

FOLLOW-UP KAIZEN GROUP MEETING

**SECTION 401 WATER QUALITY CERTIFICATION STREAMLINING
SEPTEMBER 20, 2016**



AGENDA

- Initial Kaizen streamlining event background.
- Streamlined Section 401 WQC process.
 - Draft SOP checklist.
- How to obtain a Section 401 WQC with streamlined process.
- DOT-HWYS and CFL.
- Questions.

INITIAL KAIZEN STREAMLINING EVENT BACKGROUND

INITIAL KAIZEN STREAMLINING EVENT BACKGROUND

- The DOH-CWB issues Section 401 Water Quality Certifications (WQCs).
- The Section 401 WQC is a certification from the State indicating that a proposed activity will comply with Water Quality Standards (Hawaii Administrative Rules, Chapter 11-54) and Clean Water Act (CWA) Sections 301, 302, 303, 306, and 307.
- The Section 401 WQC is required when an activity requires a federal permit or license (usually from the USACE) and may result in a water pollutant discharge to state waters.

INITIAL KAIZEN STREAMLINING EVENT BACKGROUND

- Many of our applicants expressed concern over the current Section 401 WQC processing times (approximately 1 year on average).
- Although 1 year is the processing time allowed by the CWA, our government applicants needed the Section 401 WQC processed sooner so they can complete projects to benefit Hawaii.

INITIAL KAIZEN STREAMLINING EVENT BACKGROUND

- DOH-CWB conducted a week long (September 14-18, 2015) Kaizen streamlining session facilitated by Peppers & Rogers, a consulting group experienced in streamlining functions in state government.
- There were 14 participants at this kaizen streamlining event from DOH-CWB, CCH-DDC, CCH-DFM, DLNR-DOBOR, DOT-AIR, DOT-HAR, DOT-HWYS, USACE, Parsons Brinckerhoff, and EPA Region 9.

INITIAL KAIZEN STREAMLINING EVENT BACKGROUND

- Discussed:
 - Kaizen streamlining concepts;
 - Section 401 WQC process;
 - Issues with current process;
 - Potential causes of long processing times; and
 - Streamlining recommendations targeting causes of long processing times.

INITIAL KAIZEN STREAMLINING EVENT BACKGROUND

- Long processing times due to:
 - Lots of back and forth between DOH-CWB and applicants regarding Best Management Practices (BMPs) and monitoring plans.
 - Many applicants submitting WQC applications for different projects with similar activities, but were proposing different BMPs and monitoring plans. This resulted in DOH-CWB having to do project specific reviews for every application.
 - DOH-CWB reviewing each WQC application the same and imposing the same requirements regardless of the project size and potential impact to water quality.

INITIAL KAIZEN STREAMLINING EVENT BACKGROUND

- Long processing times due to:
 - D0H-CWB having one reviewer for the entire state.
 - D0H-CWB reviewer spending a lot of time working with applicants who wanted to change their BMPs and monitoring plans after the Section 401 WQC was issued. An issued Section 401 WQC certifies specific activities, BMPs, and monitoring plans disclosed in application. Changing BMPs and monitoring plans after Section 401 WQC is issued requires D0H-CWB re-evaluate the project.

INITIAL KAIZEN STREAMLINING EVENT BACKGROUND

- Kaizen group came up with streamlining recommendations that targeted potential causes of long processing times and ranked them by impact and implementation difficulty.
- D0H-CWB decided to implement a streamlining process based on combination of recommendations from Kaizen event.
 - Reduce back and forth of BMP and monitoring plan application proposals and detailed project reviews with every application by having applicants develop own standard operating procedures (SOPs).
 - Spend less time on smaller projects covered by Army Corps Nationwide Permits (NWPs) so D0H-CWB can focus their limited resources on projects with greater potential to impact water quality.
 - Eliminate need for D0H-CWB to approve changes to BMPs and monitoring plans after Section 401 WQC issuance.

STREAMLINED SECTION 401 WQC PROCESS
AND
DRAFT SOP CHECKLIST

STREAMLINED SECTION 401 WQC PROCESS

- 100% voluntary.
- Any private or public organization may choose to be a part of this streamlined process.

STREAMLINED SECTION 401 WQC PROCESS

- The Kaizen streamlined Section 401 WQC process is as follows:
 1. Applicant develops their own SOPs for activities they normally perform that require a Section 401 WQC. SOPs are required to comply with checklist requirements.
 2. Applicant completes checklist by referencing page or section numbers of their SOP in yellow highlighted cell that addresses the requirements.
 3. Applicant submits their SOPs, completed checklist, and a transmittal letter signed by the Certifying Person that meets 40 CFR 122.22(a) requirements and certification paragraph.
 4. DOH-CWB reviews SOPs utilizing checklist requirements. Applicant will be notified of any comments/concerns from DOH-CWB.
 5. If DOH-CWB accepts Applicant's SOPs, DOH-CWB will inform Applicant in writing that their SOPs have been pre-approved for the Section 401 WQC Kaizen Streamlining Process for activities in pre-approved SOPs that are covered by NWP(s).
 6. Once SOP is pre-approved, it will be assigned a file number.
 7. Applicant with pre-approved sop can contact DOH-CWB to revise SOP. If revised SOP is accepted, it will be assigned a new file number.

DRAFT SOP CHECKLIST

DRAFT - Comments Due 9/30/16 at 4:30 pm via email at darryl.lum@doh.hawaii.gov

Requirements to Obtain Pre-Approved Standard Operating Procedures (SOPs) to Use the Kaizen Streamlined Section 401 Water Quality Certification (WQC) Process

Instructions:

1. The Department of Health (DOH), Clean Water Branch (CWB) is implementing a streamlined Section 401 WQC process. The idea for this streamlined process came from a Kaizen event.
2. The Kaizen streamlined Section 401 WQC process is voluntary. Any private or public organization may choose to be a part of this streamlined process.
3. The Kaizen streamlined Section 401 WQC process is as follows:
 - a. The Section 401 WQC applicant (Applicant) develops their own SOPs for the activities they normally perform that require a Section 401 WQC. The SOPs are required to comply with the checklist requirements below. It is highly recommended that the Applicant considers the SOPs they utilized in the past that were approved in a previous Section 401 WQC.
 - b. The Applicant completes the checklist below to the DOH-CWB for review. To complete the checklist, reference the page or section numbers of your SOP in the yellow highlighted cell that addresses the requirements.
 - c. The Applicant submits their SOPs, the completed checklist, and a transmittal letter signed by the Certifying Person that meets 40 CFR 122.22(a) requirements and the following certification paragraph: "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."
 - d. DOH-CWB reviews the SOPs utilizing the checklist requirements below. The Applicant will be notified of any comments/concerns from the DOH-CWB.
 - e. If DOH-CWB accepts the Applicant's SOPs, DOH-CWB will inform the Applicant in writing that their SOPs have been pre-approved for the Section 401 WQC Kaizen Streamlining Process for the activities in the pre-approved SOPs.
 - f. Once a SOP is pre-approved, it will be assigned a file number.
 - g. The Applicant with a pre-approved SOP will be able to request a Section 401 WQC using the e-Permitting Kaizen Streamlined Section 401 WQC application if their project is covered by a U.S. Army Corps of Engineers (USACE) Nationwide Permit and the activity was included in the pre-approved SOPs. In this streamlined process, water quality monitoring is not required; submittal of a Best Management Practices (BMP) Plan is not required with the application; the application will not have antidegradation questions; and there will be no public notice or public hearing. Instead, the Applicant will be required to certify that they will comply with their pre-approved SOPs. Note: If the e-Permitting Kaizen Streamlined Section 401 WQC application is not released by the time an Applicant is ready to use a pre-approved SOP, the Applicant can contact the DOH-CWB for an alternative application form.
 - h. The Applicant with a pre-approved SOP will be able to request a Section 401 WQC using the Section 401 WQC Blanket Notification Form for 2012 NWPs and the future 2017 NWPs if their project qualifies for coverage under the blanket and the activity was included in the pre-approved SOPs.
 - i. An Applicant with a pre-approved SOP can contact the DOH-CWB to revise or modify their SOPs. If the DOH-CWB pre-approves the revision, a new file number will be assigned.

Checklist Requirements:

Complete the yellow highlighted cells by referencing the section of your proposed SOP that addresses the corresponding requirement.

No.	SOP Requirements	Explanation	SOP Section Reference	DOH-CWB Comments (For DOH-CWB Internal Use. Do Not Write In This Column.)
Design				
1	Planning and design requirements to assess and protect a water body's existing uses and the level of water quality necessary for the existing uses.	All projects/activities shall not adversely impact human uses of water bodies (e.g. fishing, surfing, scientific research, etc.). All projects/activities shall not adversely impact fish and other aquatic organisms (e.g. Oopu migration, no net habitat loss, etc.). Hawaii Administrative Rules (HAR), Chapter 11-54 requires the maintenance and protection of existing uses and the water quality to maintain the existing uses. Existing uses are all uses that have actually been attained in the receiving water body on or after November 28, 1975 whether or not they are included in HAR 11-54.		
2	Design requirements for the structure being built/installed to maintain or improve water quality (physical, chemical, biological, and thermal characteristics)	There shall be no adverse change to the physical; chemical (e.g. DO, temperature, pH, toxics will not be introduced, etc.); biological; and thermal characteristics of the receiving State water. Projects/activities must be designed so that the natural ecosystems of the receiving State water will be maintained or restored.		
3	Criteria for the project/activity design to consider restoring the natural function of a receiving water body.	This includes, but is not limited to, restoring natural riparian barriers, decreasing impervious surfaces, preventing hardening and/or the addition of concrete, prioritizing the use of native materials when applicable, improving aquatic habitats (i.e. use of natural stream rock that will act as habitat for different types aquatic animals), phasing to limit the amount of open/exposed area		
4	Design recommendations and options for the use of pollution reducing construction materials and methods			
5	Requirements for the design to consider and incorporate construction sequencing and phasing to limit the amount of open/vulnerable areas at any given time.	The goal is to include construction sequencing and phasing that will be protective of the environment in the design stage so that contractors can include it in their bid.		

DRAFT SOP CHECKLIST

- See Handout.
- Purpose is to help you develop your SOPs.
- DOH-CWB will use same checklist to review SOPs.

DRAFT SOP CHECKLIST

- SOP requirements for:
 - Design – protection of existing uses, maintenance or improvement to water quality, considerations to restore natural function of receiving waterbody, considerations for construction sequencing;
 - Construction – specify activities and associated BMPs, BMP requirements, etc.;
 - Project specific in-water BMPs plan – describes what SOPs will be utilized and where for each project;
 - Administration – institutionalize SOPs in contract and bid packages, enforce SOP, inspections, and reporting.

DRAFT SOP CHECKLIST

- Applicant develops their own SOPs for activities they normally perform that require a Section 401 WQC. SOPs are required to comply with the checklist requirements.
- Applicant completes checklist by referencing the page or section numbers of their SOP in the yellow highlighted cell that addresses the requirements.
- Applicant submits their SOPs, completed checklist, and a transmittal letter signed by the Certifying Person that meets 40 CFR 122.22(a) requirements and certification paragraph.

DRAFT SOP CHECKLIST

- Draft for your review and comment.
- Comments on draft sop checklist due 9/30/16 at 4:30 pm. Email comments to darryl.lum@doh.hawaii.gov.

HOW TO OBTAIN A SECTION 401 WQC WITH STREAMLINED PROCESS

HOW TO OBTAIN A SECTION 401 WQC WITH STREAMLINED PROCESS

- You may only utilize this streamlined process if:
 - Your project is covered under NWP(s); and
 - Your project activities are included in your pre-approved SOPs.
- Benefits of having pre-approved SOPs:
 - Water quality monitoring not required.
 - No BMP and monitoring plan submittals.
 - No antidegradation analysis submittals.
 - No public notice or public hearing.

HOW TO OBTAIN A SECTION 401 WQC WITH STREAMLINED PROCESS

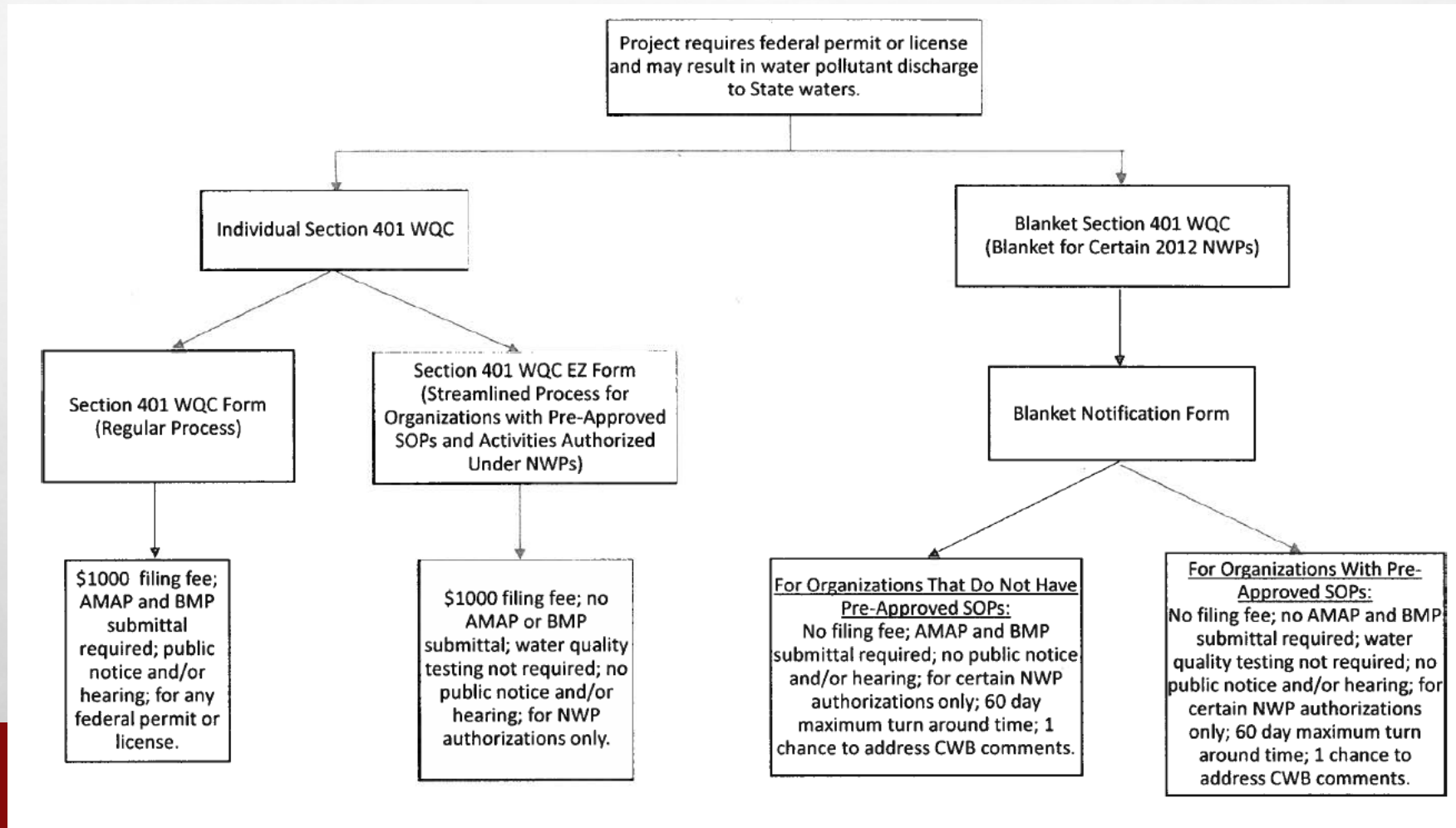
Applicant with pre-approved SOP will be able to request a Section 401 WQC in 2 ways:

1. e-Permitting Section 401 WQC EZ Form

Note: If this form is not released by the time an Applicant is ready to use a pre-approved SOP, the Applicant can contact the DOH-CWB for an alternative application form.

2. Section 401 WQC Blanket Notification Form for 2012 NWP's if project qualifies for coverage under the blanket.

HOW TO OBTAIN A SECTION 401 WQC WITH STREAMLINED PROCESS



DOT-HWYS AND CFL

QUESTIONS?

- Comments on draft SOP checklist due 9/30/16 at 4:30 pm. Email comments to darryl.lum@doh.hawaii.gov.
- This is the last follow-up Kaizen group meeting.
- Recommendations:
 - Start with activities for an upcoming project.
 - Look at Section 401 WQCs issued to your organization in the past. Look at the SOPs for these activities.
- contact the DOH-CWB (586-4309) if you have questions on developing SOPs for your organization.