

10 | Industrial and Commercial Activities Discharge Management Program



State of Hawaii, Department of Transportation
Highways Division, Oahu District
SWMPP, February 2022



An inspector discusses current activities at a commercial facility to evaluate for potential infractions.

The Industrial and Commercial Activities Discharge Management Program (Industrial and Commercial Program) is designed to reduce, to the MEP, the discharge of pollutants from all industrial and commercial facilities and activities adjacent to DOT-HWYS ROW that initially discharge into the DOT-HWYS MS4. The Industrial and Commercial Program is administered in conjunction with the IDDE Program, with which it shares common objectives, policies, and personnel.

The Industrial and Commercial Program includes the following control measures:

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

The Industrial and Commercial Program is administered in accordance with the MS4 NPDES Permit requirements referenced in Table 10-1.

Table 10-1. MS4 NPDES Permit Requirements for the Industrial and Commercial Program.

MS4 NPDES Permit Reference	SWMPP Section
<p>Part D.1.g – 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:</p>	
<p>Part D.1.g.(1) Approval for Drainage Connections and Storm Water Discharge – DOT-HWYS shall require a permit or written equivalent approval for drainage connections from industrial and commercial facilities and for storm water discharge into the MS4 from industrial facilities subject to an NPDES Permit and maintain a database of such permits/approvals. Such permit/approval shall obligate those industrial and commercial facilities to implement BMPs to prevent the discharge of pollutants to the MS4. For those other industrial and commercial facilities that may discharge storm water into the MS4 but do not have drainage connections and are not subject to an NPDES Permit, DOT-HWYS shall identify those facilities which pose a high risk of discharging pollutants to the MS4. For those industrial and commercial facilities identified as being high risk, DOT-HWYS shall conduct wet weather inspections over the permit term to determine whether the subject facility discharges pollutants to the MS4. For those facilities DOT-HWYS identifies as illicitly discharging pollutants to the MS4, DOT-HWYS shall implement its Enforcement Policy for Industrial and Commercial Facilities and Activities and require implementation of BMPs to prevent future illicit discharges of pollutants.</p>	Section 10.1
<p>Part D.1.g.(2) Inventory and Map of Industrial Facilities and Activities – The Permittee shall update and submit, in electronic portable document format (pdf - minimum 300 dpi), the industrial facilities and activities inventory (industrial inventory), sorted by TMK, and map of such facilities and activities discharging, directly or indirectly, to the MS4 within its 4th Annual Report. The industrial inventory update may be based on the following:</p> <ul style="list-style-type: none"> ● Findings from the Storm Water Questionnaire Survey of Parcels Adjacent to Highway Rights-of-Way (Questionnaire Survey); ● Available information about parcel owners from the City and the State; and/or ● Collection of new information obtained during field activities or through other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits). <p>The industrial inventory shall include the facility name, street address, TMK, nature of business or activity, Standard Industrial Classification (SIC) code(s) that best reflect the facility product or service, principal storm water contact, receiving State water, risk ranking of discharging pollutants to the MS4, and whether an NGPC under HAR Chapter 11-55, Appendix B, NPDES General Permit Authorizing the Discharge of Storm Water Associated with Industrial Activities (General Industrial</p>	Section 10.2

MS4 NPDES Permit Reference	SWMPP Section
<p>Storm Water permit) or any other applicable NPDES permit has been obtained, including a permit or file number and issuance date.</p> <p>At a minimum, the industrial inventory shall include facilities and activities such as:</p> <ul style="list-style-type: none"> ● Municipal Landfills (open and closed) ● Hazardous waste recovery, treatment, storage and disposal facilities ● Facilities subject to Section 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11023 ● Findings from follow-up investigations of the industrial facilities identified in the Questionnaire Survey ● Facilities subject to NPDES permit coverage which are adjacent to the DOT-HWYS right-of-way and initially discharge to the MS4 ● And any other industrial facility that either the Permittee or DOH determines is contributing a substantial pollutant loading to the MS4. 	
<p>Part D.1.g.(3) Inventory and Map of Commercial Facilities and Activities – The Permittee shall update and submit, in pdf format (minimum 300 dpi), the commercial facilities and activities inventory (commercial inventory), sorted by TMK, and map of such facilities and activities discharging, directly or indirectly, to the MS4 within its 4th Annual Report. The commercial inventory update may be based on the following:</p> <ul style="list-style-type: none"> ● Findings from the Questionnaire Survey; ● Available information about parcel owners from the City and the State; and/or ● Collection of new information obtained during field activities or through other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits). <p>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.</p> <p>At a minimum, the commercial inventory shall include facilities and activities such as:</p> <ul style="list-style-type: none"> ● Findings from investigations of the commercial facilities identified in the Questionnaire Survey ● Retail Gasoline Outlets ● Retail Automotive Services, including Repair Facilities ● Restaurants ● Any other commercial facility that either the Permittee or DOH determines is contributing pollutants to the MS4 that may cause or contribute to an exceedance of State water quality standards. 	<p>Section 10.2</p>

MS4 NPDES Permit Reference	SWMPP Section
<p>Part D.1.g.(4) Prioritized Areas for Industrial and Commercial Facility and Activity Inspections – The Permittee shall implement the Prioritized Areas for Industrial and Commercial Facility and Activity Plan. Under that Plan, the Permittee designated priority areas for industrial and commercial facility and activity inspections, based on the relative risk that any discharge might be contaminated with pollutants.</p> <p>On an annual basis, the Permittee shall modify the Plan based on updated information from its industrial and commercial inventory, findings from previous inspections, the number of industrial and commercial facilities in the area, the density of these facilities, previous storm water violations in the area, and water quality impairments in the area. The modified Plan shall set a schedule that ensures inspections will be completed in accordance with the schedule in Part D.1.g.(5). This Plan shall be submitted with the Permittee’s annual report.</p>	<p style="text-align: center;">Section 10.3</p>
<p>Part D.1.g.(5) Inspection of Industrial and Commercial Facilities and Activities – The industrial/commercial inspection program shall be implemented and updated as appropriate to reflect the outcomes of the investigations.</p> <p>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.</p> <p>At a minimum, the Permittee shall inspect each industrial facility that does not have NPDES permit coverage under the NPDES permit program at least twice every five (5) years, and each industrial facility that does have such NPDES permit coverage at least once every five (5) years. For any industrial facility discharging Industrial Storm Water (as defined by 40 C.F.R. Part 122.26(b)(14)) that does not have NPDES Permit coverage, the Permittee shall provide e-mail notification to DOH at: cleanwaterbranch@doh.hawaii.gov within one (1) week of such determination. Commercial dischargers are to be ranked according to relative risk of discharge of contaminated runoff to the MS4. The highly ranked commercial facilities shall be inspected at least once every five (5) years.</p> <p>All inspections shall be in accordance with the applicable portions (e.g., Chapter 11 – Storm Water) of the "NPDES Compliance Inspection Manual" (EPA 305-X-04-001), dated July 2004. The inspectors shall use an inspection checklist, or equivalent, and photographs to document site conditions and BMP conditions. Records of all inspections shall be maintained for a minimum of five (5) years, or as otherwise indicated.</p> <p>The Permittee shall submit annual inspection report(s) to the DOH by October 31st for inspections done within the previous period.</p>	<p style="text-align: center;">Section 10.4 Section 10.5</p>
<p>Part D.1.g.(6)(i) Storm Water Pollution Prevention Plan (SWPPP) Review and Acceptance for Industrial Facilities – The Permittee shall: Verify the facility owner has received NPDES permit coverage for the discharge of storm water associated with industrial activity or provided proof of filing an NOI, or NPDES application; and</p>	<p style="text-align: center;">Section 10.6</p>

MS4 NPDES Permit Reference	SWMPP Section
<p>Part D.1.g.(6)(ii) – Review and accept a Site-Specific Storm Water Pollution Prevention Plan (SWPPP) or other plans relating to pollution prevention or similar document(s) when the facility applies for a connection and/or discharge permit with DOT-HWYS.</p>	<p>Section 10.6</p>
<p>Part D.1.g.(7) Enforcement Policy for Industrial and Commercial Facilities and Activities – The Permittee shall continue to implement its own policies for enforcement and penalties for industrial and commercial facilities which have failed to comply. The policy shall be part of an overall escalating enforcement policy and must consist of the following:</p> <ul style="list-style-type: none"> ● Conducting inspections. ● Issuance of written documentation to a facility representative within 30 calendar days of storm water deficiencies identified during inspection. Documentation must include copies of all field notes, correspondence, photographs, and sampling results if applicable. ● A timeline for correction of the deficiencies. ● Provisions for re-inspection and pursuing enforcement actions, if necessary. <p>In the event the Permittee has exhausted all available sanctions and cannot bring a facility or activity into compliance with its policies and this permit, or otherwise deems the facility or activity an immediate and significant threat to water quality, the Permittee shall provide e-mail notification to cleanwaterbranch@doh.hawaii.gov, Attn: Enforcement Section Supervisor within one (1) week of such determination. E-mail notification shall be followed by written notification and include a copy of all inspection checklists, notes, photographs, and related correspondence in pdf format (300 minimum dpi) in accordance with Part A.7. within two (2) weeks of the determination.</p>	<p>Section 10.7</p>
<p>Part D.1.h.(6) Industrial and Commercial Activities Discharge Management Program – The Permittee shall provide training to all DOT-HWYS staff responsible for conducting industrial and commercial inspections on how to conduct industrial and commercial inspections, the types of facilities covered by the Industrial Storm Water general permit coverage or any other applicable NPDES permit, components in a SWPPP for industrial facilities, BMPs and source control measures for industrial and commercial facilities, and inspection and enforcement techniques. Inspectors shall be trained to identify deficiencies, assess potential impacts to receiving waters, evaluate the appropriateness and effectiveness of deployed BMPs, and require controls to minimize the discharge of pollutants to the MS4. This training shall be specific to DOT-HWYS activities, policies, rules, and procedures. Permittee inspectors shall receive annual training. [Part D.1.g.]</p>	<p>Section 10.8</p>

10.0 Program Organization

To fulfill the MS4 NPDES Permit requirements of the Industrial and Commercial Program, the following organizational structure has been established, as shown in Figure 10-1.

INDUSTRIAL AND COMMERCIAL PROGRAM

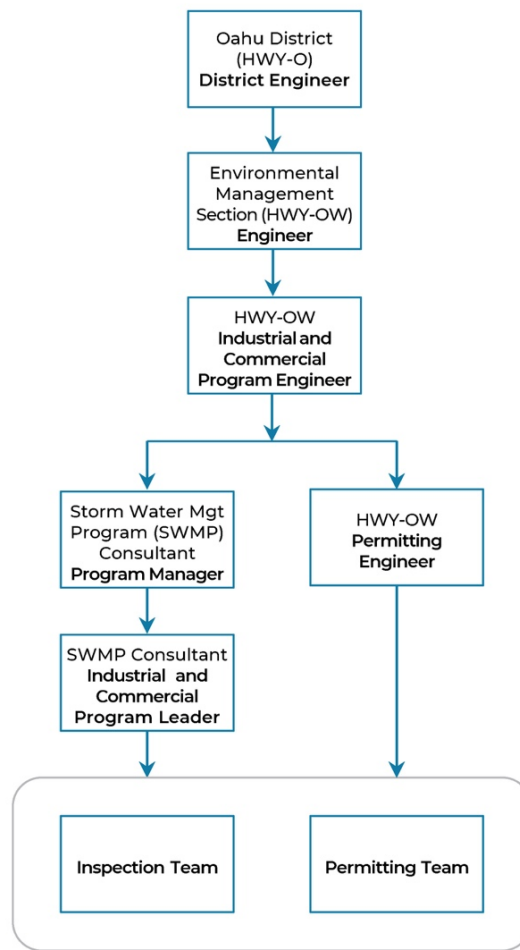


Figure 10-1. Industrial and Commercial Program Organizational Chart.

10.1 Connection and Discharge Permits | MS4 NPDES Permit Part D.1.g.(1)

DOT-HWYS requires a permit for drainage connections from industrial and commercial facilities and for storm water discharge into the MS4 from industrial facilities subject to an Industrial NPDES Permit. The review and approval of connection and discharge permits are documented in the AMS Maximo Permits Module.

10.1.1 Permitting New Connections

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

- The applicant has provided proof of filing a NOI or an Industrial NPDES Permit application with the DOH, as applicable.
- The applicant has control measures that comply with the requirements of DOT-HWYS to minimize pollutant discharge into the MS4.

A request for a connection permit is made by submitting two separate forms. The first form that must be completed is the *Application for a Private Storm Drain Connection and/or Discharge Permit to the State of Hawaii Highways Division Storm Drain System* (Appendix C.1). In this form, the applicant is instructed to submit information on the property's location, TMK, and bordering state route. The applicant must include a brief description of each connection, size, type of discharge, and flow rate, along with a facility drainage report. In addition, the applicant is required to indicate whether their facility or activities generate storm water associated with "industrial activity," as defined by 40 CFR Part 122.26(b)(14), and whether their facility requires NPDES Permit coverage.

The second form that must be completed and submitted to DOT-HWYS is the *Permit for Connection to the State Highways Drainage System* (Appendix C.2), which states that the applicant agrees to the terms and conditions of the connection permit.

10.1.2 Permitting Existing Connections

Existing connections to the MS4 are considered illegal if they have not been permitted by DOT-HWYS. When an illegal connection is identified, DOT-HWYS first determines if the connection is from an allowable source. If the connection is not from an allowable source or is conveying an illicit discharge, the case is treated as an illicit discharge violation and is subject to enforcement actions (Section 10.7.2) in accordance with the Enforcement Policy.

If the connection is from an allowable source and there is no evidence of an illicit discharge, the case is treated as a deficiency and the appropriate corrective action is for the facility to apply for a connection permit. Written documentation, which includes an



An inspector performs a dye test to verify the connectivity of the private drainage structure to the DOT-HWYS MS4.

inspection report, the connection permit forms described in Section 3.1.1, an Allowable Non-Storm Water Discharge Letter, and a Letter of Warning, is emailed to the property owner or facility representative within 30 calendar days of the inspection date. The property owner or facility representative has 30 days from the date of the Letter of Warning to submit the completed connection permit forms to DOT-HWYS. The illegal connection is considered resolved upon approval of the completed connection permit forms. If the property owner does not submit the completed connection permit forms within the allotted 30-day timeframe, DOT-HWYS pursues enforcement actions (Section 10.7.1) in accordance with the Enforcement Policy.

The existing MOU between DOT-HWYS and CCH (Appendix A.5) that establishes that interconnections between the DOT-HWYS MS4 and the CCH MS4 are not considered private drain connections, and therefore do not require private drain connection permits.

DOT-HWYS extends this determination to other facilities that have MS4 NPDES Permit coverage. Therefore, the requirement to apply for and obtain a connection permit does not apply to those facilities that have MS4 NPDES Permit coverage. The Industrial and Commercial Program, in conjunction with the IDDE Program, maintains a database of all permitted connections and discharges to the MS4 in the AMS Maximo Permit Module.

10.1.3 Permitting Discharge of Surface Runoff

DOH requires facilities applying for Industrial NPDES Permits to obtain a discharge permit from DOT-HWYS if their surface runoff initially discharges into DOT-HWYS MS4. A request for a discharge permit is made by submitting a completed *Application for a Private Storm Drain Connection and/or Discharge Permit to the State of Hawaii Highways Division Storm Drain System* and a *Permit to Discharge into the State Highways Drainage System* (Appendix D.7). The discharge permit authorizes the discharge of surface runoff into the MS4 from industrial facilities and obligates those facilities to implement BMPs to prevent the discharge of pollutants to the MEP. DOT-HWYS tracks discharge permits in the AMS Maximo Permit Module.

For those industrial and commercial facilities that initially discharge surface runoff into the MS4 but do not have drainage connections and are not subject to an Industrial NPDES Permit, DOT-HWYS identifies those facilities which pose a high risk of discharging pollutants to the MS4. The facility is identified as a High Risk Facility if the property owner or facility representative does not appropriately correct any storm water deficiencies identified during a routine inspection within 60 days from the date of the initial Letter of Warning. DOT-HWYS conducts an inspection of each High Risk Facility during a wet weather event at least once per permit term, to determine whether the subject facility discharges pollutants to the MS4.

If DOT-HWYS observes an illicit discharge from a High Risk Facility during a wet weather event, DOT-HWYS implements enforcement actions (Section 10.7.2), which requires BMP implementation and the development of a spill prevention and response plan to prevent future discharges of pollutants. If DOT-HWYS does not observe an illicit discharge from a High Risk Facility during a wet weather event, the facility is no longer deemed as high risk. High Risk Facilities are tracked in the AMS Maximo IC/IDDE Module.

The individual and teams highlighted in Figure 10-2 are responsible for implementing the control measures described in this section.

INDUSTRIAL AND COMMERCIAL PROGRAM

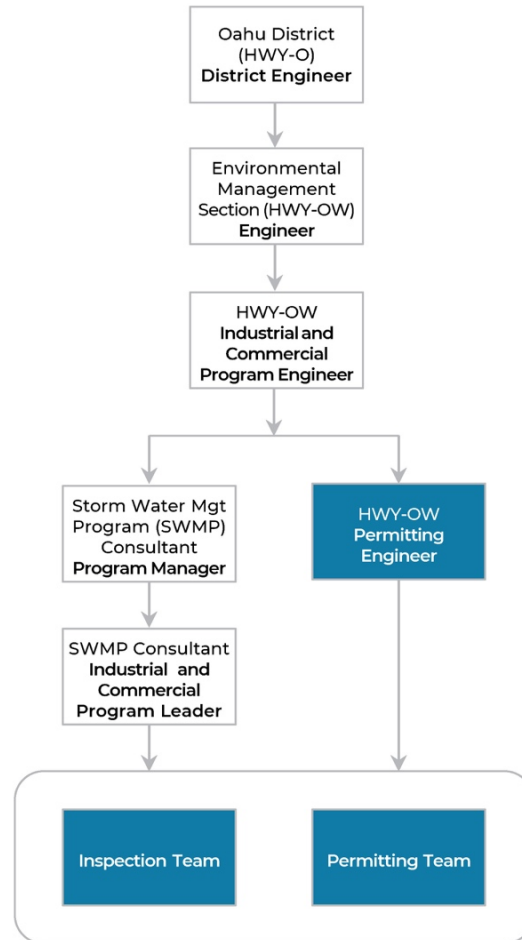


Figure 10-2. Industrial and Commercial Program Organizational Chart for Roles and Responsibilities Related to Connection and Discharge Permits.

10.2 Facility Inventory | MS4 NPDES Permit Parts D.1.g.(2) and D.1.g.(3)

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

10.2.1 Industrial and Commercial Database

The inventory of industrial and commercial facilities and activities is maintained in the Industrial and Commercial Database of the AMS Maximo IC/IDDE Module. The Industrial and Commercial Database is continually updated and is used to track the following information for industrial and commercial facilities:

- Facility name
- Street address
- TMK
- Nature of business or activity
- Facility Risk Ranking
- Standard Industrial Classification (SIC) code(s)
- Principal storm water contact
- Receiving state water

The Industrial and Commercial Database is also used to track whether an industrial facility has obtained an Industrial NPDES Permit or any other applicable NPDES Permit. If the facility has Industrial NPDES Permit coverage, a permit or file number and the issuance date are tracked in the Industrial and Commercial Database.

10.2.2 Inventory and Map Deliverables

DOT-HWYS will update and submit inventories, complete with maps, for industrial and commercial facilities and activities initially discharging into the MS4 within the *Annual Report 2023-2024* (4th Annual Report). The industrial facilities and activities inventory (industrial inventory) and the commercial facilities and activities inventory (commercial inventory) will include the information maintained in the Industrial and Commercial Database, as specified in Section 10.2.1. The industrial inventory will also include each facility's Industrial NPDES Permit coverage status, and as applicable, the permit and issuance date or file number.

The industrial inventory will be sorted by TMK and include, at a minimum, the following types of facilities and activities that initially discharge into the MS4:

- 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 Industrial NPDES Permit coverage that are adjacent to the DOT-HWYS ROW and discharge into the MS4
- Any other industrial facility that either DOT-HWYS or DOH determines is contributing a substantial pollutant loading to the MS4

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

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

With regards to facilities covered under the CCH MS4 NPDES Permit, a signed MOU between DOT-HWYS and the CCH, dated February 2002, defines the roles and responsibilities between the two agencies to control illicit discharges into the MS4. The objectives of the MOU are to:

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

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

The individual and team highlighted in Figure 10-3 are responsible for implementing the control measures described in this section.

INDUSTRIAL AND COMMERCIAL PROGRAM

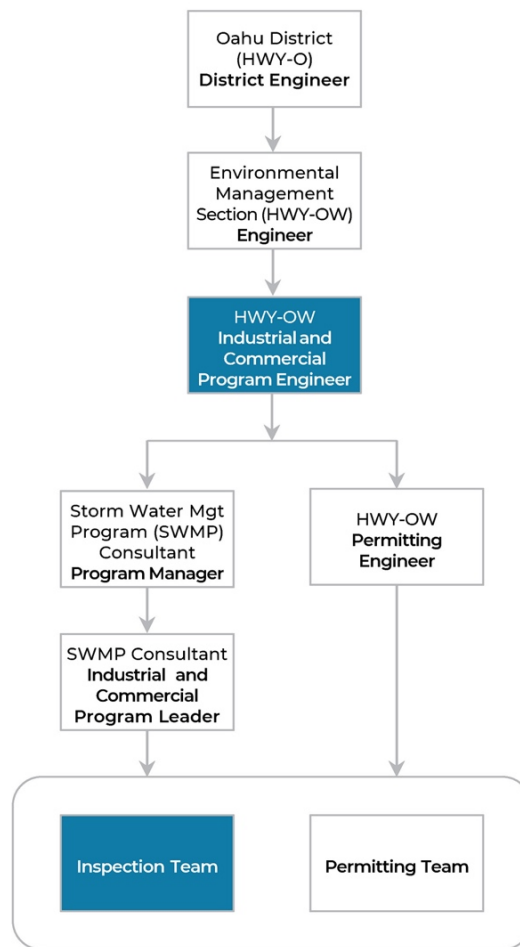
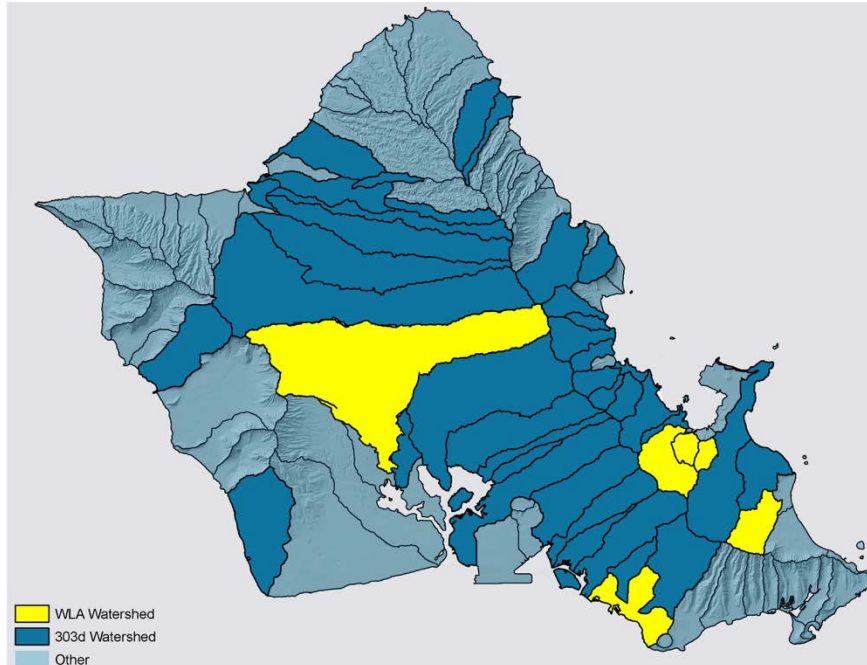


Figure 10-3. Industrial and Commercial Program Organizational Chart for Roles and Responsibilities Related to Facility Inventory.

10.3 Prioritized Area Plan | MS4 NPDES Permit Part D.1.g.(4)

The *Prioritized Area Plan for Industrial and Commercial Facility and Activity Inspections* (Appendix J.1) designates priority areas for industrial and commercial facility and activity inspections based on the relative risk that any discharge might be contaminated with pollutants. The plan was originally published as an appendix to the *2007 SWMPP*. It has been modified to include up-to-date information about inspection findings, previous



Priority areas for industrial and commercial facility inspections are defined by ranking watersheds based on a number of factors.

deficiencies and/or violations, industrial and commercial inventories, facility densities in priority areas, and water quality impairments (i.e., TMDLs, WLAs, and CWA Section 303(d) listed impaired water bodies).

Priority areas are defined by watershed. The WLA watersheds are assigned the highest priority. The CWA Section 303(d) listed impaired water bodies are assigned the second highest priority. All other watersheds are

assigned the lowest priority. Watersheds within each priority level are ranked based on the number of facilities within the priority area, the density of industrial and commercial facilities in the area (number of facilities/watershed acres), and the number of deficiencies and/or violations cited within the priority area.

The modified *Prioritized Area Plan for Industrial and Commercial Facility Activity and Inspections* includes an inspection schedule that establishes inspection frequencies for industrial and commercial facilities and activities, in accordance with the frequencies described in Section 10.4.2. The plan is annually updated and included as an appendix to the Annual Report.

The individuals highlighted in Figure 10-4 are responsible for implementing the control measures described in this section.

INDUSTRIAL AND COMMERCIAL PROGRAM

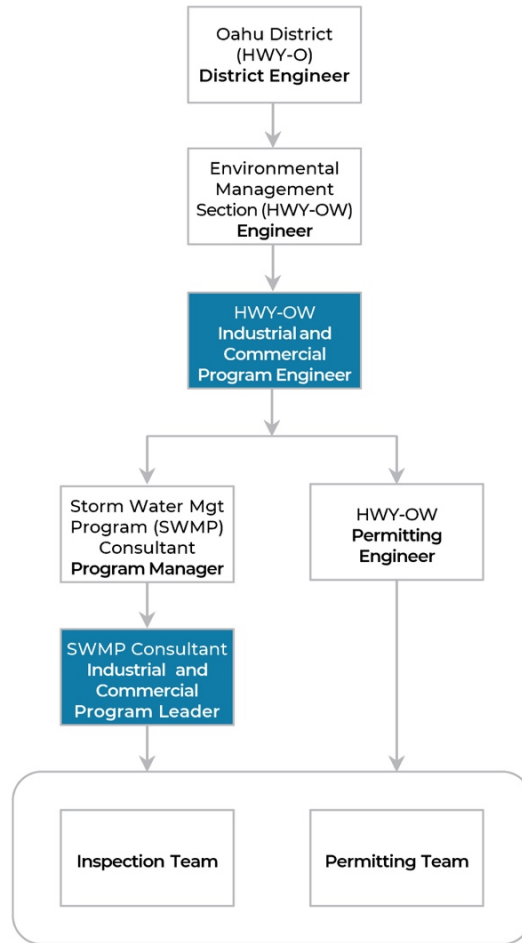


Figure 10-4. Industrial and Commercial Program Organizational Chart for Roles and Responsibilities Related to the Prioritized Area Plan.

10.4 Inspections | MS4 NPDES Permit Part D.1.g.(5)

DOT-HWYS implements an inspection program, ensuring that industrial and commercial facilities and activities are inspected and reinspected as often as necessary based on its findings to confirm that corrective action was taken and deficiencies were addressed.

10.4.1 Inspection Procedures

Industrial and Commercial Program inspectors assess the appropriateness and effectiveness of the BMPs implemented at a facility; identify illegal connections and illicit discharges into the MS4, potential sources of pollution, and deficiencies in BMP implementation; educate facility owners about storm water-related issues and proper source control measures; and require corrective actions when deficiencies are identified.

Industrial and Commercial Program inspectors use the Industrial and Commercial MS4 Site Investigation Sheet (SIS) (Appendix J.2) to document findings during inspections. Inspection results are documented in the AMS Maximo IC/IDDE Module. Additionally, inspection reports with accompanying photographs are maintained on the document management system (DMS). Records of inspections are maintained for a minimum of five years. DOT-HWYS submits annual inspection reports to DOH for industrial and commercial inspections conducted during the previous period by October 31st of each year. All inspections are conducted in accordance with the applicable portions of the *NPDES Compliance Inspection Manual* (EPA 305-X-04-001), published in July 2004.

Facilities discharging industrial storm water, as defined by 40 CFR Part 122.26(b)(14), may be required to obtain an Industrial NPDES Permit from DOH. The Industrial and Commercial Program inspectors verify Industrial NPDES Permit coverage on the DOH website, <https://wpc-viewer.doh.hawaii.gov/> or by submitting a request to DOH to access a government record. If the Industrial and Commercial Program inspectors identify a facility discharging industrial storm water that does not have Industrial NPDES Permit coverage or a Conditional No-Exposure Exclusion on file with DOH, DOT-HWYS provides email notification to DOH within one week of such determination. DOH determines whether or not the facility is required to obtain an Industrial NPDES Permit and administers the permitting process accordingly.

The industrial and commercial inspection program is organized into three workflow processes that begin with the pre-inspection desktop research tasks, through conducting the on-site inspection, to the post-inspection reporting and tracking activities (Figure 10-5).

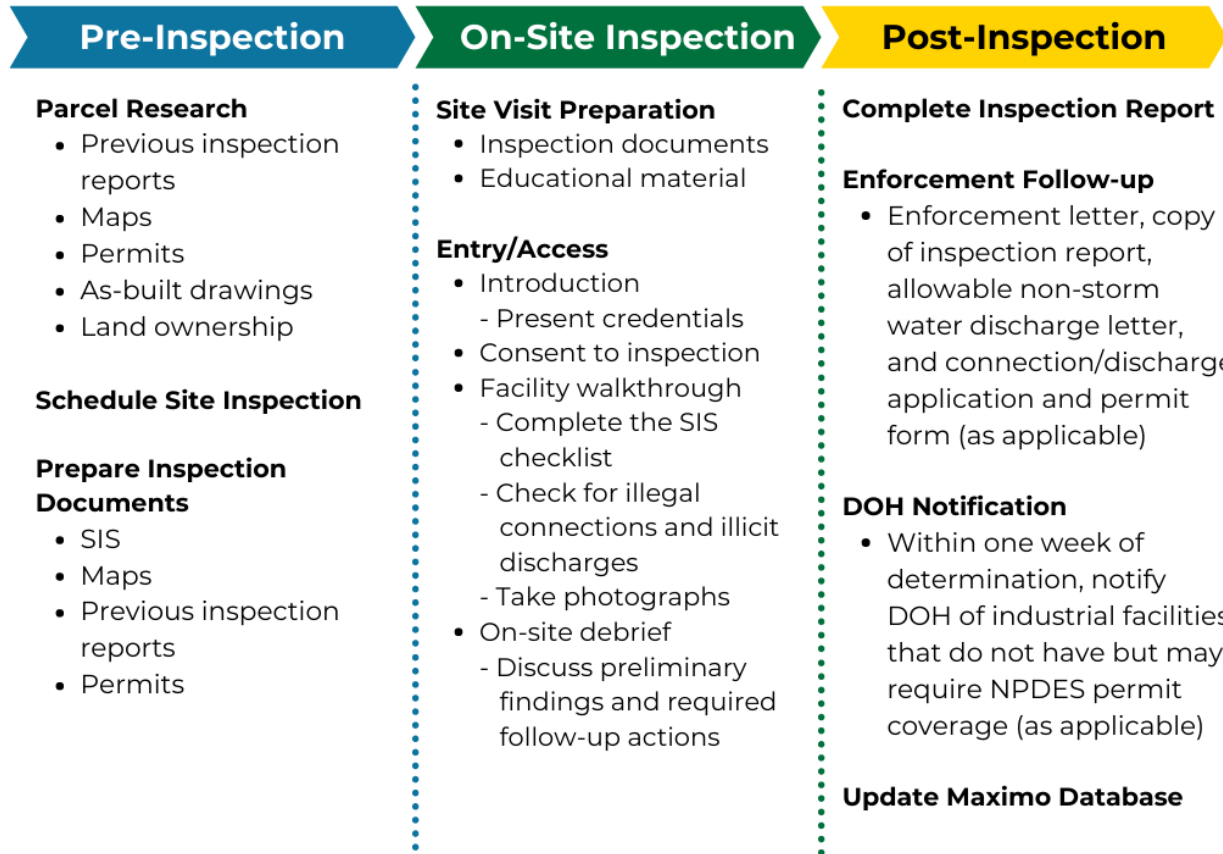


Figure 10-5. Industrial and Commercial Program Inspection Workflow.

10.4.2 Inspection Schedules

Priority areas for industrial and commercial facility and activity inspections are selected based on the relative risk that any discharge might be contaminated with pollutants. Specific priority areas and inspection schedules are designated in the *Prioritized Area Plan for Industrial and Commercial Facility and Activity Inspections*, as discussed in Section 10.3. At a minimum, industrial facilities that do not have Industrial NPDES Permit coverage are inspected at least twice every five years, while each industrial facility with Industrial NPDES Permit coverage are inspected at least once every five years. The ranking system used to designate high priority commercial facilities is described in Section 10.5. Highly ranked commercial facilities are inspected at least once every five years.

The industrial and commercial inspection program, including inspection schedules and area prioritization, is modified as necessary to account for inspection findings and updates to water quality impairments.

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

The individual and team highlighted in Figure 10-6 are responsible for implementing the control measures described in this section.

INDUSTRIAL AND COMMERCIAL PROGRAM

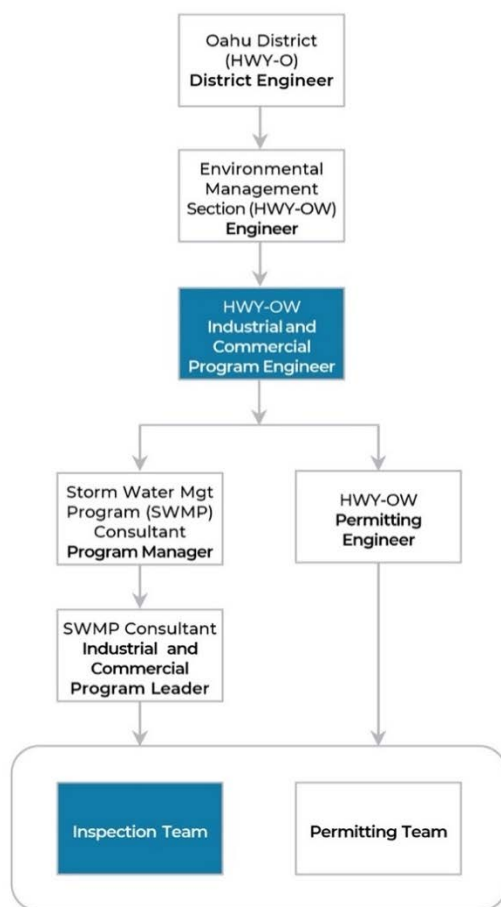


Figure 10-6. Industrial and Commercial Program Organizational Chart for Roles and Responsibilities Related to Inspections.

10.5 Commercial Facility Ranking | MS4 NPDES Permit Part D.1.g.(5)

DOT-HWYS has developed a system to rank commercial facilities that initially discharge into the MS4, according to the relative risk that a facility might discharge contaminated runoff into the MS4.

10.5.1 Facility Ranking Criteria

Commercial facilities are ranked using a point system, with each facility receiving a score from 1 to 10 points. Commercial facilities with a score of 3 points or higher are classified as high priority and are inspected at least once every five years.

Six variables are considered to determine a facility's score:

1. Nature of the business or activity
2. Physical connection to the MS4
3. Deficiency within the last ten years
4. IDDE case within the last ten years
5. Location within a WLA watershed
6. Inspection within the last ten years

Commercial facilities are evaluated and ranked with a point system.



The criteria for points assigned to each variable are described in Figure 10-7.

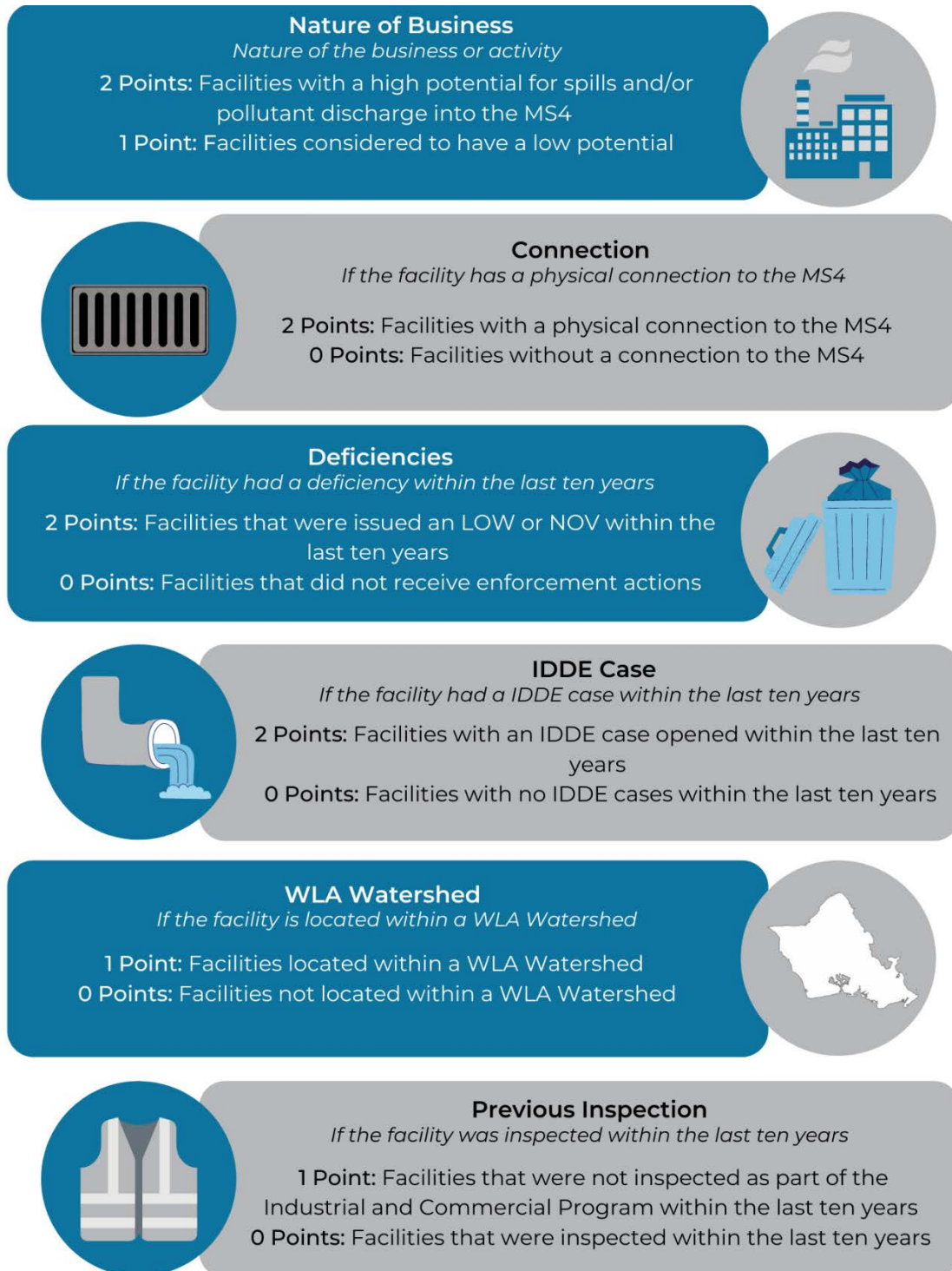


Figure 10-7. Six Variables to Consider in Determining a Facility's Score.

10.5.2 Facility Ranking Results

Commercial facility ranking is based on the aggregate points assigned in Section 10.5.1. Facility ranking results are documented in the Industrial and Commercial Database of the AMS Maximo IC/IDDE Module.

The individuals highlighted in Figure 10-8 are responsible for implementing the control measures described in this section.

INDUSTRIAL AND COMMERCIAL PROGRAM

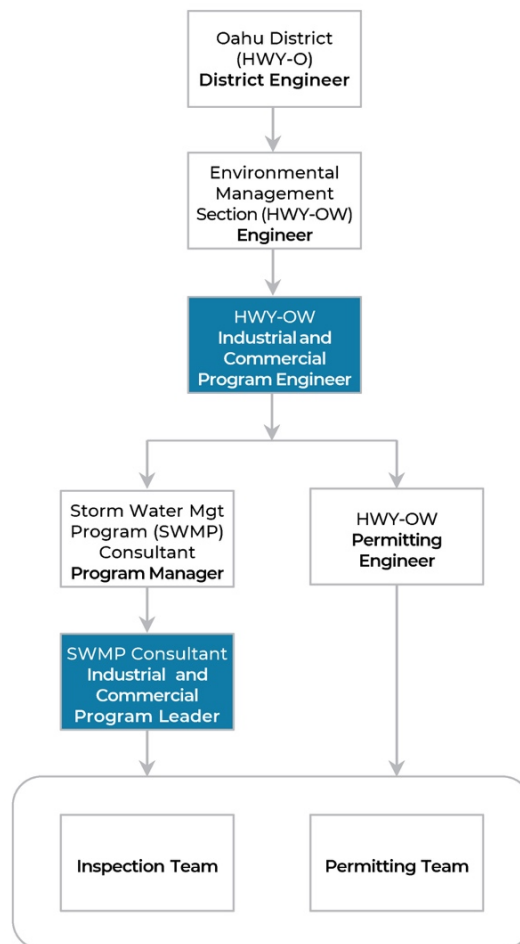


Figure 10-8. Industrial and Commercial Program Organizational Chart for Roles and Responsibilities Related to Commercial Facility Ranking.

10.6 SWPPP Review | MS4 NPDES Permit Part D.1.g.(6)

Facilities that apply for Industrial NPDES Permit coverage with DOH are required to develop and implement SWPPPs as a stipulation of the permitting process. DOT-HWYS reviews and accepts industrial facilities' SWPPPs or other plans relating to pollution prevention or similar documents when the facility applies for a connection and/or discharge permit with DOT-HWYS.

Facilities with Industrial NPDES Permit coverage may be required to keep on-site a SWPPP, or other plans or documents related to storm water pollution prevention. DOT-HWYS reviews these SWPPPs or other pertinent documents if they are available during inspection. DOT-HWYS also verifies that the facility owner has received Industrial NPDES Permit coverage for the discharge of storm water associated with industrial activity or can provide proof of filing an NOI or Industrial NPDES application, as applicable (Section 10.4.1).

Industrial and Commercial Program inspectors evaluate a facility in Honolulu, Hawaii.



The individual and teams highlighted in Figure 10-9 are responsible for implementing the control measures described in this section.

INDUSTRIAL AND COMMERCIAL PROGRAM

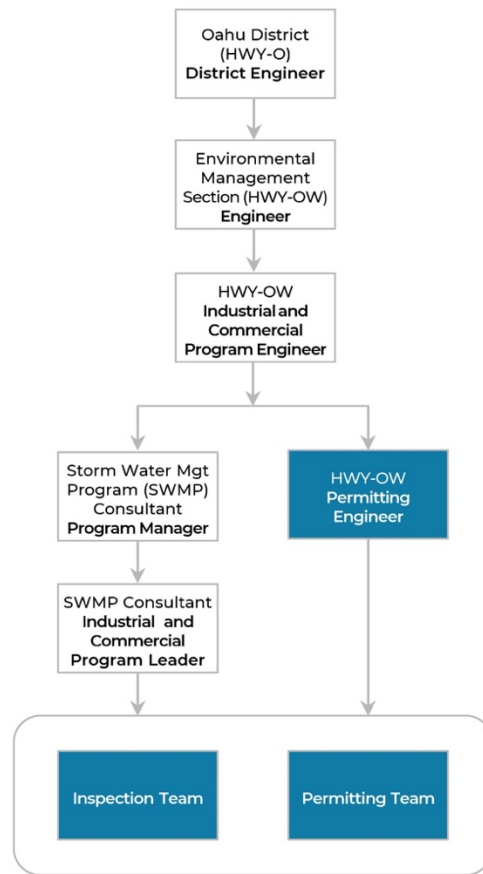


Figure 10-9. Industrial and Commercial Program Organizational Chart for Roles and Responsibilities Related to SWPPP Review.

10.7 Enforcement | MS4 NPDES Permit Part D.1.g.(7)

DOT-HWYS has established an Enforcement Policy for the Industrial and Commercial Program to reduce, to the MEP, the discharge of pollutants from all industrial and commercial facilities and activities which initially discharge into the MS4. The Enforcement Policy is executed through the MOU between DOT-HWYS and DOH (Appendix A.4) in accordance with HRS Chapter 342D-2 Administration, Chapter 342D-30 Civil Penalties, Chapter 342D-31 Administrative Penalties, and Chapter 342D-50(a)(d) Water Pollution Control; conforms to HAR Chapter 11-55-40 for fines to settle verifiable violations

of HRS Chapter 342D; utilizes the connection and discharge permits issued by DOT-HWYS; and is in compliance with requirements of the MS4 NPDES Permit.

During the permit term, DOT-HWYS will initiate amendments to the MOU between DOT-HWYS and DOH to reflect the collaborative efforts of both agencies to enforce against illicit discharges to the MS4.

In summary, industrial and commercial facilities subject to compliance with the Industrial and Commercial Program are categorized as follows:

- NPDES facilities with physical connections
- NPDES facilities without physical connections
- Non-NPDES facilities with physical connections
- Non-NPDES facilities without connection/discharge permits

(Note: NPDES facilities are those subject to or holding an Industrial NPDES Permit issued by the DOH.)

For each category, enforcement actions are triggered when a facility fails to comply with corrective actions necessary to address any storm water pollution control deficiency, and when an illicit discharge violation occurs. A “deficiency” is defined as any potential pollutant that could discharge into the MS4 during a rain event. A “violation” is defined as any non-allowable storm water discharge into the DOT-HWYS ROW, or the MS4.

10.7.1 Addressing Deficiencies

During the initial site inspection, DOT-HWYS provides verbal instruction to the owner to correct any deficiency while on-site. Deficiencies include observation of inadequate pollution control measures to prevent the potential illicit discharge of pollutants, an illegal physical connection, or the need for a discharge permit. Within 30 days of identifying any uncorrected deficiencies, written documentation is sent to the facility owner or representative. Written documentation includes an inspection report, an Allowable Non-Storm Water Discharge Letter, a Letter of Warning, and connection/discharge permit forms, as applicable. The Letter of Warning may require the facility to:

- Apply for a connection permit.
- Apply for a discharge permit.
- Implement appropriate BMPs.
- Submit a written response that clearly identifies the BMPs or other pollution control measures the facility owner or representative will implement to correct deficiencies at their facility.

The facility owner or representative has 30 days from the date marked on the Letter of Warning to submit a response. The deficiency is considered resolved upon acceptance of their response and/or approval of the completed connection/discharge permit forms, as applicable. If the facility owner or representative is non-responsive to the Letter of Warning, DOT-HWYS may terminate the facility's connection permit and/or discharge permit, plug and/or sever the facility's connection to the MS4, and/or designate the facility as a High Risk Facility for future inspection during a wet weather event to screen for an illicit discharge violation.

10.7.2 Addressing Illicit Discharge Violations

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

If an illicit discharge is identified, DOT-HWYS issues a verbal order to immediately cease discharging and/or causing the discharge of pollutants into the MS4. DOT-HWYS then contacts H-3 Tunnel Operations Center Dispatch (at 808-485-6200) who notifies the Emergency Coordinator to initiate the illicit discharge and spill response measures (Section 3.6).

Within 30 days of identifying any uncorrected illicit discharge violations, written documentation is sent to the facility owner or representative. Written documentation includes an inspection report, an Allowable Non-Storm Water Discharge Letter, and a Notice of Violation & Order. The Notice of Violation & Order may require the facility to:

- Immediately cease and desist discharging and/or causing the discharge of pollutants into the MS4.
- Clean portions of the MS4 affected by the illicit discharge within 24 hours of receiving the Notice of Violation & Order, and provide documentation of corrective actions and evidence of the cleaned site.
- Submit a written response that clearly identifies the BMPs or other pollution control measures they are implementing to prevent the discharge of pollutants into the MS4.
- Develop a spill prevention and response plan which describes measures that will be taken to prevent any future illicit discharge of pollutants into the MS4.
- Apply for a connection permit.
- Apply for a discharge permit.

The facility owner or representative has 20 days from the date marked on the Notice of Violation & Order to submit a response. The violation is considered resolved upon acceptance of their response and/or approval of the completed connection/discharge permit forms, as applicable. If the facility owner or representative is non-responsive to the Notice of Violation & Order, DOT-HWYS may terminate the facility's connection permit and/or discharge permit, plug and/or sever the facility's connection to the MS4, and/or report the facility to DOH for NPDES Permit non-compliance.

For those facilities which DOT-HWYS has exhausted all available sanctions, and determined it cannot bring a facility or activity into compliance with their policies and the MS4 NPDES Permit, or otherwise deems the facility or activity an immediate and significant threat to water quality, DOT-HWYS provides email notification to cleanwaterbranch@doh.hawaii.gov, Attn: Enforcement Section Supervisor, within one week of such determination. Email notification is followed by written notification and include a copy of all inspection checklists, notes, photographs, and related correspondence within two weeks of the determination.



A team of inspectors document a connection.

The individuals and team highlighted in Figure 10-10 are responsible for implementing the control measures described in this section.

INDUSTRIAL AND COMMERCIAL PROGRAM

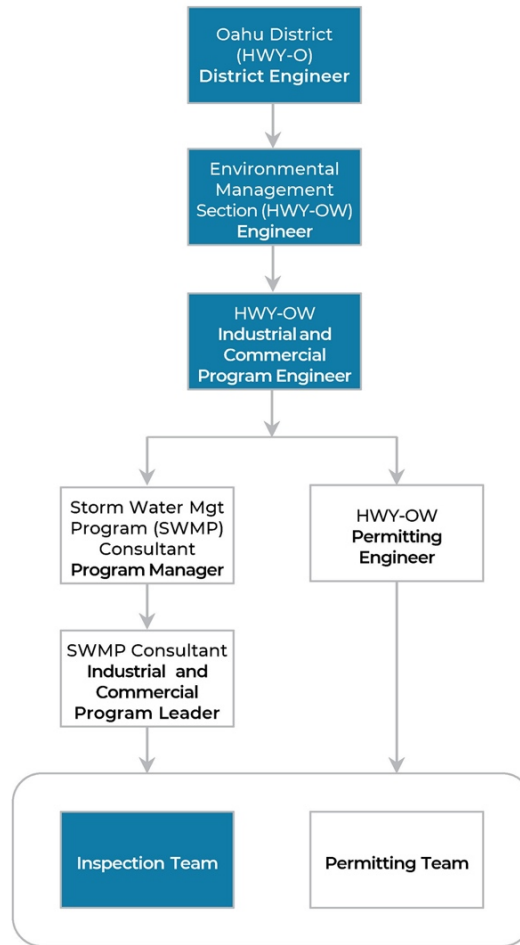


Figure 10-10. Industrial and Commercial Program Organizational Chart for Roles and Responsibilities Related to Enforcement.

10.8 Training | MS4 NPDES Permit Part D.1.h.(6)

Industrial and Commercial Program Training is provided to staff in the Industrial and Commercial Program annually or more frequently, as needed. Training follows the guidance offered in the *NPDES Compliance Inspection Manual*, dated July 2004, as it relates to industrial and commercial facilities and activities, specifically regarding storm water pollution control. As appropriate, the Industrial and Commercial Program Training is supplemented with “on-the-job” field inspections.

The content of the Industrial and Commercial Program Training includes the following:

- Inspection and enforcement techniques
- Identification of deficiencies during inspections of industrial and commercial facilities or activities
- Assessment of potential impacts to receiving waters
- BMPs and source control measures for industrial and commercial facilities to reduce storm water pollution
- Evaluation of the appropriateness and effectiveness of BMPs
- Types of facilities subject to Section 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11023
- Types of facilities covered by the General Industrial Storm Water Permit or any other applicable Industrial NPDES Permit
- Components of a SWPPP for industrial facilities
- Forms and/or processes to document inspections of industrial and commercial facilities and activities

The Industrial and Commercial Program Training is provided to any DOT-HWYS staff whose responsibilities include inspections of industrial and commercial facilities and activities. The training is specific to activities, policies, rules, and procedures of DOT-HWYS. Industrial and Commercial Program Training is documented by sign-in sheets and the submission of a post-training quiz measures BMP effectiveness.

The individuals highlighted in Figure 10-11 are responsible for implementing the control measures described in this section.

INDUSTRIAL AND COMMERCIAL PROGRAM

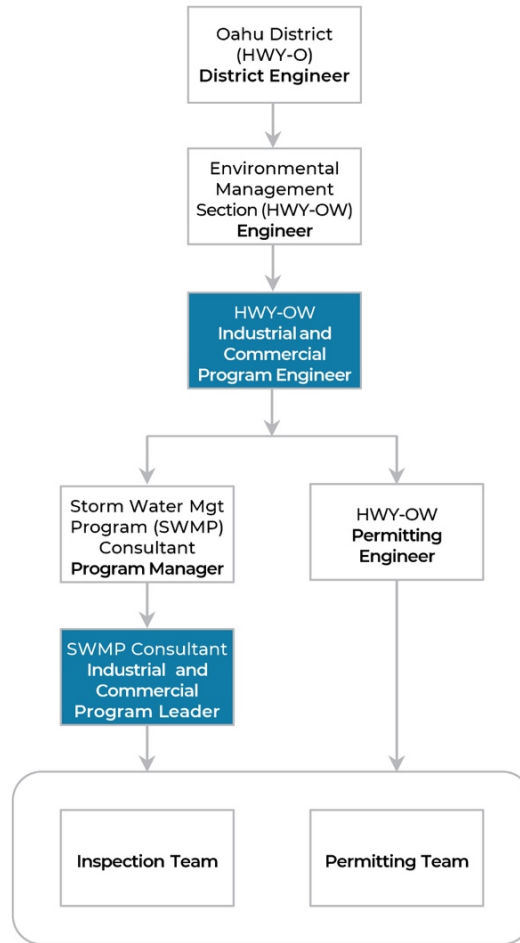


Figure 10-11. Industrial and Commercial Program Organizational Chart for Roles and Responsibilities Related to Training.

10.9 Monitoring Program Effectiveness

The *Program Effectiveness Strategy* (Appendix A.3, Table 13) provides the measurable standards and/or milestones for each Program BMP, including the outcome level, data collection method, and assessment parameter.