

**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 (hereinafter referred to as "the MS4"); storm water runoff from the Keehi, Kakoi, Pearl City, Waianae, and Windward Bases; 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," (Version 15) that is available on the DOH, Clean Water Branch (CWB) website at: <http://health.hawaii.gov/cwb/site-map/home/standard-npdes-permit-conditions>.

All references to Title 40 of the Code of Federal Regulations (CFR) are to regulations that are in effect on July 1, 2019, 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 **September 1, 2020**.

This permit and the authorization to discharge will expire at midnight, **August 31, 2025**. The Permittee shall submit a renewal application at least one (1) year prior to the expiration date of this permit.

Signed this **11th** day of **August, 2020**.



(For) Director of Health

**FINAL PERMIT
AUGUST 11, 2020**

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ATTACHMENT: STANDARD NPDES PERMIT CONDITIONS (VERSION 15). 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 Storm Water Management Program (SWMP) until submittal of the revised DOT-HWYS SWMP to DOH; and future activities as identified in its last submitted Annual Report. The revised SWMP shall be implemented upon submittal to DOH.
- Part A.2. Comply with all requirements in this permit.
- 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. The following plans shall be available on DOT-HWYS website for a minimum of 30 calendar days for public review and comment:
- Revised SWMP
 - Total Maximum Daily Load (TMDL) and Implementation & Monitoring (I&M) Plans
 - Annual Monitoring Plan

DOT-HWYS shall notify DOH at least five (5) calendar days prior to the plan(s) being available on their website by email at: cleanwaterbranch@doh.hawaii.gov. DOT-HWYS shall address all comments received during the 30-calendar-day public review period and provide both comments and responses to DOH with its submittal of the plan in accordance with the deadline as specified in Part H. All plans shall be implemented upon submittal regardless of DOH's review and acceptance. If any deficiencies are found by DOH after submittal, the Permittee shall correct the deficiencies to DOH's satisfaction within 30 calendar days or such other time as agreed to in writing and resubmit the plan. In addition to the listed plans being available for public comment, the current/existing plans (i.e., the SWMP Plan, Enforcement Response Plan, Action Plan for Retrofitting Structural Best Management Practices [BMPs], Trash Reduction Plan, Action Plan to Address Erosion, TMDL and I&M Plans, Storm Water Pollution Control Plans, and Annual Monitoring Plan) shall also be available on DOT-HWYS website.

Part A.7. Unless otherwise stated in this permit, all other 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)" or other form approved by the DOH. This form is accessible through the e-Permitting Portal website at: <https://eha-cloud.doh.hawaii.gov/epermit/>. 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 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 without adequate BMPs. The source of the non-storm water discharges listed below shall not be reuse water or recycled process wastewater (i.e. construction dewatering effluent, hydrotesting water, etc.).

- Water line flushing;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration (defined in 40 CFR §35.2005[20]);
- Uncontaminated pumped ground water;
- Discharges from potable water sources and foundation drains;
- Air conditioning condensate;
- Sea water;
- Springs;
- Water from crawl space pumps (including discharge from buildings with basements, and crawl space pumps used by utility companies to dewater utility manholes and other maintenance and operations of substructure facilities) and footing drains;
- Lawn watering runoff, landscape irrigation, planter box runoff, and irrigation water, excluding runoff from commercial agriculture;
- 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 SWMP 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 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 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 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 HAR Chapter 11-54, titled "Water Quality Standards."

- Part C.3. During outfall screenings as required by this permit, if an illicit discharge is suspected, the Permittee shall also visually inspect the receiving state waters, effluent, and control measures and 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 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 I&M Plan.

Part D. STORM WATER MANAGEMENT PROGRAM (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 the 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.h. 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; consistent with the format of this permit; submitted to DOH in accordance with Parts A.6. and A.7. of this permit within 18 months after the effective date of this permit, or as otherwise specified; and fully implemented upon submittal. The Permittee shall implement the existing SWMP until submission of the revised SWMP. 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. The program should be designed to promote: 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 (e.g. project applicants, contractors, developers, property owners, and other responsible parties)
- DOT-HWYS permit applicants
- Industrial facilities covered by the NPDES permit program that initially discharge to the MS4 via surface runoff or permitted connection
- 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 MS4. Refer to Part D.1.g.(4).
- Government agencies that discharge to the MS4 via surface runoff or permitted connection.
- Any other source that the Permittee determines may contribute a significant pollutant load to the 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 (including 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, including providing a public review and comment period in accordance with Part A.6. of this permit. 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 illegal connections and illicit discharges into the 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 continue to implement its 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 the MS4. Prior to issuing a connection permit, including for projects in construction, 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 the 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 illicit discharges. The plan shall designate priority areas for screening, specify the frequency for screening, and identify the procedures to be followed if an illicit discharge is observed. At a minimum, outfalls in priority areas shall be screened once per permit term.

Part D.1.c.(3) *Tracking* – The Permittee shall maintain a database of illegal connections, illicit discharges, and spills that tracks the type of discharge, responsible party, DOT-HWYS response, follow-up activities, and resolution of the discharge to the MS4. The illicit discharge activities shall be identified by Tax Map Key (TMK), as applicable.

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 MS4 will be forwarded to the Permittee for their action. The Permittee shall:

- (i) 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
- (ii) Continue to implement, and update as necessary, a response plan for the investigation of illicit discharges to be consistent with the requirements of this permit.

Part D.1.c.(5) *Enforcement* – Pursue enforcement actions in accordance with established policies against property owners in non-compliance with its requirements, those with illegal drain connections, and persons without direct connections whom illicitly discharge pollutants to the MS4.

Part D.1.c.(6) *Prevent and Respond to Spills to the 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 the MS4 from any source (including private laterals and failing cesspools). Spill response teams, which may consist of local, state, and/or federal agencies, shall prevent entry of spills into the 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 the MS4. The Permittee shall implement its ongoing SWMP to 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.d. Construction Site Runoff Control

The 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, maintenance, and encroachment). The construction site management program shall include the following minimum elements:

Part D.1.d.(1) *Requirement to implement BMPs* – The Permittee shall require proposed construction projects to implement BMPs and standards in accordance with established policies and 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* –The Permittee shall continue to implement a system to track both private and public construction projects (i.e., contract, 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 the commencement of construction activity on construction projects (i.e., contract, maintenance, and encroachment), DOT-HWYS shall review the appropriate Storm Water Pollution Prevention Plan (SWPPP) and other pollution prevention measures (e.g. Erosion and Sediment Control Plan, Grading Plan, Post-construction BMPs and Landscaping Plans, Dewatering Plan, Hydrotesting Plan, and Water Pollution and Erosion Control Notes) or similar plan(s)/document(s) to verify that the appropriate BMPs included meets the following requirements:

- DOT-HWYS' Standard Specifications and Special Provisions;
- DOT-HWYS' Construction BMP Field Manual;
- DOT-HWYS' Storm Water Permanent Best Management Practices Field Manual;
- DOT-HWYS' Maintenance Activities Best Management Practices Field Manual;
- 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 MEP 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 the MS4, discharge of surface storm water runoff associated with construction (i.e., from both private and public projects), or other discharges (i.e., hydrotesting and dewatering effluent or other non-storm water, except those allowed under this permit) into the MS4 and maintain a database of the permits/approvals. Prior to issuing a drainage connection, discharge of surface runoff permit/approval, discharge permit, or Permit to Perform Work Upon State Highways, 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, if applicable;
 - 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 Plan, Grading Plan, Post-construction BMPs and Landscaping Plans, Dewatering Plan, and Hydrotesting Plan) relating to pollution prevention or similar document(s) have been reviewed and accepted by DOT-HWYS.
- (iii) Not allow construction to commence on any private or public construction project (i.e., contract, 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) The Permittee shall continue to implement, and update as needed, a 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 and discharge 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.

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-accepted erosion and sediment control plans, construction BMPs Plans, or other similar documents and DOT-HWYS approved permits. The Permittee shall also identify and remedy any site conditions having the potential for erosion and sediment runoff, including other pollutant discharges which may occur as a result of the project's construction activities.

- (ii) In addition to inspections required by the NPDES permit program, all contract 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. Upon three (3) successive monthly inspections that indicate, in total, no critical or major deficiencies, as defined in the SWMP, or less than six (6) minor deficiencies, as defined in the SWMP, 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 continue to 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 be described in the SWMP.

- (iii) All construction projects with a Permit to Perform Work Upon State Highways, connection permit, or discharge of surface runoff permit/approval 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.

- (iv) The Permittee shall continue to 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. Photos shall accompany the inspection checklist to document the deficiencies. The reporting procedures shall include, at a minimum, notification of any critical deficiencies to the DOH. Any revisions to the inspection form(s), inspection checklist, reporting and corrective procedures shall be noted in the Annual Report.

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

- (i) Implement policies for enforcement and penalties for those in non-compliance with Part D.1.d.(1) requiring the implementation of standards, and
- (ii) 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 requirements, other DOT-HWYS permits, and any other applicable requirements under the NPDES permit program.

Part D.1.d.(6) *Process to refer non-compliance 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 policies, standards, or this permit, or otherwise deems the site to pose 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 in accordance with Part A.7. and include a copy of all inspection checklists, notes, and related correspondence 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 in accordance with Part A.7. to DOH within two (2) weeks of the discovery.

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 or more and smaller projects that have the potential to discharge pollutants to the 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 and the types of permanent post-construction BMPs, including among other Low Impact Development (LID) techniques, must be included in a project design to address storm water impacts and pollutants of concern. For State waters on the State CWA Section 303(d) list or State established and EPA approved TMDLs, the pollutants of concern to be targeted shall include the parameters causing impairment. Consideration shall also be provided for trash reduction techniques as to comply with its short and long term plans as required in Section D.1.(f)(1)(v). The program shall include, at a minimum, the following elements:

Part D.1.e.(1) *Standards Revision* – The Permittee shall continue implementing its revision to its standards for addressing post-construction BMPs, including LID requirements. 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 ensure that the management practices are prioritized to favor infiltration, evapotranspiration, or harvesting/reuse of stormwater followed by other practices that treat and release stormwater. 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 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.

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 until the project design has been reviewed and accepted to ensure that appropriate post-construction BMPs, which include LID practices, 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 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 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 post-construction 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

All DOT-HWYS post-construction and LID BMPs shall be inspected at least once a year for proper operation; maintenance shall be performed as necessary to ensure proper operation.

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

The Permittee shall further develop and maintain 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 MS4. The program shall include:

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

- (i) *Asset Management System and Mapping* – The Permittee shall maintain its comprehensive Asset Management System and map of the MS4, including structural and vegetative BMPs, 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 to identify 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 Permanent BMPs on Oahu to identify 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 affect water quality. The schedule shall provide that each highway mile, storm drainage feature, and Permanent 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 Permanent 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 affect 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. If DOT-HWYS has installed placards on all of the prioritized MS4 structures and the total placards installed that year is less than 75, DOT-HWYS shall consider its annual commitment fulfilled. *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 the inspection, and if necessary, replacement of placards.
- (iv) *Action Plan for Retrofitting Structural BMPs* – The Permittee shall continue to update the Action Plan for Retrofitting Structural BMPs yearly to include additional retrofit projects with water quality protection measures. The annual updates to the implementation schedule shall be included in the Annual Report with a description of the project's 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* –The Permittee shall continue to implement its Trash Reduction Plan, dated October 2016, or any revisions to the Plan. The Trash Reduction Plan will be included in the SWMP and any revisions will be noted in the Annual Report.

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

- (i) *Implement appropriate requirements for pesticide (including herbicide) and fertilizer applications* – The Permittee shall implement BMPs to reduce the contribution of pollutants associated with the application, storage, and disposal of pesticides (including herbicides) and fertilizers from municipal areas and activities to the 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 (including herbicides) and fertilizers.

The Permittee shall ensure that their employees or contractors or employees of contractors applying registered pesticides (including herbicides) and fertilizers shall follow the pesticide label, and comply with any other State, City, or government regulations for pesticides and fertilizers.

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, gullyng, and/or other evidence of significant sediment transport, and areas close 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) As erosional areas within DOT-HWYS right-of-ways with the potential for significant water quality impact are identified, require the implementation of temporary erosion control measures (e.g., erosion control blankets and/or fabrics, gravel bag placement and silt fencing/fiber rolls) if a permanent solution is not immediately possible.
- (iii) Continue implementing its 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) Continue to update the Action Plan to Address Erosional Outfalls yearly to include additional outfalls with significant potential for water quality impacts. The annual updates to the implementation schedule shall be included in the Annual Report with a description of the project's status.
- (v) As erosional areas within DOT-HWYS right-of-ways with the potential for significant water quality impact are identified, add the project to the implementation schedule for permanent erosion control improvements as described in Part D.1.f.(3)(i) of this permit. The annual updates to the implementation schedule shall be included in the Annual Report with a description of the project's status.

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

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. The Field Manual shall be updated as necessary and include written procedures to minimize pollutant discharge for maintenance activities which have the potential to discharge pollutants to the MS4.

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 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) *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 facilities subject to an NPDES Permit and maintain a database of such permits/approvals. Such permit/approval shall obligate those industrial and commercial facilities to implement BMPs to prevent the discharge of pollutants to the MS4.

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 implement its Enforcement Policy for Industrial and Commercial Facilities and Activities and require implementation of BMPs to prevent future illicit discharges of pollutants.

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 the 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, risk ranking of discharging pollutants to the MS4, 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:

- 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 and initially discharge to the MS4
- And any other industrial facility that either the Permittee or DOH determines is contributing a substantial pollutant loading to the MS4.

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 TMK, and map of such facilities and activities discharging, directly or indirectly, to the 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), risk ranking of discharging pollutants to the MS4, 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 MS4 that may cause or contribute to an exceedance of State water quality standards.

Part D.1.g.(4) *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. Under that Plan, the Permittee designated priority areas for industrial and commercial facility and activity inspections, based on the relative risk that any discharge might be contaminated with pollutants.

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.

Part D.1.g.(5) *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.(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.

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. For 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, the Permittee shall provide e-mail notification to DOH at: cleanwaterbranch@doh.hawaii.gov within one (1) week of such determination. Commercial dischargers are to be ranked by relative risk of discharge of contaminated runoff to the MS4. The highly ranked commercial facilities shall be inspected at least once every five (5) years.

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-04-001), dated July 2004. 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 annual inspection report(s) to the DOH by October 31st for inspections done within the previous period.

Part D.1.g.(6) *Storm Water Pollution Prevention Plan (SWPPP) Review and Acceptance for Industrial Facilities* - The Permittee shall:

- (i) 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
- (ii) Review and accept a Site-Specific Storm Water Pollution Prevention Plan (SWPPP) or other plans relating to pollution prevention or similar document(s) when the facility applies for a connection and/or discharge permit with DOT-HWYS.

Part D.1.g.(7) *Enforcement Policy for Industrial and Commercial Facilities and Activities* – The Permittee shall continue to 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:

- 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 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.7. within two (2) weeks of the determination.

Part D.1.h. Employee Training

- Part D.1.h.(1) *Illicit Discharge Detection and Elimination* – The Permittee shall provide annual training to all DOT-HWYS staff responsible for illicit discharge detection and elimination inspections on identifying and eliminating illegal connections, illicit discharges, and spills to the MS4. This training shall be specific to DOT-HWYS activities, policies, rules, and procedures. [Part D.1.c.]
- Part D.1.h.(2) *Construction Site Runoff Control* – 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, construction and maintenance inspectors, and plan reviewers. This training shall be specific to DOT-HWYS activities (including the proper installation and maintenance of accepted BMPs), policies, rules and procedures. [Part D.1.d.]
- Part D.1.h.(3) *Post-Construction Storm Water Management in New Development and Redevelopment* – The Permittee shall provide annual training on inspecting *post-construction* BMPs and LID practices to all DOT-HWYS staff and those contractors under DOT-HWYS contract responsible for post-construction inspections. [Part D.1.e.]
- Part D.1.h.(4) *Chemical Applications BMPs Program Plan* – The Permittee shall update its 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 and pesticides including herbicides) in its proper application as it pertains to storm water pollution prevention. All Permittee employees or contractors applying fertilizers or pesticides shall receive training on the BMPs annually. The Permittee shall not permit the application of fertilizers or pesticides (including herbicides) unless the applier has first received this training. [Part D.1.f(2)]

- Part D.1.h.(5) *Maintenance Activities BMPs Program Plan* – The Permittee shall further develop and provide annual training to all DOT-HWYS staff responsible for conducting maintenance activities, 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.(4)]
- Part D.1.h.(6) *Industrial and Commercial Activities Discharge Management Program* – The Permittee shall provide training to all DOT-HWYS staff responsible for conducting industrial and commercial inspections on how to conduct industrial and commercial inspections, the types of facilities covered by the Industrial Storm Water general permit coverage or any other applicable NPDES permit, components in a SWPPP for industrial facilities, BMPs and source control measures for industrial and commercial facilities, and inspection and enforcement techniques. 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 MS4. This training shall be specific to DOT-HWYS activities, policies, rules, and procedures. Permittee inspectors shall receive annual training. [Part D.1.g.]
- 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 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 BASEYARD FACILITIES

Part E.1. DOT-HWYS Baseyard facilities: Keehi, Kakoi, Pearl City, Waianae, and Windward Baseyards shall continue to implement its latest SWPCP per facility.

Part E.2. An individual at each facility shall be charged with ensuring implementation of the SWPCP. The Permittee's designated representative shall be trained to implement the SWPCP, including but not limited to, conducting inspections, identifying deficiencies, and performing corrective actions. To ensure consistency and provide assistance and oversight, the Permittee shall identify an individual, also trained in the above independent of any specific baseyard, who shall conduct inspections of all five (5) baseyards semi-annually.

Part E.3. Industrial and commercial facilities seeking industrial storm water coverage shall submit applicable Notice of Intent (NOI) or individual NPDES permit application forms for coverage of industrial storm water discharges.

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 of the receiving waters based on the chemical, physical, and biological impacts resulting from storm water discharges and an evaluation of the long-term trends;
- Part F.1.a.(4) Characterize storm water discharges from the MS4;
- 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 objectives 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 Baseyard Activities

The Permittee shall continue to implement its latest SWPCP for each DOT-HWYS baseyards.

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

Part F.3.a. The Permittee shall continue to implement the TMDL I&M Plan for Ala Wai Canal and Waimanalo Stream watersheds. For Kaneohe Stream, Kawa Stream, Kapaa Stream, and Waikele Stream watersheds, the Permittee shall continue to implement the TMDL I&M Plans in accordance with the Schedules of Compliance in Part F.3.c. of this permit.

Part F.3.b. The Permittee shall implement the TMDL I&M Plans to document compliance with the following annual or seasonal WLA reductions consistent with the assumptions of the associated TMDL document effective in accordance with the Schedules of Compliance in Part F.3.c., as applicable.

Part F.3.b.(1) Ala Wai Canal WLA Reductions

Total Nitrogen (TN) Reduction = 87 kg/yr
Total Phosphorus (TP) Reduction = 31 kg/yr

From TMDL Table 8: TMDLs, Wasteload Allocation for Urban Land Use for Ala Wai Canal Watershed

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

DOT-HWYS owns 101 acres of right-of-way (ROW) and has 18 acres of permitted connections contributing to their MS4. Therefore DOT-HWYS' annual load reduction requirements are 2.13% (119 acres DOT-HWYS/5,573 total Urban land area) of the annual load reduction requirements for Urban lands within Ala Wai Canal.

Part F.3.b.(2) Kawa Stream WLA Reductions

From TMDL Table 11.1.: Load Reductions Required to Achieve Kawa Stream TMDLs

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

Part F.3.b.(3) Kapaa Stream WLA Reductions

Season	TSS (kg per season)	TN (kg per season)	TP (kg per season)
Wet Season Reduction	108.6	1.81	1.81
Dry Season Reduction	1.84	0	0

Wet Season # of events = 181 days (November 1 – April 30) * 10% = 18.1 days

Dry Season # of events = 184 days (May 1 – October 31) * 10% = 18.4 days

Part F.3.b.(4) Kaneohe Stream WLA Reductions

Season	TSS (kg per season)	TN (kg per season)	TP (kg per season)
Wet Season Reduction	0	13.21	5.79
Dry Season Reduction	0	0.74	0.74

Wet Season # of events = 181 days (November 1 – April 30) * 10% = 18.1 days

Dry Season # of events = 184 days (May 1 – October 31) * 10% = 18.4 days

Part F.3.b.(5) Waimanalo Stream WLA Reductions

Season	TSS (kg per season)	TN (kg per season)	TP (kg per season)
Wet Season Reduction	0	1.71	0.06
Dry Season Reduction	0	1.71	0.06

Wet Season = 181 days (November 1 – April 30)

Dry Season = 184 days (May 1 – October 31)

Part F.3.b.(6) Waialeale Stream WLA Reductions

Season	TSS (kg per season)	TN (kg per season)
Wet Season Reduction	92,013 ¹	72.4 ²
Dry Season Reduction	0	57.0 ³

¹ Wet Season = 181 days (November 1 – April 30) * 10% = 18.1 days

² Wet Season = 181 days (November 1 – April 30) * 50% = 90.5 days

³ Dry Season = 184 days (May 1 – October 31) * 50% = 92 days

Part F.3.c. TMDL Schedules of Compliance - The Permittee is required to provide proof of completion of each milestone and submittal of the deliverable by the date as indicated in the following tables. The Permittee shall comply with the WLA reductions consistent with the assumptions of the applicable TMDL document by the Final Compliance Date.

Part F.3.c.(1) Kawa Stream

Due No Later Than:	Milestone/Deliverable
October 28, 2020 (Final Compliance Date)	Finalize WLA Completion Report

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

Due No Later Than:	Milestone/Deliverable
October 28, 2020	PBMPs: Advertise / bid opening / award
October 28, 2021	PBMPs: Commence construction
October 28, 2022	PBMPs: Complete construction

Due No Later Than:	Milestone/Deliverable
October 28, 2023	PBMPs: Commence performance monitoring
October 28, 2024	PBMPs: Complete performance monitoring
October 28, 2025 (Final Compliance Date)	Finalize WLA Completion Report

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

Due No Later Than:	Milestone/Deliverable
October 28, 2020	PBMPs: Advertise / bid opening / award
October 28, 2021	PBMPs: Commence construction
October 28, 2022	PBMPs: 50% construction completion report
October 28, 2023	PBMPs: Complete construction
October 28, 2024	PBMPs: Commence performance monitoring
October 28, 2025	PBMPs: Complete performance monitoring
October 28, 2026 (Final Compliance Date)	Finalize WLA Completion Report

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

Due No Later Than:	Milestone/Deliverable
May 8, 2020	Finalize Implementation & Monitoring Plan Increase Street Sweeping Frequency
May 8, 2021	Erosion Control, PID 149: Complete Construction
May 8, 2022	Erosion Control, PID 21: Complete 100% PS&E
May 8, 2023	Erosion Control, PID 21: Advertise/Bid opening/Award
May 8, 2024	Erosion Control, PID 21: Commence Construction
May 8, 2025	Erosion Control, PID 21: Complete Construction
May 8, 2026	Street sweeping and erosion control performance monitoring
May 8, 2027 (Final Compliance Date)	Finalize WLA Completion Report

Part F.4. Other TMDLs

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 plans shall include, at a minimum, the following:

- Part F.4.a. Detailed information on the activities proposed to be implemented.
- Part F.4.b. 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 annual or seasonal WLA reductions consistent with the assumption of the associated TMDL document.
- Part F.4.c. A detailed and quantitative analysis which demonstrates that the proposed activities would ensure consistency with the annual or seasonal WLA reductions consistent with the assumption of the associated TMDL document.
- Part F.4.d. Information from pre- and post-monitoring activities to quantitatively demonstrate consistency with the annual or seasonal WLA reductions consistent with the assumption of the associated TMDL document.
- Part F.4.e. A monitoring plan which shall identify activities to demonstrate consistency with the annual or seasonal WLA reductions consistent with the assumption of the associated TMDL document.
- Part F.4.f. 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 (1) year.

Part F.5. Re-opener

In accordance with 40 CFR Parts 122 and 124, this permit may be modified (i.e., to include compliance schedules, permit conditions, etc.) to address additional or revised TMDLs as adopted by DOH 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

Part G.1.a. The Permittee shall submit the Annual Report by October 31st of each year in pdf format (minimum 300 dpi) in accordance with Part A.7. The Annual Report shall cover the past fiscal year. For the calendar year prior to the expiration date of the permit, the Annual Report and the e-Permitting CWB Individual NPDES Form, or other form approved by the DOH, shall be submitted to the DOH. The Annual Report shall include a description of the statuses of all items required in the permit. Submittal of the renewal application shall be at least one (1) year prior to the expiration date of this permit and include a \$1,000 filing fee.

Part G.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.

Part G.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 MS4, including, but not limited to, addition and removal of outfalls, drainage lines, and DOT-HWYS facilities.

Part G.1.d. *Program Effectiveness Reporting* – As part of the SWMP, the Permittee shall submit to DOH a written strategy for determining effectiveness of its SWMP. The strategy shall incorporate the results of water quality monitoring efforts (see Part G.2.) 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) in accordance with Part A.7. 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 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.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.

Part H. SUMMARY OF DEADLINES

Deadline	Description	Part	Submit to DOH
18 months after the Effective Date of Permit (EDOP)	Revised SWMP Plan.	D.1.	Yes
4 th Year Annual Report	Industrial facilities and activities inventory information.	D.1.g.(2)	Yes
4 th Year Annual Report	Commercial facilities and activities inventory information	D.1.g.(3)	Yes
October 31 st of each year	Industrial and Commercial Inspection Reports.	D.1.g.(5)	Yes
30 calendar days prior to the initiation date of the major modification	SWMP Modification Report	D.3.a.	Yes
June 1 st of each year	Annual Monitoring Plan	F.1.a.	Yes
Various	TMDL Compliance, refer to Schedules of Compliance	F.3.c.	Yes
October 31 st of each year	<p>Annual Report, to include but not limited to:</p> <ul style="list-style-type: none"> • Progress evaluation results of the public education program [Part D.1.a.(3)], • Description and reason for any revision to its Standards and copy of the revised Standards [Part D.1.d.(1)], • Updates to its inspection/maintenance schedule, including explanation of the changes [Part D.1.f.(1)(ii)], 	G.1.	Yes

Deadline	Description	Part	Submit to DOH
	<ul style="list-style-type: none"> • Updates to its implementation schedule for retrofitting structural BMPs [Part D.1.f.(1)(iv)], • Summary of its trash load reduction actions [Part D.1.f.(1)(v)], • Status report on implementation of erosion control measures at its storm drain system outlets [Part D.1.f.(3)(iv)], • Updated industrial inventory information (4th Annual Report) [Part D.1.g.(2)], • Updated commercial inventory information (4th Annual Report) [Part D.1.g.(3)], • Modified Prioritized Areas for Industrial and Commercial Facility and Activity Plan [Part D.1.g.(4)], • SWMP Modifications [Part D.3.a.], • System Modifications [Part D.3.b.], • Annual Report requirements [Part G.1.], and • Amendments to MOUs [Parts G.3.a. and G.3.b.]. 		
October 31st of each year	Annual Monitoring Report	G.2.	Yes

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