

CHAPTER 10

INDUSTRIAL AND COMMERCIAL ACTIVITIES DISCHARGE MANAGEMENT PROGRAM

Industrial and commercial facilities adjacent to DOT-HWYS' right-of-way have the potential to discharge pollutants into the MS4 due to their locale and the nature of their business operations. The Industrial and Commercial Activities Discharge Management Program (IC Program) conducts inspections of industrial and commercial facilities and activities that initially discharge into the MS4, tracks information about these facilities and activities, and implements enforcement policies in order to reduce the discharge of pollutants associated with industrial and commercial facilities and activities to the MEP. The IC Program is administered in conjunction with the IDDE Program, with which it shares common objectives, policies, and personnel.

The IC Program administers the following activities:

1. Issue and track connection and discharge permits.
2. Maintain and submit to DOH an inventory of industrial and commercial facilities and activities that initially discharge into the MS4.
3. Inspect industrial and commercial facilities and activities and identify potential sources of pollution to the MS4.
4. Designate priority areas for inspections.
5. Rank commercial facilities according to the relative risk of polluted runoff initially discharging into the MS4.
6. Provide training for IC Program staff.
7. Review SWPCPs for applicable industrial facilities.
8. Establish and implement an enforcement policy for industrial and commercial facilities and activities.

The IC Program is administered in accordance with the MS4 Permit and Consent Decree requirements outlined in Table 10-1 and Table 10-2, respectively.

Table 10-1. MS4 Permit Requirements for the IC Program

MS4 Permit Reference	SWMPP Section
<i>Part D.1.g.(1) Approval for Drainage Connections and Storm Water Discharge – DOT-HWYS shall require a permit or written equivalent approval for drainage connections from industrial and commercial facilities and for storm water discharge into the MS4 from industrial and commercial facilities subject to an NPDES Permit and maintain a database of such permits/approvals. The permit/approval shall obligate those industrial and commercial facilities to implement BMPs to ensure that there is no discharge of pollutants other than the allowable non-storm water discharges identified in Part B.2 of this permit into the MS4.</i>	Section 10.1

MS4 Permit Reference	SWMPP Section
<p><i>For those other industrial and commercial facilities that may discharge storm water into the MS4 but do not have drainage connections and are not subject to an NPDES Permit, DOT-HWYS shall identify those facilities which pose a high risk of discharging pollutants to the MS4. For those industrial and commercial facilities identified as being high risk, DOT-HWYS shall conduct wet weather inspections over the permit term to determine whether the subject facility discharges pollutants to the MS4. For those facilities DOT-HWYS identifies as illicitly discharging pollutants to the MS4, DOT-HWYS shall require implementation of BMPs to prevent future illicit discharges of pollutants.</i></p>	
<p>Part D.1.g.(2) 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:</p> <ul style="list-style-type: none"> • 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 through other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits). <p>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 an 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:</p> <ul style="list-style-type: none"> • 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. 	Section 10.2
<p>Part D.1.g.(3) 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:</p> <ul style="list-style-type: none"> • 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). 	Section 10.2

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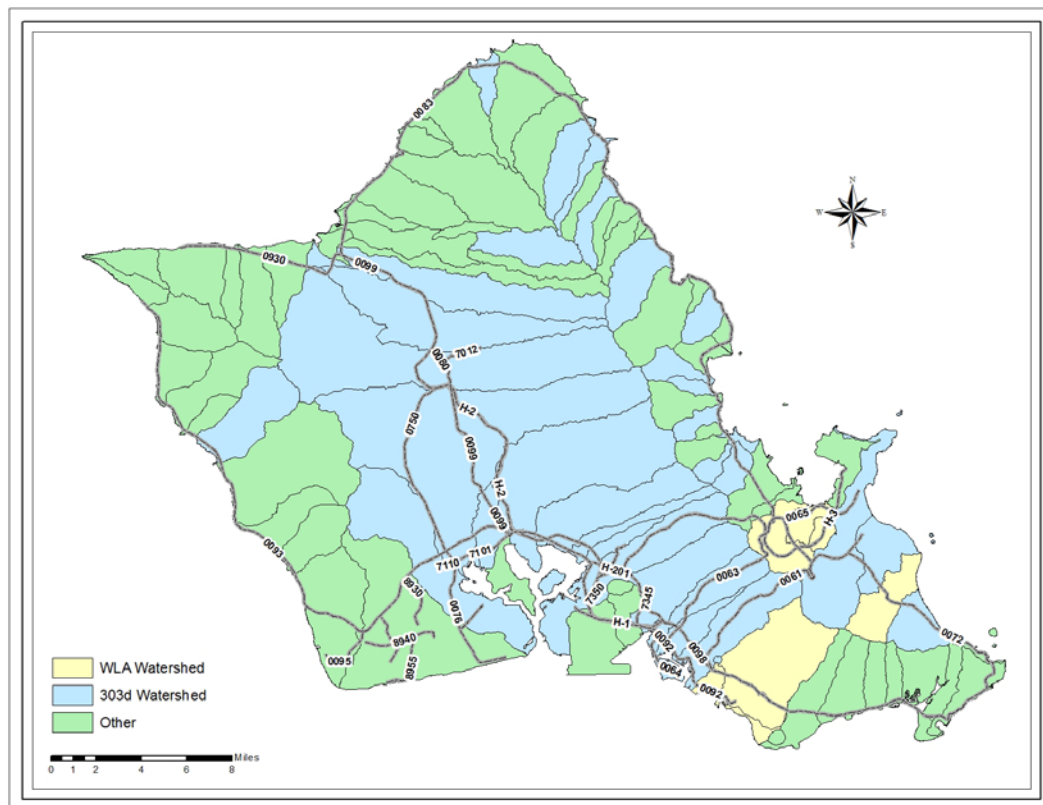
MS4 Permit Reference	SWMPP Section
<p><i>The commercial inventory shall include, by priority area, the facility name, street address, TMK, nature of business or activity, SIC code(s) that best reflect the facility product(s) or service(s), principal storm water contact, and receiving State water.</i></p> <p><i>At a minimum, the commercial inventory shall include facilities and activities such as:</i></p> <ul style="list-style-type: none"> • <i>Findings from investigations of the commercial facilities identified in the Questionnaire Survey</i> • <i>Retail Gasoline Outlets</i> • <i>Retail Automotive Services, including Repair Facilities</i> • <i>Restaurants</i> • <i>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.</i> 	
<p>Part D.1.g.(4) <i>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.</i></p> <p><i>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.(5). This Plan shall be submitted with the Permittee's annual report.</i></p>	Section 10.4
<p>Part D.1.g.(5) <i>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.</i></p> <p><i>The Permittee shall ensure industrial and commercial facilities and activities identified in the industrial and commercial inventories required under Parts D.1.g.(2) and D.1.g.(3) are inspected and re-inspected as often as necessary based on its findings to ensure corrective action was taken and the deficiency was resolved.</i></p> <p><i>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 calendar 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.</i></p> <p><i>All inspections shall be in accordance with the applicable portions (e.g., Chapter 11 – Storm Water) of the "NPDES Compliance Inspection Manual" (EPA 305-X-</i></p>	Section 10.3 Section 10.5

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MS4 Permit Reference	SWMPP Section
04-001), dated July 2004. Inspectors shall be trained to identify deficiencies, assess potential impacts to receiving waters, evaluate the appropriateness and effectiveness of deployed BMPs, and require controls to minimize the discharge of pollutants to the DOT-HWYS MS4. 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.(6).(i) Storm Water Pollution Control Plan (SWPCP) Review and Acceptance for Industrial Facilities – The Permittee shall: Verify the facility owner has received NPDES permit coverage for the discharge of storm water associated with industrial activity or provided proof of filing an NOI, or NPDES application; and	Section 10.7
Part D.1.g.(6).(ii) Review and accept a Site-Specific Storm Water Pollution Control Plan (SWPCP) or other plans relating to pollution prevention or similar document(s).	Section 10.7
<p>Part D.1.g.(7) Enforcement Policy for Industrial and Commercial Facilities and Activities - Within one (1) year of the effective date of this permit, the Permittee shall establish and implement its own policies for enforcement and penalties for industrial and commercial facilities which have failed to comply. The policy shall be part of an overall escalating enforcement policy and must consist of the following:</p> <ul style="list-style-type: none"> • 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. <p>In the event the Permittee has exhausted all available sanctions and cannot bring a facility or activity into compliance with its policies and this permit, or otherwise deems the facility or activity an immediate and significant threat to water quality, the Permittee shall provide e-mail notification to cleanwaterbranch@doh.hawaii.gov, Attn: Enforcement Section Supervisor within one (1) week of such determination. E-mail notification shall be followed by written notification and include a copy of all inspection checklists, notes, photographs, and related correspondence in pdf format (300 minimum dpi) in accordance with Part A.6. 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.</p>	Section 10.8
Part D.1.g.(8) 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, rules, 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.	Section 10.6

Table 10-2. Consent Decree Requirements for the IC Program

Consent Decree Reference	SWMPP Section
<i>Pg 26, Section V.10.k.(2) HDOT shall develop a program to conduct inspections of industrial and commercial holders of connection and discharge permits to its MS4. This industrial/commercial inspection program shall include scheduling inspections such that each industrial facility is inspected once every five years. Any industrial facility that does not have NPDES permit coverage under the Hawai'i NPDES permit program shall be reported to DOH no later than 30 days after the inspection date. Commercial dischargers are to be ranked according to relative risk of discharge of contaminated runoff to HDOT's MS4. The highly ranked commercial facilities shall be inspected at least once every 5 years. This industrial/commercial inspection program shall be updated as appropriate to reflect the outcomes of the investigations discussed in the preceding Subparagraph.</i>	Section 10.3



Priority areas for industrial and commercial facility inspections are defined by ranking watersheds based on number of facilities within the priority area, density (number of facilities/watershed acres), and the number of deficiencies and/or violations cited within the priority area.

10.0 Program Organization

To fulfill the requirements of the MS4 Permit and the Consent Decree, the following organizational structure has been established for the IC Program.

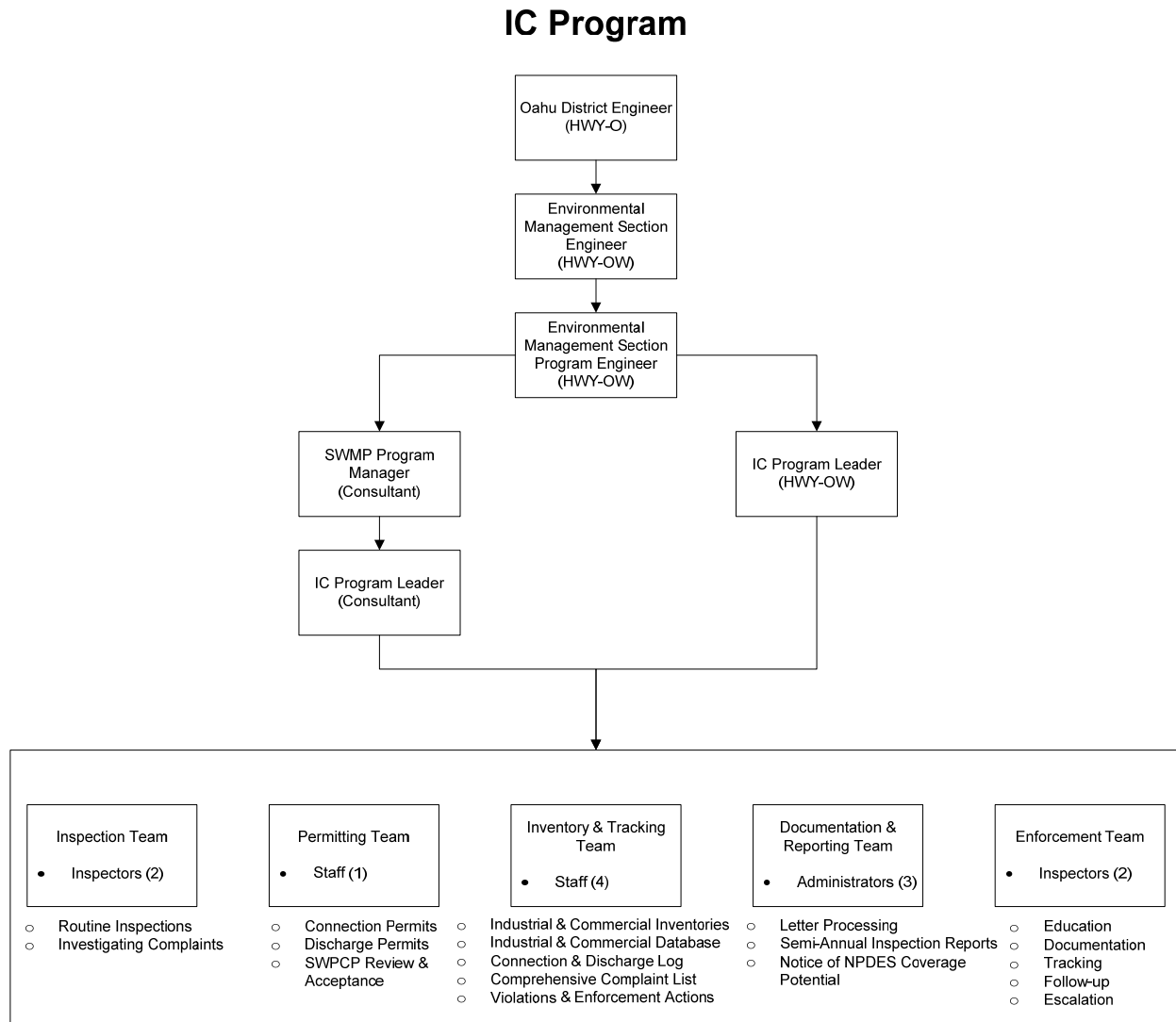


Figure 10-1. IC Program Organizational Chart
(Note: The number in parenthesis indicates the number of individuals involved.)

10.1 Connection and Discharge Permits

DOT-HWYS administers a permitting program for any business (industrial or commercial) that establishes a permanent physical connection to the MS4 (connection permit) and/or discharges its storm water runoff into the MS4 (discharge permit).

10.1.1 Permitting New Connections

A permit must be acquired prior to constructing a physical drain connection to the MS4. A connection permit for the establishment of a new, private drain connection will not be issued until:

- The applicant has provided proof of filing a Notice of Intent (NOI) or an Industrial NPDES Permit application with the DOH, if applicable; and
- The applicant has control measures that comply with DOT-HWYS' requirements to minimize pollutant discharge into the MS4.

A request for a connection permit is made by submitting two separate forms. The first form that must be completed is the *Application for a Private Storm Drain Connection and/or Discharge Permit to the State of Hawaii Highways Division Storm Drain System* (Appendix C.1). For each connection, the applicant is instructed to submit information on the connection location, size, type of discharge and flow rate, as well as a facility drainage report. In addition, the applicant is required to indicate if their facility or activities generate Industrial Storm Water, as defined by 40 CFR Part 122.26(b)(14), and whether or not they have obtained an 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 aka Industrial NPDES Permit).

A second form, the *Permit for Connection to the State Highways Drainage System* (connection permit) (Appendix C.2), must be filled out and submitted to DOT-HWYS, stating that the applicant agrees to the terms and conditions of the connection permit.

In order to complete the application process, the forms must be filled out and mailed to:

State of Hawaii
Department of Transportation
Highways Division, Oahu District
727 Kakoi Street
Honolulu, Hawaii 96819-2017
Attn: Environmental Management Section Program Engineer

10.1.2 Permitting Existing Connections

Existing connections to the MS4 are considered illegal if they have not been licensed by DOT-HWYS. When an illegal connection is identified, the IC inspectors determine if the connection is from an allowable source. If the connection is not from an allowable source or is conveying an illicit discharge, the case is treated as an illicit discharge. If the connection is from an allowable source and there is no illicit discharge, the appropriate corrective action is to file an application for a connection permit. Written documentation, which includes an inspection report, the connection permit forms described in Section 10.1.1, and a violation notification, is mailed to the property owner or facility representative within 30 calendar days of the inspection date. The property owner or facility representative has 30 days from the date marked on the violation notification to mail the completed connection permit forms to DOT-HWYS. The illegal connection is considered resolved upon DOT-HWYS' approval of the completed connection permit forms. If the property owner does not mail in the completed connection permit forms with the allotted 30-day timeframe, IC Program staff pursue enforcement actions in accordance with the escalating enforcement policy described in Section 10.8.

DOT-HWYS has an existing Memorandum of Understanding with the CCH (Appendix A.4) that establishes that interconnections between the DOT-HWYS MS4 and the CCH MS4 are not considered private drain connections, and therefore do not require private drain connection permits. DOT-HWYS extends this determination to other facilities which require an NPDES MS4 Permit. Therefore, the requirement to apply for and obtain a connection permit does not apply to those facilities which require an NPDES MS4 Permit.

The IC Program, in conjunction with the IDDE Program, maintains a database of all permitted connections and discharges to the MS4, called the Connection and Discharge Log.

10.1.3 Permitting Discharge of Surface Runoff

DOH requires facilities applying for Industrial NPDES Permits to first obtain a *Permit to Discharge into the State Highways Drainage System* (discharge permit) (Appendix J.1) from DOT-HWYS. The discharge permit authorizes the discharge of surface runoff into the MS4 from industrial and commercial facilities and obligates those facilities to implement BMPs to ensure that the discharge of pollutants is reduced to the MEP. DOT-HWYS tracks discharge permits using the Connection and Discharge Log.

For those industrial and commercial facilities that initially discharge surface runoff into the MS4 but do not have drainage connections and are not subject to an Industrial NPDES Permit, DOT-HWYS identifies certain facilities that pose a high risk of discharging pollutants to the MS4. The facility is identified as a High Risk Facility if the property owner or facility representative does not appropriately correct any storm water deficiencies identified during a routine inspection 60 days from the date of the initial warning letter. DOT-HWYS conducts an inspection of each High Risk Facility during a wet weather event at least once per MS4 Permit term, in accordance with Part D.1.g.(1) of the MS4 Permit. A “*wet weather event*” is defined as any amount of rainfall that could result in an illicit discharge from the site.

If the inspectors observe an illicit discharge from a High Risk Facility during a wet weather event, DOT-HWYS implements its escalating enforcement policy (Section 10.8), which requires BMP implementation and the development of a spill prevention and response plan to prevent future discharges of pollutants. If the inspectors do not observe an illicit discharge from a High Risk Facility during a wet weather event, the facility is no longer deemed as high risk. High Risk Facilities are tracked in the Comprehensive Complaint List.

DOT-HWYS' connection and discharge permitting process is administered by the Permitting Team and the Inspection Team, as depicted in Figure 10-2.

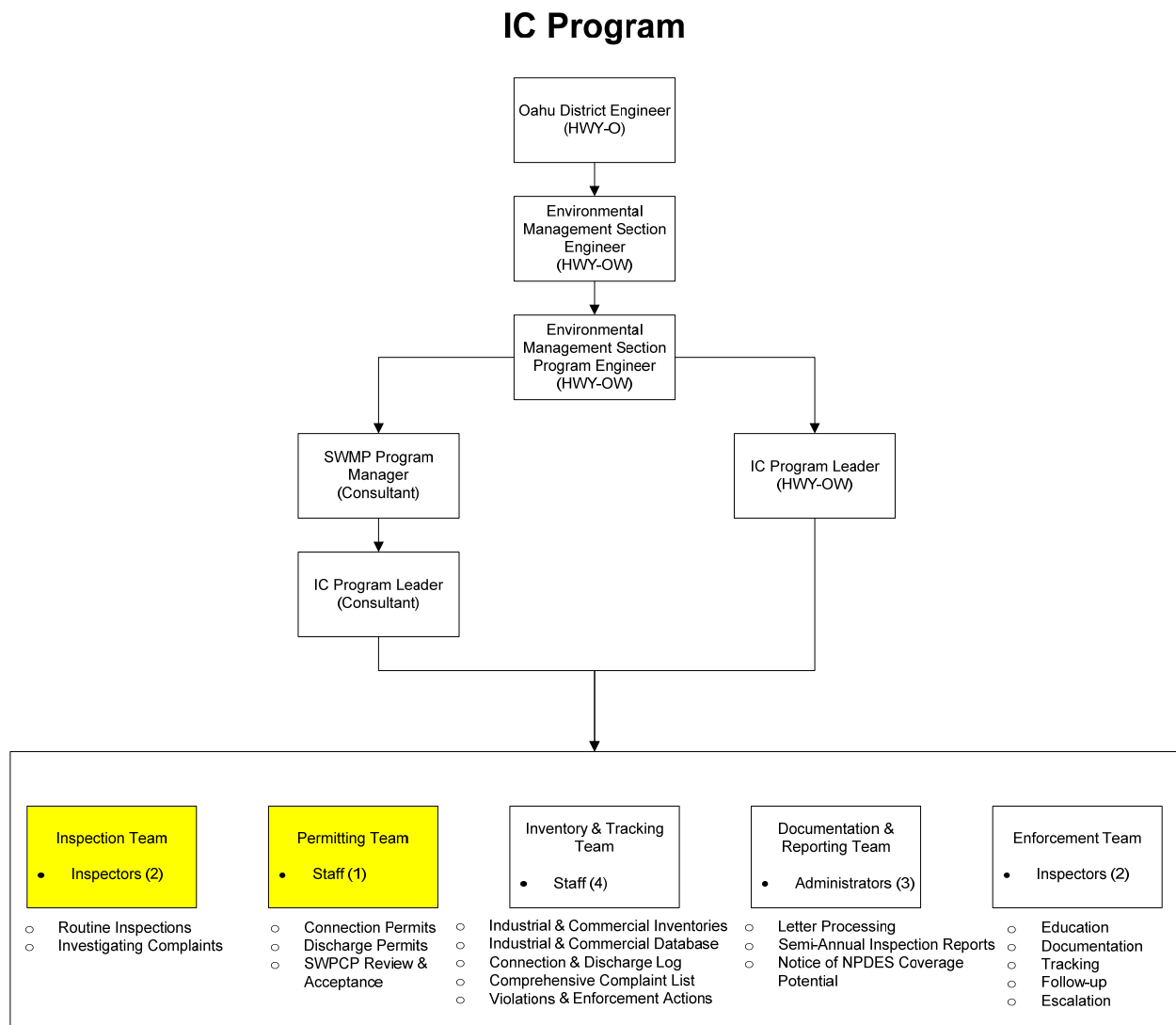


Figure 10-2. IC Program Organizational Chart for Roles and Responsibilities Related to Permitting

10.2 Facility Inventory

For the purpose of scheduling inspections and monitoring potential sources of pollution, DOT-HWYS keeps an inventory of industrial and commercial facilities and activities that initially discharge storm water into the MS4.

10.2.1 IC Database

The inventory of industrial and commercial facilities and activities is maintained on the Industrial and Commercial Database (IC Database). The IC Database is continually updated and is used to track the following information for industrial and commercial facilities:

- Facility name
- Street address
- Tax map key (TMK)
- Nature of business or activity
- Standard Industrial Classification (SIC) code(s)
- Principal storm water contact
- Receiving State Water

The IC Database is also used to track whether or not an industrial facility has obtained an Industrial NPDES Permit or any other applicable NPDES Permit. If the facility has Industrial NPDES coverage, a permit or file number and the issuance date are kept on the IC Database.

10.2.2 Inventory and Map Deliverables

Parts D.1.g.(2) and D.1.g.(3) of the MS4 Permit require DOT-HWYS to submit inventories, complete with maps, for industrial and commercial facilities and activities initially discharging into the MS4. The industrial facilities and activities inventory (industrial inventory) and the commercial facilities and activities inventory (commercial inventory) will include the information contained in the IC Database, as specified in Section 10.2.1. The industrial inventory will also include each facility's Industrial NPDES Permit coverage status, and if applicable, permit or file number and issuance date. The inventories and maps will be submitted within the 4th Annual Report.

The industrial inventory will be sorted by TMK and include, at a minimum, the following types of facilities and activities:

- Municipal landfills (open and closed) that initially discharge into the MS4;
- 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 Industrial NPDES Permit coverage that are adjacent to DOT-HWYS' right-of-way or discharge into the MS4; and
- Any other industrial facility that either DOT-HWYS or DOH determines is contributing a substantial pollutant loading to the MS4.

The commercial inventory will be sorted by priority area (Section 10.4) and include, at a minimum, the following types of facilities and activities:

- Findings from investigations of the commercial facilities identified in the Questionnaire Survey;
- Retail gasoline outlets;
- Retail automotive services, including repair facilities;
- Restaurants; and
- Any other commercial facility that either DOT-HWYS or DOH determines is contributing pollutants to the MS4 that may cause or contribute to an exceedance of State Water quality standards.

With regards to facilities covered under the CCH's MS4 permit, a signed MOU between DOT-HWYS and the CCH, dated February 2002, defines the roles and responsibilities between the two agencies as part of the controlling of illicit discharges into the MS4 (Appendix A.4). The objectives of the MOU are to:

1. Establish effective intergovernmental coordination between the DOT and the CCH;
2. Clearly delineate the roles and responsibilities of each agency in an effort to minimize, to the MEP, the discharge of any pollutant from one MS4 into the other MS4;
3. Minimize duplication of effort; and
4. Ensure accountability through judicious application of best management practices, design and engineering methods, and periodic water quality monitoring.

As such, facilities covered under the CCH's MS4 permit are excluded from DOT-HWYS' industrial and commercial inventories. Note, however, that Part D.1.g.(2) of the MS4 Permit specifically requires DOT-HWYS to include municipal landfills (open and closed) in the inventory. To comply with this requirement, the inventory will include any municipal landfill that initially discharges into the MS4.

The Inventory and Tracking Team is responsible for completing and submitting the industrial and commercial inventories, as shown in Figure 10-3.

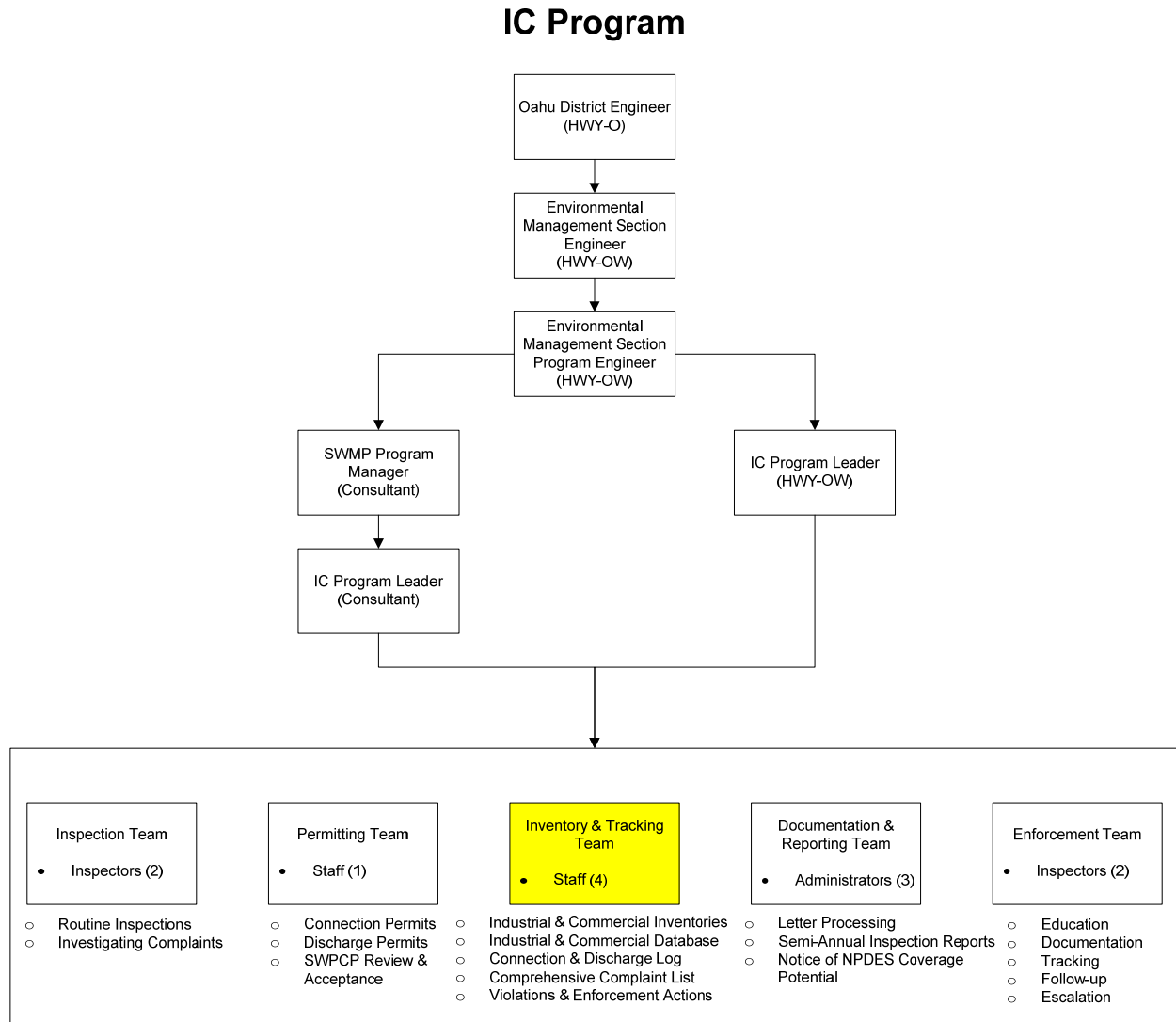


Figure 10-3. IC Program Organizational Chart for Roles and Responsibilities Related to the Facility Inventories

10.3 Inspections

IC Program inspectors conduct inspections of industrial and commercial facilities and activities for the purpose of reducing the potential of polluted runoff initially discharging into the MS4.

10.3.1 Inspection Procedures

IC inspectors assess the appropriateness and effectiveness of the BMPs implemented at a facility; identify illegal connections and illicit discharges into the MS4, potential sources of pollution, and deficiencies in BMP and/or SWPCP implementation; educate facility owners about storm water-related issues and proper source control measures; and require corrective actions when deficiencies are identified. Inspectors are trained on a variety of topics, including sources of pollution, inspection and enforcement techniques, the types of facilities covered under the USEPA's Multi-Sector General Permit, and the general components of a SWPCP. Training for IC Program inspectors will be discussed further in Section 10.6.

IC inspectors use the Industrial and Commercial MS4 Site Investigation Sheet (MS4 SIS) (Appendix J.4) to document findings during inspections. Inspection results are documented in the IC Database. Additionally, inspection reports, with accompanying photographs, are kept on DOT-HWYS' data management system (DMS). Deficiencies are documented on a database called the Comprehensive Complaint List. Records of inspections are maintained for a minimum of five years. DOT-HWYS submits semi-annual inspection reports to DOH for industrial and commercial inspections conducted during the previous term by October 31st and April 30th of each year. The inspection terms span from January 1st to June 30th and July 1st to December 31st, respectively. All inspections are conducted in accordance with the applicable portions of the NPDES Compliance Inspection Manual (USEPA 305-X-04-001), published in July, 2004.

Facilities discharging Industrial Storm Water, as defined by 40 CFR Part 122.26(b)(14), may be required to obtain, from DOH, a NGPC for an Industrial NPDES Permit. IC Program staff verify Industrial NPDES Permit coverage using the DOH's website <http://eha-web.doh.hawaii.gov/ehw/MapView/Default.aspx> and/or by submitting a request to DOH CWB to access a government record. If IC Program staff identify a facility discharging Industrial Storm Water that does not have Industrial NPDES Permit coverage or a Certification of No-Exposure on file with DOH, DOT-HWYS provides e-mail notification to DOH within one week of such determination, and no later than 30 calendar days after the date of the site inspection. DOH determines whether or not the facility is required to obtain a NGPC and administers the permitting process accordingly.

10.3.2 Inspection Schedules

Priority areas for industrial and commercial facility and activity inspections are selected based on the relative risk that any discharge might be contaminated with pollutants. Specific priority areas and inspection schedules are designated under the Prioritized Area Plan for Industrial and Commercial Facility and Activity Inspections (Prioritized Area Plan) (Appendix J.2), which will be discussed in Section 10.4. At a minimum, industrial facilities that do not have Industrial NPDES Permit coverage will be inspected at least twice every five years, while each industrial

facility with Industrial NPDES Permit coverage will be inspected at least once every five years. The ranking system used to designate high priority commercial facilities will be described in Section 10.5. Highly ranked commercial facilities will be inspected at least once every five years.

The IC inspection program, including inspection schedules and area prioritization, will be modified as necessary to account for inspection findings and updates to water quality impairments.

In addition to conducting scheduled inspections, IC inspectors investigate potential illegal connection and illicit discharges in response to public complaints. Public complaints are investigated in conjunction with the IDDE Program (Section 3.4).

The IC Inspection Program is administered by the Inspection Team, as shown in Figure 10-4.

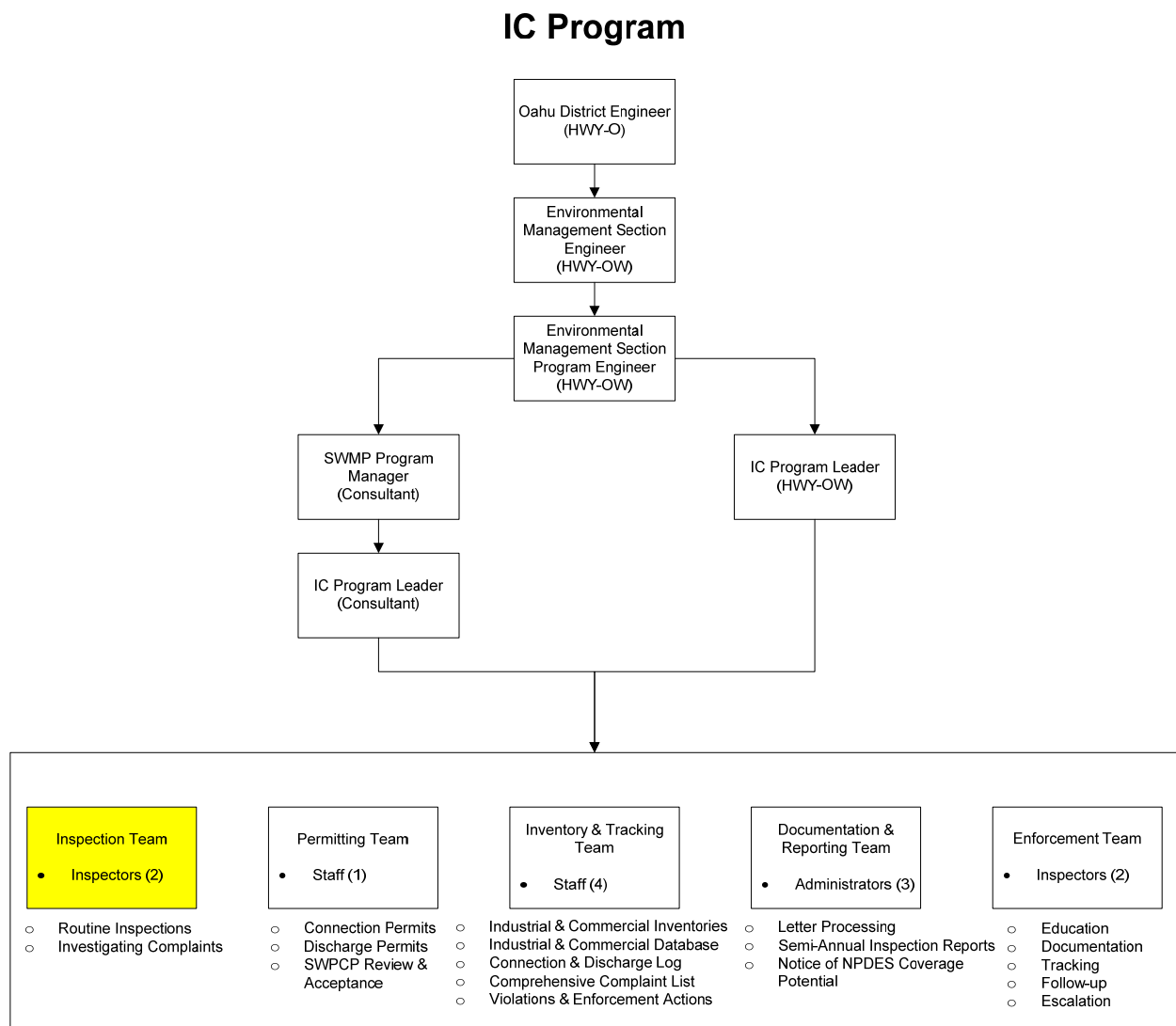


Figure 10-4. IC Program Organizational Chart for Roles and Responsibilities Related to Inspections

10.4 Prioritized Area Plan

The Prioritized Area Plan (Appendix J.2) designates priority areas for industrial and commercial facility and activity inspections according to the relative risk that any discharge might be contaminated with pollutants. The Prioritized Area Plan was originally published as an appendix to the 2007 SWMPP. It has been modified to include up-to-date information about inspection findings, previous deficiencies and/or violations, industrial and commercial inventories, facility densities in priority areas, and water quality impairments (i.e., TMDLs, WLAs, and CWA Section 303(d) listed impaired water bodies).

Priority areas were defined by watershed. WLA watersheds were given the highest priority. CWA Section 303(d) listed impaired water bodies were given the second highest priority. All other watersheds were given the lowest priority. Watersheds within each priority level were ranked based on the number of facilities within the priority area, the density of industrial and commercial facilities in the area (number of facilities/watershed acres), and the number of deficiencies and/or violations cited within the priority area.

The modified Prioritized Area Plan includes an inspection schedule that establishes inspection frequencies for industrial and commercial facilities and activities, in accordance with the frequencies described in Section 10.3.2. The Prioritized Area Plan and inspection schedule were submitted with DOT-HWYS' October 31, 2014, Annual Report, as required by Part D.1.g.(4) of the MS4 Permit. The Prioritized Area Plan will be reviewed annually and updated as needed.

Part D.1.g.(4) also required DOT-HWYS to submit the Industrial and Commercial Discharge Management Program Status Report (Status Report) (Appendix J.3) to DOH within 60 days of the effective date of the MS4 Permit. The Status Report included the total number of industrial and commercial facilities initially discharging into the MS4; and a table denoting the total number of inspections, organized by priority area, conducted at industrial and commercial facilities during the previous MS4 Permit term.

The IC Program Leader is responsible for the completion of the Prioritized Area Plan, as shown in Figure 10-5.

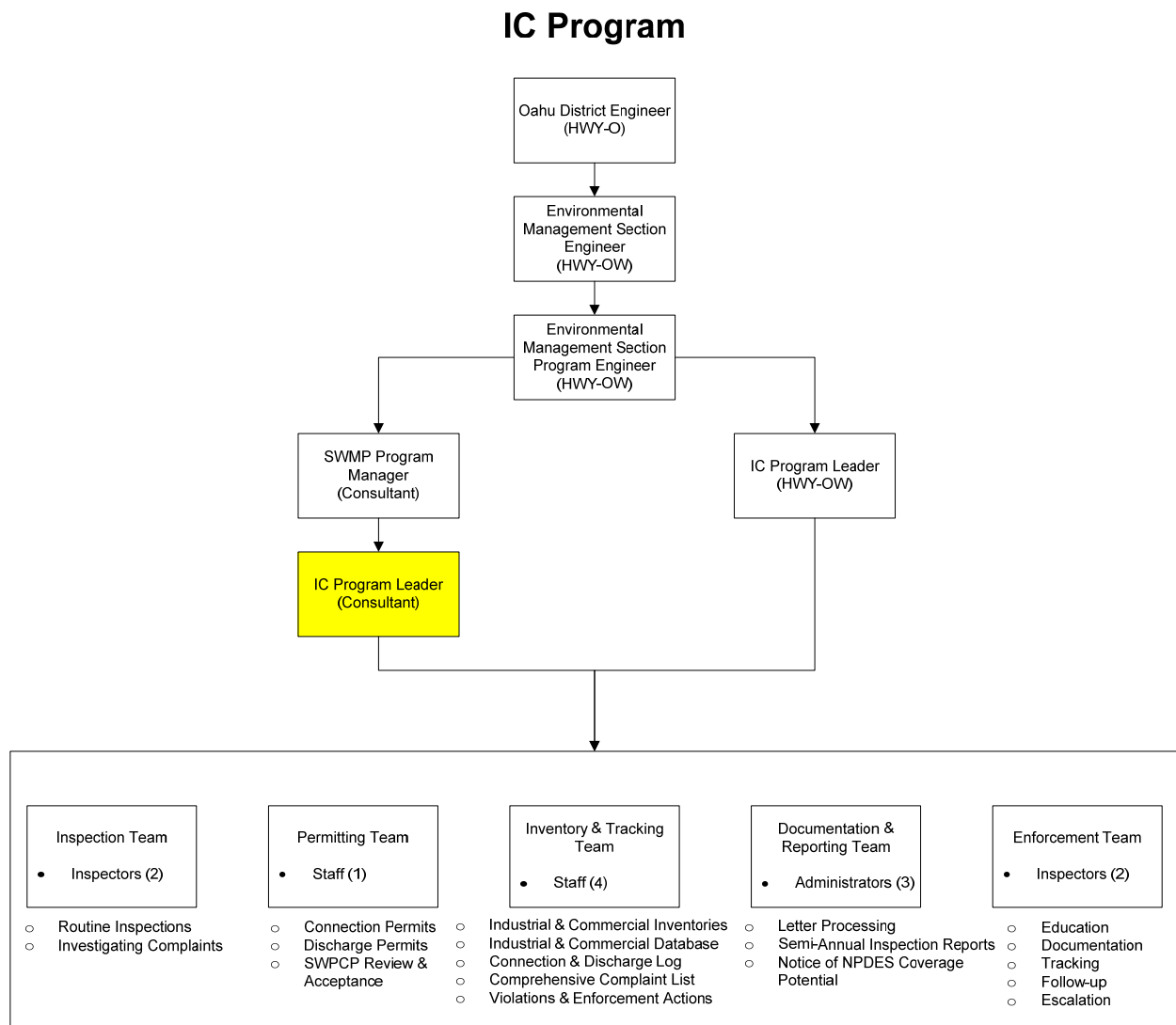


Figure 10-5. IC Program Organizational Chart for Roles and Responsibilities Related to the Prioritized Area Plan

10.5 Commercial Facility Ranking

In accordance with Part D.1.(g).(5) of the MS4 Permit, DOT-HWYS created a system to rank commercial facilities that initially discharge into the MS4, according to the relative risk of a facility discharging contaminated runoff into the MS4.

10.5.1 Facility Ranking Criteria

Commercial facilities were ranked using a point system, with each facility receiving a score from 1 to 6 points. Commercial facilities with a score of 3 points or higher were classified as high priority. Facilities ranked as high priority will be inspected at least once every five years.

Three variables were considered to determine a facility's score – the nature of the business or activity; whether or not the facility has a physical connection to the MS4; and the number of non-compliant cases that occurred during the previous MS4 Permit term.

Nature of Business

Two points were allocated to facilities with a high potential for spills and/or pollutant discharge into the MS4 or State Waters, based on any of the following site-specific activities:

- Generation of used cooking oil (i.e., operates deep fryers);
- Generation of used motor oil (i.e., conducts oil changes);
- Fueling stations and fuel/petroleum storage;
- Vehicle repair and/or maintenance;
- Scrap vehicle storage;
- Vehicle washing;
- Outside handling and/or storage of raw materials;
- Storage of solvents, hazardous chemicals and/or hazardous waste;
- Loading dock(s); and
- Activities that create the potential for sediment discharge (e.g., ground disturbance, sediment stockpiling, etc.).

All other facilities were considered to have a low potential for spills and/or pollutant discharge into the MS4 or State Waters and were allocated 1 point.

Connection

Facilities with a physical connection to the MS4 were given 1 point. Facilities without a connection to the MS4 were given 0 points.

Previous Cases of Non-Compliance

The IC Program conducted routine inspections and responded to complaints of potential non-compliance during the previous MS4 Permit term.

Facilities issued two or more cases of non-compliance during the previous permit term were given 3 points. Facilities with one case of non-compliance were given 2 points. Facilities that were not inspected during the previous permit term were given 1 point. Facilities with no cases of non-compliance were given 0 points.

10.5.2 Facility Ranking Results

Each commercial facility was given a score based on a summation of their total points, which determined their rank. Facility ranking results are documented on the IC Database.



Fueling stations and fuel/petroleum storage are facilities with a high potential for spills and/or pollutant discharges.

The IC Program Leader is responsible for ranking commercial facilities, as shown in Figure 10-6.

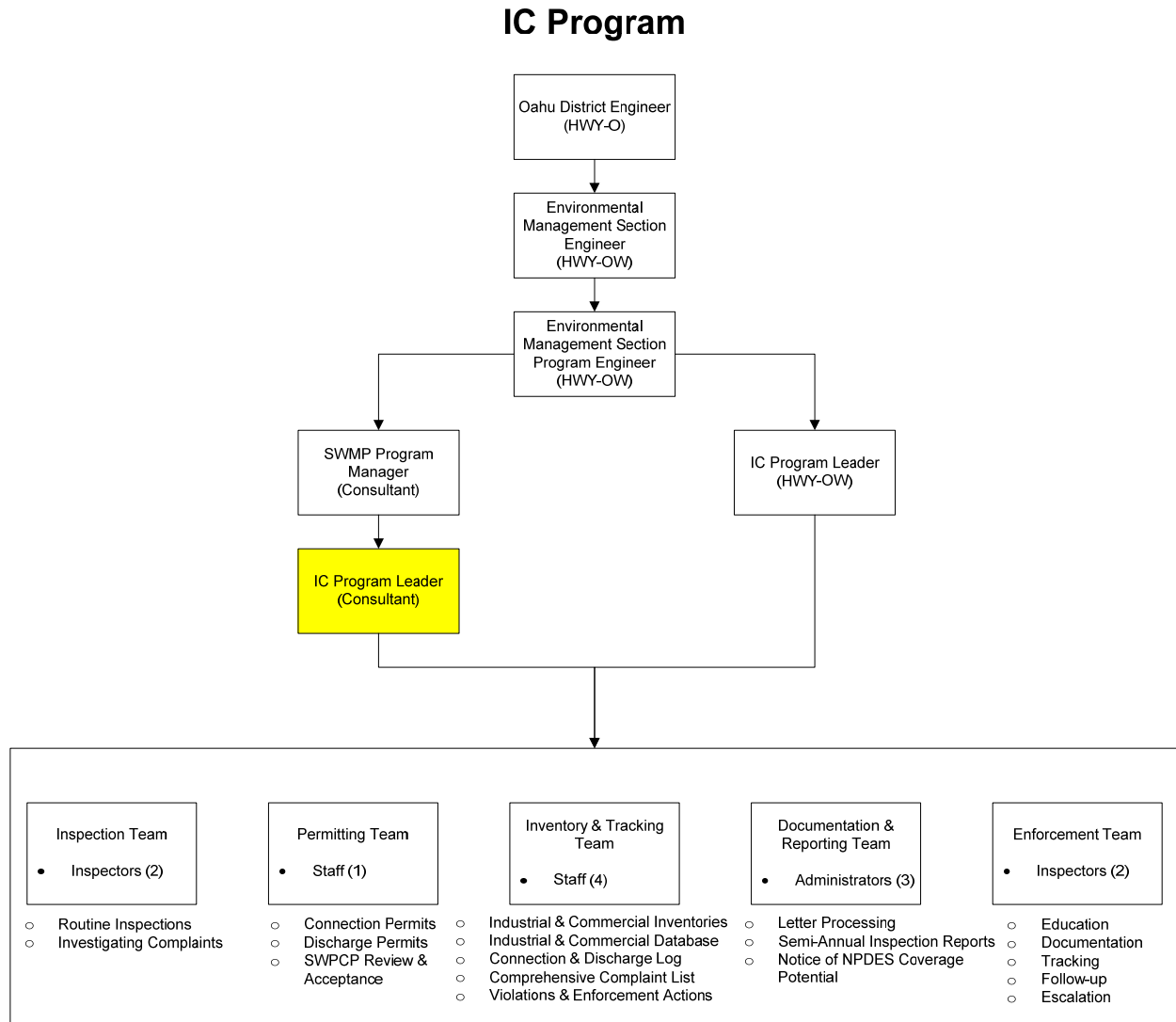


Figure 10-6. IC Program Organizational Chart for Roles and Responsibilities Related to Commercial Facility Ranking

10.6 Training

Training on how to conduct industrial and commercial inspections is provided to staff in the IC Program on an as-needed basis, or at least annually. The training includes a formalized “on-the-job” method and a review of applicable sections (e.g., Chapter 11 – Storm Water) of the “NPDES Compliance Inspection Manual” (EPA 305-X-04-001), dated July 2004. Therefore, training will follow the guidance offered in several chapters of the “NPDES Compliance Inspection Manual”, as it relates to industrial and commercial facilities and activities, specifically with regard to storm water pollution control.

The content of the training includes the following:

- Inspection and enforcement techniques;
- Identifying deficiencies during inspections of industrial and commercial facilities or activities;
- Assessing potential impacts to receiving waters;
- BMPs and source control measures for industrial and commercial facilities to reduce storm water pollution;
- Evaluating the appropriateness and effectiveness of BMPs;
- Types of facilities covered by the General Industrial Storm Water Permit or any other applicable Industrial NPDES Permit;
- Components of a SWPCP for industrial facilities; and
- Forms and/or processes for documenting inspections of industrial and commercial facilities and activities.

The IC Program training is provided to any staff whose responsibilities include inspections of industrial and commercial facilities and activities. It is specific to DOT-HWYS’ activities, policies, rules, and procedures. Training is documented using sign-in sheets, and updates to the training program will be submitted to DOH for review and acceptance within 90 calendar days of the change.



Inspectors receive “on-the-job” training on how to conduct industrial and commercial inspections.

The SWMP Program Manager is responsible for ensuring that IC Program staff are trained annually, as shown in Figure 10-7.

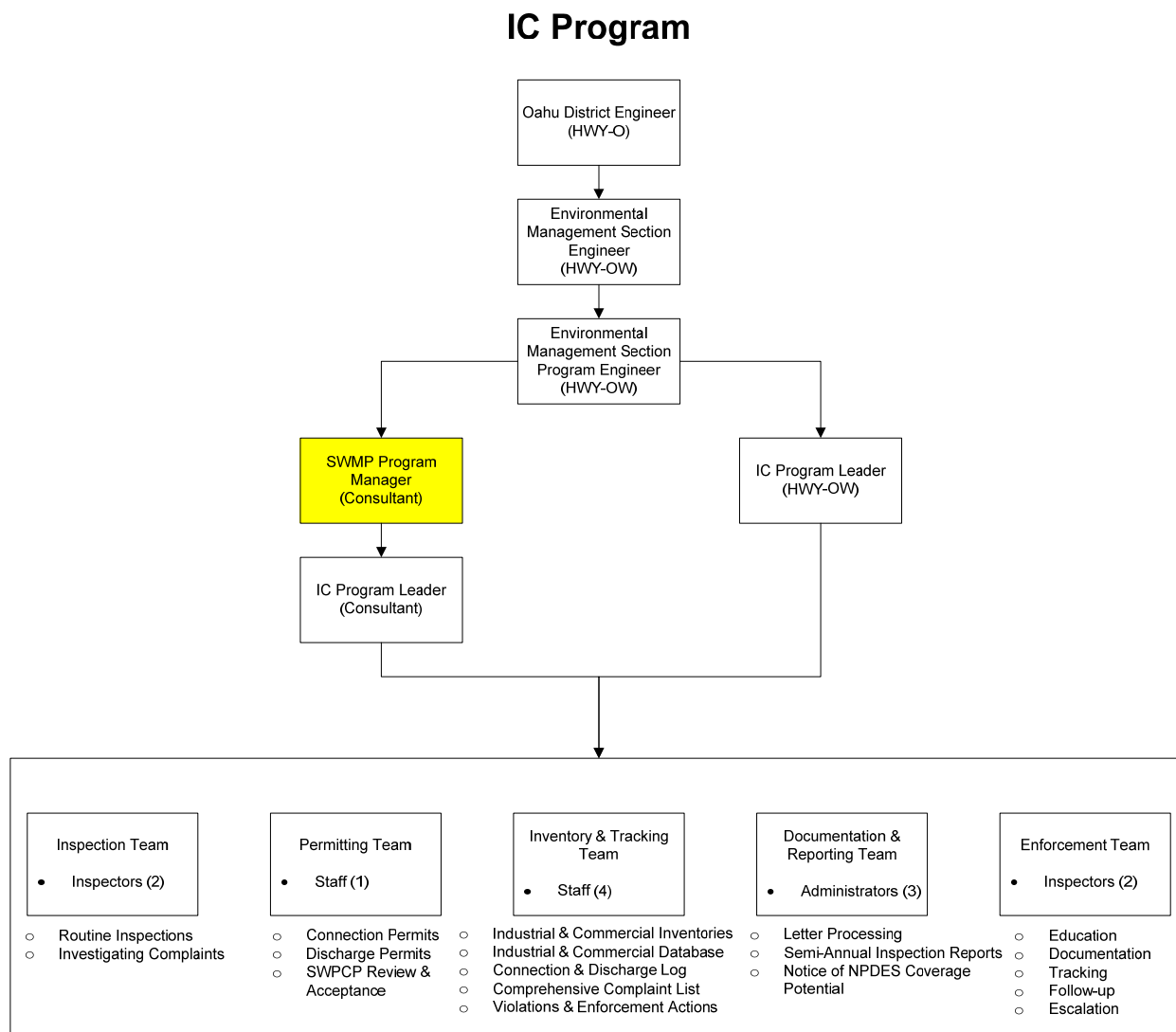


Figure 10-7. IC Program Organizational Chart for Roles and Responsibilities Related to Training

10.7 SWPCP Review

Facilities that apply for Industrial NPDES Permit coverage with DOH are required to develop and implement SWPCPs as a stipulation of the permitting process. Part D.1.g.(6).(ii) of the MS4 Permit requires DOT-HWYS to review and accept industrial facilities' SWPCPs or other plans relating to pollution prevention. The Permitting Team reviews and accepts industrial facilities' SWPCPs when such facilities apply for a connection, and/or discharge permit with DOT-HWYS.

Facilities with Industrial NPDES Permit coverage may be required to keep a SWPCP, or other plans or documents relating to storm water pollution prevention, on-site. IC Program inspectors

review these SWPCPs or other pertinent documents if they are available during inspections. As required by Part D.1.g.(6).(i) of the MS4 Permit, IC inspectors also verify that the facility owner has received Industrial NPDES Permit coverage for the discharge of storm water associated with industrial activity or can provide proof of filing an NOI or Industrial NPDES application, if applicable (Section 10.3.1).

The Inspection Team and Permitting Team are involved in the SWPCP review and acceptance process, as shown in Figure 10-8.

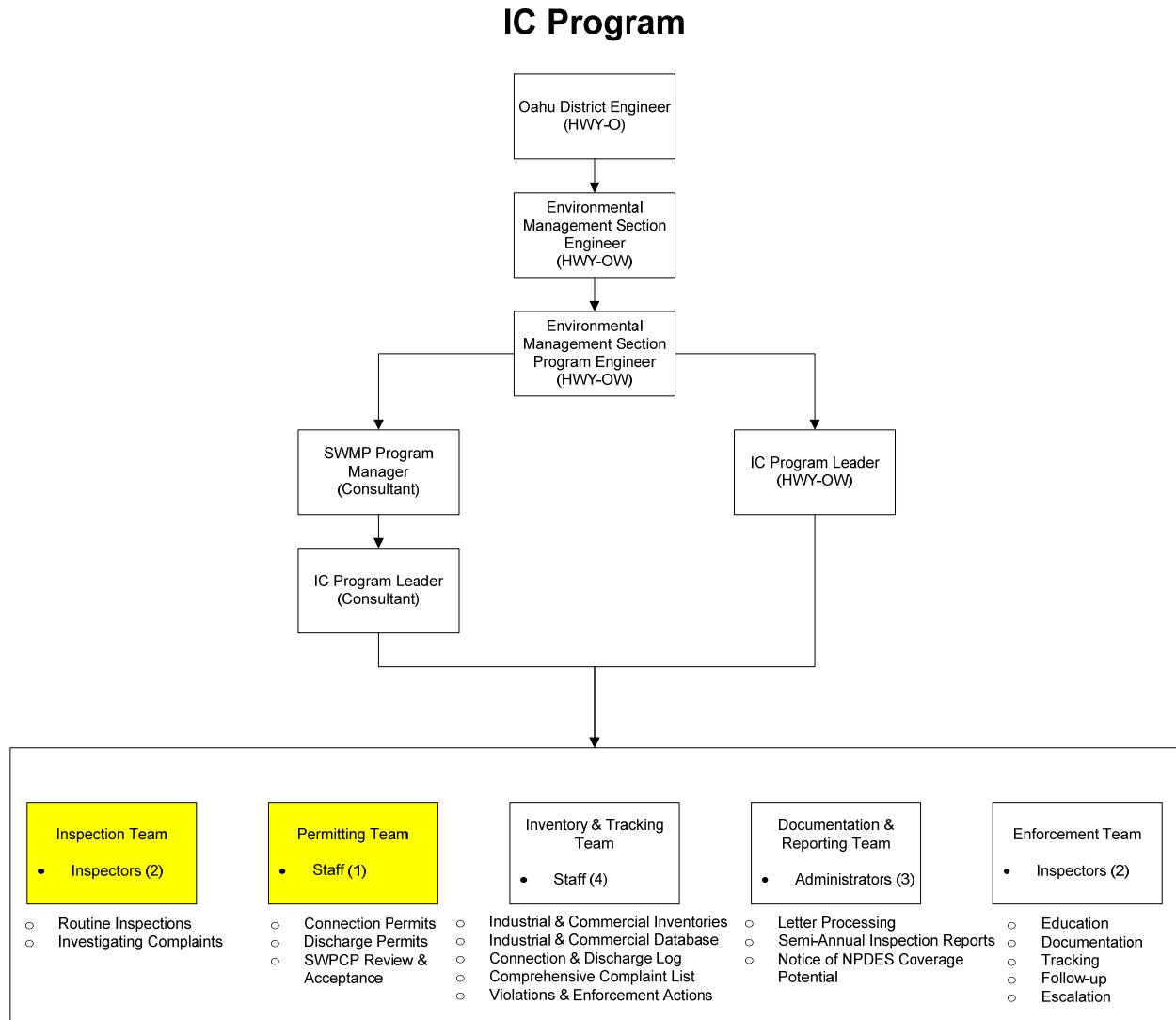


Figure 10-8. IC Program Organizational Chart for Roles and Responsibilities Related to SWPCP Review

10.8 Enforcement

DOT-HWYS has established an Enforcement Policy for the IC Program to reduce, to the MEP, the discharge of pollutants from all industrial and commercial facilities and activities which initially discharge into the MS4. The Enforcement Policy shall be executed through the DOT-HWYS MOU with DOH in accordance with HRS Chapter 342D-2 Administration, Chapter 342D-30 Civil Penalties, Chapter 342D-31 Administrative Penalties, and Chapter 342D-50(a)(d) Water Pollution Control; shall conform to HAR Chapter 11-55-40 for fines to settle verifiable violations of HRS Chapter 342D; shall utilize the connection and discharge permits issued by DOT-HWYS; and shall be in compliance with requirements of the MS4 Permit.

In summary, industrial and commercial facilities that are subject to compliance with the IC Program fall into one of the following categories:

1. NPDES facilities with physical connections;
2. NPDES facilities without physical connections;
3. Non-NPDES facilities with physical connections; and
4. Non-NPDES facilities without connection/discharge permits.

(Note: NPDES facilities are those subject to or holding an Industrial NPDES Permit issued by the DOH.) For each category, enforcement actions are triggered when a facility fails to comply with corrective actions necessary to address any storm water pollution control deficiency, and when an illicit discharge violation occurs. A “*deficiency*” is defined as any potential pollutant that could discharge into the MS4 during a rain event. A “*violation*” is defined as any non-allowable storm water discharge into DOT-HWYS’ right-of-way, the MS4, or State Waters.

The IC Program’s Inspection and Enforcement Teams are responsible for conducting site inspections, identifying deficiencies and violations, documenting site visit findings, and enforcing compliance with the MS4 Permit and Consent Decree.

10.8.1 Addressing Deficiencies

During the initial site inspection, inspectors provide verbal instruction to the owner to correct any deficiency while on-site. Deficiencies include observation of inadequate pollution control measures to prevent the potential illicit discharge of pollutants, an illegal physical connection, the need for a discharge permit, and/or a requirement for the facility to have an Industrial NPDES Permit. Within 30 days of identifying any uncorrected storm water pollution control deficiency, written documentation will be sent to the facility owner or representative and may include the following:

- Require the facility to apply for a connection permit;
- Require the facility to apply for a discharge permit;
- Require the facility to submit a written response that clearly identifies the BMPs or other pollution control measures they are implementing to correct deficiencies at their facility;
- Require the facility to implement appropriate BMPs;

- Terminate connection permit and/or discharge permit;
- Plug and/or sever facility's physical connection;
- Report facility's discharge permit termination to DOH for Industrial NPDES Permit noncompliance;
- Place facility on high risk list for future inspection to screen for violations; and
- 30 day timeline to correct deficiency.

Documentation includes copies of all field notes, correspondence, photographs, and sampling results if applicable.

10.8.2 Addressing Illicit Discharge Violations

Illicit discharges into the MS4 violate the MS4 Permit, HRS Chapter 342D, HAR Chapters 11-54 and 11-55, and the CWA (as amended, 33 USC 1251).

If an illicit discharge is identified, the inspectors or designated on-site authority issue a verbal order to immediately cease discharging and/or causing the discharge of pollutants into the MS4. Inspectors are instructed to notify H-3 Tunnel Dispatch (at 808-485-6200), who will contact a DOT-HWYS representative to initiate illicit discharge and spill response measures (Section 3.6).

The Enforcement Team will implement enforcement actions that may include the following:

- Require the facility to immediately cease and desist discharging and/or causing the discharge of pollutants into the MS4;
- Require the facility to clean portions of the MS4 affected by the illicit discharge within 24 hours of receipt of violation notice, and to provide documentation of corrective actions and evidence of the cleaned site within 20 days of receipt of violation notice;
- Require the facility to submit a written response that clearly identifies the BMPs or other pollution control measures they are implementing to correct deficiencies at their facility;
- Require the facility to develop a spill prevention and response plan which describes measures that will be taken to prevent any future illicit discharge of pollutants into the MS4;
- Require the facility to apply for a connection permit;
- Require the facility to apply for a discharge permit;
- Terminate connection permit and/or discharge permit; and
- Plug and/or sever property's physical connection.
- Follow-up inspection to verify cleanup and compliance with MS4 Permit requirements, as applicable.

For those facilities which DOT-HWYS has exhausted all available sanctions, and determined it cannot bring a facility or activity into compliance with their policies and the MS4 Permit, or otherwise deems the facility or activity an immediate and significant threat to water quality, DOT-HWYS will provide e-mail notification to cleanwaterbranch@doh.hawaii.gov, Attn: Enforcement Section Supervisor, within one week of such determination. E-mail notification will be followed by written notification and include a copy of all inspection checklists, notes, photographs, and related correspondence within two weeks of the determination, in accordance with Part D.1.g.(7) of the MS4 Permit.

The Inspection and Enforcement Teams, as depicted in Figure 10-9, are responsible for implementing the IC Program's enforcement policy.

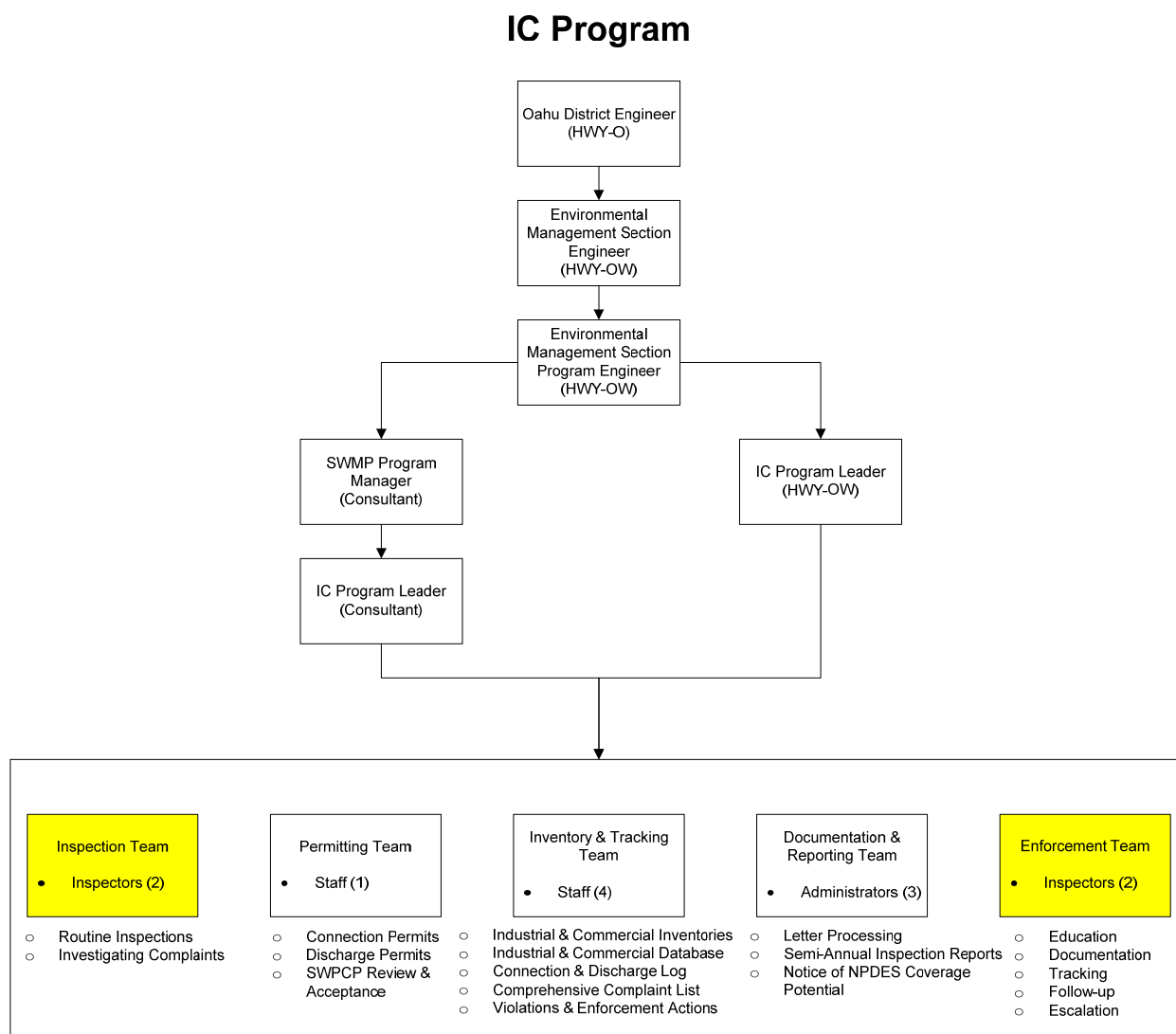


Figure 10-9. IC Program Organizational Chart for Roles and Responsibilities Related to Enforcement

10.9 Monitoring Program Effectiveness

Table 10-3 provides measurable standards/milestones for the BMPs discussed in this chapter and DOT-HWYS' strategy for monitoring the effectiveness of their implementation.

Table 10-3. Standards/Milestones for the IC Program

Section	BMP	Standard/Milestone	Monitoring Effectiveness
10.1	Connection and Discharge Permits	• Issue and track connection and discharge permits.	• Track permits issued using the Connection and Discharge Log.
10.2	Facility Inventory	• Submit the industrial and commercial inventories and maps within the 4th Annual Report.	• Milestone schedule for completion on 10/27/2017.
10.3	Inspections	• Inspect highly ranked commercial facilities and industrial facilities with NPDES coverage once every five years. Inspect industrial facilities without NPDES coverage twice every five years.	• Track inspections in the Industrial and Commercial Database.
10.4	Prioritized Area Plan	• Submit the modified Prioritized Area Plan with the Annual Report.	• Milestone completed on 10/27/2014.
10.5	Commercial Facility Ranking	• Rank commercial facilities according to the relative risk of a facility discharging contaminated runoff into the MS4.	• Milestone completed on 4/27/2015.
10.6	Training	• Provide annual training to IC Program staff.	• Maintain sign-in sheets of all training attendees
10.7	SWPCP Review	• Review SWPCPs for applicable industrial facilities.	• Use MS4 SIS to document on-site SWPCP review.
10.8	Enforcement	• Establish and implement enforcement policies within one year of the EDOP.	• Milestone completed on 10/27/2014.