

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act (CWA), as amended, (33 U.S.C. Section 1251 et seq. CWA) and Hawaii Revised Statutes (HRS) Chapter 342D, and Hawaii Administrative Rules (HAR) Chapters 11-54 and 11-55,

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION (DOT-HWYS), OAHU DISTRICT**

(hereinafter 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 Permittee's Municipal Separate Storm Sewer System (hereinafter referred to as "the MS4"); storm water runoff from the Keehi, Kakoi, Pearl City, Waianae, and Windward maintenance baseyards; and additional storm sewer outfalls that may be identified from time to time by the Permittee,

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

in accordance with the general requirements, monitoring requirements and other conditions set forth herein, and in the Department of Health (DOH) "Standard NPDES Permit Conditions" (Version 17), that is available on the DOH, Clean Water Branch (CWB) website at:

<https://health.hawaii.gov/cwb/clean-water-branch-home-page/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, 2025, except as otherwise specified. Unless otherwise specified herein, all terms are defined as provided in the applicable regulations in Title 40 of the CFR.

Failure to comply with any condition or requirement in this permit is an enforceable violation and your NPDES permit may be terminated. Examples of enforceable violations include, but are not limited to: Unauthorized discharges where a pollutant was not disclosed in the NPDES application, but was detected by monitoring-only requirements in the permit or by other means determined by the DOH; failure to sample, analyze, or submit water quality results as required in the permit; and discharging pollutants in locations that were not authorized in the NPDES permit. If you violate HRS Chapter 342D, you may be subject to penalties of up to \$60,000 per violation, per day and up to two (2) years in jail.

Falsification of information, including providing information in the NPDES application that does not match what is actually occurring within the MS4, may result in criminal penalties for the Permittee and their authorized representative as provided in Section 309 of the CWA and HRS Section 342D-35.

This permit will become effective on **October 1, 2026**.

This permit, including the authorization to discharge, will expire at midnight, **September 30, 2031**. To renew this permit, the Permittee shall submit a renewal application at least 360 calendar days prior to the expiration date of this permit.

Signed this 28th day of August, 2026.



(For) Director of Health

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A. GENERAL REQUIREMENTS

The Permittee shall:

1. Comply with the Permittee's existing Storm Water Management Program (SWMP) Plan and future activities as identified in the last submitted Annual Report until submittal of the Permittee's revised SWMP Plan to the DOH. The revised SWMP Plan shall be implemented upon submittal to the DOH.
2. Comply with all requirements in this permit.
3. Retain a copy of this permit, the SWMP Plan with all subsequent revisions, and all other related materials, for a minimum of five (5) years at the Permittee-designated location as identified in the SWMP Plan.
4. Ensure that anyone working under this permit complies with the terms and conditions of this permit.
5. Include the permit number, **HI S000625**, 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."

6. The following plans shall be available on the Permittee's website for a minimum of 30 calendar days for public review and comment:
 - Revised SWMP Plan;
 - Total Maximum Daily Load (TMDL) and Implementation and Monitoring (I&M) Plans; and
 - Annual Monitoring Plan.

The Permittee shall notify the DOH at least five (5) calendar days prior to the plan(s) being available on the Permittee's website by email at: cleanwaterbranch@doh.hawaii.gov. The Permittee shall address all comments received during the 30-calendar-day public review period and provide both comments and responses to the 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 the DOH's review and acceptance. If any deficiencies are found by the DOH after submittal, the Permittee shall correct the deficiencies to the 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 the Permittee's website.

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 "Electronic Signature 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.
8. To renew this permit, the Permittee shall submit a renewal application at least 360 calendar days prior to the expiration date of this permit and include the "Electronic Signature CWB Individual NPDES Form" or other form approved by the DOH, the previous fiscal year Annual Report, a table of proposed permit revisions, and a \$1,000 filing fee.
9. Map all outfalls and identify the names of all receiving waters.

B. DISCHARGE LIMITATIONS

1. The Permittee shall effectively prohibit non-storm water discharges through its MS4 into State Waters and from its maintenance baseyards. This Permit does not cover discharges of industrial storm water from the Permittee's maintenance baseyards. NPDES permitted discharges and non-storm water discharges identified in Part B.2 of this permit are exempt from this prohibition.
2. The following non-storm water discharges may be discharged into the Permittee's MS4 provided that the discharges be identified below or 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.
 - Water line flushing;
 - Diverted stream flows;
 - Rising ground waters;
 - Uncontaminated ground water infiltration (defined in 40 CFR 35.2005(b)(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 that 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 Plan any local controls or conditions placed on the discharges and include a provision prohibiting any individual non-storm water discharge that is determined to be contributing pollutants to the MS4.

3. The discharge of pollutants to and 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 management program to reduce the discharge of pollutants to the MEP to and from the MS4 to State Waters. MEP is a dynamic performance standard, and it evolves as knowledge of urban runoff control measures increases.
4. The discharge must not contain observable deposits of floating solids, scum, sheen or other substances, an observable film, sheen or discoloration from oil and grease, or foam or substances that produce an observable change in color, odor, or cloudiness in the discharge.

C. INSPECTIONS AND CORRECTIVE ACTIONS

1. [Reserved]
2. [Reserved]
3. During outfall screenings as required by this permit, if an illicit discharge is suspected, the Permittee shall visually inspect the receiving State Waters, effluent, and control measures and BMPs. The Permittee shall look at the 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. If the discharge enters the Permittee's MS4 prior to the receiving State Water, then the Permittee may inspect their discharge where it enters the drainage system rather than at the receiving water. The Permittee is not required to inspect areas that, at the time of the inspection, are considered unsafe to inspection personnel, if the unsafe conditions have been documented.
4. The Permittee shall immediately take action to stop the illicit discharge.
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 Allocation (WLA) reductions consistent with the assumption of the associated TMDL document and continue to implement the TMDL I&M Plan and activities stated in the WLA Completion Reports to document compliance with the annual and seasonal WLA reductions. For future TMDLs adopted by the 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 specified in its I&M Plan.

D. STORM WATER MANAGEMENT PROGRAM (SWMP)

The Permittee shall:

1. Further develop and improve, implement, and enforce a SWMP Plan 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 CWA. The SWMP Plan 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 SWMP 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 SWMP 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 SWMP component.
 - Monitoring to determine the effectiveness of the controls and of the overall SWMP.

The Permittee shall update and modify the SWMP Plan per the requirements of this permit and consistent with the format of this permit and submit the SWMP Plan to the DOH in accordance with Parts A.6 through A.7 of this permit within 18 months after the effective date of this permit, or as otherwise specified. The Permittee shall implement the existing SWMP Plan until submission of the revised SWMP Plan and shall fully implement the revised SWMP Plan upon submittal. The SWMP Plan and any of its revisions, additions, or modifications are enforceable components of this permit.

a. Public Education and Outreach

The Permittee shall develop and implement a comprehensive public education and outreach program designed to promote changes in attitude, knowledge, and awareness; BMP implementation; pollutant load reduction; and changes in discharge and receiving water quality. The SWMP Plan shall include a written public education plan describing how the Permittee will reach all targeted audiences and implement the permit requirements. The Permittee may fulfill portions of this requirement by cooperating with the City and County of Honolulu's (City's) storm water public education program.

(1) *Targeted Groups* – The Permittee shall address the following targeted groups in the public education and outreach program with appropriate messages, and shall describe outreach activities and anticipated frequencies at which each activity will be conducted over the permit term within the public education and outreach program:

- Facility contacts for locations where illicit discharges occur;
- 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; and
- Any other source that the Permittee determines may contribute a significant pollutant load to the MS4.

(2) *General Public* – The Permittee shall include the following activities in the public education and outreach plan, along with the anticipated frequencies at which each activity will be conducted over the permit term:

- Public Service Announcements (PSAs);
- Adopt-A-Highway program;
- School programs;
- Electronic brochures;
- Participation in special events (e.g., Mauka to Makai) and exhibits;
- Website;
- Pesticides (including herbicides) and fertilizer use program;
- Water conservation activities;
- Procedures for proper disposal of grass clippings, leaves, and other green waste; and
- Procedures for proper disposal of household hazardous waste.

(3) *Evaluation Methods* – The Permittee shall evaluate the progress of the public education and outreach 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 times the electronic brochures available on the Permittee's website were accessed.
- 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.

b. Public Involvement/Participation

The Permittee shall include the public in developing, reviewing, and implementing the SWMP Plan and any revisions, including providing a public review and comment period in accordance with Part A.6 of this permit. The Permittee shall make the draft, final, or any updated SWMP Plan available to the public on the Permittee's website and shall ensure the posted version is made available at the Permittee's main office. The Permittee shall schedule and announce an informational meeting prior to finalizing or updating the SWMP Plan 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 Plan and specific SWMP-related projects, or organizing clean-up events to educate the public about impacts of storm water.

c. Illicit Discharge Detection and Elimination (IDDE) Program

The Permittee shall 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:

- (1) *Connection Permits for Private Drain Connections* – The Permittee shall continue to implement its requirements for issuing connection permits and require permittees to obtain a connection permit prior to allowing the drain connections and discharges. The Permittee shall maintain a database of all permitted connections to the MS4. Prior to issuing a connection permit, including for construction projects, the Permittee shall ensure the following conditions are met:

- The project has provided proof of filing a Notice of Intent (NOI) or NPDES application, if applicable; and
 - Control measures comply with requirements to minimize pollutant discharge into the MS4.
- (2) *Field Screening* – The Permittee shall implement its Outfall Field Screening Plan for screening major and minor outfalls 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.
- (3) *Tracking* – The Permittee shall maintain a database of illegal connections, illicit discharges, and spills that tracks the type of discharge, responsible party, the Permittee's 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.
- (4) *Investigation of Complaints* – The Permittee shall promptly investigate observed, suspected, or reported illicit discharges and pursue enforcement actions to the extent permitted by HRS Section 342D-50, as delegated by the Memorandum of Understanding (MOU) referenced in Parts D.1.c.(5) and G.3. Complaints received by the CWB pertaining to discharges into the Permittee's MS4 will be forwarded to the Permittee to take appropriate 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 clearly posting at least one (1) contact that the public can reach (including phone number and/or email address) on the Permittee's 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.
- (5) *Enforcement* – 40 CFR 122.26(d)(2)(i) states that the Permittee shall demonstrate adequate legal authority to control the contribution of pollutants to the MS4 from industrial activities; prohibit illicit discharges to the MS4; control spills, dumping, or disposal of materials other than storm water to the MS4; require compliance with conditions in ordinances, permits, contracts or orders; and carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and non-compliance with permit conditions.

In accordance with 40 CFR 122.26(d)(2)(i), the Department of Transportation, State of Hawaii, and Department of Health executed the "Memorandum of Understanding (MOU)" on July 8, 1999, to provide the Permittee with the legal authority to control the discharge of pollutants to its MS4. On September 12, 2024, the MOU was amended to state that the Director of Health delegates to the Director of Transportation the authority to enforce HRS Section 342D-50 against illicit discharges into the Permittee's MS4. Using the authority provided by the amended MOU, the Permittee shall pursue enforcement actions in accordance with established policies against property owners that illicitly discharge, those with illegal drain connections, and persons without direct connections who illicitly discharge pollutants to the MS4.

- (6) *Spill Response and Prevention* – The Permittee shall implement its ongoing SWMP Plan to prevent, respond to, contain, and clean up all wastewater and other spills that may enter 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 the DOH of all wastewater spills or overflows from private laterals and failing septic systems into the MS4. The Permittee shall implement its ongoing SWMP Plan to prevent, respond to, contain, and clean up wastewater from any such notification.

- (7) *Disposal of Used Oil and Toxic Materials* – The Permittee shall implement its ongoing SWMP Plan 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.
- (8) *IDDE Program Evaluation* – The Permittee shall report the number of outfall field screenings, illegal connections and illicit discharges, complaints and investigations, enforcement actions, and spills and response. The results shall be included in the Annual Report.

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) that result in land disturbance equal to or greater than one (1) acre and from construction activities disturbing less than one (1) acre if those construction activities are part of a larger common plan of development or sale that would disturb one (1) acre or more. The construction site management program shall include at a minimum the following elements:

(1) *Requirement to Implement BMPs* – The Permittee shall require proposed construction projects to implement BMPs and standards in accordance with established policies and as described in the following:

- Hawaii Standard Specifications for Road and Bridge Construction and/or Special Provisions;
- The Permittee's Construction BMP Field Manual;
- The Permittee's Storm Water Permanent Best Management Practices Field Manual; and
- The Permittee's Maintenance Activities Best Management Practices Field Manual.

The Permittee shall annually review and, as necessary, revise these standards to include descriptions of new, modified, or revised BMPs, including permanent BMPs and Low Impact Development (LID) practices. Any revisions shall be discussed within the Permittee's Annual Report and documentation shall be included within the Permittee's SWMP Plan. All documents shall be made available to Permittee staff, contractors, and consultants, as appropriate.

(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. The Permittee shall also track whether the project has applied for coverage under HAR Chapter 11-55, Appendix C, NPDES General Permit Authorizing 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).

(3) *Plan Review and Approval* – The Permittee shall:

- (i) Prior to commencement of construction activity on construction projects (i.e., contract, maintenance, and encroachment), review the appropriate Storm Water Pollution Prevention Plan (SWPPP)/Site-Specific BMP Plan (SSBMP Plan) 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 plans(s)/document(s) to verify that the BMPs to be implemented meet the following requirements:
 - Hawaii Standard Specifications for Road and Bridge Construction and/or Special Provisions;
 - The Permittee's Construction BMP Field Manual;
 - The Permittee's Storm Water Permanent Best Management Practices Field Manual;
 - The Permittee's 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.
- (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 permit, 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 an NOI Form F and/or G or NPDES application for the discharge, if applicable; and

- A SWPPP/SSBMP 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 the Permittee.
- (iii) Not allow construction to commence on any private or public construction project (i.e., contract, maintenance, and encroachment) unless and until the Permittee has verified that the project has received from the DOH a Notice of General Permit Coverage (NGPC) under HAR Chapter 11-55, Appendix C 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) Continue to implement, and update as needed, a checklist that reviewers shall use in evaluating the plans and BMPs or other similar document(s) that 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 permits, discharge permits, and Permits to Perform Work Upon State Highways; and to consultants and contractors for their use in developing the SWPPP/SSBMP Plans or other similar document(s) for Permittee-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 the Permittee. The Permittee shall implement a system to ensure all comments identified during the review process have been properly addressed.
- (4) *Inspections* – The Permittee shall:
- (i) Prior to 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 SWPPP/SSBMP Plan and/or other equivalent document(s), shall inspect the site to verify BMPs as required by the SWPPP/SSBMP 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 Permittee-accepted Erosion and Sediment Control Plans, Construction BMP Plans, or other similar documents, and Permittee-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 Plan, or less than six (6) minor deficiencies, as defined in the SWMP Plan, 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 (1) 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 inspection frequency shall immediately return to no less than monthly. This reduced inspection frequency 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 have been identified at an inspected project. The corrective action procedures shall be described in the SWMP Plan.
- (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 BMP Plan.

- (iv) The Permittee shall continue to implement standard inspection form(s) and reporting and corrective procedures for inspections, including use of an inspection checklist, or equivalent, and track inspection results in a database or equivalent system. The inspection checklist shall include, at a minimum, but not be limited to identification of any deficiencies and the date of the corrective actions taken. 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 procedures, or corrective actions shall be noted in the Annual Report.
- (5) *Enforcement* – Using the authority provided by the amended "Memorandum of Understanding (MOU) Between Department of Transportation, State of Hawaii, and Department of Health, State of Hawaii," to enforce HRS Chapter 342D-50 against illicit discharges into the MS4, 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.
- (6) *Process to Refer Non-Compliance and Non-Filers to the 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 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 the DOH within two (2) weeks of the discovery.

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, projects less than one (1) acre that are part of a larger common plan of development or sale resulting in a land disturbance of one (1) acre or more that discharge to the MS4, or are located within or drain to sensitive receiving waters. Sensitive receiving waters are those located within TMDL or 303(d)-listed watersheds, as defined in the most recent version of the *State of Hawaii Water Quality Monitoring and Assessment Report*. The Permittee's program must ensure that permanent controls are in place to prevent or minimize water quality impacts to the MEP. The Permittee shall review and update as necessary the criteria defining when permanent post-construction BMPs must be included in a project design to address storm water impacts and pollutants of concern, as well as the types of permanent post-construction BMPs that must be included in a project design to address storm water impacts and pollutants of concern, prioritizing LID practices. 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.

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 the short- and long-term plans required in Section D.1.f.(1)(v). The program shall include, at a minimum, the following elements:

- (1) *Standards Revision* – The Permittee shall continue implementing its revision to its standards for addressing post-construction BMPs, prioritizing LID requirements. The standards shall ensure that the management practices are prioritized to favor infiltration, evapotranspiration, or harvest/reuse of storm water followed by other practices that treat and release storm water. The standards shall be applicable to all construction projects disturbing at least one (1) acre or more, projects less than one (1) acre that are part of a larger common plan of development or sale resulting in a land disturbance of one (1) acre or more that discharge to the MS4, or are located within or drain to sensitive receiving waters. 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. The plan for the implementation of LID provisions in the Permittee's standards shall include, at a minimum, the following:

- Investigation into the development of quantitative criteria for a specific design storm to be managed by LID practices. Examples of design storm requirements include: 24-hour, 85 percent 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 percent 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.

(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, that prioritized 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 the Permittee based on specific documentation demonstrating that such post-construction BMPs are not feasible. The Permittee's procedures for plan review shall include a plan review checklist to ensure consistent review of submitted plans, determine and document compliance with post-construction performance standards, and document the rationale for granting waivers. Project documents for projects that will include installation of post-construction BMPs shall also include appropriate requirements for their continued maintenance.

(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), the database shall 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 control 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; and
- Frequency of maintenance.

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

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, maintenance baseyards, maintenance facilities, and the MS4. The program shall include:

(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 BMP, and map their location on 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 based on potential impacts to water quality.
- (ii) *Inspection/Maintenance Schedule* – The Permittee shall include in its SWMP Plan 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 and storm drainage feature is inspected at least once during the term of this permit. Permanent BMPs shall be inspected at least once per year. 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 the placards, as necessary, to meet the purpose defined in the SWMP Plan. A minimum of 75 new placards shall be installed per year. If the Permittee has installed placards on all the prioritized MS4 structures and the total placards installed that year is less than 75, the Permittee 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 I&M 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 shall be included in the SWMP Plan, and any revisions shall be noted in the Annual Report.

(2) Chemical Applications BMPs Program Plan

- (i) *Implement appropriate requirements for pesticides (including herbicides) 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 rights-of-way, 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 employees, contractors, or employees of contractors applying registered pesticides (including herbicides) and fertilizers follow the pesticide label and comply with any other State, City, or government regulations for pesticides and fertilizers.

(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 the Permittee's rights-of-way with the potential for significant water quality impacts 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 the usefulness of the features.
- (iv) Continue to update the Action Plan to Address Erosional Outfalls annually to include additional outfalls with significant potential for water quality impacts. The annual updates shall be included in the Annual Report with a description of the project's status.
- (v) As erosional areas within the Permittee's rights-of-way with the potential for significant water quality impact are identified, add the remediation projects to the implementation schedule for permanent erosion control improvements as described in Part D.1.f.(3)(i) of this permit. Updates to the implementation schedule shall be included in the Annual Report with a description of the project's status.

(4) Maintenance Activities BMPs Program Plan

- (i) *BMPs and Field Manual for Municipal Maintenance Activities* – The Permittee shall implement the BMPs as identified in its "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 discharges from maintenance activities which have the potential to discharge pollutants to the MS4. Any updates to the Maintenance Activities BMPs Program Plan or Field Manual shall be described in the Annual Report.

(5) Storm Water Pollution Control for Flood Control Projects

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

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:

- (1) *Approval for Drainage Connections and Storm Water Discharge* – The Permittee 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, the Permittee 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, the Permittee shall conduct wet weather inspections over the permit term to determine whether the subject facility discharges pollutants to the MS4. For those facilities the Permittee identifies as illicitly discharging pollutants to the MS4, the Permittee shall implement its Enforcement Policy for Industrial and Commercial Facilities and Activities and require implementation of BMPs to prevent future illicit discharges of pollutants.

- (2) *Inventory and Map of Industrial Facilities and Activities* – The Permittee shall update and submit 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 fourth Annual Report. Updates to the industrial inventory 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 through 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(s) or service(s), 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 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 Permittee's right-of-way and initially discharge to the MS4; and
- Any other industrial facility that either the Permittee or the DOH determines is contributing pollutants to the MS4.

(3) *Inventory and Map of Commercial Facilities and Activities* – The Permittee shall update and submit 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 fourth Annual Report. Updates to the commercial inventory 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; and
- Any other commercial facility that either the Permittee or the DOH determines is contributing pollutants to the MS4.

(4) *Prioritized Areas for Industrial and Commercial Facility and Activity Inspections* – The Permittee shall continue to implement the Prioritized Areas for Industrial and Commercial Facility and Activity Plan. Under that plan, the Permittee shall designate 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 Prioritized Areas for Industrial and Commercial Facility and Activity 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 Part D.1.g.(5). The revised Prioritized Areas for Industrial and Commercial Facility and Activity Plan shall be submitted with the Annual Report.

(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 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 CFR 122.26(b)(14)) that does not have NPDES permit coverage, the Permittee shall provide e-mail notification to the 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, based on the criteria defined in the SWMP Plan, 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-K-17-001), dated January 2017. 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 inspection report(s) to the DOH annually, by October 31st, for inspections conducted within the previous period.

- (6) *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 SWPPP or other plans relating to pollution prevention or similar document(s) when the facility applies for a connection and/or discharge permit with the Permittee.
- (7) *Enforcement Policy for Industrial and Commercial Facilities and Activities* – Using the authority provided by the amended "Memorandum of Understanding (MOU) Between Department of Transportation, State of Hawaii, and Department of Health, State of Hawaii," 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:

- 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 the inspection report, including all inspection checklists; field notes; correspondence; a description of the deficiency; 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. The e-mail notification shall include a copy of the inspection report, including all inspection checklists; field notes; correspondence; written documentation to the facility representative of the storm water deficiencies; timeline for correction of the deficiencies; re-inspection and enforcement actions taken, if any; and photographs.

h. Employee Training

- (1) *Illicit Discharge Detection and Elimination* – The Permittee shall provide annual training to all Permittee 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 Permittee activities, policies, rules, and procedures. (Part D.1.c)
- (2) *Construction Site Runoff Control* – The Permittee shall provide annual training on the Construction Site Management Program to all Permittee staff with construction storm water responsibilities, including construction engineers, construction and maintenance inspectors, and plan reviewers. This training shall be specific to Permittee activities (including the proper installation and maintenance of accepted BMPs), policies, rules, and procedures. (Part D.1.d)
- (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 Permittee staff and contractors responsible for post-construction inspections. (Part D.1.e)

- (4) *Chemical Applications BMPs Program Plan* – The Permittee shall update its Authorized Use List of the chemicals the Permittee uses and implement a specific training program for all potential applicers (bulk and hand-held) of the chemicals (e.g., fertilizers and pesticides including herbicides) in proper application as it pertains to storm water pollution prevention. All Permittee employees or contractors applying fertilizers or pesticides (including herbicides) shall receive training on the BMPs annually. The Permittee shall not permit the application of fertilizers or pesticides (including herbicides) unless the applicer has first received this training. (Part D.1.f.(2))
- (5) *Maintenance Activities BMPs Program Plan* – The Permittee shall further develop and provide annual training to all Permittee staff responsible for conducting maintenance activities, on proper municipal maintenance activities to prevent storm water pollution. The training shall cover the Maintenance Activities BMP 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 SWMP Plan, and the applicable BMPs Program(s). (Part D.1.f.(4))
- (6) *Industrial and Commercial Activities Discharge Management Program* – The Permittee shall provide training to all Permittee staff responsible for conducting industrial and commercial inspections on how to conduct industrial and commercial inspections, the types of facilities covered by the General Industrial Storm Water Permit 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 Permittee activities, policies, rules, and procedures. Permittee inspectors shall receive annual training. (Part D.1.g)
2. Revise the SWMP, as necessary, if the discharge exceeds any discharge limitation or water quality standard established in HAR Section 11-54-4. The revisions shall include BMPs and/or other measures to reduce the amount of pollutants found to be in exceedance from entering State Waters.

3. Properly address all modifications, concerns, requests, and/or comments to the satisfaction of the DOH and/or EPA.
 - a. *SWMP Plan Modifications* – The storm water pollution control activities described in the SWMP Plan may need to be modified, revised, or amended from time to time over the life of the permit to respond to changing conditions and to incorporate more effective approaches to pollution control. Minor changes may be proposed by the Permittee or requested by the 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 124. A written report shall be submitted to the Director of Health 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 Plan in its Annual Report for the year in which the modifications were made.
 - b. System Modifications include any planned physical alterations or additions to the 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 the Annual Report.

E. DOT-HWYS MAINTENANCE BASEYARD FACILITIES

1. The Permittee shall continue to implement the latest SWPCPs for the Keehi, Kakoi, Pearl City, Waianae, and Windward maintenance baseyards.
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 maintenance baseyard, who shall conduct inspections of all five (5) maintenance baseyards semi-annually.
3. Industrial and commercial facilities seeking industrial storm water coverage shall submit applicable NOIs or individual NPDES permit application forms for coverage of industrial storm water discharges.

F. MONITORING REQUIREMENTS

1. Annual Monitoring Plan

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

The Permittee's monitoring program shall be designed and implemented to meet the following objectives:

- (1) Assess compliance with this permit (including TMDL I&M Plans and consistency with WLAs);
 - (2) Measure the effectiveness of the Permittee's SWMP Plan;
 - (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;
 - (4) Characterize storm water discharges from the MS4;
 - (5) Identify sources of specific pollutants;
 - (6) Detect and eliminate illicit discharges and illegal connections to the MS4; and
 - (7) Assess watershed-scale water quality issues as a result of storm water discharges from the Permittee's MS4 to receiving waters to inform opportunities for further permanent post-construction practices (including LID) and limit the anthropogenic impacts to sensitive watersheds. The Permittee shall prioritize water quality monitoring within 303(d)-listed watersheds, as defined in the most recent version of the *State of Hawaii Water Quality Monitoring and Assessment Report*.
- b. The Annual Monitoring Plan shall, at a minimum, include the following items:
 - (1) Written narrative of the proposed Annual Monitoring Plan's objectives, including but not limited to the objectives identified in Part F.1.a, and description of activities to meet those objectives;
 - (2) For each activity, a description of how the results will be used to determine compliance with this permit;

- (3) Identification of management measures proven to be effective and/or ineffective at reducing pollutants and flow;
- (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.
- (5) Written documentation of the analytical methods to be used;
- (6) Written documentation of the Quality Assurance/Quality Control procedures to be used; and
- (7) Estimated budget to be implemented over the coming fiscal year.

2. Storm Water Associated with Maintenance Baseyard Activities

The Permittee shall continue to implement its latest SWPCP for each of the Permittee's maintenance baseyards as required in Part E.1.

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

- a. For Kawa Stream, at a minimum, the Permittee shall continue to implement the TMDL I&M Plan and activities stated in the Kawa Stream Watershed WLA Completion Report.

The Permittee shall continue to regularly sweep highways on the island of Oahu. The Permittee shall be responsible for removing any litter, debris, sediment, or other matter that accumulates within DOT-HWYS' rights-of-way (ROW), including the MS4. The Permittee shall continue to measure the debris collected to further refine or prioritize the street sweeping schedule.

The Permittee shall continue to inspect high priority inlets and their associated catch basins at least once every six (6) months. The Permittee shall continue to inspect low priority drains at least once per year and clean if necessary. The Permittee shall continue to measure the debris collected from the drainage structure, including the percentage of organic matter, trash, and sediment.

The Permittee shall implement its Action Plan for retrofitting permanent BMPs (PBMPs) in strategic locations and structures within its existing MS4 system. The Permittee shall maintain its Nutrient Separating Baffle Box (NSBB), curb inlet basket, and Water Polisher Plus installed in the Kawa Stream Watershed. The Permittee shall revise its Post-Construction Storm Water Management in New Development and Redevelopment Program to reduce the amount of new impervious surface needed in redevelopment and incorporate appropriate LID BMPs to better provide measurable water quality benefits. New development and significant redevelopment projects include, but are not limited to, new roadways and roadway and intersection improvements or modifications, such as widening. The Permittee shall update its current post-construction BMPs plan review checklist and formalize the plan review process to ensure appropriate exemptions are granted and a complete and formal review process is occurring.

The Permittee shall continue to identify erosional areas with the potential for significant water quality impacts for the purpose of implementing permanent erosional control improvements. The Permittee shall submit to the DOH a list of projects with an implementation schedule for permanent erosion control improvements. The Permittee shall implement temporary erosion control measures on erosional areas within DOT-HWYS' ROW. The Permittee shall provide to the DOH with an Action Plan to address erosion at DOT-HWYS' storm drain system outlets with significant potential for water quality impacts. The Permittee shall develop a maintenance plan for vegetated portions of the drainage system used for erosion and sediment control.

The Permittee shall continue to implement its Construction Site Runoff Control Program to review and approve site-specific BMP and storm water pollution prevention plans; ensure construction BMPs are properly installed for contract, in-house, maintenance, and encroachment permit projects; and provide annual training on elements of the Construction Program to DOT-HWYS' staff with construction storm water responsibilities.

The Permittee shall maintain a comprehensive database to track industrial and commercial facilities and activities whose storm water runoff initially discharges into the MS4, develop prioritized areas for inspection of industrial and commercial facilities and activities, rank the commercial and industrial facilities and activities according to the relative risk of discharge of contaminated runoff into the MS4, inspect all highly ranked commercial facilities at least once every five (5) years, inspect industrial facilities or activities without an NPDES permit at least twice every five (5) years, and

inspect industrial facilities with an NPDES permit at least once every five (5) years.

The Permittee shall support a training program to ensure those involved in this program will have the necessary knowledge and skills to conduct investigations.

The Permittee shall continue to evaluate potential partnerships with agencies and other stakeholders to more effectively promote storm water awareness and affect behavioral change within the Kawa Stream watershed.

- b. For Kapaa Stream, the Permittee shall continue to implement the TMDL I&M Plan and activities stated in the Kapaa Stream Watershed Waste Load Allocation Completion Report submitted on October 28, 2025.

The Permittee shall continue to regularly sweep highways on the island of Oahu. The Permittee shall be responsible for removing any litter, debris, sediment, or other matter that accumulates within DOT-HWYS' ROW, including the MS4. The Permittee shall continue to measure the debris collected to further refine or prioritize the street sweeping schedule.

The Permittee shall clear debris and other materials that accumulate in catch basins and drainage structures. The Permittee shall continue to inspect high priority inlets and their associated catch basins at least once every six months. The Permittee shall continue to inspect low priority drains at least once per year and clean if necessary. The Permittee shall continue to measure the debris collected from the drainage structure, including the percentage of organic matter, trash, and sediment.

The Permittee shall implement its Action Plan for retrofitting permanent BMPs (PBMPs) in strategic locations and structures within its existing MS4 system. The Permittee shall continue to implement its Post-Construction Storm Water Management in New Development and Redevelopment Program to address LID requirements, institute PBMP considerations throughout the life-cycles of both DOT-HWYS' and encroachment projects, implement an asset management system to track the frequency of inspections and maintenance of PBMPs, and support a training program and providing outreach material to ensure familiarity with PBMP criteria, methods, specifications, and permitting requirements.

The Permittee shall continue to identify and address erosional areas with the potential for significant water quality impact for the purpose of implementing permanent erosional control improvements. The Permittee shall submit to the DOH a list of projects with an implementation schedule

for permanent erosion control improvements. The Permittee shall implement temporary erosion control measures on erosional areas within DOT-HWYS' ROW if a permanent solution is not immediately possible. The Permittee shall provide to the DOH an Action Plan to address erosion at DOT-HWYS' storm drain system outlets with significant potential for water quality impacts. The Permittee shall develop a maintenance plan for vegetated portions of the drainage system used for erosion and sediment control.

The Permittee shall continue to implement its Construction Site Runoff Control Program to review and approve site-specific BMP and storm water pollution prevention plans; ensure construction BMPs are properly installed for contract, in-house, maintenance, and encroachment permit projects; and provide annual training on elements of the Construction Program to DOT-HWYS' staff with construction storm water responsibilities.

The Permittee shall maintain a comprehensive database to track industrial and commercial facilities and activities whose storm water runoff initially discharges into the MS4, develop prioritized areas for inspection of industrial and commercial facilities and activities, rank the commercial and industrial facilities and activities according to the relative risk of discharge of contaminated runoff into the MS4, inspect all highly ranked commercial facilities at least once every five years, inspect industrial facilities or activities without an NPDES permit at least twice every five years, and inspect industrial facilities with an NPDES permit at least once every five years. The Permittee shall support a training program to ensure those involved in this program will have the necessary knowledge and skills to conduct investigations.

The Permittee shall continue to implement their public education and outreach program (Public Education Program) to raise public awareness about the MS4 pollution issues and provide citizens with tools and ideas to help eliminate the causes of pollution.

- c. The Permittee shall continue to implement the TMDL I&M Plans and activities stated in the WLA Completion Reports for the Ala Wai Canal, Waimanalo Stream, Kawa Stream, and Kapaa Stream watersheds. For the Kaneohe Stream and the Waialeale Stream watersheds, the Permittee shall continue to implement the TMDL I&M Plans in accordance with the Schedules of Compliance in Part F.3.e of this permit.
- d. The Permittee shall implement the TMDL I&M Plans to document compliance with the following annual and seasonal WLA reductions consistent with the assumptions of the associated TMDL documents.

(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%

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

(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

(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

(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

(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)

(6) Waikele 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

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

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

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

- e. 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.

(1) Kawa Stream

Due No Later Than:	Milestone/Deliverable	Status
October 28, 2020 (Final Compliance Date)	Finalize WLA Completion Report	Completed on October 27, 2020 ¹

¹ Kawa Stream Watershed WLA Completion Report submitted on October 27, 2020. The Permittee shall comply with Part C.5 of this permit.

(2) Kapaa Stream

Due No Later Than:	Milestone/Deliverable	Status
October 28, 2020	PBMPs: Advertise/bid opening/award	Completed on October 27, 2020 ¹
October 28, 2021	PBMPs: Commence construction	Completed on October 27, 2021 ²
October 28, 2022	PBMPs: Complete construction	Completed on October 27, 2022 ³
October 28, 2023	PBMPs: Commence performance monitoring	Completed on October 27, 2023 ⁴
October 28, 2024	PBMPs: Complete performance monitoring	Completed on October 25, 2024 ⁵
October 28, 2025 (Final Compliance Date)	Finalize WLA Completion Report	Completed on October 25, 2025 ⁶

¹ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 27, 2020 (HWY-OW 2.20-0591).

² The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 27, 2021 (HWY-OW 2.21-0700).

³ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 27, 2022 (HWY-OW 2.22-0785).

⁴ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 27, 2023 (HWY-OW 2.23-0774).

⁵ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 25, 2024 (HWY-OW 2.24-0634).

⁶ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 25, 2025 (HWY-OW 2.25-0572).

(3) Kaneohe Stream

Due No Later Than:	Milestone/Deliverable	Status
October 28, 2020	PBMPs: Advertise/bid opening/award	Completed on October 27, 2020 ¹
October 28, 2021	PBMPs: Commence construction	Completed on October 27, 2021 ²
October 28, 2022	PBMPs: 50% construction completion report	Completed on October 27, 2022 ³
October 28, 2023	PBMPs: Complete construction	Completed on October 27, 2023 ⁴
October 28, 2024	PBMPs: Commence performance monitoring	Completed on October 25, 2024 ⁵
October 28, 2025	PBMPs: Complete performance monitoring	Completed on October 28, 2025 ⁶
October 28, 2026 (Final Compliance Date)	Finalize WLA Completion Report	Ongoing as of permit issuance

¹ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 27, 2020 (HWY-OW 2.20-0591).

² The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 27, 2021 (HWY-OW 2.21-0700).

³ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 27, 2022 (HWY-OW 2.22-0785).

⁴ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 27, 2023 (HWY-OW 2.23-0774).

⁵ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 25, 2024 (HWY-OW 2.24-0634).

⁶ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated October 28, 2025 (HWY-OW 2.25-0572).

(4) Waikele Stream

Due No Later Than:	Milestone/Deliverable	Status
May 8, 2020	Finalize Implementation & Monitoring Plan Increase Street Sweeping Frequency	Completed on May 8, 2020 ¹
May 8, 2021	Erosion Control, PID 149: Complete Construction	Completed on May 7, 2021 ²
May 8, 2022	Erosion Control, PID 21: Complete 100% PS&E	Completed on May 6, 2022 ³
May 8, 2023	Erosion Control, PID 21: Advertise/Bid opening/Award	Completed on May 8, 2023 ⁴
May 8, 2024	Erosion Control, PID 21: Commence Construction	Completed on May 8, 2024 ⁵
May 8, 2025	Erosion Control, PID 21: Complete Construction	Completed on May 8, 2025 ⁶
May 8, 2026	Street sweeping and erosion control performance monitoring	Ongoing as of permit issuance
May 8, 2027 (Final Compliance Date)	Finalize WLA Completion Report	Ongoing as of permit issuance

¹ Total Maximum Daily Load Implementation and Monitoring Plan for the Waikele Watershed Waste Load Allocations” submitted on May 8, 2020.

² The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated May 7, 2021 (HWY-OW 2.21-0199).

³ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated May 6, 2022 (HWY-OW 2.22-0319).

⁴ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated May 8, 2023 (HWY-OW 2.23-0188).

⁵ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated May 8, 2024 (HWY-OW 2.24-0289).

⁶ The Permittee provided notice of completion in the Schedule of Compliance Deliverables memo dated May 8, 2025 (HWY-OW 2.25-0234).

4. Other TMDLs

As additional TMDLs are adopted by the DOH and approved by the EPA that identify the Permittee as a source, the Permittee shall develop I&M Plans within one (1) year of the approval date. The plans shall include, at a minimum, the following:

- a. Detailed information on the activities proposed to be implemented.
- 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.
- c. A detailed and quantitative analysis that demonstrates that the proposed activities would ensure consistency with the annual or seasonal WLA reductions consistent with the assumption of the associated TMDL document.
- 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.
- e. A monitoring plan that shall identify activities to demonstrate consistency with the annual or seasonal WLA reductions consistent with the assumptions of the associated TMDL document.
- f. A compliance schedule with a final deadline to demonstrate consistency with the WLAs in 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 one (1) year, interim dates and milestones shall be included in the schedule with the time between interim dates not to exceed one (1) year.

5. Re-opener

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

G. REPORTING REQUIREMENTS

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

1. Annual Report

- a. The Permittee shall submit the Annual Report by October 31st of each year in accordance with Part A.7. The Annual Report shall cover the past fiscal year. The Annual Report shall be submitted to the DOH as an attachment to the permit's renewal application. The Annual Report shall include a description of the statuses of all items required in the permit.
- b. The Permittee shall revise its SWMP Plan 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 SWMP component in each Annual Report:
 - (1) *Requirements* – Describe what the Permittee was required to do (i.e., describe the status of compliance with the conditions of this permit and other commitments set forth in the SWMP Plan).
 - (2) *Past Year Activities* – Describe activities over the fiscal year in comparison to the permit requirements, including, where applicable, progress accomplished towards meeting specific measurable goals, standards, milestones, or other specific performance requirements. When requirements are not fully met, the Permittee shall include a detailed explanation as to why the commitments were not met for the reporting period. The Permittee shall also describe an assessment of the SWMP, including progress towards implementing each of the SWMP components.
 - (3) *Future Activities* – Describe planned activities, including, where applicable, specific activities to be undertaken during the next fiscal year towards accomplishing specific measurable goals, standards, milestones, or other specific performance requirements.
 - (4) *Resources* – Report on the status of the Permittee's resource base for implementing this permit during the applicable fiscal year 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.

- c. *Modifications* – In each Annual Report, the Permittee shall describe any modifications made to the SWMP Plan and implementation schedule during the past fiscal 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 Permittee facilities.
- d. *Program Effectiveness Reporting* – As part of the SWMP Plan, the Permittee shall submit to the DOH a written strategy for determining the 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 second Annual Report.

2. Annual Monitoring Report

- a. The Permittee shall submit the Annual Monitoring Report by October 31st of each year in accordance with Part A.7. The Annual Monitoring Report shall cover the past fiscal year. The Permittee may submit the Annual Monitoring Report as an appendix to the Annual Report.
- b. The Annual Monitoring Report shall include, at a minimum, the following items:
 - (1) Discussion of the activities/work implemented to meet each objective, outlined in Part F.1.a, including any additional objectives identified by the Permittee, and the results (e.g., assessment of watershed-scale water quality issues resulting from storm water discharges as required by Part F.1.a.(7)) and conclusions.
 - (2) Written narrative of the past fiscal year's monitoring activities, including those coordinated with other agencies, objectives of activities, results, and conclusions.
 - (3) Data gathered on levels of pollutants in non-storm water discharges to the MS4.

- (4) Using rainfall data collected by the Permittee and other agencies, a relation of rainfall events, measured pollutant loads, and discharge volumes from the watershed and other watersheds that the Director of Health or Permittee may identify from time to time.

3. Memorandum of Understanding (MOU)

- a. *Roles and Responsibilities of the Permittee* – 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.
- b. *Legal Authority of the Permittee* – The Permittee 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 the Permittee obtain the legal authority to control the discharge of pollutants to its storm sewer system. On September 12, 2024, the MOU was amended to state that the Director of Health delegates to the Director of Transportation the authority to enforce HRS Chapter 342D-50 against illicit discharges into the Permittee's MS4. Future amendments to the MOU shall be summarized in the Annual Report.

H. SUMMARY OF DEADLINES

The Permittee shall submit the following to the DOH as specified below.

Deadline	Description	Part
Notify DOH at least five calendar days prior to the plan(s) being available on the Permittee's website.	• Revised SWMP Plan • TMDL Implementation and Monitoring Plan • Annual Monitoring Plan	A.6
360 calendar days prior to the expiration date of this permit.	Renewal Permit Application	A.8
18 months after the Effective Date of Permit (EDOP)	Revised SWMP Plan.	D.1
Fourth Year Annual Report	Industrial facilities and activities inventory information.	D.1.g.(2)
Fourth Year Annual Report	Commercial facilities and activities inventory information.	D.1.g.(3)
October 31st of each year	Industrial and commercial facilities inspection reports.	D.1.g.(5)
30 calendar days prior to the initiation date of the major modification	SWMP Plan Modification Report.	D.3.a
June 1st of each year	Annual Monitoring Plan.	F.1.a
Various	TMDL Compliance, refer to Schedules of Compliance.	F.3.d
Within one year of the TMDL approval date	Additional I&M Plan	F.4

October 31st of each year	Annual Report, to include but not be limited to: • Progress evaluation results of the public education program (Part D.1.a.(3)); • Description and reason for any revision to the Permittee's standards and copy of the revised standards (Part D.1.d.(1)); • Updates to the Permittee's inspection/maintenance schedule, including explanation of the changes (Part D.1.f.(1)(ii)); • Updates to the Permittee's implementation schedule for retrofitting structural BMPs (Part D.1.f.(1)(iv)); • Summary of the Permittee's trash load reduction actions (Part D.1.f.(1)(v)); • Status report on implementation of erosion control measures at the Permittee's storm drain system outlets (Part D.1.f.(3)(iv)); • Updated industrial inventory information (Fourth Annual Report) (Part D.1.g.(2)); • Updated commercial inventory information (Fourth Annual Report) (Part D.1.g.(3)); • Modified Prioritized Areas for Industrial and Commercial Facility and Activity Plan (Part D.1.g.(4)); • SWMP Plan 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).	G.1
October 31st of each year	Annual Monitoring Report	G.2

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