. The revised SWMP Plan shall be implemented upon submittal to DOH.

Part A.2. Comply with all requirements in this permit and Consent Decree, issued on January 29, 2006, until its termination. In case of conflict with any requirement, the more stringent requirement shall apply.

Part A.3. Retain a copy of this permit and all other related materials and the SWMP, with all subsequent revisions, at the DOT-HWYS designated location as identified in its SWMP.

Part A.4. Ensure that anyone working under this permit complies with the terms and conditions of this permit.

Part A.5. Include the permit number, **HI S000001**, and the following certification with all information required under this permit:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Part A.6. Submit all information required under this permit to the following address:

Part A.6.a. Director of Health
Clean Water Branch
Environmental Management Division
Department of Health
919 Ala Moana Boulevard, Room 301
Honolulu, Hawaii 96814-4920

Part A.6.b. The Permittee shall submit annual reports to EPA at the following address:

U.S. Environmental Protection Agency, Region 9
Attention: WTR-5
75 Hawthorne Street
San Francisco, CA 94105-3901

Part B. DISCHARGE LIMITATIONS

Part B.1. The Permittee shall effectively prohibit non-storm water discharges through its separate storm sewer system into State Waters and from its Baseyards. National Pollutant Discharge Elimination System (NPDES) permitted discharges and non-storm water discharges identified in Part B.2 of this permit are exempt from this prohibition.

Part B.2. The following non-storm water discharges may be discharged into the Permittee's separate storm sewer system provided that the discharge be identified below, and meet all conditions when specified by the Permittee. In the event that any of the below non-storm water discharges are determined to be a source of pollution by the Permittee, the discharge will no longer be allowed.

- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration (as defined in 40 CFR §35.2005(20));
- Uncontaminated pumped ground water;
- Discharges from potable water sources and foundation drains;
- Air conditioning condensate;
- Irrigation water;
- Springs;
- Water from crawl space pumps and footing drains;
- Lawn watering runoff;
- Water from individual residential car washing;
- Water from charity car washes;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Exterior building wash water (water only);
- Residual street wash water (water only), including wash water from sidewalks, plazas, and driveways, but excluding parking lots; and
- Discharges or flows from fire fighting activities.

The Permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g., non-commercial car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the Permittee) to be significant sources of pollutants to the MS4, because of either the nature of the

discharges or conditions the Permittee has established for allowing these discharges to the MS4 (e.g., non-commercial car wash with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on the wash water, etc.). The Permittee shall document in the storm water management plan any local controls or conditions placed on the discharges, and include a provision prohibiting any individual non-storm water discharge that is determined to be contributing pollutants to the MS4.

Part B.3. The discharge of pollutants from the Permittee's MS4 shall be reduced to the Maximum Extent Practicable (MEP), consistent with Section 402(p)(3)(B) of the CWA. This permit, and the provisions herein, are intended to develop, achieve, and implement a timely, comprehensive, cost-effective storm water pollution control program to reduce the discharge of pollutants to the MEP from the DOT-HWYS' MS4 to waters of the State. MEP is a dynamic performance standard and it evolves as our knowledge of urban runoff control measures increases.

Part B.4. The discharge of pollutants from the Permittee's facilities classified as Industrial in accordance with 40 CFR §122.26(b)(14) (e.g., Baseyards) shall be reduced to the appropriate discharge limitations subject to the Best Available Technology currently available (BAT)/ Best Conventional Pollutant Control Technology (BCT) discharge requirement, consistent with the CWA and other respective federal and state requirements for such facilities.

Part C. RECEIVING WATER LIMITATIONS, INSPECTIONS, AND CORRECTIVE ACTIONS

Part C.1. The discharge shall comply with the basic water quality criteria which states: "All waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants, including:

Part C.1.a. Materials that will settle to form objectionable sludge or bottom deposits;

Part C.1.b. Floating debris, oil, grease, scum, or other floating materials;

Part C.1.c. Substances in amounts sufficient to produce taste in the water or detectable off flavor in the flesh of fish, or in amounts sufficient to produce objectionable color, turbidity or other conditions in receiving waters;

Part C.1.d. High or low temperatures; biocides; pathogenic organisms; toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water;

Part C.1.e. Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life; and

Part C.1.f. Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways; subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands."

Part C.2. The discharge shall not cause or contribute to a violation of any of the applicable beneficial uses or water quality objectives contained in Hawaii Administrative Rules (HAR), Chapter 11-54, titled "Water Quality Standards."

Part C.3. The Permittee shall timely visually inspect the receiving state waters, effluent, and control measures and Best Management Practices (BMPs) to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in HAR, Section 11-54-4. (e.g., the Permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life).

Part C.4. The Permittee shall immediately take action to stop, reduce, or modify the discharge of pollutants as needed to stop or prevent a violation of the basic water quality criteria as specified in HAR, Section 11-54-4.

Part C.5. After the deadline, as identified in the compliance schedule required in Part F.3.c., the Permittee shall demonstrate consistency with the Waste load Allocations (WLAs) consistent with the assumption of the associated Total Maximum Daily Load (TMDL) document. For future TMDLs adopted by DOH and approved by the EPA, the Permittee shall demonstrate consistency with the WLAs consistent with the assumption of the associated TMDL document within the timeframe as specified in its Implementation and Monitoring (I&M) Plan.

Part D. STORM WATER MANAGEMENT PLAN (SWMP)

The Permittee shall:

Part D.1. Further develop and improve, implement, and enforce a SWMP designed to address the requirements of this permit and reduce, to the MEP, the discharge of pollutants to and from its MS4 to protect water quality and to satisfy the appropriate water quality requirements of the Act. The SWMP shall include the following information for each of the SWMP components described in Part D.1.a to Part D.1.g below:

- The BMPs, plus underlying rationale, that shall be implemented for each of the program components.
- The measurable standards and milestones for each of the BMPs, plus underlying rationale, including interim measures to aid in determining level of effort and effectiveness of each program component.
- The name or position title and affiliation (e.g., branch/section within DOT-HWYS) of the person or persons responsible for implementation or coordination of each program component.
- Monitoring to determine effectiveness of the controls and of the overall storm water program.

Submittal Date. The SWMP shall be updated and modified per the requirements of this permit, be consistent with the format of this permit, shall be submitted to DOH within 18 months from the effective date of this permit, or as otherwise specified, and shall be fully implemented upon submittal. The Permittee shall implement the existing SWMP until submittal of the revision. The SWMP and any of its revisions, additions, or modifications are enforceable components of this permit.

Part D.1.a. Public Education and Outreach

The Permittee shall further develop and implement a comprehensive education and involvement program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water as well as enabling the public to identify and report a pollution-causing activity (i.e., spotting an illicit discharge) and the steps that the public can take to reduce pollutants in storm water runoff. The program should create: changes in attitude, knowledge, and awareness; BMP implementation; pollutant load reduction; and

changes in discharge and receiving water quality. The SWMP shall include a written public education plan for how the Permittee will reach all targeted audiences and implement the permit requirements described below. The Permittee may fulfill portions of this requirement by cooperating with the City and County of Honolulu's (City) storm water public education program.

Part D.1.a.(1) *Targeted Groups*. The Permittee shall address the following targeted groups in the public education plan with appropriate messages, and shall describe outreach activities and anticipated frequencies that each activity will be conducted over the permit term:

- Locations of illicit discharges
- Homeowners, School Children, and the General Public
- DOT-HWYS employees
- DOT-HWYS consultants
- Construction industry
- Industrial facilities covered by the NPDES permit program
- Commercial businesses such as landscape service and maintenance (e.g., to prevent the use of leaf blowers from blowing material into the drainage structures), automobile detailing, automobile repair and maintenance, retail gasoline outlets, and restaurants, including those types of businesses highly ranked, according to relative risk of discharge of contaminated runoff to the DOT-HWYS MS4. Refer to Part D.1.g.(4).
- Department of Agriculture
- Department of Education
- Department of Hawaiian Home Lands
- Department of Land and Natural Resources
- National Resources Conservation Services
- Any other source that the Permittee determines may contribute a significant pollutant load to its MS4

Part D.1.a.(2) *General Public*. The Permittee shall include in the public education plan the following activities, with anticipated frequencies that each activity will be conducted over the permit term:

- Public Service Announcements (PSAs)
- Adopt-A-Highway Program
- School programs
- Distribution of brochures
- Participation in special events (e.g., Clean-A-Reef) and exhibits
- Web site

- Pesticides, herbicides, and fertilizer use program
- Water conservation
- Proper disposal of grass clippings, leaves, and other green waste
- Proper disposal of household hazardous waste

Part D.1.a.(3) *Evaluation Methods*. The Permittee shall evaluate the progress of the public education program based on the following:

- An annual survey of Oahu residents to measure both behavior and knowledge relating to storm water. The surveys can be conducted in person at events, on the phone, or using Web-based survey tools. The results of the survey shall be compared to past surveys.
- Number of brochures distributed
- Participation in events
- Volunteer hours

The results of the evaluation shall be summarized in the Annual Report.

Part D.1.b. Public Involvement/Participation

The Permittee shall include the public in developing, reviewing, and implementing the SWMP. The draft and final SWMP shall be made available to the public on the DOT-HWYS Website and at local offices. An informational meeting shall be scheduled and announced prior to finalizing the SWMP to solicit comments and answer questions from the public. Other activities to involve the public may include providing volunteer opportunities that improve water quality, organizing a citizen advisory group to solicit ongoing input from the public about changes to the SWMP and specific SWMP-related projects, or organizing clean-up events to educate the public about impacts of storm water.

Part D.1.c. Illicit Discharge Detection and Elimination

The Permittee shall implement the ongoing SWMP to detect and eliminate illicit connections and illegal discharges into its MS4 and shall include an improved program in the revised SWMP Plan. The program shall include:

Part D.1.c.(1) *Connection Permits for private drain connections*. The Permittee shall require permits for private drain connections and maintain a database of all permitted connections to its MS4. Prior to issuing a connection permit, the permittee shall ensure the following are met:

- the project has provided proof of filing a Notice of Intent (NOI) or NPDES application, if applicable; and

- control measures to minimize pollutant discharge into its MS4 has been reviewed and approved by DOT-HWYS.

Part D.1.c.(2) *Field Screening.* The Permittee shall implement its Outfall Field Screening Plan for observing major and minor outfalls to screen for improper discharges. The plan shall designate priority areas for screening, specify the frequency for screening, and identify the procedures to be followed if a discharge is observed.

Part D.1.c.(3) *Tracking.* The Permittee shall maintain a database of illicit connections, illegal discharges, and spills that tracks the type of discharge, responsible party, DOT-HWYS response, and resolution of the discharge to the MS4.

Part D.1.c.(4) *Investigate complaints.* The Permittee shall promptly investigate observed, suspected, or reported illicit flows and pursue enforcement actions, as appropriate. Complaints made to the CWB, which discharge to the DOT-HWYS MS4 will be forwarded to the Permittee for their action. The Permittee shall:

(i) Develop and implement a database to identify illicit discharge activities by Tax Map Key (TMK). The database shall include information about each suspected improper discharge, the Permittee's investigation of that discharge, follow-up activities, and the resolution of each discharge;

(ii) Implement a program to facilitate public reporting of illicit discharges (i.e., environmental hotline and/or website for reporting), including providing at least one contact that the public can reach (including phone number and/or email address) be clearly posted on its website; and

(iii) Develop a response plan for the investigation of illicit discharges to be consistent with the requirements in this permit.

Part D.1.c.(5) *Enforcement.* Within one (1) year of the effective date of this permit the Permittee shall establish its own rules for drain connections, penalty for person illegally discharging pollutants to its MS4, and the collection of fines, including ensuring compliance with its rules and pursuing enforcement actions.

Part D.1.c.(6) *Prevent and Respond to Spills to the DOT-HWYS MS4.* The Permittee shall implement its ongoing SWMP to prevent, respond to, contain, and clean up all wastewater and other spills that may enter into its MS4 from any source (including private laterals and failing cesspools). This program shall be included

in the SWMP. Spill response teams, which may consist of local, state, and/or federal agencies, shall prevent entry of spills into the DOT-HWYS MS4 and contamination of surface water, ground water, and soil to the MEP.

The Permittee shall coordinate spill prevention, containment, and response activities throughout all appropriate departments, programs, and agencies to ensure maximum water quality protection at all times.

The Permittee shall notify DOH of all wastewater spills or overflows from private laterals and failing septic systems into its MS4. The Permittee shall prevent, respond to, contain, and clean up wastewater from any such notification.

Part D.1.c.(7) *Facilitate Disposal of Used Oil and Toxic Materials*. The Permittee shall implement its ongoing SWMP to facilitate the proper management and disposal or recycling of used oil, vehicle fluids, toxic materials, and other household hazardous wastes. Such a program shall include educational activities, public information activities, and identification of collection sites or methods.

Part D.1.c.(8) *Training*. The Permittee shall provide annual training to staff on identifying and eliminating illicit connections, illegal discharges, and spills to its MS4. This training shall be specific to DOT-HWYS activities, policies, and procedures.

Part D.1.d. Construction Site Runoff Control

Permittee shall implement a construction site management program to reduce to the MEP the discharge of pollutants from both private and public construction projects (i.e., contract, in-house, maintenance, and encroachment). The construction site management program shall include the following minimum elements:

Part D.1.d.(1) *Requirement to implement BMPs*. Within one (1) year of the effective date of this permit the Permittee shall establish its own rules to require proposed construction projects to implement BMPs and standards described in the following, including rules for penalty, and the collection of fines:

- Hawaii Standard Specifications for Road and Bridge Construction and/or Special Provisions
- Construction Best Management Practices Field Manual
- Maintenance Activities Best Management Practices Field Manual
- Storm Water Permanent Best Management Practices Manual

These standards shall be annually reviewed and, as necessary, revised to include descriptions of new, modified, or revised BMPs, including permanent BMPs and LID practices. Any revisions shall be discussed within its Annual Report and the documents included within its SWMP Plan. At a minimum, the information in the Construction BMP Field Manual shall be consistent with EPA's Menu of BMPs for Construction Site Runoff Control. Refer to the EPA's website at: http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm. All documents shall be made available to DOT-HWYS staff, contractors, and consultants, as appropriate.

Part D.1.d.(2) *Inventory of construction sites*. Within six (6) months of the effective date of this permit, the Permittee shall, implement a system to track both private and public construction projects (i.e., contract, in-house, maintenance, and encroachment). This system shall track information on the project (including permit or file number, if available), status of plan review and approval, inspection dates, and if applicable, enforcement actions and whether the project has applied for coverage under HAR, Chapter 11-55, Appendix C, NPDES General Permit Authorizing the Discharge of Storm Water Associated with Construction Activity (a.k.a. General Construction Activity Storm Water permit) (unless the project will disturb less than one acre of land) and satisfied any other applicable requirements of the NPDES permit program (i.e., an individual NPDES permit).

Part D.1.d.(3) *Plan Review and Approval* - The Permittee shall:

(i) Prior to construction plan approval, review the applicable Site-Specific BMP Plan and other plans relating to pollution prevention (e.g., Erosion and Sediment Control, Grading, Post-construction BMP and Landscaping Plans) or similar document(s) to verify that meets the following requirements:

- DOT-HWYS' standards (e.g., Standard Specifications and/or Special Provisions);
- HAR, Chapter 11-55, Appendix C, and any other requirements under the NPDES permit program, as applicable; and
- implementation of measures to ensure that the discharge of pollutants from the site will be reduced to the appropriate discharge limitations subject to the Best Available Technology currently available (BAT)/ Best Conventional Pollutant Control Technology (BCT) discharge requirement, consistent with the CWA and other respective federal and state requirements for such facilities and will not cause or contribute to an exceedance of water quality standards.

(ii) Require a permit or (written equivalent) approval for the discharge of storm water associated with construction (i.e., from both private and public projects) and industrial activities (a.k.a. discharge permit) into their MS4 and maintain a database of the permits/approvals. Prior to issuing a discharge permit/approval, Permit to Perform Work Upon State Highways, or encroachment permit the permittee shall ensure that the following are met:

- the project owner has provided proof of filing a Notice of Intent (NOI) or NPDES application for permit coverage for projects that disturb one (1) acre or more; and

- a Site-Specific BMP Plan or other plans relating to pollution prevention (e.g., Erosion and Sediment Control, Grading, Post-construction BMP and Landscaping Plans) or similar document(s) have been reviewed and approved by DOT-HWYS;

(iii) Not allow construction to commence on any private or public construction project (i.e., contract, in-house, maintenance, and encroachment) unless and until it has verified that the project has received from DOH a Notice of General Permit Coverage (NGPC) under HAR, Chapter 11-55, Appendix C, NPDES General Permit Authorizing the Discharge of Storm Water Associated with Construction Activity (General Construction Activity Storm Water permit) (unless the project will disturb less than one (1) acre of land) and satisfied any other applicable requirements of the NPDES permit program (i.e., an individual NPDES permit);

(iv) Within 90 calendar days of the effective date of this permit, the Permittee shall update and submit for review and acceptance, a plan review checklist that its reviewers shall use in evaluating the plans and BMPs or other similar document(s) which have been implemented pursuant to this Part [i.e., Part D.1.d.]. Copies of this plan review checklist shall be provided to applicants for connection, discharge, and encroachment permits and permits to perform work upon State Highways; and to consultants and contractors for their use in developing the Plans or other similar document(s) for DOT-HWYS-contracted construction projects. The plan review checklist shall include, at a minimum, but not be limited to comments on any deficiencies and the date when comments were addressed to the satisfaction of DOT-HWYS. A system shall be implemented to ensure all comments, identified during the review process has been properly addressed. A copy of the plan being reviewed shall be attached to the plan review checklist.

Part D.1.d.(4) *Inspections* – The Permittee shall:

(i) Prior to the initiation of ground-disturbing activities at any site, except for activities associated with the installation of BMPs at a site, an engineer or qualified inspector employed or retained by the Permittee who reviews and becomes familiar with the project's site-specific BMP Plan and/or other equivalent document(s), shall inspect the site to verify BMPs as required by the BMP Plan and/or other documents have been installed correctly and in the correct locations prior to the commencement of ground-disturbing activity. Inspections shall include a review of site Erosion and Sediment Controls, good housekeeping practices, and compliance with DOT-HWYS-approved erosion and sediment control plans, construction BMPs Plans or other similar documents.

(ii) In addition to inspections required by the NPDES permit program, all contract, in-house and maintenance construction projects shall be inspected at least monthly by a qualified construction inspector who is independent (i.e., not involved in the day-to-day planning, design, or implementation) of the construction projects to be inspected. The Permittee may use more than one (1) qualified construction inspector for these inspections. The reporting procedures shall include, at a minimum, notification of any critical deficiencies to the DOH. Upon three successive monthly inspections that indicate, in total, no critical or major deficiencies or less than six minor deficiencies with no more than three minor deficiencies in one month in a project's BMPs or other storm water management activities, the Permittee may decrease the inspection frequency for such project to quarterly. However, if while under a quarterly inspection frequency, an inspection of a project conducted pursuant to this paragraph indicates at least one critical or major deficiency or a total of three or more minor deficiencies in the project's BMPs or other storm water management activities, the inspections frequency shall immediately return to no less than monthly. This reduced inspection frequencies option is contingent upon the Permittee having defined each type (i.e. critical, major, or minor) of deficiency. The Permittee shall further develop and implement written procedures for appropriate corrective actions and follow-up inspections when deficiencies had been identified at an inspected project. The corrective action procedures shall at a minimum require that 1) any critical deficiencies shall be corrected or addressed before the close of business on the day of the inspection at which the deficiency is identified, and 2) any major deficiencies shall be corrected or addressed as soon as possible, but in no event later than five (5) calendar days after the inspection at which the

deficiency is identified or before the next forecasted precipitation, whichever is sooner.

(iii) All construction projects with a Permit to Perform Work Upon State Highways, connection permit, encroachment permit, or discharge permit shall be inspected at least once annually or once during the life of the project, whichever comes first, by a qualified construction inspector who is independent (i.e., not involved in the day-to-day planning, design, or implementation) of the construction projects to be inspected. The Permittee may use more than one (1) qualified construction inspector for these inspections. If the project has a site-specific BMP Plan or other equivalent document(s), the inspection shall also verify that the BMPs were properly installed and at the locations specified in the Plan. The reporting procedures shall include, at a minimum, notification of any critical deficiencies to the DOH.

(iv) Develop and implement a standard inspection form(s) and reporting and corrective procedures for inspections, including use of an inspection checklist, or equivalent, and the Permittee shall track inspection results in a database or equivalent system. The inspection checklist shall, include at a minimum, but not be limited to identifying any deficiencies and the date of the corrective actions. A site map shall accompany the inspection checklist, which notes the locations of the deficiencies. The inspection form(s), inspection checklist, reporting and corrective procedures shall be submitted to DOH for review and acceptance within 90 calendar days of the effective date of this permit.

Part D.1.d.(5) *Enforcement* - The Permittee shall:

(i) Ensure compliance with its rules for the implementation of standards at all construction sites and pursue enforcement actions.

(ii) Develop and implement an Enforcement Response Plan to include written procedures for appropriate corrective and enforcement actions, and follow-up inspections when an inspected project is not in full compliance with its rules, other DOT-HWYs permits, and any other applicable requirements under the NPDES permit program.

Part D.1.d.(6) *Process to refer noncompliance and non-filers to DOH.* In the event the Permittee has exhausted its use of sanctions and cannot bring a construction site or construction operator into compliance with its rules, standards, or this permit, or otherwise deems the site to pose an immediate and significant threat to water

quality, the Permittee shall provide email notification to cleanwaterbranch@doh.hawaii.gov, Attn: Enforcement Section Supervisor within one (1) week of such determination. Email notification shall be followed by written notification and include a copy of all inspection checklists, notes, and related correspondence on CD/DVD in pdf format (300 minimum dpi) within two (2) weeks of the determination. In instances where an inspector identifies a site that has not applied for permit coverage under the NPDES permit program, the Permittee shall provide written notification to DOH within two (2) weeks of the discovery.

Part D.1.d.(7) Training The Permittee shall provide annual training on the Construction BMPs Program Plan to all DOT-HWYS staff with construction storm water responsibilities, including construction engineers, maintenance staff, and plan reviewers. This training shall be specific to DOT-HWYS activities (including the proper installation and maintenance of approved BMPs), policies, and procedures.

Part D.1.d.(8) *Education.* The Permittee shall implement an education program as part of its ongoing SWMP to ensure that project applicants, contractors, developers, property owners, and other responsible parties have an understanding of the storm water requirements they need to implement.

Part D.1.e. Post-Construction Storm Water Management in New Development and Redevelopment

The Permittee shall further develop, implement, and enforce a program to address storm water runoff from all (i.e., both private and public) new development and redevelopment projects that result in a land disturbance of one (1) acre of more and smaller projects that have the potential to discharge pollutants to the DOT-HWYS' MS4. The Permittee's program must ensure that permanent controls are in place to prevent or minimize water quality impacts to the MEP. Review and update as necessary the criteria defining when permanent post-construction BMPs, including LID techniques, must be included in a project design to address storm water impacts and pollutants of concern. These criteria shall take into consideration, among other things, potential water quality impacts anticipated from the permanent post-construction conditions. The program shall include, at a minimum, the following elements:

Part D.1.e.(1) *Standards Revision* – The Permittee shall revise its standards for addressing post-construction BMPs to include Low Impact Development (LID) requirements. Within six (6) months of the effective date of this permit, the Permittee shall submit to DOH for review and acceptance, a plan for requiring LID in the standards to the MEP, including revision to the plan review and inspection

checklist to include LID. LID refers to storm water management practices which seek to mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating storm water runoff close to its source.The standards shall be applicable to all construction projects disturbing at least one (1) acre and smaller projects that have the potential to discharge pollutants to the DOT-HWYS' MS4. LID employs principles such as preserving and recreating natural landscape features and minimizing imperviousness to create functional and appealing site drainage that treats storm water as a resource, rather than a waste product. LID treatment measures include harvesting and use, infiltration, evapotranspiration, or biotreatment. The plan for the implementation of LID provisions in the DOT-HWYS' standards shall include at a minimum the following:

- Criteria for requiring implementation.
- Investigation into the development of quantitative criteria for a specific design storm to be managed by LID techniques. Examples of design storm requirements include: 24-hour, 85% storm through infiltration; on-site management of the first inch of rainfall within a 24-hour period; retention of the 100-year, 2-hour storm; or on-site management of the 24-hour, 95% storm.
- Feasibility criteria for circumstances in which a waiver could be granted for the LID requirements.
- When a LID waiver is granted, alternatives such as offsite mitigation and/or non-LID treatment control BMPs could be required.

A draft of the revised Standards, shall be submitted to the DOH for review and acceptance within 12 months after the effective date of this permit and include at a minimum the above. Within 18 months after the effective date of this permit, subject to adoption by rulemaking or other equivalent process, the revised Standards shall be submitted to the DOH. To the extent that the revised Standards have not been adopted, the Permittee shall submit a compliance schedule for adoption, which shall not exceed 24 months after the effective date of this permit.

Part D.1.e.(2) *Review of Plans for Post-Construction BMPs* – For design-bid- build projects, the Permittee shall not advertise any construction project nor award any construction contract unless until the project design has been reviewed and approved to ensure that appropriate permanent post-construction BMPs, which include LID practices upon adoption into its Standards, have been included in the project design and are included in the bid package to ensure compliance with this part of the permit. For design-build projects, the Permittee shall review and approve the project design the same as for design-bid-build projects prior to implementation. No project shall proceed without the inclusion of appropriate permanent post-construction BMPs unless a waiver is granted by DOT-HWYS based on specific

documentation demonstrating that such post-construction BMPs are not feasible. Project documents for projects that will include installation of permanent post-construction BMPs shall also include appropriate requirements for their future continued maintenance.

Part D.1.e.(3) *BMP, Operation and Maintenance, and Inspection Database* - The Permittee shall implement its Asset Management System to track the frequency of inspections and maintenance of the Permanent BMPs. In addition to the standard information collected for all projects (e.g., project name, owner, location, start/end date, etc.), the database shall also include, at a minimum:

- Type and number of LID practices
- Type and number of Source Control BMPs
- Type and number of Treatment Control BMPs
- Latitude/Longitude coordinates of controls using Global Positioning Systems (GPS) and NAD83 or other Datum as long as the datum remains consistent
- Photographs of controls
- Operation and maintenance requirements
- Frequency of inspections
- Frequency of maintenance

Part D.1.e.(4) *Education and Training*

(i) *Project Proponents.* The Permittee shall provide education and outreach material for those parties who apply for DOT permits (i.e., developers, engineers, architects, consultants, construction contractors, excavators, and property owners) on the selection, design, installation, operation and maintenance of storm water BMPs, structural controls, post construction BMPs, and LID practices. The outreach material may include a simplified flowchart for thresholds triggering permits and requirements, a list of required permits, implementing agencies, fees, overviews, timelines and a brief discussion of potential environmental impacts associated with storm water runoff.

(ii) Inspectors. All Permittee staff and those contractors under DOT-HWYS contract responsible for inspecting permanent post-construction BMPs and LID practices shall receive annual training.

Part D.1.f. Pollution Prevention/Good Housekeeping

The Permittee shall further develop and implement a system maintenance program to reduce to the MEP the discharge of pollutants from all Permittee-owned facilities, roads, parking lots, baseyards, maintenance facilities, and the DOT-HWYS' MS4. The program shall include:

Part D.1.f.(1) Debris Control BMPs Program Plan

(i) *Asset Management System and Mapping* - The Permittee shall implement a comprehensive Asset Management System and map of its MS4 , including structural and vegetative BMPs; and inventory of related appurtenances including maintenance equipment, to ensure appropriate debris removal and system maintenance. The asset management system shall, at a minimum, assign an identification number for each drain inlet, outfall, and BMPs, and map their location on the (Geographic Information System) GIS. The Permittee shall use this asset management system to establish priorities and to schedule and track efforts of appropriate system maintenance and debris removal program activities such as street sweeping, catch basin cleaning, and green waste and accumulated soil removal. The asset management system shall include justification of its priorities on the basis of potential impacts to water quality.

(ii) *Inspection/Maintenance Schedule* - The Permittee shall include in its SWMP procedures and a schedule for inspections of:

a) All state highways on Oahu for the purpose of identifying if sweeping of roadways, shoulders, and/or medians is needed; and

b) All state highway storm drainage system catch basins, gutters and open ditches, trenches, and BMPs on Oahu for the purpose of identifying if maintenance/cleaning of such structures are needed.

In both cases, the need for sweeping and/or maintenance/cleaning shall, at a minimum, be determined based upon material accumulation rates and/or potential threat of discharge to State waters that may have an effect on water quality. The schedule shall provide that each highway mile, storm drainage feature, and BMP is inspected at least once during the term of this permit (maintenance/cleaning may be conducted in lieu of inspections to satisfy this requirement). The adopted procedures shall provide for the identification of highway segments and their associated storm drainage features and BMPs that may require more frequent sweeping and/or structure cleaning based upon material accumulation rates and potential threat of discharge to State waters that may have an effect on water quality.

The procedures shall establish debris accumulation thresholds above which sweeping and/or structure cleaning must occur. The priority-based schedule shall be annually reviewed; updated as necessary; and the changes, along with explanations of the changes submitted within the Annual Report.

(iii) *Storm Drain Placards* - The Permittee shall evaluate the effectiveness of its placards and revise it as necessary to meet its purpose. The purpose of the placards shall be discussed within the SWMP. A minimum of 75 new placards shall be installed per year. Priority shall be given to the Permittee's highways in industrial and commercial areas and areas with pedestrian traffic. The Permittee shall implement its system to track placement of placards and procedures for maintenance staff to inspect and replace, as necessary, placards during routine maintenance activities.

(iv) Action Plan for Retrofitting Structural BMPs - Provide the DOH with an Action Plan for Retrofitting Structural BMPs within one (1) year of the effective date of this permit, which shall identify retrofits to be implemented, explanation on the basis for their selection and an implementation schedule. The implementation schedule shall cover a five (5) year period and be updated yearly to include additional retrofit projects with water quality protection measures for the 5th year of the schedule. The annual updates to the implementation schedule shall be included in the Annual Report with a description of the projects status. The Action Plan may include, but not be limited to projects in compliance with any TMDL implementation and monitoring plan.

(v) *Trash Reduction Plan.* Within 12 months of the effective date of this permit, the permittee shall develop and submit to DOH for review and acceptance, a trash reduction plan which assesses the issue, identifies and implements control measures, and monitors these activities to reduce trash loads from the MS4. The plan shall include, at a minimum and be formatted consistent with the following:

- Quantitative estimate of the debris currently being discharged (baseline load) from the MS4, including methodology used to determine the load.
- Description of control measures currently being implemented as well as those needed to reduce debris discharges from the MS4 consistent with short-term and long-term reduction targets.
- A short-term plan and proposed compliance deadline for reducing debris discharges from the MS4 by 50% from the baseline load.
- A long-term plan and proposed compliance deadline for reducing debris discharges from the MS4 to zero.

- Geographical targets for trash reduction activities with priority on waterbodies listed as impaired for trash on the State's CWA Section 303(d) list.
- Trash reduction-related education activities as a component of Part D.1.a.
- Integration of control measures, education and monitoring to measure progress toward reducing trash discharges.
- An implementation schedule.
- Monitoring plan to aid with source identification and loading patterns as well as measuring progress in reducing the debris discharges from the MS4.
- The Annual Report shall include a summary of its trash load reduction actions (control measures and best management practices) including the types of actions and levels of implementation, the total trash loads and dominant types of trash removed by its actions, and the total trash loads and dominant types of trash for each type of action.

The plan shall provide for compliance with the above short-term and long-term discharge limits in the shortest practicable timeframe.

Part D.1.f.(2) Chemical Applications BMPs Program Plan

(i) *Training* - The Permittee shall develop an Authorized Use List of the chemicals DOT-HWYS uses and implement a specific training program for all potential appliers (bulk and hand-held) of the chemicals (e.g. fertilizers, pesticides, and herbicides) in its proper application. The Permittee shall not permit the application of fertilizers, pesticides, or herbicides unless the applier has first received this training.

(ii) *Implement appropriate requirements for pesticide, herbicide, and fertilizer applications*. The Permittee shall implement BMPs to reduce the contribution of pollutants associated with the application, storage, and disposal of pesticides, herbicides, and fertilizers from municipal areas and activities to its MS4. Municipal areas and activities include, at a minimum, municipal facilities, public right-of-ways, and landscaped areas.
Such BMPs shall include, at a minimum: (1) educational activities, permits, certifications and other measures for municipal applicators; (2) integrated pest management measures that rely on non-chemical solutions; (3) the use of native vegetation; (4) chemical application, as needed; and (5) the collection and proper disposal of unused pesticides, herbicides, and fertilizers.

The Permittee shall ensure that their employees or contractors or employees of contractors applying registered pesticides, herbicides, and fertilizers shall work under the direction of a certified applicator, follow the pesticide label, and comply with any other State, City, or government regulations for pesticides, herbicides, and fertilizers . All Permittee employees or contractors applying pesticides, herbicides or fertilizers shall receive training on the BMPs annually.

Part D.1.f.(3) Erosion Control BMPs Program Plan - The Permittee shall:

(i) Implement permanent erosion control improvements, ensuring that erosional areas with the potential for significant water quality impact, but with limited public safety concerns, are also considered a high priority for remediation. Identification of erosional areas with the potential for significant water quality impact shall include areas where there is evidence of rilling, gullying, and/or other evidence of significant sediment transport, and areas in close proximity to receiving waters listed as impaired by either sediment, siltation and/or turbidity. The Permittee shall include procedures to identify and implement erosion control projects based on water quality concerns while continuing to address high profile public safety projects.

(ii) Require the implementation of temporary erosion control measures (e.g., erosion control blankets and/or fabrics, gravel bag placement and silt fencing/fiber rolls) on erosional areas within DOT-HWYS right-of-ways with the potential for significant water quality impact if a permanent solution is not immediately possible. Notwithstanding any other implementation provisions, the SWMP shall require the implementation of such temporary erosion control measures on all applicable areas within eighteen (18) months of the effective date of this permit. For projects which require a CWA Section 401 Water Quality Certification (WQC), the WQC application shall be submitted to DOH within one (1) year of the effective date of this permit and be implemented with six (6) months of the WQC or other regulatory permit(s) issuance date.

(iii) Develop a maintenance plan for vegetated portions of the drainage system used for erosion and sediment control, and LID features; including controlling any excessive clearing/removal, cutting of vegetation, and application of herbicide which affects its usefulness.

(iv) Provide the DOH with an Action Plan to address erosion at its storm drain system outlets with significant potential for water quality impacts to be completed within one (1) year of the effective date of this permit, which

shall identify outfalls to be addressed, explanation on the basis for their selection and an implementation schedule. The implementation schedule shall cover a five (5) year period. An annual status report on the implementation schedule shall be included in the Annual Report. The Permittee shall install velocity dissipators or other BMPs to reduce erosion at locations identified by the Islandwide Retrofit Study or through its periodic required inspections. The Action Plan may include, but not be limited to projects in compliance with any TMDL I&M Plan.

(v) Submit a list of projects and an implementation schedule for permanent erosion control improvements as described in Part D.1.f.(3)(i) of this permit shall be submitted to DOH within one (1) year from the effective date of this permit.

Part D.1.f.(4) Maintenance Activities BMPs Program Plan

(i) *BMPs and Field Manual for municipal maintenance activities.* The Permittee shall implement the BMPs as identified in the field manual titled "Maintenance Activities Best Management Practices Field Manual" (Field Manual) for all municipal maintenance activities. Examples of such activities include, but are not limited to: paving and road repairs, street cleaning, saw cutting, concrete work, curb and gutter replacement, buried utility repairs and installation, vegetation removal, painting and paving, debris and trash removal, spill cleanup, etc. The Field Manual shall be updated as necessary or at least once per permit term and include written procedures to minimize pollutant discharge for maintenance activities which have the potential to discharge pollutants to its MS4.

(ii) *Training.* The Permittee shall further develop and provide annual training to staff on proper municipal maintenance activities to prevent storm water pollution. The training shall cover the Field Manual, identify potential sources of pollution, general BMPs that can be used to reduce and/or eliminate such sources, and specific BMPs for their activities. The training shall incorporate components of the public education campaign and educate staff that they serve a role in protecting water quality. Staff shall be made aware of the NPDES permit, the overall SWMP, and the applicable BMPs Program(s).

Part D.1.f.(5) Storm Water Pollution Control for Flood Control Projects

Pump Station - The Permittee shall implement the flood control project activities described in its ongoing SWMP, including monthly inspection and maintenance of the Interstate H-1 Punahou Pump Station.

Part D.1.g. Industrial and Commercial Activities Discharge Management Program

The Permittee shall develop and implement an industrial and commercial discharge management program to reduce to the MEP the discharge of pollutants from all industrial and commercial facilities and activities which initially discharge into the Permittee's MS4. At a minimum, the program shall include:

Part D.1.g.(1) *Inventory and Map of Industrial Facilities and Activities*. The Permittee shall update and submit, in electronic portable document format (pdf - minimum 300 dpi), the industrial facilities and activities inventory (industrial inventory), sorted by TMK, and map of such facilities and activities discharging, directly or indirectly, to its MS4 within its 4th Annual Report. The industrial inventory update may be based on the following:

- Findings from the Storm Water Questionnaire Survey of Parcels Adjacent to Highway Rights-of-Way (Questionnaire Survey);
- Available information about parcel owners from the City and the State; and/or
- Collection of new information obtained during field activities or though other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits).

The industrial inventory shall include the facility name, street address, TMK, nature of business or activity, Standard Industrial Classification (SIC) code(s) that best reflect the facility product or service, principal storm water contact, receiving State water, and whether a Notice of General Permit Coverage (NGPC) under HAR, Chapter 11-55, Appendix B, NPDES General Permit Authorizing the Discharge of Storm Water Associated with Industrial Activities (General Industrial Storm Water permit) or any other applicable NPDES permit has been obtained, including a permit or file number and issuance date.

At a minimum, the industrial inventory shall include facilities and activities such as:

- Municipal Landfills (open and closed)
- Hazardous waste recovery, treatment, storage and disposal facilities

- Facilities subject to Section 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11023
- Findings from follow-up investigations of the industrial facilities identified in the Questionnaire Survey
- Facilities subject to NPDES permit coverage which are adjacent to the DOT-HWYS right-of-way or discharge to the MS4
- And any other industrial facility that either the Permittee or DOH determines is contributing a substantial pollutant loading to the DOT-HWYS MS4.

Part D.1.g.(2) *Inventory and Map of Commercial Facilities and Activities.* The Permittee shall update and submit, in pdf format (minimum 300 dpi), the commercial facilities and activities inventory (commercial inventory), sorted by priority areas, and map of such facilities and activities discharging, directly or indirectly, to its MS4 within its 4th Annual Report. The commercial inventory update may be based on the following:

- Findings from the Questionnaire Survey;
- Available information about parcel owners from the City and the State; and/or
- Collection of new information obtained during field activities or through other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits).

The commercial inventory shall include, by priority area, the facility name, street address, TMK, nature of business or activity, SIC code(s) that best reflect the facility product(s) or service(s), principal storm water contact, and receiving State water.

At a minimum, the commercial inventory shall include facilities and activities such as:

- Findings from investigations of the commercial facilities identified in the Questionnaire Survey
- Retail Gasoline Outlets
- Retail Automotive Services, including Repair Facilities
- Restaurants
- Any other commercial facility that either the Permittee or DOH determines is contributing pollutants to the DOT-HWYS MS4 that may cause or contribute to an exceedance of State water quality standards.

Part D.1.g.(3) *Prioritized Areas for Industrial and Commercial Facility and Activity Inspections.* The Permittee shall implement the Prioritized Areas for Industrial and Commercial Facility and Activity Plan (refer to the SWMP Plan, Appendix L.2). Under that Plan, the Permittee is to designate priority areas for industrial and commercial facility and activity inspections, based on the relative risk that any discharge might be contaminated with pollutants.

Within 60 calendar days of the effective date of this permit, the Permittee shall submit a status report to DOH. The status report shall identify the numbers of industrial and commercial facilities discharging into the Oahu MS4 and the number of inspections that have been completed during the prior permit term. The status report shall be organized by priority area. On an annual basis, the Permittee shall modify the Plan based on updated information from its industrial and commercial inventory, findings from previous inspections, the number of industrial and commercial facilities in the area, the density of these facilities, previous storm water violations in the area, and water quality impairments in the area. The modified Plan shall set a schedule that ensures inspections will be completed in accordance with the schedule in Part D.1.g.(4). This Plan shall be submitted with the Permittee's annual report.

Part D.1.g.(4) *Inspection of Industrial and Commercial Facilities and Activities*
The industrial/commercial inspection program shall be implemented and updated as appropriate to reflect the outcomes of the investigations.

The Permittee shall ensure industrial and commercial facilities and activities identified in the industrial and commercial inventories required under Parts D.1.g.(1) and D.1.g.(2) are inspected and re-inspected as often as necessary based on its findings to ensure corrective action were taken and the deficiency resolved.

At a minimum, the Permittee shall inspect each industrial facility that does not have NPDES permit coverage under the NPDES permit program at least twice every five (5) years, and each industrial facility that does have such NPDES permit coverage at least once every five (5) years. Any industrial facility discharging Industrial Storm Water (as defined by 40 C.F.R. Part 122.26(b)(14)) that does not have NPDES Permit coverage shall be reported to DOH within 30 days of the inspection. Commercial dischargers are to be ranked according to relative risk of discharge of contaminated runoff to the DOT-HWYS MS4. The highly ranked commercial facilities shall be inspected at least once every five (5) years.

Inspections must consist of a review of implementation of BMPs for compliance with its rules and this permit to assess potential impacts to receiving waters.

Inspections shall also assess potential sources of pollutants to the DOT-HWYS MS4 and require controls to prevent discharge of pollutants to the DOT-HWYS MS4. All inspections shall be in accordance with the applicable portions of the "NPDES Compliance Inspection Manual" (EPA 305-X-04-001), dated July 2004. Inspectors shall be trained to identify deficiencies, assess potential impacts to receiving waters, and evaluate the appropriateness and effectiveness of deployed BMPs and SWPCPs, if applicable. The inspectors shall use an inspection checklist, or equivalent, and photographs to document site conditions and BMP conditions. Records of all inspections shall be maintained for a minimum of five (5) years, or as otherwise indicated.

The Permittee shall submit semi-annual inspection report(s) to the DOH by October 31st and April 30th for inspections done within the previous period.

Part D.1.g.(5) *Enforcement Policy for Industrial Facilities and Activities.* Within one (1) year of the effective date of this permit, the Permittee shall establish its own rules for the implementation of BMPs, penalty, and the collection of fines; and implement an enforcement policy for industrial or commercial facilities which have failed to comply. The policy shall be part of the overall escalating enforcement policy and must consist of the following:

- Conducting inspections.
- Issuance of written documentation to a facility representative within 30 calendar days of storm water deficiencies identified during inspection. Documentation must include copies of all field notes, correspondence, photographs, and sampling results if applicable.
- A timeline for correction of the deficiencies.
- Provisions for re-inspection and pursuing enforcement actions, if necessary.

In the event the Permittee has exhausted all available sanctions and cannot bring a facility or activity into compliance with its rules and this permit, or otherwise deems the facility or activity an immediate and significant threat to water quality, the Permittee shall provide email notification to cleanwaterbranch@doh.hawaii.gov, Attn: Enforcement Section Supervisor within one (1) week of such determination. Email notification shall be followed by written notification and include a copy of all inspection checklists, notes, photographs, and related correspondence on CD/DVD in pdf format (300 minimum dpi) within two (2) weeks of the determination. In instances where an inspector identifies a facility that has not applied for the General Industrial Storm Water permit coverage or any other applicable NPDES permit, the Permittee shall provide email notification to DOH within one (1) week of such determination.

Part D.1.g.(6) *Training*. The Permittee shall provide training to staff on how to conduct industrial and commercial inspections, the types of facilities covered by the General Industrial Storm Water permit coverage or any other applicable NPDES permit, components in a SWPCP for industrial facilities, BMPs and source control measures for industrial and commercial facilities, and inspection and enforcement techniques. This training shall be specific to DOT-HWYS activities, policies, and procedures. Any updates to the training shall be submitted to DOH for review and acceptance within 90 calendar days of the change. Permittee inspectors shall receive annual training.

Part D.2. Revise the SWMP, as necessary, if any discharge limitation or water quality standard established in HAR, Section 11-54-4, is exceeded. The revisions shall include BMPs and/or other measures to reduce the amount of pollutants found to be in exceedance from entering State Waters.

Part D.3. Properly address all modifications, concerns, requests, and/or comments to the satisfaction of the DOH and/or EPA.

Part D.3.a. SWMP Modifications. The storm water pollution control activities described in the SWMP may need to be modified, revised, or amended from time to time over the life of the permit to respond to changed conditions and to incorporate more effective approaches to pollutant control. Minor changes may be proposed by the Permittee or requested by DOH or the EPA. Proposed changes that imply a major reduction in the overall scope and/or level of effort of the SWMP must be made for cause and in compliance with 40 CFR §122.62 and Part 124. A written report shall be submitted to the Director of Health (Director) for acceptance at least 30 calendar days prior to the initiation date of the major modification. The Permittee shall report and justify all other modifications made to the SWMP in its Annual Report for the year in which the modification was made.

Part D.3.b. System Modifications include any planned physical alterations or additions to the permitted MS4 and any existing outfalls newly identified over the term of the permit. All alterations and/or additions to the DOT-HWYS MS4 shall be indicated in its Annual Report. Major alterations and/or additions shall be identified by letter within 30 calendar days of the completion of the alteration and/or addition.

Part E. DOT-HWYS MUNICIPAL INDUSTRIAL FACILITIES

Part E.1. DOT-HWYS Municipal Industrial facilities (baseyards) covered under this permit shall comply with the requirements in HAR, Chapter 11-55, Appendix B. The baseyards to be covered are: Keehi, Kakoi, Pearl City, Waianae, and Windward Baseyards.

Part E.2. An individual at each facility (e.g., yard foreman) shall be charged with ensuring implementation of the SWPCP. This individual shall be trained to conduct inspections and identify areas for BMPs improvement. To ensure consistency and provide assistance and oversight, the Permittee shall identify an individual, also trained to conduct inspections and identify areas for BMPs improvement and independent of any specific baseyard, who shall conduct inspections of all eight (8) baseyards semi-annually.

Part E.3. The Permittee shall submit within 90 calendar days from the effective date of this permit for review and acceptance, the CWB NOI General Form, CWB NOI Form B and SWPCP for each baseyard, which has not yet been submitted and be included within its SWMP Plan. The SWPCPs must be implemented upon submittal to DOH.

Part E.4. The Permittee may add new or currently existing Municipal Industrial facilities into this permit by request in writing to the DOH. Along with a written request, the Permittee shall submit the applicable NOI Forms and SWPCP, and other attachments to the DOH for review and comment and be included within its SWMP Plan. Upon acceptance of the information, the DOH will acknowledge by letter, the inclusion of the facility into this permit. The SWPCP must be implemented upon the start-up of the facility or for an existing municipal industrial facility; the SWPCP must be implemented upon submittal of the written request.

Part E.5. For the submittal of facility information, please check the CWB website at http://hawaii.gov/health/environmental/water/cleanwater/index.html or contact the CWB for the current submittal instructions.

Part F. MONITORING REQUIREMENTS

Part F.1. Annual Monitoring Plan

Part F.1.a. The Permittee shall submit the Annual Monitoring Plan to the Director by June 1st of each year for review and acceptance. The Annual Monitoring Plan shall be implemented over the coming fiscal year.

The monitoring program must be designed and implemented to meet the following objectives:

Part F.1.a.(1) Assess compliance with this permit (including TMDL I&M Plans and demonstrating consistency with WLAs);

Part F.1.a.(2) Measure the effectiveness of the Permittee's storm water management program;

Part F.1.a.(3) Assess the overall health based on the chemical, physical, and biological impacts to receiving waters resulting from storm water discharges and an evaluation of the long term trends;

Part F.1.a.(4) Characterize storm water discharges;

Part F.1.a.(5) Identify sources of specific pollutants

Part F.1.a.(6) Detect and eliminate illicit discharges and illegal connections to the MS4; and

Part F.1.a.(7) Assess the water quality issues in watershed resulting from storm water discharges to receiving waters.

Part F.1.b. The plan shall, at a minimum, include the following items:

Part F.1.b.(1.) Written narrative of the proposed monitoring plan's objectives, including but not limited to the objects as identified in Part F.1.a., and description of activities;

Part F.1.b.(2.) For each activity, a description of how the results will be used to determine compliance with this permit.

Part F.1.b.(3.) Identification of management measures proven to be effective and/or ineffective at reducing pollutants and flow.

Part F.1.b.(4.) Written documentation of the following:

(i) Characteristics (timing, duration, intensity, total rainfall) of the storm event(s);

(ii) Parameters for measured pollutant loads; and

(iii) Range of discharge volumes to be monitored, as well as the timing, frequency, and duration at which they are identified;

Part F.1.b.(5.) Written documentation of the analytical methods to be used;

Part F.1.b.(6.) Written documentation of the Quality Assurance/Quality Control procedures to be used; and

Part F.1.b.(7.) Estimated budget to be implemented over the coming fiscal year.

Part F.2. Storm Water Associated with Industrial Activities

The Permittee shall annually monitor the storm water runoff for the parameters specified below, for each DOT-HWYs Industrial Facility (i.e., baseyards), including any additional parameters which the Permittee also believes to be present in the storm water runoff.

Effluent Parameter (units)	Effluent Limitation {1}	Type of Sample {2}
Flow (gallons)	{4}	Calculated or Estimated
Biochemical Oxygen Demand (5-Day) (mg/l)	{4}	Composite {3}
Chemical Oxygen Demand (mg/l)	{4}	Composite {3}
Total Suspended Solids (mg/l)	{4}	Composite {3}
Total Phosphorus (mg/l)	{4}	Composite {3}
Total Nitrogen (mg/l) {5}	{4}	Composite {3}
Nitrate + Nitrite Nitrogen (mg/l)	{4}	Composite {3}
Oil and Grease (mg/l)	15	Grab {6}
pH Range (Standard Units)	5.5-8.0 {7} 7.6-8.6 {8}	Grab {9}
Ammonia Nitrogen (mg/l)	{4}	Composite

Effluent Parameter (units)	Effluent Limitation {1}	Type of Sample {2}
Turbidity (0.1 NTU)	{4}	Grab
Dissolved Oxygen (0.1 mg/l)	{4}	Grab
Oxygen Saturation (1%)	{4}	Grab
Temperature (0.1 °C)	{4}	Grab
Salinity (0.1 ppt)	{4}	Grab

For Baseyards the following additional monitoring requirements are indicated below:

Effluent Parameter (units)	Effluent Limitation {1}	Type of Sample{2}
Benzene (µg/l)	1,800 {10} 1,700 {11}	Grab
Toluene (µg/l)	5,800 {10} 2,100 {11}	Grab
Ethylbenzene(µg/l)	11,000 {10} 140 {11}	Grab
Cadmium(µg/l) {12}	3+ {10} 43 {11}	Composite {3}
Chromium (IV) (µg/l) {12}	16 {10} 1,100 {11}	Composite {3}
Lead (µg/l) {12}	29+ {10} 140 {11}	Composite {3}

mg/l = milligrams per liter = 1000 micrograms per liter (µg/l)
+ = The value listed is the minimum standard. Depending upon the receiving water $CaCO_3$ hardness, higher standards may be calculated using the respective formula in the U.S. Environmental Protection Agency publication Quality Criteria for Water (EPA 440/5-86-001, Revised May 1, 1987).

NOTES:

{1} Pollutant concentration levels shall not exceed the storm water discharge limits or be outside the ranges indicated in the table. Actual or measured levels which

exceed those storm water discharge limits or are outside those ranges shall be reported to the CWB required in HAR, Chapter 11-55, Appendix B, Section 10(c).

{2} The Permittee shall collect samples for analysis from a discharge resulting from a representative storm. A representative storm means a rainfall that accumulates more than 0.1 inch of rain and occurs at least 72 hours after the previous measurable (greater than 0.1 inch) rainfall event.

"Grab sample" means a sample collected during the first 15 minutes of the discharge.

"Composite sample" means a combination of at least two (2) sample aliquots, collected at periodic intervals. The composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to the total flow of storm water discharge flow since the collection of the previous aliquot. The Permittee may collect aliquots manually or automatically.

Samples for analysis shall be collected during the first 15 minutes of the discharge and at 15-minute intervals thereafter for the duration of the discharge, as applicable. If the discharge lasts for over an hour, sample collection may cease.

{3} If the duration of the discharge event is less than 30 minutes, the sample collected during the first 15 minutes of the discharge shall be analyzed as a grab sample and reported toward the fulfillment of this composite sample specification. If the duration of the discharge event is greater than 30 minutes, the Permittee shall analyze two (2) or more sample aliquots as a composite sample.

{4} No limitation at this time. Only monitoring and reporting is required.

{5} The Total Nitrogen parameter is a measure of all nitrogen compounds in the sample (nitrate, nitrite, ammonia, dissolved organic nitrogen, and organic matter present as particulates).

{6} The Permittee shall measure Oil and Grease using EPA Method 1664, Revision A.

{7} This limitation applies to discharge into state waters classified as inland streams.

{8} This limitation applies to discharge into state waters classified as marine open coastal waters.

{9} The Permittee shall measure pH within 15 minutes of obtaining the grab sample.

{10} This limitation applies to discharge into freshwater.

{11} This limitation applies to discharge into saltwater.

{12} The Permittee shall test for the total recoverable portion of all metals.

{13} If monitoring results indicate that the discharge limitation was equaled or exceeded, the SWPCP shall be amended to include additional BMPs targeted to reduce the parameter which was in excess of the discharge limitation.

Part F.3. TMDL Implementation and Monitoring for Ala Wai Canal, Kawa Stream, Waimanalo Stream, Kapaa Stream, and Kaneohe Stream.

Part F.3.a. The Permittee shall submit to DOH a TMDL I&M Plan for Kaneohe Stream; and updated plans for the existing Ala Wai Canal, Kawa Stream, Waimanalo Stream, and Kapaa Stream. The draft and final I&M Plans shall be made available on the Permittee's website for public review and comment. The plans shall be submitted within one (1) year of the effective date of this permit. The plans shall include at a minimum the following:

Part F.3.a.(1) Detailed information on the activities proposed to be implemented.

Part F.3.a.(2) Actual or literature documentation of the estimated effectiveness of the activities targeted to reduce the pollutants of concern such as total nitrogen, total phosphorus, total suspended solids, and turbidity in the watershed, as applicable, to demonstrate consistency with the WLAs consistent with the assumption of the associated TMDL document.

Part F.3.a.(3) A detailed and quantitative analysis which demonstrates that the proposed activities would ensure consistency with the WLAs consistent with the assumption of the associated TMDL document.

Part F.3.a.(4) Information from pre and post monitoring activities to quantitatively demonstrate consistency with the WLAs consistent with the assumption of the associated TMDL document.

Part F.3.a.(5) A monitoring plan which shall identify representative outfalls within its respective watershed to be monitored, rationale for selecting those outfall, and description of the water quality monitoring and other monitoring activities to demonstrate consistency with the WLAs consistent with the assumption of the associated TMDL document.

Part F.3.b. The Permittee shall demonstrate consistency with the following WLAs consistent with the assumption of the associated TMDL document within the deadlines as outlined in Part F.3.c. – Schedule of Compliance

Part F.3.b.(1) Ala Wai Canal WLAs

Pollutant	Est. Load (kg/day)	% total load	Allocations (kg/day)	% Reduction
Total Nitrogen (TN)	6-26 x (%)	10–33% x (%)	6 x (%)	65% x (%)
Total Phosphorus (TP)	6-10 x (%)	35-48% x (%)	4 x (%)	50% x (%)

% = percentage of the permittee's land area

Part F.3.b.(2) Kawa Stream WLAs

Annual WLAs (kg)			WLAs (kg/day)		
TSS	TN	TP	TSS	TN	TP
2,035	17	4	5.57	0.05	0.01

Existing Loads (kg)			Reductions					
TSS	TN	TP	TSS		TN		TP	
			(kg)	(%)	(kg)	(%)	(kg)	(%)
3,310	53	9	1,276	39	35	66	5	56

WLAs in kg/day were obtained by dividing the Annual WLAs (kg) by 365 days.

Part F.3.b.(3) Kapa`a Stream WLAs

Dry Season 10% Runoff

WLAs			Existing			Reductions					
TSS	TN	TP	TSS	TN	TP	TSS		TN		TP	
(kg)	(kg)	(kg)	(kg)	(kg)	(kg)	(kg)	(%)	(kg)	(%)	(kg)	(%)
0.2	0.0	0.0	0.3	0.0	0.0	0.0	5	0.0	4	0.0	6

Dry Season = 184 days

Wet Season 10% Runoff

WLAs			Existing			Reductions					
TSS	TN	TP	TSS	TN	TP	TSS		TN		TP	
(kg)	(kg)	(kg)	(kg)	(kg)	(kg)	(kg)	(%)	(kg)	(%)	(kg)	(%)

17	0.2	0.1	23	0.2	0.2	6	27	0.1	28	0.1	60

Wet Season = 181 days

Part F.3.b.(4) Kaneohe Stream WLAs

Dry Season 10% Runoff

WLAs			Existing			Reductions					
TSS	TN	TP	TSS	TN	TP	TSS		TN		TP	
(kg)	(kg)	(kg)	(kg)	(kg)	(kg)	(kg)	(%)	(kg)	(%)	(kg)	(%)
65	1.07	0.33	65	1.11	0.36	0	0	0.04	4	0.04	10

Wet Season 10% Runoff

WLAs			Existing			Reductions					
TSS	TN	TP	TSS	TN	TP	TSS		TN		TP	
(kg)	(kg)	(kg)	(kg)	(kg)	(kg)	(kg)	(%)	(kg)	(%)	(kg)	(%)
273	4.21	1.25	273	4.94	1.57	0	0	0.73	15	0.32	20

Part F.3.b.(5) Waimanalo Stream WLAs

Nitrate (µg/s) (rainy season)	Nitrate (µg/s) (dry season)	TSS (mg/s) (rainy season)	TSS (mg/s) (dry season)	TDP (µg/s) (rainy season)	TDP (µg/s) (dry season)
106,711 x 0.05 x (%)	6,966 x 0.05 x (%)	27,925 x 0.05 x (%)	1,938 x 0.05 x (%)	40,107 x 0.05 x (%)	3,278 x 0.05 x (%)

% = percentage of the permittee's land area

Part F.3.c. TMDL Schedules of Compliance - The Permittee is required to comply with the following:

Part F.3.c.(1) Ala Wai Canal

(insert schedule of compliance)

Part F.3.c.(2) Kawa Stream

(insert schedule of compliance)

Part F.3.c.(3) Kapa`a Stream

(insert schedule of compliance)

Part F.3.c.(4) Kaneohe Stream

(insert schedule of compliance)

Part F.3.c.(5) Waimanalo Stream

Part F.4. Other TMDLs

Part F.4.a. As additional TMDLs are adopted by DOH and approved by the EPA that identify the Permittee as a source, the Permittee shall develop I&M Plans for a minimum of one (1) additional TMDL per year within one (1) year of the approval date. The Permittee shall include within each I&M Plan a compliance schedule with a final deadline to demonstrate consistency with the WLAs consistent with the assumption of the associated TMDL document. The schedule shall provide for the implementation of the BMPs, monitoring to evaluate its performance, and time to make adjustments necessary to demonstrate consistency with the WLAs consistent with the assumption of the associated TMDL document at the earliest possible time. If the schedule extends beyond a year, interim dates and milestones shall be included in the schedule with the time between interim dates not to exceed one year.

Part F.4.b. Reopener

In accordance with 40 CFR Parts 122 and 124, this permit may be modified to include compliance schedules or permit conditions to address additional TMDLs as adopted and approved by the EPA.

Part G. REPORTING REQUIREMENTS

All submittals to DOH shall be in a format consistent with first satisfying the requirements of this permit.

Part G.1. Annual Report

PartG.1.a. The Permittee shall submit the Annual Report by October 31st of each year in pdf format (minimum 300 dpi) on CD/DVD. The Annual Report shall cover the past fiscal year. The Annual Report for the fiscal year prior to the expiration date of the permit shall serve as the permit's renewal application. Submittal of the renewal application shall include a $1,000 filing fee.

PartG.1.b. The Permittee shall revise its SWMP to include a description of reporting procedures and activities, including schedules and proposed content of the Annual Reports such that, at a minimum, the following is reported for each storm water program component in each Annual Report:

Part G.1.b.(1) *Requirements* - Describe what the Permittee was required to do (describe status of compliance with conditions of this permit and other commitments set forth in the SWMP).

Part G.1.b.(2) *Past Year Activities* - Describe activities over the reporting period in comparison to the requirements, including, where applicable, progress accomplished toward meeting specific measurable goals, standards and milestones or other specific performance requirements. When requirements were not fully met, include a detailed explanation as to why the Permittee did not meet its commitments for the reporting period. Also describe an assessment of the SWMP, including progress towards implementing each of the SWMP program components.

Part G.1.b.(3) *Future Activities* - Describe planned activities, including, where applicable, specific activities to be undertaken during the next reporting period toward accomplishing specific measurable goals, standards and milestones or other specific performance requirements.

Part G.1.b.(4) *Resources* - Report on the status of the Permittee's resource base for implementing this NPDES permit during the applicable reporting period and an estimate of the resources over and above those required in the current reporting period that will be required in the next reporting period.

PartG.1.c. *Modifications*. In each Annual Report, the Permittee shall describe any modifications made to the SWMP and implementation schedule during the past

year, including justifications. The Permittee shall also describe major modifications made to the Permittee's MS4, including, but not limited to, addition and removal of outfalls, drainage lines, and DOT-HWYS facilities.

PartG.1.d. *Program Effectiveness Reporting*. Within one (1) year of the effective date of the permit, the Permittee shall submit to DOH a written strategy for determining effectiveness of its SWMP. The strategy shall include water quality monitoring efforts as well as program implementation information and other indicators. The Permittee shall include an assessment of program effectiveness and identification of water quality improvements or degradation beginning with the 2nd Annual Report.

Part G.2. Annual Monitoring Report

Part G.2.a. The Permittee shall submit the Annual Monitoring Report by October 31st of each year in pdf format (minimum 300 dpi). The Annual Monitoring Report shall cover the past fiscal year.

Part G.2.b. The monitoring report shall at a minimum, include the following items:

Part G.2.b.(1) Discussion on the activities/work implemented to meet each objective, as outlined in Part F.1.a., including any additional objectives identified by the Permittee, and the results [e.g. assessment of the water quality issues in each watershed resulting from storm water discharges, refer to Part F.1.a.(7)] and conclusions.

Part G.2.b.(2) Written narrative of the past fiscal year's activities, including those coordinated with other agencies, objectives of activities, results and conclusions.

Part G.2.b.(3) Data gathered on levels of pollutants in non-storm water discharges to the DOT-HWYS MS4; and

Part G.2.b.(4) Using rainfall data collected by the Permittee and other agencies, the Permittee shall relate rainfall events, measured pollutant loads, and discharge volumes from the watershed and other watersheds that may be identified from time to time by the Director or Permittee.

Part G.2.b.(5) The date when monitoring occurred for each municipal industrial facility covered under this permit. The monitoring event shall be of a representative storm event, where results were available for all required parameters following the QA/QC measures as described in your Annual Monitoring Plan.

Part G.2.b.(6) Discharge Monitoring Reports (DMRs) for Municipal Industrial Facilities shall be included in the Annual Monitoring Report and be submitted via NetDMR once established by the DOH. NetDMR is a Web-based tool that allows NPDES permittees to electronically sign and submit their DMRs to EPA's Integrated Compliance Information System (ICIS-NPDES) via the Environmental Information Exchange Network. A DMR must be submitted for the facility which is scheduled to be monitored even if sampling was not conducted. An explanation as to why sampling was not conducted shall be explained with the submittal.

Part G.3. Memorandum of Understanding (MOU)

Part G.3.a. Roles and Responsibilities of DOT-HWYS

The Permittee shall maintain and comply with the "Memorandum of Understanding Between the Department of Transportation Highways Division, State of Hawaii, and the Department of Environmental Services and the Department of Facility Maintenance, City and County of Honolulu," signed by the Department of Environmental Services on December 19, 2001; by the Department of Facility Maintenance on December 27, 2001; and the State Department of Transportation, Highways Division on February 1, 2002. Amendments to the MOU, if any, shall be summarized in the Annual Report.

Part G.3.b. Legal Authority of DOT-HWYS

DOT-HWYS shall maintain and comply with the "Memorandum of Understanding (MOU) Between Department of Transportation, State of Hawaii, and Department of Health, State of Hawaii" which was executed on July 8, 1999, because 40 CFR 122.26(d)(2)(i) requires that DOT-HWYS obtain the legal authority to control the discharge of pollutants to its storm sewer system. Amendments to the MOU, if any, shall be summarized in the Annual Report.

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