

**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
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," that is available on the DOH, Clean Water Branch (CWB) website at <http://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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ATTACHMENT: STANDARD NPDES PERMIT CONDITIONS (VERSION 14). In case of conflict between the conditions stated in this permit and those specified in the Standard NPDES Permit Conditions, the more stringent conditions shall apply.

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. All information and reports required under this permit and updates to information on file shall be submitted through the CWB Compliance Submittal Form for Individual NPDES Permits and Notice of General Permit Coverages (NGPCs). This form is accessible through the e-Permitting Portal website at: <https://eha-cloud.doh.hawaii.gov/epermit/View/home.aspx>. If not already registered, you will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool

to locate the form. Follow the instructions to complete and submit this form. All submissions shall include a CD or DVD containing the downloaded e-Permitting submission and a completed Transmittal Requirements and Certification Statement for e-Permitting NPDES/NGPC Compliance Submissions Form, with original signature and date.

Part A.7. 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 firefighting 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 the 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. Following the last Milestone/Deliverable, as identified in Part F.3.c. – TMDL Schedules of Compliance, the Permittee shall demonstrate consistency with the annual Wasteload Allocations (WLAs) reductions 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 in accordance with Part A.6. 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
- Any other methods that the Permittee determines to be effective.

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* - Within one (1) year of the effective date of this permit the Permittee shall establish requirements for issuing connection permits and require obtaining the permit prior to allowing the drain connections. A database shall be maintained 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 comply with its requirements to minimize pollutant discharge into its MS4.
- 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:

- (i) Establish policies for enforcement and rules for penalties when in noncompliance with its requirements as developed in accordance with Part D.1.c.(1), including for person illegally discharging pollutants to its MS4, and
- (ii) Pursue enforcement actions against property owners in non-compliance with its requirements, those with illegal drain connections, and persons without direct connections whom illegally discharging pollutants to its MS4.

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, rules, 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 policies to require proposed construction projects to implement BMPs and standards described in the following:

- 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. 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 drainage connections to its MS4, discharge of surface storm water runoff of storm water associated with construction (i.e., from both private and public projects) or discharge permit (i.e., hydrotesting and dewatering effluent or other non-storm water, except those allowed under this permit) into their MS4 and maintain a database of the permits/approvals. Prior to issuing a drainage connection, discharge of surface runoff permit/approval, discharge permit, 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 an NOI Form C or NPDES application for the discharge of storm water associated with construction activities that disturb one (1) acre or more;
 - The project owner has provided proof of filing a NOI Form F and/or G or NPDES application for the discharge, if applicable; and

- A Site-Specific BMP Plan or other documents (e.g., Erosion and Sediment Control, Grading, Post-construction BMP and Landscaping Plans, Dewatering Plan, and Hydrotesting Plan) relating to pollution prevention 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 and DOT-HWYS approved permits. The inspector shall also identify and remedy any site conditions having the potential for erosion and sediment runoff, including other pollutant discharges which may not have been addressed within the project 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 (6) minor deficiencies with no more than three (3) minor deficiencies in one (1) 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 (3) 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