

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

**I. Purpose**

The purpose of this Memorandum of Understanding (MOU) is to define the roles and responsibilities of the State Department of Transportation, Highways Division, (DOT), and the City and County of Honolulu (City) Department of Environmental Services, (ENV) and Department of Facility Maintenance (DFM), as part of permit requirements on the control of illicit discharges and nonpoint sources of pollution into the DOT's municipal separate storm sewer system on Oahu, and the City's municipal separate storm sewer system.

**II. Background**

The goal of the National Pollutant Discharge Elimination System (NPDES) program is to effectively prohibit nonstorm water discharges into storm sewers by the use of measures to reduce the discharge of pollutants to the "maximum extent practicable" ("MEP") including best management practices, control technique and systems, and design and engineering methods deemed appropriate for the control of such pollutants. In Hawaii, the EPA has delegated NPDES permitting authority to the State Department of Health (DOH), which issues and enforces the requirements of NPDES permits.

On Oahu, the regulations require both the DOT and the City to have NPDES permits for their respective municipal storm sewer systems. Because the DOT and City systems are interconnected, DOH regulations require that an interagency agreement between the DOT and the City or a Memorandum of Understanding (MOU), be executed that delineates policies governing interconnection and enforcement that will control the discharge of pollutants from the upper portions of the municipal separate storm sewer systems into the lower portions of both DOT and City systems to waters of the United States.

**III. Objectives**

The objectives of this MOU are to: a) establish effective intergovernmental coordination between the DOT and the City; b) to clearly delineate the roles and responsibilities of each agency in an effort to minimize, to the maximum extent practicable, the discharge of any

pollutant from one municipal separate storm sewer system to the other municipal separate storm sewer system ; c) minimize duplication of effort; and d) ensure accountability through judicious application of best management practices, design and engineering methods, and periodic water quality monitoring.

#### IV. Responsibilities

A. The DOT, through the Oahu District Engineer, will

1. Attend regular scheduled meetings with the City to exchange information and improve communication.
2. Coordinate the processing of any DOT NPDES permit for the discharge of any pollutants or nonstorm waters with the Department of Health, State of Hawaii.
3. Implement a storm water monitoring program in conformance with the requirements of the DOT municipal NPDES permit, and provide analytical data of storm water discharges to the ENV whenever such discharges are conveyed into the City's municipal separate storm sewer system.
4. Upon request by the City, provide an inventory, location, and other available data of all municipal separate storm sewer system outfalls that are owned, operated, and maintained by the DOT .
5. Conduct regular scheduled maintenance of the DOT's municipal separate storm sewer system.
6. Conduct regular, scheduled highway sweeping to minimize the discharge of pollutants from the DOT's highway system into the storm sewer system.
7. Encourage ridership program(s) which will reduce vehicular traffic volumes on the DOT's highway system, thereby reducing the emission of air and other pollutants generated by vehicles.
8. Conduct timely maintenance on the DOT's highway system, including slope maintenance.
9. Inspect DOT highway construction projects and require implementation of erosion control measures and best management practices to the maximum extent practicable.
10. Implement a program to detect and eliminate illicit and improper discharges into the DOT's municipal separate storm sewer system on Oahu.

11. Investigate violations of and enforce compliance with NPDES regulations, to prevent illegal private drain connections to the DOT's municipal separate storm sewer system, as well as, illicit discharges and improper drainage into the DOT's municipal separate storm sewer system. The DOT will be responsible for all investigations of illegal discharges that first enter DOT facilities and flow to other systems, including the City's municipal separate storm sewer system.

B. The City and County of Honolulu, Department of Environmental Services (ENV) will

1. Attend regular scheduled meetings with the DOT and DFM to exchange information and improve communication.
2. Coordinate the processing of any City NPDES permits for the discharge of any pollutants or nonstorm water with the Department of Health, State of Hawaii.
3. Implement a storm water monitoring program in conformance with the requirements of the City's municipal NPDES permit, and provide, upon request, analytical data of storm water discharges to the DOT whenever such discharges are conveyed into the DOT's municipal separate storm sewer system.
4. Provide support for the educational program to encourage ridership on mass and/or rapid transit system(s) to reduce the emission of air and other pollutants generated by vehicles, which constitute a major nonpoint source.
5. Seek adequate funding and institute a program to promote public reporting of illicit discharges into the City's municipal separate storm sewer system, and noticeable water quality impacts from storm sewer discharges.
6. Implement a program for the collection of household hazardous wastes in conjunction with the State Department of Health's hazardous wastes disposal program.
7. Implement, through the ENV's Division of Refuse, an educational and public information program to inform the public on the proper management and disposal of used oil and toxic material.
8. Implement, with the assistance of the State Department of Agriculture, an educational program for the general public on appropriate pesticide and fertilizer application and disposal.
9. Implement a program to detect and eliminate illicit and improper discharges into the City's municipal separate storm sewer system.

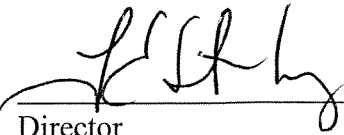
10. Investigate violations of and enforce compliance with NPDES regulations, to prevent illegal private drain connection to the City's municipal separate storm sewer system, as well as, illicit discharges and improper discharges into the City's municipal separate storm sewer system. The City will be responsible for all investigations of illegal discharges that first enter City facilities and flow to other systems, including the DOT's municipal separate storm sewer system.
  11. Conduct follow-up construction inspections and require effective erosion control measures for projects requiring grading or grubbing permits.
- C. The City and County of Honolulu, Department of Facility Maintenance (DFM) will
1. Attend regular scheduled meetings with the DOT and ENV to exchange information and improve communication.
  2. Upon request by the DOT, provide an inventory, location, and other available data of all municipal separate storm sewer system outfalls that are owned, operated, and maintained by the DFM upon request to the DOT.
  3. Conduct regular, scheduled maintenance of the City's municipal separate storm sewer system.
  4. Conduct regular, scheduled street sweeping to minimize the discharge of pollutants from City streets.
  5. Conduct timely maintenance on City streets.

## V. Other Provisions

- A. This MOU does not alter the statutory authority and responsibilities or the respective permit requirements under the National Pollutant Discharge Elimination System (NPDES) of the DOT and the ENV. The intent of the MOU is to form a basis by which the aforementioned goals and objectives can be carried out by each agency in a cooperative manner.
- B. It is agreed that interconnections between the DOT's municipal separate storm sewer system and the City's municipal separate storm sewer system are not considered private drain connections, and therefore do not require private drain connection licenses.
- C. This MOU does not obligate any DOT, ENV or DFM funds. The DOT, ENV and/or DFM may contribute funds or in-kind services to any program which will mutually benefit any or all the parties.

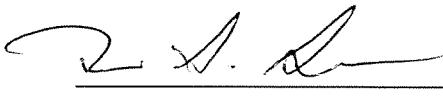
- D. The MOU may be amended or terminated at any time by mutual consent of the DOT, ENV or DFM. Additionally, the MOU may be terminated by any agency alone by giving sixty day written notice to the other.

DEPARTMENT OF  
ENVIRONMENTAL SERVICES  
City and County of Honolulu

  
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Director

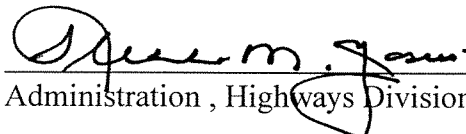
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Date

DEPARTMENT OF  
FACILITY MAINTENANCE  
City and County of Honolulu

  
\_\_\_\_\_  
Director

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DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION  
State of Hawaii

  
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Administration, Highways Division

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Date