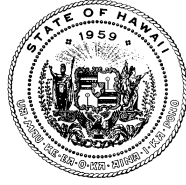


JOSH GREEN, M.D.  
GOVERNOR OF HAWAII  
KE KIA'AINA O KA MOKU'AINA 'O HAWAII



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

KENNETH S. FINK, MD, MGA, MPH  
DIRECTOR OF HEALTH  
KA LUNA HO'OKELE

In reply, please refer to:  
File:

07007EBT.23

July 17, 2023

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7020 1810 0001 2241 5668**

Mr. William Atherton  
Commodore  
Kaneohe Yacht Club  
44-503 Kaneohe Bay Drive  
Kaneohe, Hawaii 96744

Dear Mr. Atherton:

**Subject: Notice of Violation and Order**  
**Docket No. 2023-CW-EO-10**  
**National Pollutant Discharge Elimination System (NPDES)**  
**Kaneohe Yacht Club Maintenance Area**  
**Kaneohe, Island of Oahu, Hawaii**  
**Permit No. HIS000556**

The Department of Health (DOH), Clean Water Branch (CWB), is serving you with the enclosed Notice of Violation and Order (NOVO) for violations of your NPDES Permit, No. HIS000556. Violations include, but are not limited to, an unauthorized discharge of contaminated storm water to State waters, failing to implement the Best Management Practices Plan, failing to comply with inspection and sampling requirements, late submittal of the Storm Water Pollution Prevention Plan (SWPPP) and failing to submit quarterly discharge monitoring reports.

Under Hawaii Revised Statutes (HRS) Chapter 342D-9, the DOH is ordering you to hire an Environmental Program Manager to ensure compliance with the permit, develop and submit a corrective action report, succession plan, and inspection and storm water sampling plan. Further the DOH is ordering storm water training of pertinent facility personnel and is assessing a monetary penalty of \$72,300.00. The enclosed Order shall become final twenty calendar days after this NOVO is served unless you request a hearing in writing no later than twenty calendar days after service. The request for hearing must be made in accordance with the requirements listed in the NOVO. Furthermore, if the penalty is not paid to the DOH within 30 calendar days after it becomes due and payable, the Director of Health may initiate a civil lawsuit to recover the penalty.

Mr. William Atherton  
July 17, 2023  
Page 2

07007EBT.23

Should you have any questions, please contact Ms. Bobbie Teixeira of the Enforcement Section, CWB, at (808) 586-4309.

Sincerely,

*Kathleen Ho*

KATHLEEN S. HO  
Deputy Director for Environmental Health

JC

Enclosures:     1. Notice of Violation, Docket No. 2023-CW-EO-10  
                      2. Exhibit A  
                      3. Exhibit B  
                      4. Exhibit C  
                      5. Exhibit D  
                      6. Exhibit E  
                      7. Certificate of Service  
                      8. Certification

c: Mr. Dale Sakata, Deputy Attorney General, Department of the Attorney General (w/encl.)  
Ms. Joanna Yeh, Deputy Attorney General, Department of the Attorney General (w/encl.)

STATE OF HAWAII

DEPARTMENT OF HEALTH  
NOTICE OF VIOLATION AND ORDER

<b>TO:</b> Kaneohe Yacht Club 44-503 Kaneohe Bay Drive Kaneohe, Hawaii 96744  Attention: William Atherton Commodore  Respondent	<b>NOVO No. 2023-CW-EO-10</b> <i>Please write this NOVO number on all correspondence</i> Re: Violation of National Pollutant Discharge Elimination System (NPDES) Permit, Permit No. HIS000556  Facility: Kaneohe Yacht Club Maintenance Area
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The Department of Health (**DOH**) issues this Notice of Violation and Order (**NOVO**) under Hawaii Revised Statutes (**HRS**) Chapters 91 and 342D based on findings from the March 22, 2023 inspection at Kaneohe Yacht Club located at 44-503 Kaneohe Bay Drive, Kaneohe, Hawaii 96744 (**Facility**) and subsequent file reviews performed by the DOH, Clean Water Branch (**CWB**).

Attached as exhibits are:

- The NPDES Permit No. HIS000556 issued to Kaneohe Yacht Club dated July 1, 2022 (**Permit**, Exhibit A);
- Inspection Report No. PA2045 from the March 22, 2023 Inspection (Exhibit B);
- Discharge Monitoring Report (DMR) and Violation Report dated January 2022 to April 2023 populated from the Permit Compliance System (PCS) and Integrated Compliance Information System (ICIS) Database (Exhibit C);
- Department of Health Notification to Kaneohe Yacht Club Regarding NPDES Permit Options (Exhibit D); and
- National Oceanic and Atmospheric Administration (NOAA) National Weather Service (NWS) NOWData for Kailua 0.7 WSW (Exhibit E).

This case deals only with violations alleged below. The DOH may bring other cases for other violations. This case does not limit cases by any other public agency or private party.

Statutes/Rules

Nature of the Violation

<p>HRS §342D-9, HRS §342D-31, HRS §342D-50(a), HRS §342D-50(d)</p>	<p><b>Kaneohe Yacht Club Maintenance Area</b></p> <p>The Respondent owns the Facility. The Respondent was issued the Permit, which authorizes the discharge of storm water associated with industrial activities into Kaneohe Bay. The Permit became effective on July 1, 2022 and expires on June 30, 2027.</p> <p>Industrial activities performed at the Facility include boat repairs and maintenance, including painting, scraping, sand blasting, and grinding at a designated haul out maintenance area.</p> <p>Complaint inspections of the Facility in 2016 and 2018 documented that the industrial activities performed at the Facility were at risk for discharging contaminated storm water to the adjacent waterbody, Kaneohe Bay. As such, the DOH notified the Respondent to either cease the industrial activities or obtain NPDES permit coverage (Exhibit D). The Respondent elected to obtain NPDES permit coverage for the industrial activities, as described above and submitted an application for NPDES permit on June 21, 2018.</p> <p>On March 22, 2023, the DOH-CWB conducted an inspection of the Facility. The inspection was prompted by notification from ICIS, an EPA based permit compliance reporting database, of missing monitoring reports required under the Permit. The inspection was done to evaluate the Respondent’s compliance with the issued Permit. Violations were identified and are detailed in the inspection report, Inspection Report No. PA2045 (Exhibit B).</p> <p>HRS §342D-9 authorizes the Director of Health to order measures to be taken to correct violations and impose penalties for violations of HRS Chapter 342D.</p> <p>HRS §342D-31 states that “the [D]irector is authorized to impose by order the penalties specified in [HRS §]342D-30.”</p> <p>HRS §342D-30 states that violators shall be fined not more than \$25,000 per day for each separate offense and that each day of each violation constitutes a separate offense.</p> <p>HRS §342D-50(a) states that “[n]o person, including any public body, shall discharge any water pollutant into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the [D]irector.”</p>
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HRS §342D-50(d), states that “[n]o person, including any public body, shall violate any rule adopted pursuant to this chapter or any permit or variance issued or modified pursuant to this chapter.”

1. Unauthorized Discharge of Water Pollutants to State Waters

Part A of the Permit authorizes discharges composed entirely of storm water runoff associated with industrial activity to be discharged from the Facility to Kaneohe Bay.

During the March 22, 2023 inspection of the Facility, DOH-CWB inspectors observed an active discharge from the Facility’s outfall to Kaneohe Bay. DOH-CWB also observed an oily sheen within the drainage inlet located in the boat haul out maintenance area. The oil sheen originated from a boat stored within the maintenance area. The drainage inlet discharges directly to Kaneohe Bay.

Based on the details above, the DOH finds the Respondent violated HRS §342D-50(a) on one (1) count by discharging, or causing or allowing a discharge of, water pollutants from the Facility to State waters.

2. Failure to Submit Discharge Monitoring Reports

Appendix 1 Section 6.1.9 of the Permit requires the Permittee to submit quarterly Discharge Monitoring Reports (**DMRs**) to the DOH-CWB via NetDMR. Even if there are no discharges during the monitoring period, the DMR shall so state.

DOH-CWB did not receive DMRs from the Respondent for monitoring periods ending on September 30, 2022, December 31, 2022, and March 31, 2023 (Exhibit C).

Based on the details above, the DOH finds the Respondent violated HRS §342D-50(d) on three (3) counts by failing to submit quarterly DMRs for September 30, 2022, December 31, 2022, and March 31, 2023 as required under the Permit.

3. Failure to Collect Storm Water Samples From a Discharge Event

Appendix 1 Section 6.1.4 of the Permit requires the Permittee to collect a storm water sample from each outfall, once each quarter, for the entire permit term (Exhibit A).

During the March 22, 2023 inspection of the Facility, DOH-CWB inspectors determined that the Respondent failed to collect quarterly storm water samples from a discharge event for monitoring periods ending on September 30, 2022, December 31, 2022, and March 31, 2023 (Exhibit B) even though daily precipitation data provided by the National Oceanic & Atmospheric Administration's online database, identifies rain events with qualification potential to trigger sampling during the months of July 2022 through March 2023 (Exhibit E).

Based on the details above, the DOH finds the Respondent violated HRS §342D-50(d) on three (3) counts by failing to collect storm water samples from a discharge event as required under the Permit.

#### 4. Failure to Implement the Best Management Practices (BMP) Plan

Part A.3(1) of the Permit requires the Respondent to implement the BMP Plan dated July 2021 (Exhibit A, Appendix 2) within 60 calendar days after the effective date of the Permit, which date was September 1, 2022 (Exhibit A).

Section 3.2 of the BMP Plan dated July 2021 states that at all times during any boat work, the maintenance area shall be bermed to prevent transport and discharge of dust, debris, sediments, other solid wastes, or liquid wastes, to nearby surface water bodies or soil.

During the March 22, 2023 inspection of the Facility, DOH-CWB inspectors observed two (2) boats parked in the maintenance area; one (1) boat with incomplete containment as there was a gap in the perimeter berm and the other boat actively leaking fluids with no containment or berming to prevent the mobilization of pollutants (Exhibit B).

Based on the details above, the DOH finds that the Respondent violated HRS §342D-50(d) on one (1) count by failing to implement BMPs as required in the BMP Plan.

#### 5. Failure to Conduct and Document Routine Facility Inspections

Appendix 1 Section 3.1 of the Permit requires the Respondent to conduct and document quarterly inspections by qualified personnel. For inspections occurring during a storm water event or discharge, qualified personnel must observe whether contaminated storm water discharges from points designated in the permit where storm water leaves the facility (Exhibit A).

During the March 22, 2023 inspection of the Facility, DOH-CWB inspectors determined that the Respondent failed to conduct and document quarterly

inspections of Facility (Exhibit B). The General Manager for the Facility, Mr. Shaun G. Myers confirmed that routine facility inspections were not being conducted as required under the Permit.

Based on the details above, the DOH finds Respondent violated HRS §342D-50(d) on three (3) counts by failing to conduct quarterly inspections of the Facility for monitoring periods ending on September 30, 2022, December 31, 2022, and March 31, 2023.

**6. Failure to Perform and Document Visual Assessments of Storm Water Discharges**

Appendix 1 Section 3.2.1 of the Permit requires the Respondent to collect storm water samples on a quarterly basis, and document its visual assessment based on a list of characteristics in Appendix 1 (Exhibit A).

During the March 22, 2023 inspection of the Facility, DOH-CWB inspectors determined that the Respondent failed to perform and document visual assessments of water samples for monitoring periods ending September 30, 2022, December 31, 2022, and March 31, 2023.

Based on the details above, the DOH finds the Respondent violated HRS §342D-50(d) on three (3) counts by failing to perform visual assessments of storm water samples for the monitoring periods ending on September 30, 2022, December 31, 2022, and March 31, 2023.

**7. Late Submission of Storm Water Pollution Prevention Plan (SWPPP)**

Part A.2. of the Permit requires the Respondent to design and submit a SWPPP within 120 calendar days from the effective date of the Permit, which date was October 29, 2022 (Exhibit A).

During the March 22, 2023 inspection of the Facility, DOH-CWB inspectors determined that a SWPPP was not designed for the Facility. The General Manager for the Facility, Mr. Shaun G. Myers, confirmed that a SWPPP was not designed (Exhibit B). After the March 22, 2023 inspection, Dan Ford of Ford and Associates hand delivered the Facility's SWPPP to the DOH-CWB on April 26, 2023, 179 days late.

Based on the details above, the DOH finds that the Respondent violated HRS §342D-50(d) on one hundred and seventy-nine (179) counts by failing to design and submit a SWPPP by the due date as required under the Permit.

8. Failure to Conduct Personnel Training

Appendix 1 Section 2.1.2.4 of the Permit requires the Respondent to develop training for spill response procedures to minimize the potential for leaks, spills, and other miscellaneous releases that may impact storm water and result in polluted discharge to State waters (Exhibit A).

Appendix 1 Section 2.1.2.7 of the Permit requires the Respondent to train all employees and personnel who work in areas where industrial materials or activities are exposed to storm water. The Respondent must ensure personnel understand the requirements and their responsibilities under the Permit (Exhibit A).

During the March 22, 2023 inspection of the Facility, DOH-CWB inspectors determined that the Respondent failed to develop and conduct personnel training as required under the Permit (Exhibit B).

Based on the details above, the DOH finds that the Respondent violated HRS §342D-50(d) on one (1) count by not developing and conducting staff training as required under the Permit.

9. Failure to Submit an Annual Report for Calendar Year 2022

Appendix 1 Section 7.5 of the Permit requires the Respondent to submit an Annual Report to the DOH electronically by January 30<sup>th</sup> of the following year.

During the March 22, 2023 inspection of the Facility, DOH-CWB inspectors confirmed that an Annual Report for calendar year 2022 had not been developed or submitted.

Based on the details above, the DOH finds that the Respondent violated HRS §342D-50(d) on one (1) count by failing to submit an Annual Report for calendar year 2022 by January 30, 2023 as required under the Permit.

10. Failure to Maintain Appropriate Certifying Person with the Permit

HAR §11-55-07(c) requires the Respondent to submit a new authorization to the Director of Health prior to or together with any reports, if the current authorization becomes inaccurate because a different individual or position has responsibility for the overall operation of the Facility.



	<p>During the March 22, 2023 inspection of the Facility, DOH-CWB inspectors determined that the Respondent had not submitted a new authorization to the Director appointing a new authorized representative.</p> <p>Based on the details above, the DOH finds that the Respondent violated HRS §342D-50(d) and HAR §11-55-07(c) on one (1) count by failing to submit new authorization to the Director appointing a new authorized representative.</p>
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The facts of this case and the law justify the following order.

### ORDER

Respondent is ordered to:

1. Immediately cease the discharge of pollutants from the Facility to Kaneohe Bay.
2. Immediately implement all BMPs necessary to comply with the Permit.
3. Within 30 calendar days from the date this NOVO becomes final (**Effective Date**), submit for review and acceptance a Succession Plan for the transfer of Certifying Person for the Permit. The Succession Plan shall at a minimum:
  - a. Identify the positions qualified as being a certifying persons (**CP**);
  - b. Describe the process in which succession of CPs are made, including dates if this is a routine and periodic procedure;
  - c. Identify the process in which responsibilities, permits, plans and all other NPDES permit related documents are transferred from the outgoing CP to the incoming CP; and
  - d. Ensure that the incoming CP receives NPDES training prior to the outgoing CP relinquishing their duties.

Any comments from the DOH-CWB must be addressed and re-submitted for acceptance within 14 calendar days of receipt of comment.

4. Within 30 calendar days, submit a corrective action report. The report shall state the measures taken by the Respondent to prevent future violations as described in this NOVO. The report must at minimum address the violations identified during the inspection, including but not limited to the maintenance area and cooking oil storage.

5. Within 45 days, develop and submit an inspection and storm water sampling plan to the DOH-CWB for review. The sampling plan must contain standard operating procedures for conducting inspections. Any comments from the DOH-CWB must be addressed and incorporated into the SWPPP and re-submitted for acceptance within 14 days of receipt of comment.
6. Within 30 days, conduct storm water-specific training for all pertinent personnel who work at the Facility. The training must include:
  - a. An overview of the SWPPP;
  - b. Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
  - c. The location of all controls on the site required under the Permit, and how they are to be maintained;
  - d. The proper procedures to follow with respect to the Permit's pollution prevention requirements; and
  - e. When and how to conduct inspections, record applicable findings, and take corrective actions.
7. Submit a training log to the DOH-CWB documenting the training required by Order No. 6. The training log must include documentation of days of the training, contain the topics covered, and attendees' printed names, job titles, and signatures.
8. Within 30 days, immediately sign up for NetDMR and submit all late quarterly DMRs, in accordance with conditions set forth in the Permit, to the DOH-CWB via the e-Permitting Portal or as otherwise directed in writing by the DOH-CWB.
9. Within 180 days from the Effective Date, hire an Environmental Compliance Manager (**Manager**) that reports directly to the Commodore. The Manager shall have the responsibility and authority to ensure the Respondent complies with all federal, state and local environmental regulations and permits relating to storm water compliance. The Manager shall have the training and professional qualifications sufficient to assess compliance, to identify actual or potential non-compliance, and to identify and require implementation of remedies. The Respondent shall use its best efforts to hire the Manager within 180 days. If the position is not filled within 180 days, the Respondent must engage a compliance management consultant until the position is filled.
10. Pay an administrative penalty of \$72,300.00 within 20 calendar days of either the service of this NOVO or the Effective Date, whichever is later. Send a certified check for \$72,300.00 to: Clean Water Branch, Department of Health, 2827 Waimano Home Road #225, Pearl City, Hawaii 96782. The payment should be made payable to "State of Hawaii" and include the NOVO reference number, 2023-CW-EO-10.

All submittals made pursuant to any Order in this NOVO shall be certified and signed by a person legally authorized to sign on behalf of the Respondent. All documents submitted pursuant to any Order in this NOVO must include the following Certification Statement:

“I certify under penalty of law that this document and its attachments were prepared either by me personally or under my direction or supervision in a manner designed to ensure that qualified and knowledgeable personnel properly gathered and presented the information contained therein. I further certify, based on my personal knowledge or on my inquiry of those individuals immediately responsible for obtaining the information, that to the best of my knowledge and belief the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fines and imprisonment for knowing and willful submission of a materially false statement.”

The provisions of this NOVO shall become final unless, within 20 calendar days after receipt, the Respondent submits a **written** request for a hearing, along with a copy of the NOVO, without exhibit(s), to:

Hearings Officer  
c/o Director of Health  
1250 Punchbowl Street, Third Floor  
Honolulu, Hawaii 96813

The Respondent may file the hearing request in person at the Director’s office listed above during regular business hours or may mail the same to the above address within the required time. See HAR §§ 11-1-4 and 11-1-22. **Failure to timely file the hearing request and related documents may result in a denial of the hearing request.**

The hearing will be conducted in accordance with HRS Chapter 91 and HAR Chapter 11-1. At the hearing, the parties may seek to avoid any penalty, and the DOH may seek the maximum penalty of \$25,000 per day, per violation, although the actual penalty amount may be lower, or none.

Parties may be represented by legal counsel at their own expense. An individual may appear on his/her own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, or trust, or association may represent the corporation, trust or association.

All inquiries regarding this matter, other than the request for hearing, shall be directed to: Ms. Bobbie Teixeira, Acting Supervisor of the Enforcement Section, CWB, at (808) 586-4309.

If due to a disability you have special needs that will aid you in participating in the hearing or pre-hearing conference, please contact the Hearings Officer at (808) 586-4409 (voice) or through the Telecommunications Relay Service (711), at least 10 working days before the hearing or pre-hearing conference date.

*Kathleen Ho*

\_\_\_\_\_  
KATHLEEN S. HO  
Deputy Director for Environmental Health

Date: Jul 18, 2023

*Dale K. Sakata*

\_\_\_\_\_  
Approved as To Form By:  
Dale Sakata  
Deputy Attorney General

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

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

**KANEOHE YACHT CLUB**

(PERMITTEE),

is authorized to discharge at outfall serial no. 001: (i) storm water associated with industrial activities, and non-storm water as specified in Appendix 1, Part 1.1.3.1; from the Kaneohe Yacht Club Maintenance Area

(Facility),

located at 44-503 Kaneohe Bay Drive, Kaneohe, Oahu, Hawaii, 96744, to the receiving State waters identified in the table below:

<b>Outfall Serial No.</b>	<b>Receiving State Water</b>	<b>Classification</b>	<b>Latitude</b>	<b>Longitude</b>
001	Kaneohe Bay	Class AA, Embayment	21.4175577276°	157.7662827599°

in accordance with the general requirements, effluent limitations, monitoring requirements and other conditions set forth herein, and in the Hawaii State Department of Health (DOH) "Standard NPDES Permit Conditions" (Version 15) 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, 2019, except as otherwise specified. Unless otherwise specified herein, all terms are defined as provided in the applicable regulations in Title 40 of the CFR.

Failure to comply with any condition, requirement, and/or limitation in this permit is an enforceable violation and the Permittee's 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 NPDES permit or by other means determined by DOH; failure to sample, analyze, or submit water quality results as required in the NPDES permit; and discharging pollutants in locations that were not authorized in the NPDES permit. If the Permittee violates HRS Chapter 342D, the Permittee and its authorized representative may be subject to penalties of up to the statutory maximum 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 at the Facility, may result in criminal penalties for the Permittee and its authorized representative as provided in the Act, §309 and HRS 342D-35.

This permit will become effective on **July 1, 2022**.

This permit and the authorization to discharge will expire at midnight, **June 30, 2027**

Signed this 1st day of July, 2022.



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(For) Director of Health

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**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning with the Effective Date and lasting through the expiration date of this permit, the Permittee is authorized to discharge at Outfall Serial No. 001 storm water runoff associated with industrial activity and non-storm water as specified in Appendix 1, Part 1.1.3.1. The discharge shall be limited and monitored as specified below:

Storm Water Discharge Parameter	Benchmark Monitoring Requirements			
	Units	Daily Maximum <sup>1</sup>	Minimum Monitoring Frequency	Type of Sample <sup>2</sup>
Total Nitrogen	µg/L	500.00	1/Year <sup>3</sup>	Grab <sup>5</sup>
Ammonia Nitrogen	µg/L	20.00	1/Year <sup>3</sup>	Grab <sup>5</sup>
Turbidity	NTU	5.0	1/Year <sup>3</sup>	Grab <sup>5</sup>
Chemical Oxygen Demand	mg/L	120.0	1/Quarter <sup>4</sup>	Grab <sup>5</sup>
pH	s.u.	7.0 – 8.6	1/Quarter <sup>4</sup>	Grab <sup>5</sup>
Total Suspended Solids	mg/L	100.0	1/Quarter <sup>4</sup>	Grab <sup>5</sup>
Aluminum	µg/L	750.0	1/Quarter <sup>4</sup>	Grab <sup>5</sup>
Chromium III	µg/L	570.0	1/Quarter <sup>4</sup>	Grab <sup>5</sup>
Chromium VI	µg/L	110.0	1/Quarter <sup>4</sup>	Grab <sup>5</sup>
Total Copper	µg/L	2.9	1/Quarter <sup>4</sup>	Grab <sup>5</sup>
Total Iron	mg/L	1.0	1/Quarter <sup>4</sup>	Grab <sup>5</sup>
Total Lead	µg/L	140.0	1/Quarter <sup>4</sup>	Grab <sup>5</sup>
Total Nickel	µg/L	74.0	1/Quarter <sup>4</sup>	Grab <sup>5</sup>
Total Zinc	µg/L	90.0	1/Quarter <sup>4</sup>	Grab <sup>5</sup>

mg/L Milligrams per liter  
µg/L Micrograms per liter  
NTU Nephelometric Turbidity Units  
s.u. Standard Units

- <sup>1</sup> The Permittee shall monitor and report the parameter analytical test results. Pollutant concentration levels exceeding the benchmark value is not a permit violation; however, if corrective actions are required as a result of a benchmark exceedance, failure to complete the required corrective action is a permit violation. See Appendix 1.
- <sup>2</sup> The Permittee shall collect for analysis samples from a discharge resulting from a measurable storm event. A measurable storm event means a precipitation event that results in a measurable amount of precipitation (i.e., a storm event that results in an actual discharge) and that follows the preceding storm event by at least 72 hours. The 72-hour interval does not apply if the Permittee documents that less than a 72-hour interval is representative for local storm events.
- <sup>3</sup> Monitoring shall be conducted once per year unless discontinued in accordance with Appendix 1, Section 6.2.4.1 and discontinuance is reported to DOH.
- <sup>4</sup> The Permittee shall conduct quarterly benchmark monitoring for the first four full quarters of permit coverage, commencing no earlier than 90 days after permit issuance. Subsequent monitoring shall be in accordance with Appendix 1, Section 6.2.1.2.
- <sup>5</sup> The Permittee shall take a minimum of one grab sample from a discharge resulting from a measurable storm event. Samples must be collected within the first 30 minutes of a discharge associated with a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.



1. Additional Storm Water Monitoring

DOH may specify additional monitoring requirements and limitations in addition to the monitoring requirements specified in Part A of this permit.

2. Storm Water Pollution Prevention Plan (SWPPP)

The Permittee shall:

- (1) Design a SWPPP in accordance with Appendix 1 of this permit.
- (2) Submit the SWPPP to DOH within 120 calendar days after the Effective Date.
- (3) Implement the SWPPP within 180 days after submittal to DOH.
- (4) Review and update the SWPPP as often as needed toward improving the storm water discharge quality and/or control practices or as required by DOH.
- (5) Maintain a copy of the SWPPP and documentation of all amendments, as applicable, at the Facility.
- (6) Qualified personnel and/or position titles designated in the SWPPP may sign the routine facility inspections and quarterly visual assessments required under Appendix 1.

3. Best Management Practices (BMP) Plan

The Permittee shall:

- (1) Implement the BMP Plan dated July 2021 in Appendix 2 of this permit within 60 calendar days after the Effective Date.
- (2) Review and update the BMP Plan as often as needed toward improving the storm water discharge quality and/or control practices, or as required by the DOH.
- (3) Maintain a copy of the BMP Plan and documentation of all amendments, as applicable, at the Facility.

If a BMP appears in both Appendix 1 and Appendix 2, the Permittee shall implement the BMP which is more protective of State waters.

**B. WATER QUALITY CRITERIA**

1. Basic Water Quality Criteria Applicable to All Waters

- a. The discharge shall comply with applicable water quality standards for receiving waters adopted by DOH under HAR Chapter 11-54, Water Quality Standards.
- b. The discharge shall not interfere with the attainment or maintenance of that water quality which assures protection of public water supplies and the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife, and allows recreational activities in and on the water.
- c. The discharges from Outfall Serial No. 001 shall not cause the following water quality criteria to be violated:
  - (1) All State waters shall be free from pollutants in concentrations which exceed the acute standards listed in HAR 11-54-4(c)(3). All State waters shall also be free from acute toxicity as measured using the toxicity tests listed in HAR 11-54-10, or other methods specified by DOH.
  - (2) All State waters shall be free from pollutants in concentrations which on average during any 24-hour period exceed the chronic standards listed in HAR 11-54-4(c)(3). All State waters shall also be free from chronic toxicity as measured using the toxicity tests listed in HAR 11-54-10, or other methods specified by DOH.
  - (3) All State waters shall be free from pollutants in concentrations which, on average during any 30-day period, exceed the "fish consumption" standards for non-carcinogens in HAR 11-54-4(c)(3). All State waters shall also be free from pollutants in concentrations which, on average during any 12-month period, exceed the "fish consumption" standards for pollutants identified as carcinogens in HAR 11-54-4(c)(3).
  - (4) All waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants, including:
    - (a) Material that will settle to form objectionable sludge or bottom deposits;
    - (b) Floating debris, oil, grease, scum, or other floating materials;
    - (c) Substances in amounts sufficient to produce taste in the water or detectable off-flavor in the flesh of fish, or in amounts sufficient to

produce objectionable color, turbidity, or other conditions in the receiving waters;

- (d) High or low temperatures, biocides, pathogenic organisms, toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water;
- (e) Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life; and
- (f) Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways; subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands.

## 2. Water Quality Standards

- a. Permittee's discharge shall be controlled as necessary to meet applicable water quality standards (i.e., the discharge must not cause or contribute to an exceedance of applicable water quality standards).
- b. DOH expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards as described in the Standard NPDES Permit Conditions (Version 15), Section 1. If at any time Permittee becomes aware, or DOH determines, that Permittee's discharge does not meet applicable water quality standards, Permittee shall take corrective action(s) as required in Part 4.3 of Appendix 1 and document the corrective actions as required in Part 4.4 of Appendix 1.
- c. DOH may also require that Permittee undertake additional control measures on a site-specific basis. Permittee shall implement all measures necessary to be consistent with an available wasteload allocation in a DOH established and EPA approved Total Maximum Daily Load.

**C. REPORTING REQUIREMENTS**

1. Transmittal and Monitoring Results Reporting Requirements

a. Certification of Transmittals

Permittee shall submit all information in accordance with HAR 11-55-07(b), with the following certification statement by an appropriate signatory:

**“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 or imprisonment for knowing violations.”**

b. Include **Permit No. HI S000556** on each transmittal.

Failure to provide the assigned permit number for this Facility on future correspondence or transmittals may result in delay in processing document(s).

c. Reporting

Reporting shall be in accordance with Part 7 of Appendix 1.

d. Schedule of Submission

The Permittee shall submit reports to DOH as specified below.

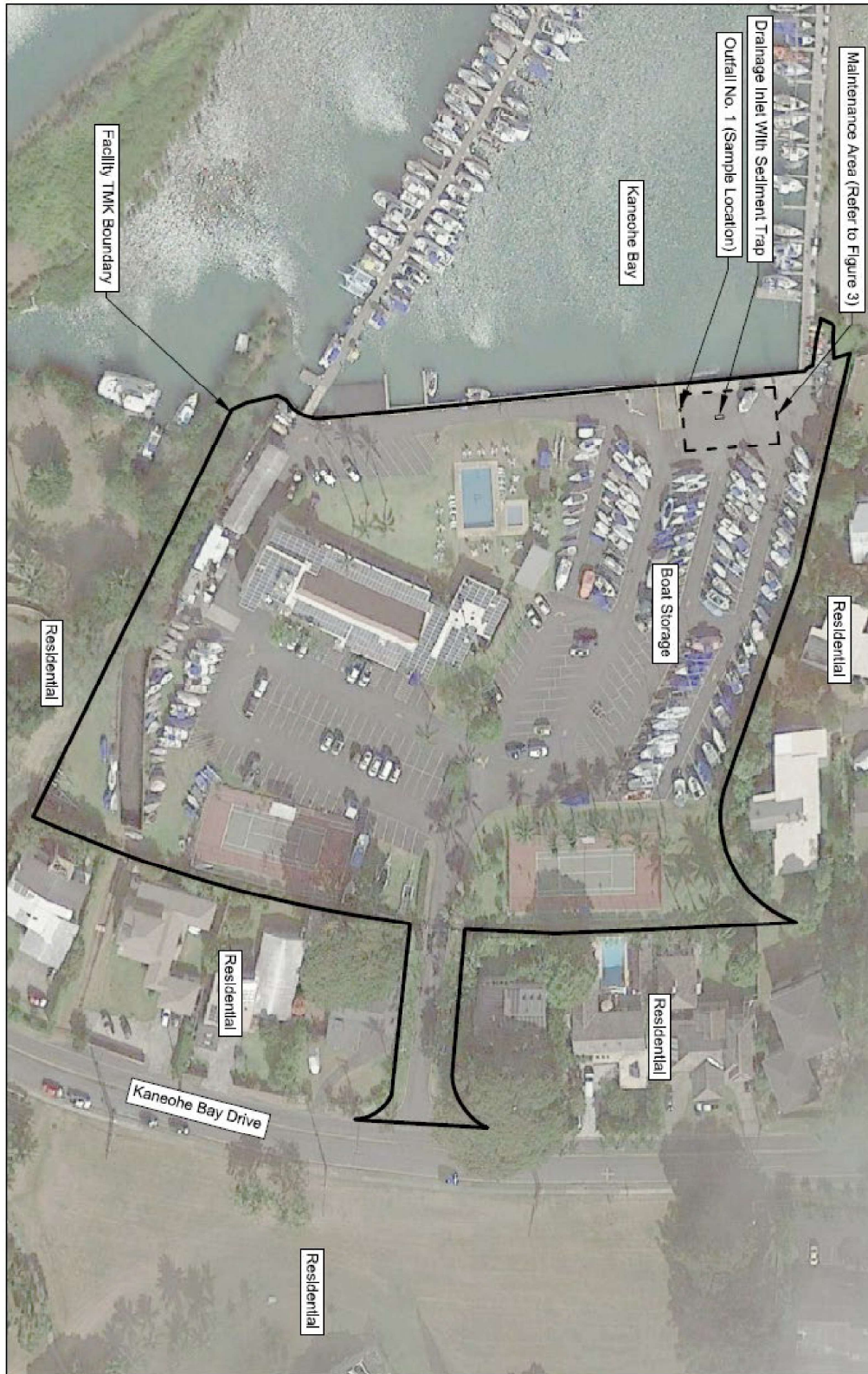
<b>Report</b>	<b>Reporting Period</b>	<b>Report Due Date</b>
Annual Discharge Monitoring Report (see Part 7.5 of Appendix 1)	1/Year	January 31 <sup>st</sup> of each year
SWPPP	1/Permit Term	120 days after Effective Date

Signed copies of monitoring and all other reports required by this permit shall be submitted to DOH in accordance with Part 7 of Appendix 1.

D. LOCATION MAP

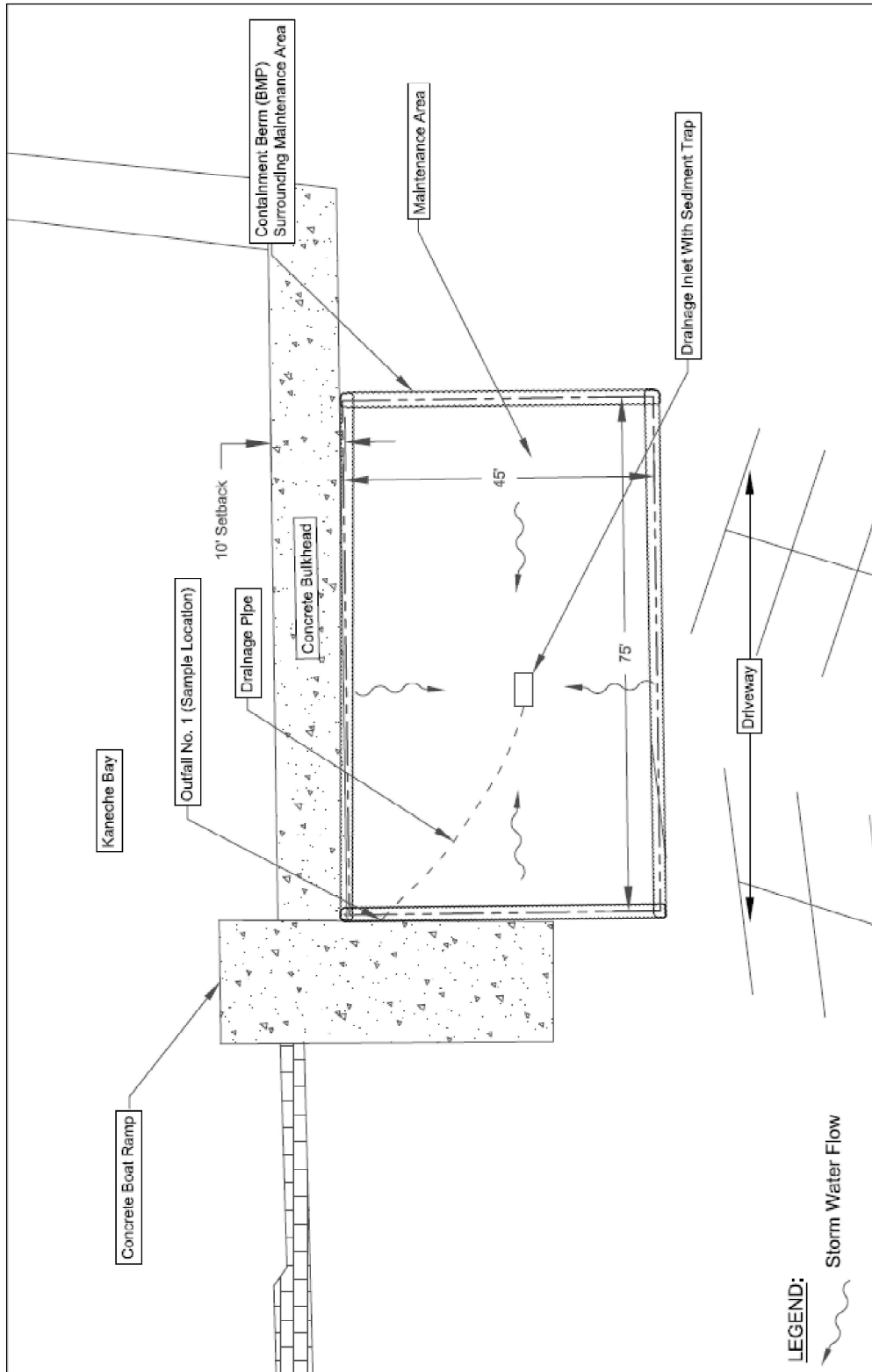


Facility Location Map



Facility Layout Map

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Maintenance Area Outline Map

## APPENDIX 1 – STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY REQUIREMENTS

### 1. Coverage Under this Permit.

#### 1.1 Eligibility.

##### 1.1.1 Facilities Covered.

To be eligible to discharge under this permit, Permittee must have an allowable storm water discharge, or an allowable non-storm water discharge associated with industrial activity from Permittee's primary industrial activity, as defined below.

**Primary industrial activity** - includes any activities performed on-site which are (1) identified by the facility's primary SIC code and included in the descriptions of 122.26(b)(14)(ii), (iii), (vi), or (viii); or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), (vii), or (ix). (For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.) Narrative descriptions in 40 CFR §122.26(b)(14) identified above include: (i) activities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 million gallons per day (mgd) or more.

**Effluent Limitations Guideline (ELG)** – defined in 40 CFR § 122.2 as a regulation published by the EPA Administrator under section 304(b) of the Act to adopt or revise effluent limitations.

**New Source Performance Standards (NSPS)** – technology-based standards for facilities that qualify as new sources under 40 CFR §122.2 and 40 CFR §122.29.

##### 1.1.2 Reserved



### **1.1.3 Allowable Non-Storm Water Discharges.**

Below in Part 1.1.3.1 are the only non-storm water discharges authorized under this permit for all sectors provided that all discharges comply with the effluent limits set forth in Parts 2 and 8.

Also allowed for all sectors are discharges of storm water listed above in Part 1.1.2 or authorized non-storm water discharges in Part 1.1.3, mixed with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization. All other non-storm water discharges requiring NPDES permit coverage except those specifically listed in Part 1.1.3 are not authorized by this permit. If non-storm water discharges requiring NPDES permit coverage other than those specifically authorized in Part 1.1.3, including sector-specific non-storm water discharges that are listed in Part 8 as prohibited (a non-exclusive list provided to raise awareness of contaminants or sources of contaminants characteristic of certain sectors), will be discharged, such non-storm water discharges are not authorized by this permit and must either be eliminated or covered under another NPDES permit.

#### **1.1.3.1 Allowable Non-Storm Water Discharges for all Sectors of Industrial Activity:**

- Discharges from emergency/unplanned fire-fighting activities;
- Fire hydrant flushing;
- Potable water, including water line flushing;
- Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
- Pavement wash waters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part 5.2.3), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using

hydrophobic mops/rags) and Permittee has implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention; settlement);

**Hazardous Materials or Hazardous Substances or Toxic Materials** – means, for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

**Control Measures** – refers to any storm water control or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to State waters.

**Minimize** – for the purposes of this permit, minimize means to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.

- Routine external building washdown / power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown; drains).

## 1.2 Permit Compliance.

Any non-compliance with any of the requirements of this permit constitutes a violation of this permit, and thus is a violation of the Act and State law. As detailed in Part 4 (Corrective Actions) of this permit, failure to take any required corrective actions constitutes an independent, additional violation of this permit, in addition to any original violation that triggered the need for corrective action. As such, any actions and time periods specified for remedying non-compliance do not absolve parties of the initial underlying non-compliance.

**Corrective Action** – means, for the purposes of the permit, any action taken, or required to be taken, to (1) repair, modify, or replace any storm water control used at

the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a permit violation.

**Spill** – means, for the purposes of this permit, the release of a hazardous or toxic substance from its container or containment.

Where corrective action is triggered by an event that does not itself constitute permit non-compliance, there is no permit violation provided Permittee takes the required corrective action within the relevant deadlines established in Part 4.3.

## **2. Control Measures and Effluent Limits.**

In the technology-based limits included in Parts 2.1 and 8, the term “minimize” means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice. The term “infeasible” means not technologically possible or not economically practicable and achievable in light of best industry practices.

### **2.1 Control Measures.**

Permittee must select, design, install, and implement control measures (including best management practices) to minimize pollutant discharges that address the selection and design considerations in Part 2.1.1 and meet the non-numeric effluent limits in Part 2.1.2. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer’s specifications. Note that Permittee may deviate from such manufacturer’s specifications where Permittee provides justification for such deviation and include documentation of Permittee’s rationale in the part of its SWPPP that describes Permittee’s control measures, consistent with Part 5.2.4. If Permittee finds that its control measures are not achieving their intended effect of minimizing pollutant discharges to meet applicable water quality standards or any of the other non-numeric effluent limits in this permit, Permittee must modify these control measures per the corrective action requirements in Part 4. Regulated storm water discharges from Permittee’s facility include storm water run-on that commingles with storm water discharges associated with industrial activity at the Facility.

Effluent limit requirements in Part 2.1.2 that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., “Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe”) are marked with an asterisk (\*). When documenting in the SWPPP, per Part 5, how Permittee will comply with the requirements marked with an asterisk, Permittee has the option of

including additional information or may just “cut-and-paste” those effluent limits verbatim into its SWPPP without providing additional documentation (see Part 5.2.4).

### **2.1.1 Control Measure Selection and Design Considerations.**

Permittee must consider the following when selecting and designing control measures:

- Preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;
- Using control measures in combination may be more effective than using control measures in isolation for minimizing pollutants in storm water discharge;
- Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- Minimizing impervious areas at the Facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve ground water recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows; and
- Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

### **2.1.2 Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT).**

Permittee must comply with the following non-numeric effluent limits (except where otherwise specified in Part 8) as well as any sector-specific non-numeric effluent limits in Part 8:

- 2.1.2.1 Minimize Exposure.** Permittee must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain and runoff in order to minimize pollutant discharges by either locating these industrial materials and activities inside or protecting them with storm resistant coverings. Unless infeasible, Permittee must also:

- Use grading, berming or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge;
- Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;
- Use spill/overflow protection equipment;
- Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- Drain fluids from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks.

**2.1.2.2 Good Housekeeping.** Permittee must keep clean all exposed areas that are potential sources of pollutants. Permittee must perform good housekeeping measures in order to minimize pollutant discharges, including but not limited to, the following:

- Sweep or vacuum at regular intervals or, alternatively, wash down the area and collect and/or treat, and properly dispose of the washdown water;
- Store materials in appropriate containers;
- Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). Consistent with Part 1.1.3 above, this permit does not authorize dry weather discharges from dumpsters or roll off boxes;\* and
- Minimize the potential for waste, garbage, and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.

**2.1.2.3 Maintenance.** Permittee must maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges.

This includes:

- Performing inspections and preventive maintenance of storm water drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in contamination of storm water.
- Diligently maintaining non-structural control measures (e.g., keep spill response supplies available, personnel appropriately trained).
- Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe.\*

**Effective Operating Condition** – means, for the purposes of this permit, a storm water control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

If Permittee finds that its control measures are in need of routine maintenance, Permittee must conduct the necessary maintenance immediately in order to minimize pollutant discharges. If Permittee finds that its control measures need to be repaired or replaced, Permittee must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of storm water controls should be completed as soon as feasible but must be no later than the timeframe established in Part 4.3 for corrective actions, i.e., within 14 days or, if that is infeasible, within 45 days. If the completion of storm water control repairs/replacement will exceed the 45 day timeframe, Permittee may take the minimum additional time necessary to complete the maintenance, provided that Permittee notifies the DOH of its intention to exceed 45 days, and document in the SWPPP its rationale for its modified maintenance timeframe. If a control measure was never installed, was installed incorrectly or not in accordance with Parts 2 and/or 8, or is not being properly operated or maintained, Permittee must conduct corrective action as specified in Part 4.

*Note: In this context, the term “immediately” requires Permittee to, on the same day it identifies that a control measure needs to be maintained, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the work day when it is too late to take action, the initiation of action must begin no later than the following work day. “All reasonable steps” means that the Permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new best management practice (BMP) to be installed at a later date. “All reasonable steps” for purposes of complying with Part 4.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary, when Permittee concludes a corrective action is, in fact, not necessary, could include documenting why a corrective action is unnecessary.*

**2.1.2.4 Spill Prevention and Response.** Permittee must minimize the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. Permittee must conduct spill prevention and response measures, including but not limited to, the following:

- Plainly label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;\*
- Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;
- Develop training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
- Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made; and
- Notify appropriate facility personnel when a leak, spill, or other release occurs.

Where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR §110, 40 CFR §117, or 40 CFR §302, occurs during a 24-hour period, Permittee must notify the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours. Contact information must be in locations that are readily accessible and available.

- 2.1.2.5 Erosion and Sediment Controls.** Permittee must minimize erosion by stabilizing exposed soils at Facility in order to minimize pollutant discharges and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. Permittee must also use structural and non-structural control measures to minimize the discharge of sediment. The use of polymers and/or other chemical treatments as part of Permittee's controls is not covered under this permit. There are many resources available to help Permittee select appropriate BMPs for erosion and sediment control, including from the EPA.
- 2.1.2.6 Management of Runoff.** Permittee must divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff to minimize pollutants in its discharges. In selecting, designing, installing, and implementing appropriate control measures, Permittee is encouraged to consult with EPA's Internet-based resources relating to runoff management, including the sector-specific Industrial Storm water Fact Sheet Series, National Menu of Storm water BMPs, and National Management Measures to Control Nonpoint Source Pollution from Urban Areas, and any similar resources.
- 2.1.2.7 Employee and Personnel Training.** Permittee must train all employees and personnel who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel, club members), including all members of Permittee's storm water pollution prevention team. Permittee must ensure the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:
- Personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);
  - Personnel responsible for the storage and handling of chemicals and materials that could become contaminants in storm water discharges;



- Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts 3 and 6; and
- Personnel who are responsible for taking and documenting corrective actions as required in Part 4.

Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- An overview of what is in the SWPPP;
- Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
- The location of all controls on the site required by this permit, and how they are to be maintained;
- The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- When and how to conduct inspections, record applicable findings, and take corrective actions.

**2.1.2.8 Non-Storm Water Discharges.** Permittee must evaluate for the presence of non-storm water discharges. Any non-storm water discharges not explicitly authorized in Part 1.1.3 or covered by another NPDES permit must be eliminated. This includes vehicle and equipment/tank wash water. If not covered under a separate NPDES permit, wastewater, wash water and any other unauthorized non-storm water must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately.

**2.1.2.9 Dust Generation and Vehicle Tracking of Industrial Materials.** Permittee must minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutant discharges.

**2.1.3. Numeric Effluent Limitations Based on Effluent Limitations Guidelines.**

The Permittee's industrial category is not subject to ELGs.

## **2.2 Water Quality-Based Effluent Limitations.**

### **2.2.1. Water Quality Standards.**

Permittee's discharge must be controlled as necessary to meet applicable water quality standards (i.e., Permittee's discharge must not cause or contribute to an exceedance of applicable water quality standards).

The DOH expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards as described in HAR Chapter 11-55, Appendix A, Section 1. If at any time Permittee becomes aware, or DOH determines, that Permittee's discharge does not meet applicable water quality standards, Permittee must take corrective action(s) as required in Part 4.1 and document the corrective actions as required in Part 4.4.

The DOH may also require that Permittee undertake additional control measures (to meet the narrative water quality-based effluent limit above) on a site-specific basis if information in Permittee's Individual NPDES Application, required reports, or from other sources indicates that Permittee's discharges are not controlled as necessary to meet applicable water quality standards. Permittee must implement all measures necessary to be consistent with an available waste load allocation in a DOH established and EPA approved TMDL.

### **2.2.2. Discharges to Water Quality-Impaired Waters.**

Permittee is considered to discharge to an impaired water if the first state water to which Permittee discharges is identified by the DOH as not meeting an applicable water quality standard, and:

- Requires development of a TMDL [pursuant to section 303(d) of the Act];
- Is addressed by a DOH established and EPA-approved TMDL; or
- Is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR § 130.7(b)(1).

*Note: For discharges that enter a separate storm sewer system prior to discharge, the first state water to which Permittee discharges is the waterbody that receives the water from the storm sewer system.*

**2.2.2.1 Existing Discharge to an Impaired Water with a DOH Established and EPA Approved TMDL.**

If Permittee discharges to an impaired water with a DOH established and EPA-approved TMDL, DOH will inform Permittee whether any additional measures are necessary for Permittee's discharge to be consistent with the assumptions and requirements of the applicable TMDL and its waste load allocation, or if coverage under an individual permit is necessary per Part 1.2.3.

**2.2.2.2 Existing Discharger to an Impaired Water without a DOH established and EPA-Approved TMDL.**

If Permittee discharges to an impaired water without a DOH established and EPA-approved TMDL, Permittee is still required to comply with Part 2.2.1, and must comply with the monitoring requirements of Part 6.2.4.1. Note that the impaired waters monitoring requirements of Part 6.2.4.1 also apply where DOH determines that Permittee's discharge is not controlled as necessary to meet applicable water quality standards in an impaired downstream water segment, even if the discharge is to a receiving water that is not identified as impaired according to Part 2.2.2.

**2.2.2.3 New Discharger or New Source to an Impaired Water.**

If Permittee's authorization to discharge under this permit relied on Part 1.1.4.8 for a new discharger or a new source to an impaired water, Permittee must implement and maintain any measures that enabled it to become eligible under Part 1.1.4.8, and modify such measures as necessary pursuant to any Part 4 corrective actions. Permittee also must comply with Part 2.2.1 and the monitoring requirements of Parts 6.2.4.1.

**3. Inspections.**

**3.1 Routine Facility Inspections.**

During normal facility operating hours, Permittee must conduct inspections of areas of the facility covered by the requirements in this permit, including, but not limited to, the following:

- Areas where industrial materials or activities are exposed to storm water;
- Areas identified in the SWPPP and those that are potential pollutant sources (see Part 5.2.3);

- Areas where spills and leaks have occurred in the past three years;
- Discharge points; and
- Control measures used to comply with the effluent limits contained in this permit.

Inspections must be conducted at least quarterly (i.e., once each calendar quarter), or in some instances more frequently (e.g., monthly). Increased frequency may be appropriate for some types of equipment, processes and storm water control measures, or areas of the facility with significant activities and materials exposed to storm water. At least once each calendar year, the routine inspection must be conducted during a period when a storm water discharge is occurring.

Inspections must be performed by qualified personnel, as defined below, with at least one member of Permittee's storm water pollution prevention team participating. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

**Qualified Personnel** – qualified personnel are those who are knowledgeable in the principles and practices of industrial storm water controls and pollution prevention, and who possess the education and ability to assess conditions at the industrial facility that could impact storm water quality, and the education and ability to assess the effectiveness of storm water controls selected and installed to meet the requirements of the permit.

During the inspection Permittee must examine or look out for the following:

- Industrial materials, residue or trash that may have or could come into contact with storm water;
- Leaks or spills from industrial equipment, drums, tanks and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas; and
- Control measures needing replacement, maintenance or repair.

During an inspection occurring during a storm water event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly. Discharge points, as defined below, must also be observed

during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.

**Discharge Point** – means, for the purposes of this permit, the location(s) where storm water leaves the facility either directly or through a separate storm sewer system to a State water.

### 3.1.1 Routine Facility Inspection Documentation.

Permittee must document the findings of its Facility inspections and maintain this report with its SWPPP as required in Part 5.5. Do not submit Permittee's routine Facility inspection report to DOH, unless specifically requested to do so. However, Permittee must summarize its findings in the annual report per Part 7.5. Document all findings, including but not limited to, the following information:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information;
- All observations relating to the implementation of control measures at the facility, including:
  - A description of any discharges occurring at the time of the inspection;
  - Any previously unidentified discharges from and/or pollutants at the Facility;
  - Any evidence of, or the potential for, pollutants entering the drainage system;
  - Observations regarding the physical condition of and around all outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
  - Any control measures needing maintenance, repairs, or replacement;
- Any additional control measures needed to comply with the permit requirements;
- Any incidents of non-compliance; and
- A statement, signed and certified in accordance with Standard NPDES

Permit Conditions (Version 15), Section 15.

Any corrective action required as a result of a routine Facility inspection must be performed consistent with Part 4 of this permit.

If Permittee performed a discharge visual assessment required in Part 3.2 during its Facility inspection, Permittee may include the results of the assessment with the report required in Part 3.1.1, as long as all components of both types of inspections are included in the report.

### **3.2 Quarterly Visual Assessment of Storm Water Discharges.**

#### **3.2.1 Quarterly Visual Assessment Procedures.**

Once each quarter for the entire permit term, Permittee must collect a storm water sample from each outfall (except as noted in Part 3.2.3) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR §136 procedures but must be collected in such a manner that the samples are representative of the storm water discharge.

The visual assessment must be made:

- Of a sample in a clean, colorless glass or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and Permittee must document why it was not possible to take the sample within the first 30 minutes; and
- For storm events, on discharges that occur at least 72 hours (three days) from the previous discharge. The 72-hour (three-day) storm interval does not apply if Permittee documents that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period.

Permittee must visually inspect or observe the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity (diminished);
- Floating solids;
- Settled solids;

- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of storm water pollution.

Whenever the visual assessment shows evidence of storm water pollution, Permittee must initiate the corrective action procedures in Part 4.

### **3.2.2 Quarterly Visual Assessment Documentation.**

Permittee must document the results of its visual assessments and maintain this documentation onsite with its SWPPP as required in Part 5.5. Permittee is not required to submit its assessment findings to DOH unless specifically requested to do so. However, Permittee must summarize its findings in the annual report per Part 7.5. Permittee's documentation of the visual assessment must include, but not be limited to:

- Sample location(s);
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the storm water discharge;
- Probable sources of any observed storm water contamination;
- If applicable, why it was not possible to take samples within the first 30 minutes; and
- A statement signed and certified in accordance with Standard NPDES Permit Conditions (Version 15), Section 15.

Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part 4 of this permit.

### **3.2.3 Exceptions to Quarterly Visual Assessments.**

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, Permittee must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with Permittee's SWPPP records as described in Part 5.5. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or situations that otherwise make sampling impractical.

Climates with Irregular Storm Water Runoff: If the Facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) that prevent runoff from occurring for extended periods, then Permittee's samples for the quarterly visual assessments may be distributed during seasons when precipitation runoff occurs.

**Semi-Arid Areas** – areas where annual rainfall averages from 10 to 20 inches.

Substantially Identical Outfalls: If the Facility has two or more outfalls that discharge substantially identical effluents, as documented in Part 5.2.5.2, Permittee may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that Permittee performs visual assessments on a rotating basis of each substantially identical outfall throughout the period of its coverage under this permit.

If storm water contamination is identified through visual assessment performed at a substantially identical outfall, Permittee must assess and modify its control measures as appropriate for each outfall represented by the monitored outfall.

### **3.3 Authorization to Inspect.**

DOH may conduct an inspection of the Facility covered by this permit to ensure compliance with State requirements, including State water quality standards.

## **4. Corrective Actions.**

### **4.1 Conditions Requiring SWPPP Review and Revision to Ensure Effluent Limits are Met.**

When any of the following conditions occur or are detected during an inspection, monitoring or other means, or DOH or the operator of the MS4 through which Permittee discharges informs Permittee that any of the following conditions have occurred, Permittee must review and revise, as appropriate, its SWPPP (e.g., sources of pollution; spill and leak procedures; non-storm water discharges; the selection, design, installation and implementation of your control measures) so that this permit's effluent limits are met and pollutant discharges are minimized:

- An unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another NPDES permit to a State water) occurs at the Facility.



- Permittee's control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit.
- A required control measure was never installed, was installed incorrectly, or not in accordance with Parts 2 and/or 8 or is not being properly operated or maintained.
- Whenever a visual assessment shows evidence of storm water pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

#### **4.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary.**

If any of the following conditions occur, Permittee must review its SWPPP (e.g., sources of pollution, spill and leak procedures, non-storm water discharges, selection, design, installation and implementation of its control measures) to determine if modifications are necessary to meet the effluent limits in this permit:

- Construction or a change in design, operation, or maintenance at the Facility that significantly changes the nature of pollutants discharged in storm water from the Facility, or significantly increases the quantity of pollutants discharged.
- The average of four quarterly sampling results exceeds an applicable benchmark (see Part 6.2.1.2), or if less than four benchmark samples have been taken, the results are such that an exceedance of the four-quarter average is mathematically certain (i.e., if the sum of quarterly).
- Sample results to date more than four times the benchmark level is considered a benchmark exceedance, triggering this review.

*Note: A benchmark exceedance does not trigger a corrective action if Permittee determines that the exceedance is solely attributable to natural background sources, or if Permittee makes a finding that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice (see Part 6.2.1.2).*

*Note: When run-on to the Facility causes a benchmark exceedance, in addition to reviewing and revising, as appropriate, the SWPPP, Permittee should notify the other operators contributing run-on to its discharges to abate their pollutant contribution. Where the other operators fail to take action to address the storm water run-on, Permittee should contact DOH.*

### **4.3 Corrective Actions and Deadlines.**

#### **4.3.1 Immediate Actions.**

If corrective action is needed, Permittee must immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

*Note: In this context, the term “immediately” requires Permittee to, on the same day a condition requiring corrective action is found, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the workday when it is too late to initiate corrective action, the initiation of corrective action must begin no later than the following workday. “All reasonable steps” means that Permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new BMP to be installed at a later date. “All reasonable steps” for purposes of complying with Part 4.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary, when Permittee concludes a corrective action is, in fact, not necessary, could include documenting why a corrective action is unnecessary.*

#### **4.3.2 Subsequent Actions.**

If Permittee determines that additional actions are necessary beyond those implemented pursuant to Part 4.3.1 or if the conditions in Part 4.1 continue to occur, Permittee must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery of the corrective action condition. If it is infeasible to complete the corrective action within 14 calendar days, Permittee must document why it is infeasible to complete the corrective action within the 14-day timeframe. Permittee must also identify its schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45 day timeframe, Permittee may take the minimum additional time necessary to complete the corrective action, provided that Permittee notifies DOH of its intention to exceed 45 days, its rationale for an extension, and a completion date, which Permittee must also include in its corrective action documentation (see Part 4.4). Where Permittee’s corrective actions result in changes to any of the controls or procedures documented in its SWPPP, Permittee must modify its SWPPP accordingly within 14 calendar days of completing corrective action work.

These time intervals are not grace periods, but are schedules considered reasonable for documenting Permittee's findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely.

For those conditions in Part 4.1 that continue to occur, the potential that the Dischargers may not have implemented appropriate and/or sufficient BMPs increases, and the Discharger is required to implement escalating levels of corrective actions.

#### **4.4 Corrective Action Documentation.**

Permittee must document the existence of any of the conditions listed in Parts 4.1 or 4.2 within 24 hours of becoming aware of such condition. Permittee is not required to submit its corrective action documentation to DOH unless specifically requested to do so. However, Permittee must summarize its findings in the annual report per Part 7.5. Include the following information in the documentation:

- Description of the condition triggering the need for corrective action review. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to State waters, through storm water or otherwise;
- Date the condition was identified;
- Description of immediate actions taken pursuant to Part 4.3.1 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases (see Part 2.1.2.4); and
- A statement signed and certified in accordance with Standard NPDES Permit Conditions (Version 15), Section 15.

Permittee must also document the corrective actions taken or to be taken as a result of the conditions listed in Part 4.1 or 4.2 (or, for triggering events in Part 4.2 where Permittee determines that corrective action is not necessary, the basis for this determination) within 14 days from the time of discovery of any of those conditions. Provide the dates when each corrective action was initiated and completed (or is expected to be completed). If applicable, document why it is infeasible to complete the necessary installations or repairs within the 14-day timeframe and document the schedule for installing the controls and making them operational as soon as practicable

after the 14-day timeframe. If Permittee notified DOH regarding an extension of the 45 day timeframe, Permittee must document its rationale for an extension.

#### **4.5 Effect of Corrective Action.**

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action, including escalating levels of corrective actions in accordance with this section is an additional permit violation. DOH will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

#### **4.6 Substantially Identical Outfalls.**

If the event triggering corrective action is associated with an outfall that had been identified as a “substantially identical outfall” (see Part 3.2.3), Permittee’s review must assess the need for corrective action for all related substantially identical outfalls. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event. Any corrective actions must be conducted within the timeframes set forth in Part 4.3.

### **5. Storm Water Pollution Prevention Plan (SWPPP).**

Permittee must prepare a SWPPP for the Facility within 120 days of the date of NPDES Permit issuance. The SWPPP will be implemented within 180 days after submittal. The SWPPP does not contain effluent limitations; such limitations are contained in Parts 2 and 8. The SWPPP is intended to document the selection, design, and installation of control measures to meet the permit's effluent limits. As distinct from the SWPPP, the additional documentation requirements (see Part 5.5) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

*Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under the Act, section 402(k), by disclosure to DOH after issuance of this permit via any means, including the SWPPP, during an inspection, etc.*

#### **5.1 Person(s) Responsible for SWPPP Preparation.**

The SWPPP shall be prepared in accordance with good engineering practices and to industry standards. The SWPPP may be developed by either a person on Permittee’s staff or a third party Permittee hires, but it must be developed by a

“qualified person” and must be certified per the signature requirements in Part 5.2.6. If DOH concludes that the SWPPP is not in compliance with Part 5.2 of this permit, DOH may require the SWPPP to be reviewed, amended as necessary, and certified by a Professional Engineer, with the education and experience necessary to prepare an adequate SWPPP.

*Note: A “qualified person” is a person knowledgeable in the principles and practices of industrial storm water controls and pollution prevention, and possesses the education and ability to assess conditions at the industrial facility that could impact storm water quality, and the education and ability to assess the effectiveness of storm water controls selected and installed to meet the requirements of the permit.*

## **5.2 Contents of Permittee’s SWPPP.**

For coverage under this permit, Permittee’s SWPPP must contain all of the following elements:

- Storm water pollution prevention team (see Part 5.2.1);
- Site description (see Part 5.2.2);
- Summary of potential pollutant sources (see Part 5.2.3);
- Description of control measures (see Part 5.2.4);
- Schedules and procedures (see Part 5.2.5); and
- Signature requirements (see Part 5.2.6).

Where Permittee’s SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan, copies of the relevant portions of those documents must be kept with Permittee’s SWPPP.

### **5.2.1 Storm Water Pollution Prevention Team.**

Permittee must identify the staff members (by name or title) that comprise the Facility’s storm water pollution prevention team as well as their individual responsibilities (e.g., monitoring, inspections, maintenance, etc.). Permittee’s storm water pollution prevention team is responsible for, but not limited to overseeing development of the SWPPP, any modifications to it, and for implementing and maintaining control measures and taking corrective actions when required. Each member of the storm water pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of Permittee’s SWPPP, and other relevant documents or information that must be kept with the SWPPP.

### **5.2.2 Site Description.**

Permittee's SWPPP must include the following:

- Activities at the Facility. Provide a description of the nature of the industrial activities at the Facility.
- General location map. Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of the Facility and all receiving waters for Permittee's storm water discharges.
- Site map. Provide a map showing:
  - Boundaries of the property and the size of the property in acres;
  - Location and extent of significant structures and impervious surfaces;
  - Directions of storm water flow (use arrows);
  - Location of all discharge points (as defined in Part 3.1), including latitude and longitude coordinates;
  - Locations of all storm water control measures;
  - Locations of all receiving waters, including wetlands, in the immediate vicinity of the Facility. Indicate which waterbodies are listed as impaired;
  - Locations of all storm water conveyances including ditches, pipes, and swales;
  - Locations of potential pollutant sources identified under Part 5.2.3.2;
  - Locations where significant spills or leaks identified under Part 5.2.3.3 have occurred;
  - Locations of all storm water monitoring points;
  - Locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall 001, 002), indicating if Permittee is treating one or more outfalls as "substantially identical" under Parts 3.2.3 and 5.2.5.2, and an approximate outline of the areas draining to each outfall;
  - If applicable, MS4s and where storm water discharges to them; and
  - Locations of the following activities where such activities are exposed to precipitation:
    - fueling stations;
    - vehicle and equipment maintenance and/or cleaning areas;
    - loading/unloading areas;
    - locations used for the treatment, storage, or disposal of wastes;
    - liquid storage tanks;

- processing and storage areas;
- immediate access roads used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the Facility;
- transfer areas for substances in bulk;
- machinery; and
- locations and sources of run-on to Permittee's site from adjacent property that contains significant quantities of pollutants.

### 5.2.3 Summary of Potential Pollutant Sources.

Permittee must describe areas at the Facility where industrial materials or activities are exposed to storm water or from which allowable non-storm water discharges originate. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, Permittee must be aware that the structures themselves are potential sources of pollutants. This could occur, for example, when metals such as aluminum or copper are leached from the structures as a result of acid rain.

For each area identified, the description must include:

- 5.2.3.1 Activities in the Area.** A list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).
- 5.2.3.2 Pollutants.** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents) associated with each identified activity, which could be exposed to rainfall and could be discharged from the Facility. The pollutant list must include all significant materials that have been handled, treated, stored or disposed, and that have been exposed to storm water in the three years prior to the date Permittee prepared or amended its SWPPP.

**Significant Materials** – includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act

(CERCLA); any chemical the Facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges. See 40 CFR §122.26(b)(12).

**5.2.3.3 Spills and Leaks.** Permittee must document where potential spills and leaks could occur that could contribute pollutants to storm water discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. Permittee must document all significant spills and leaks of oil or toxic or hazardous substances that actually occurred at exposed areas, or that drained to a storm water conveyance, in the three years prior to the date Permittee prepared or amended its SWPPP.

*Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under the Act, Section 311 (see 40 CFR §110.6 and 40 CFR §117.21) or Section 102 of CERCLA, 42 USC §9602. This permit does not relieve Permittee of the reporting requirements of 40 CFR §110, 40 CFR §117, and 40 CFR §302 relating to spills or other releases of oils or hazardous substances.*

**5.2.3.4 Unauthorized Non-Storm Water Discharges.** Permittee must document that it has evaluated for the presence of unauthorized non-storm water discharges (see Part 1.1.3 for the exclusive list of authorized non-storm water discharges under this permit).

Documentation of Permittee's evaluation must include:

- The date of the evaluation;
- A description of the evaluation criteria used;
- A list of the outfalls or onsite drainage points that were directly observed during the evaluation; and
- The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), or documentation that a separate NPDES permit was obtained. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge.

#### **5.2.4 Description of Control Measures to Meet Technology-Based Effluent Limits.**

Permittee must document the location and type of control measures it has specifically chosen and/or designed to comply with:



- Non-numeric technology-based effluent limits in Part 2.1.2;
- Applicable effluent limits in Part 8; and
- Regarding its control measures, Permittee must also document, as appropriate:
  - How Permittee addressed the selection and design considerations in Part 2.1.1; and
  - How Permittee address the pollutant sources identified in Part 5.2.3.

Effluent limit requirements in Part 2.1.2 that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., “cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe”) are marked with an asterisk (\*). For the requirements marked with an asterisk, Permittee may include extra information, or may “cut-and-paste” these effluent limits verbatim into its SWPPP without providing additional documentation.

#### **5.2.5 Schedules and Procedures.**

##### **5.2.5.1 Pertaining to Control Measures Used to Comply with the Effluent Limits in Part 2.**

The following must be documented in Permittee’s SWPPP:

- Good Housekeeping (See Part 2.1.2.2) – A schedule or the convention used for determining when pickup and disposal of waste materials occurs. Also provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers.
- Maintenance (See Part 2.1.2.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance and repair of all control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part 2;
- Spill Prevention and Response Procedures (See Part 2.1.2.4) – Procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include in the SWPPP the control measures for material handling and storage, and the procedures for preventing spills that can contaminate storm water. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. Permittee may reference the existence of other plans for

Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the Act or BMP programs otherwise required by an NPDES permit for the Facility, provided that Permittee keeps a copy of that other plan onsite and make it available for review consistent with Part 5.4; and

- Employee and Personnel Training (Part 2.1.2.7) – The elements of Permittee’s employee and personnel training plan shall include all, but not be limited to, the requirements set forth in Part 2.1.2.7, and also the following:
  - The content of the training;
  - The frequency/schedule of training for employees and personnel who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit; and
  - A log of the dates on which specific employees and personnel received training.

**5.2.5.2 Pertaining to Inspections and Assessments.** Permittee must document in the SWPPP its procedures for performing, as appropriate, the types of inspections specified by this permit, including:

- Routine facility inspections (see Part 3.1); and
- Quarterly visual assessment of storm water discharges (see Part 3.2).

For each type of inspection performed, Permittee’s SWPPP must identify:

- Person(s) or positions of person(s) responsible for inspection;
- Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular storm water runoff discharges (see Part 3.2.3); and
- Specific items to be covered by the inspection, including schedules for specific outfalls.

**5.2.5.3. Pertaining to Monitoring.** Permittee must document the following in its SWPPP if Permittee plans to use the substantially identical outfall exception for its quarterly visual assessment requirements in Part 3.2.3 or its benchmark or impaired waters monitoring requirements in Parts 6.2.1 and 6.2.4.1 (see also Part 6.1.1):

- Location of each of the substantially identical outfalls;

- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to storm water discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

#### **5.2.6 Signature Requirements.**

Permittee must sign and date its SWPPP in accordance with Standard NPDES Permit Conditions (Version 15), Section 15.

#### **5.3 Required SWPPP Modifications.**

Permittee must modify its SWPPP based on the corrective actions and deadlines required under Part 4.3 and that Permittee documented under Part 4.4. SWPPP modifications must be signed and dated in accordance with Standard NPDES Permit Conditions (Version 15), Section 15.

#### **5.4 SWPPP Availability.**

Permittee must retain a complete copy of its current SWPPP required by this permit at the Facility in any accessible format. A complete SWPPP includes any documents incorporated by reference and all documentation supporting Permittee's permit eligibility pursuant to Part 1.1 of this permit, as well as Permittee's signed and dated certification page. Regardless of the format, the SWPPP must be immediately available to Facility employees, EPA, DOH, the operator of an MS4 into which Permittee discharges, and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an onsite inspection. DOH may request a copy of the SWPPP and Permittee is required to submit the SWPPP to the DOH within 14 days of the request.

DOH may provide access to portions of Permittee's SWPPP to a member of the public upon request [except any CBI or restricted information (as defined below)]. To remain current, Permittee must report any modifications to the SWPPP information required by Part 7.3 through submittal of a "CWB Compliance Submittal Form for Individual NPDES and NGPCs" in the e-Permitting Portal. The SWPPP update shall be

no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1.

**Confidential Business Information (CBI)** – see 40 CFR Part 2 for relevant definitions of CBI: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title40-vol1/pdf/CFR-2013-title40-vol1-part2-subpartB.pdf>.

**Restricted Information** – means, for the purposes of this permit, information that is privileged or that is otherwise protected from disclosure pursuant to applicable statutes, Executive Orders, or regulations. Such information includes, but is not limited to: classified national security information, protected critical infrastructure information, sensitive security information, and proprietary business information.

## 5.5 Additional Documentation Requirements.

Permittee is required to keep the following inspection, monitoring, and certification records with its SWPPP that together keep its records complete and up-to-date, and demonstrate Permittee's full compliance with the conditions of this permit:

- A copy of the NPDES application submitted to DOH along with any correspondence exchanged between Permittee and DOH specific to coverage under this permit;
- A copy of the acknowledgment Permittee receives from DOH assigning the NPDES File No.;
- A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);
- All inspection reports, including the Routine Facility Inspection Reports (see Part 3.1.1) and Quarterly Visual Assessment Reports (see Part 3.2.2);
- Description of any deviations from the schedule for visual assessments and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Part 3.2.3); and

**Measurable Storm Event** – means a precipitation event that results in a measurable amount of precipitation (i.e., a storm event that results in an actual discharge) and that follows the preceding storm event by at least 72 hours (3-days). The 72-hour storm interval does not apply if Permittee

documents that less than a 72-hour interval is representative for local storm events.

- Corrective action documentation required per Part 4.4.

## **6. Additional Monitoring Required by DOH.**

Permittee must collect and analyze storm water samples and document monitoring activities consistent with the procedures described in Part 6, HAR Chapter 11-55, Appendix A, Subsections 14 and 16, must be sufficiently sensitive as defined at 40 CFR §122.21(e)(3) and 122.44(i)(1)(iv) and any additional sector-specific requirements in Part 8. Refer to Part 7 for reporting and recordkeeping requirements. Unless otherwise noted in this permit, all pollutant parameters shall be determined according to methods prescribed in 40 CFR §136, promulgated pursuant to Section 304(h) of the Act. Applications for the use of alternative test methods shall be submitted according to 40 CFR §136.4. Permittee shall use the most current revision to 40 CFR §136. Refer to Part 7 for reporting and recordkeeping requirements.

### **6.1 Monitoring Procedures.**

#### **6.1.1 Monitored Outfalls.**

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical outfall.” If the Facility has two or more outfalls that Permittee believes discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of their drainage areas, Permittee may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part 5.2.5.3, Permittee’s SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations. The allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations. Permittee is required to monitor each outfall covered by a numeric effluent limit as identified in Part 6.2.2.

#### **6.1.2 Commingled Discharges.**

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

### **6.1.3 Measurable Storm Events.**

All required monitoring must be performed on a storm event that results in an actual discharge from Permittee's site (**measurable storm event**) that follows the preceding measurable storm event by at least 72 hours (three days). The 72-hour (three-day) storm interval does not apply if Permittee is able to document that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period.

For each monitoring event, Permittee must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event.

### **6.1.4 Sample Type.**

Permittee must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 6.1.3. Samples must be collected within the first 30 minutes of a discharge associated with a measurable storm event or within 30 minutes of discharge following opening of the drain valve from the concrete curbed containment area of the Facility. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.

### **6.1.5 Adverse Weather Conditions.**

When adverse weather conditions as described in Part 3.2.3 prevent the collection of samples according to the relevant monitoring schedule, Permittee must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt Permittee from having to file a benchmark monitoring report in accordance with its sampling schedule. As specified in Part 7.4, Permittee must use NetDMR to report any failure to monitor using a "no data" or "NODI" code during the regular reporting period.

### **6.1.6 Climates with irregular Storm Water Runoff.**

If the Facility is located in areas where limited rainfall occurs during parts of the year (e.g., arid or semi-arid climates) that prevent runoff from occurring for extended periods, required monitoring events may be distributed during seasons when precipitation occurs. Permittee must still collect the required number of samples. As specified in Part 7.4, Permittee must also use NetDMR to report using a "no data" or "NODI" code for any of the regular reporting periods that there was no monitoring.

### **6.1.7 Monitoring Periods.**

Monitoring requirements in this permit begin in the first full quarter following either 90 days after permit issuance or Permittee's date of discharge authorization, whichever date comes later. If Permittee's monitoring is required on a quarterly basis (e.g., benchmark monitoring), Permittee must monitor at least once in each of the following three-month intervals:

- January 1 – March 31;
- April 1 – June 30;
- July 1 – September 30;
- October 1 – December 31.

For example, if Permittee obtains permit coverage on July 2, 2018, then Permittee's first monitoring quarter is October 1 - December 31, 2018. This monitoring schedule may be modified in accordance with Part 6.1.6 if the revised schedule is documented with Permittee's SWPPP. However, using NetDMR Permittee must report using a "no data" or "NODI" code for any three-month interval that you did not take a sample.

### **6.1.8 Monitoring for Allowable Non-Storm Water Discharges.**

Permittee is only required to monitor allowable non-storm water discharges (as delineated in Part 1.1.3) when they are commingled with storm water discharges associated with industrial activity.

### **6.1.9 Monitoring Reports.**

DMRs shall be submitted in compliance with Federal eReporting Rule requirements and monitoring data must be reported using EPA's electronic NetDMR tool at: [www.epa.gov/netdmr](http://www.epa.gov/netdmr), as described in Part 7.4.

## **6.2 Required Monitoring.**

When more than one type of monitoring for the same pollutant at the same outfall applies (e.g., total suspended solids once per year for an effluent limitation and once per quarter for benchmark monitoring at a given outfall), Permittee may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the annual effluent limitation sample and one of the four quarterly benchmark monitoring samples). When the effluent limitation is lower than the benchmark concentration for the same pollutant, Permittee's corrective action trigger is based on

an exceedance of the effluent limitation, which would subject Permittee to the corrective action requirements of Part 4.1.

*Note: Exceedance of an effluent limitation associated with the results of any analytical monitoring type required by this Part subjects Permittee to the corrective action requirements of Part 4.1.*

All required monitoring must be conducted in accordance with the procedures described in HAR Chapter 11-55, Appendix A, Subsection 14.

### **6.2.1 Benchmark Monitoring.**

This permit specifies pollutant benchmark concentrations that are applicable to certain sectors/subsectors. Benchmark monitoring data are primarily for Permittee's use to determine the overall effectiveness of its control measures and to assist Permittee in determining when additional corrective action(s) may be necessary to comply with the effluent limitations in Part 2.

The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if corrective action is required as a result of a benchmark exceedance, failure to conduct required corrective action is a permit violation.

At Permittee's discretion, more than four samples may be taken during separate runoff events and used to determine the average benchmark parameter concentration for facility discharges.

**6.2.1.1 Applicability of Benchmark Monitoring.** Permittee must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to its discharge. Permittee's industry-specific benchmark concentrations are listed in the sector-specific sections of Part 8. If the Facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, Permittee is required to submit to DOH with its SWPPP a hardness value, established consistent with the procedures in Part 9, which is representative of Permittee's receiving water.

Samples must be analyzed consistent with 40 CFR §136 analytical methods and using test procedures with quantitation limits at or below benchmark values and must be sufficiently sensitive as defined at 40 CFR §122.21(e)(3) and 122.44(i)(1)(iv) for all benchmark parameters for which Permittee is required to sample.



**6.2.1.2. Benchmark Monitoring Schedule.** Benchmark monitoring must be conducted quarterly, as identified in Part 6.1.7, for Permittee's first four full quarters of permit coverage commencing no earlier than 90 days after permit issuance.

Facilities in climates with irregular storm water runoff, as described in Part 6.1.6, may modify this quarterly schedule provided that this revised schedule is reported directly to DOH by the due date of the first benchmark sample, and that this revised schedule is kept with the Facility's SWPPP as specified in Part 5.5. When conditions prevent Permittee from obtaining four samples in four consecutive quarters, Permittee must continue monitoring until Permittee has the four samples required for calculating its benchmark monitoring average. As noted in Part 6.1.7, Permittee must use NetDMR to report using a "no data" or "NODI" code for any 3-month interval that it did not take a sample.

**Data not exceeding benchmarks:** After collection of four quarterly samples, if the average of the four monitoring values for any parameter does not exceed the benchmark, Permittee has fulfilled its monitoring requirements for that parameter for the permit term.

**Data exceeding benchmarks:** After collection of four quarterly samples, if the average of the four monitoring values for any parameter exceeds the benchmark, Permittee must, in accordance with Part 4, review the selection, design, installation, and implementation of its control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- Make the necessary modifications and continue quarterly monitoring until Permittee has completed four additional quarters of monitoring for which the average does not exceed the benchmark; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Parts 2.1 and 2.2 of this permit, in which case Permittee must continue monitoring once per year. Permittee must also document its rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with its SWPPP.

Permittee must review its control measures and perform any required corrective action immediately (or document why no corrective action is

required), per Part 4, without waiting for the full four quarters of monitoring data, when an exceedance of the four-quarter average is mathematically certain.

If after modifying Permittee's control measures and conducting four additional quarters of monitoring, Permittee's average still exceeds the benchmark (or if an exceedance of the benchmark by the four-quarter average is mathematically certain prior to conducting the full four additional quarters of monitoring), Permittee must again review its control measures and take one of the two actions above.

***Natural background pollutant levels:*** Following the first four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data; see above), if the average concentration of a pollutant exceeds a benchmark value, and Permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, Permittee is not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of Permittee's benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background; and
- Permittee documents and maintains with its SWPPP, as required in Part 5.5, its supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. Permittee must include in its supporting rationale any data previously collected by Permittee or others (including literature studies) that describe the levels of natural background pollutants in its storm water discharge.

Natural background pollutants are those substances that are naturally occurring in soils or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on Permittee's site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial sites or roadways. However, DOH may determine that Permittee is eligible to discontinue monitoring for pollutants that occur solely from run-on sources.

## **6.2.2. Effluent Limitations**

### **6.2.2.1. Monitoring Based on Effluent Limitations Guidelines.**

Permittee's industrial category is not subject to an ELGs.

**6.2.2.2. Substantially Identical Outfalls.** Permittee must monitor each outfall discharging runoff from any regulated activity identified in Table 6-1. The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

**6.2.2.3. Follow-up Actions if Discharge Exceeds Numeric Effluent Limitations.** If any monitoring value exceeds a numeric effluent limitation contained in this permit, Permittee must indicate the exceedance on a “CWB Compliance Submittal Form for Individual NPDES and NGPCs” in the e-permitting portal, and must conduct follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) of implementing corrective action(s) taken per Part 4. When Permittee’s follow-up monitoring exceeds the applicable effluent limitation, Permittee must:

- **Submit an Exceedance Report:** Permittee must submit an Exceedance Report no later than 30 days after receiving its laboratory results consistent with Part 7.6; and
- **Continue to Monitor:** Permittee must monitor, at least quarterly, until its discharge is in compliance with the effluent limit or until DOH waives the requirement for additional monitoring. Once Permittee’s discharge is back in compliance with the effluent limitation, Permittee must indicate this on a “CWB Compliance Submittal Form for Individual NPDES and NGPCs” form per Part 7.4.

**6.2.3 Reserved.**

**6.2.4. Discharges to Impaired Waters Monitoring.**

*Note: For the purposes of this permit, Permittee’s project is considered to discharge to an impaired water if the first State water to which it discharges is identified by DOH pursuant to Section 303(d) of the Act as not meeting an applicable water quality standard, or has been removed from the 303(d) list either because the impairments are addressed by a DOH-approved or established TMDL or is covered by pollution control requirements that meet the requirements of 40 CFR §130.7(b)(1). For discharges that enter a separate storm sewer system prior to discharge, the first State water to which Permittee discharges is the waterbody that receives the storm water discharge from the storm sewer system.*

**6.2.4.1. Required Monitoring of Discharges to Impaired Waters.**

**Discharges to impaired waters without a DOH established and EPA-approved TMDL:** Beginning in the first full quarter following 90 days after

permit issuance or Permittee's date of discharge authorization, whichever date comes later, Permittee must monitor all pollutants for which the waterbody is impaired and for which a standard analytical method exists (see 40 CFR §136) once per year at each outfall (except substantially identical outfalls) discharging storm water to impaired waters without a DOH established and EPA-approved TMDL.

If the pollutant of concern for the impaired waterbody is suspended solids, turbidity or sediment/sedimentation, Permittee must monitor for Total Suspended Solids (TSS). If a pollutant of concern is expressed in the form of an indicator or surrogate pollutant, Permittee must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as Permittees Required to Monitor Discharges to Impaired Waters.

**Discharges to impaired waters without a DOH established and EPA-approved TMDL:** Beginning in the first full quarter following 90 days after permit issuance or Permittee's date of discharge authorization, whichever date comes later, Permittee must monitor all pollutants for which the waterbody is impaired and for which a standard analytical method exists (see 40 CFR §136) once per year at each outfall (except substantially identical outfalls) discharging storm water to impaired waters without a DOH established and EPA-approved TMDL.

If the pollutant of concern for the impaired waterbody is suspended solids, turbidity or sediment/sedimentation, Permittee may monitor for Total Suspended Solids (TSS). If a pollutant of concern is expressed in the form of an indicator or surrogate pollutant, Permittee may monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or other non-pollutant.

If the pollutant of concern is not detected and not expected to be present in Permittee's discharge, or it is detected but Permittee has determined that its presence is caused solely by natural background sources, Permittee may discontinue monitoring for that pollutant. To support a determination that the pollutant's presence is caused solely by natural background sources, Permittee must document and maintain with its SWPPP, as required by Part 5.5:

- An explanation of why Permittee believes that the presence of the pollutant of concern in its discharge is not related to the activities or materials at the Facility; and
- Data and/or studies that tie the presence of the pollutant of concern in Permittee's discharge to natural background sources in the watershed.

Natural background pollutants include those that occur naturally as a result of native soils, and vegetation, wildlife, or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on Permittee's site, or pollutants in run-on from neighboring sources that are not naturally occurring. However, Permittee may be eligible to discontinue annual monitoring for pollutants that occur solely from these sources and should consult with DOH for guidance.

**Discharges to impaired waters with a DOH established and EPA-approved TMDL:** For storm water discharges to waters for which there is a DOH established and EPA-approved TMDL, Permittee is not required to monitor for the pollutant(s) for which the TMDL was written unless the DOH informs Permittee, upon examination of the applicable TMDL and its waste load allocation, that Permittee is subject to such a requirement consistent with the assumptions and requirements of the applicable TMDL and its waste load allocation. The DOH's notice will include specifications on monitoring parameters and frequency. Permittees must consult with the DOH for guidance regarding required monitoring under this Part.

#### **6.2.5 Additional Monitoring Required by the DOH.**

The DOH may also notify Permittee of additional discharge monitoring requirements that the DOH determines are necessary to meet the permit's effluent limitations. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

### **7. Reporting and Recordkeeping.**

#### **7.1 Electronic Reporting Requirement.**

Permittee must submit its Notice of Cessation (NOC), Annual Reports, and other reporting information as appropriate electronically via the e-Permitting Portal, unless otherwise specified by the DOH, and in compliance with Federal eReporting Rule requirements.

## 7.2 Submitting Information to DOH.

Most information required to be submitted by this permit shall be submitted via DOH's e-Permitting Portal. To access the e-Permitting Portal, go to <https://eha-cloud.doh.hawaii.gov/epermit/>.

Information required to be submitted to DOH via the e-Permitting Portal:

- Notice of Cessation; and
- Annual Report (Part 7.5).

## 7.3 Additional SWPPP Information Required.

- Onsite industrial activities exposed to storm water, including potential spill and leak areas (see Parts 5.2.3.1 and 5.2.3.3);
- Pollutants or pollutant constituents associated with each industrial activity exposed to storm water that could be discharged in storm water and/or any authorized non-storm water discharges listed in Part 1.1.3 (see Part 5.2.3.2);
- Storm water control measures Permittee employs to comply with the non-numeric technology-based effluent limits required in Part 2.1.2 and Part 8; and
- Schedule for good housekeeping and maintenance (see Part 5.2.5.1) and schedule for all inspections required in Part 3 (see Part 5.2.5.2).

## 7.4 Reporting Data to DOH.

Reports shall be submitted in compliance with Federal eReporting Rule requirements. All monitoring data collected pursuant to Part 6.2 must be submitted to DOH via the e-Permitting Portal and/or using EPA's NetDMR system (available at: [www.epa.gov/netdmr](http://www.epa.gov/netdmr)) no later than 28 days after the completed monitoring period. Permittee's monitoring requirements (i.e., parameters required to be monitored and sample frequency) will be prepopulated on its electronic DMR form based on the information Permittee reported on its Individual NPDES Application. Accordingly, the following changes to Permittee's monitoring frequency must be reported to DOH through the submittal of a "CWB Compliance Submittal Form for Individual NPDES and NGPCs" in the e-permitting portal, which will trigger changes to Permittee's monitoring requirements in NetDMR:

- All benchmark monitoring requirements have been fulfilled for the permit term;
- All impaired waters monitoring requirements have been fulfilled for the permit term;

Once monitoring requirements have been completely fulfilled, Permittee is no longer required to report monitoring results using NetDMR. If Permittee has only partially fulfilled its benchmark monitoring and/or impaired waters monitoring requirements (e.g., Permittee's four quarterly average is below the benchmark for some, but not all, parameters; Permittee did not detect some, but not all, impairment pollutants), Permittee must continue to use NetDMR to report its results, but Permittee must report a "no data" or "NODI" code for any monitoring parameters that have been fulfilled.

For benchmark monitoring, note that Permittee is required to submit sampling results to DOH no later than 30 days after receiving its complete laboratory results for all monitored outfalls for each quarter that it is required to collect benchmark samples, per Part 6.2.1.2. If Permittee collects samples during multiple storm events in a single quarter (e.g., due to adverse weather conditions or climates with irregular storm water runoff), Permittee is required to submit all sampling results for each storm event to DOH within 30 days of receiving all laboratory results for the event. Or, for any of Permittee's monitored outfalls that did not have a discharge within the reporting period, using NetDMR it must report using a "no data" or "NODI" code for that outfall no later than 30 days after the end of the reporting period.

## **7.5 Annual Report.**

Permittee must submit an Annual Report to DOH electronically, per Part 7.2, by January 30<sup>th</sup> for each year of permit coverage containing information generated from the past calendar year. Also, reports shall be submitted in compliance with Federal eReporting Rule requirements. Permittee must include the following information:

- A summary of its past year's routine facility inspection documentation required (Part 3.1.1). A summary of its past year's quarterly visual assessment documentation (see Part 3.2.2 of the permit); and
- A summary of its past year's corrective action documentation (see Part 4.4). If corrective action is not yet completed at the time of submission of Permittee's annual report, it must describe the status of any outstanding corrective action(s). Also describe any incidents of non-compliance in the past year or currently ongoing, or if none, provide a statement that Permittee is in compliance with the permit.

Permittee's Annual Report must also include a statement, signed and certified in accordance with Standard NPDES Permit Conditions (version 15), Section 15.

## **7.6 Additional Reporting.**

In addition to the reporting requirements stipulated in Part 7, Permittee is also subject to the standard permit reporting provisions of Standard NPDES Permit Conditions (Version 15), Section 16. Reports shall be submitted to DOH using the “CWB Compliance Submittal Form for Individual NPDES and NGPCs” form via the e-Permitting Portal and in compliance with Federal eReporting Rule requirements.

Permittee must submit the following reports to the DOH. If Permittee discharges through an MS4, it must also submit these reports to the MS4 operator (identified pursuant to Part 5.2.2).

- Immediate – Permittee must report any non-compliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time Permittee becomes aware of the circumstances;
- 5-day follow-up reporting to the 24-hour reporting – A written submission must also be provided within five days of the time Permittee becomes aware of the circumstances;
- Reportable quantity spills – Permittee must provide notification, as required under Part 2.1.2.4, as soon as it has knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity;
- Planned changes – Permittee must give notice to DOH promptly, no fewer than 30 days prior to making any planned physical alterations or additions to the permitted Facility that qualify the Facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- Anticipated non-compliance – Permittee must give advance notice to DOH of any planned changes in the permitted Facility or activity which Permittee anticipates will result in non-compliance with permit requirements;
- Compliance schedules – Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
- Other non-compliance – Permittee must report all instances of non-compliance not reported in your monitoring report (pursuant to Part 7.1), compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- Other information – Permittee must promptly submit facts or information if it becomes aware that it failed to submit relevant facts in its NPDES permit application, or that Permittee submitted incorrect information in its NPDES permit application or in any report.



**7.7 Recordkeeping.**

Permittee must retain copies of its SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.5 (including documentation related to corrective actions taken pursuant to Part 4), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NPDES application to be covered by this permit, for a period of at least three years from the date that Permittee's coverage under this permit expires or is terminated.

**Part 8 – Sector-Specific Requirements for Industrial Activity**

**Universal Benchmark Monitoring Applicable to All Sectors.**

Permittee must comply with the universal benchmark monitoring requirements below for pH, Total Suspended Solids (TSS), and chemical oxygen demand (COD). These requirements apply to all sectors/subsectors and are in addition to any sector-specific requirements contained in this part and requirements applicable to all facilities in Parts 1 through 7 and the permit.

Table 8.1.1 identifies the benchmark monitoring thresholds for pH, TSS, and COD that apply to all industrial sectors/subsectors. These benchmark parameters serve as performance indicators of other stormwater pollutants.

<b>Table 8.1.1. – Universal Benchmark Monitoring Applicable to All Sectors</b>		
<b>Subsector</b>	<b>Parameter</b>	<b>Concentration</b>
All sectors/subsectors	pH	6.0 – 9.0 s.u.
	Total Suspended Solids (TSS)	100 mg/L
	Chemical Oxygen Demand	120 mg/L

**Subpart Q – Sector Q – Water Transportation.**

**8.Q.1 Covered Stormwater Discharges.**

The requirements in Subpart Q apply to stormwater discharges associated with industrial activity from Water Transportation facilities.

**8.Q.2 Limitations on Coverage.**

**8.Q.2.1 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.4) Not covered by this permit: discharges from vessels including bilge and ballast water, sanitary wastes, pressure wash water, and cooling water. Any discharge of pollutants from a point source to a water of the U.S. requires coverage under an NPDES permit. (the DOH includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)

**8.Q.3 Additional Technology-Based Effluent Limits.**

**8.Q.3.1 Good Housekeeping Measures.** Permittee must implement the following good housekeeping measures in addition to the requirements of Part 2.1.2.2:

- 8.Q.3.1.1 Pressure Washing Area.** If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by a separate NPDES permit. Collect or contain the discharges from the pressure washing area so that they are not commingled with stormwater discharges authorized by this permit.
- 8.Q.3.1.2 Blasting and Painting Area.** Minimize the potential for spent abrasives, paint chips, and overspray to be discharged into receiving waters or the storm sewer system. Contain all blasting and painting activities, or use other measures, to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). At least once per month, Permittee must clean stormwater conveyances of deposits of abrasive blasting debris and paint chips.
- 8.Q.3.1.3 Material Storage Areas.** Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. Specify which materials are stored indoors, and contain or enclose or use other measures for those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.
- 8.Q.3.1.4 Engine Maintenance and Repair Areas.** Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all maintenance activities indoors; maintaining an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting the practice of hosing down the shop floor; using dry cleanup methods; and treating and/or recycling stormwater runoff collected from the maintenance area.
- 8.Q.3.1.5 Material Handling Area.** Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering fueling areas; using spill and overflow protection; mixing paints and

solvents in a designated area (preferably indoors or under a shed); and minimizing runoff of stormwater to material handling areas.

**8.Q.3.1.6 Drydock Activities.** Routinely maintain and clean the drydock to minimize discharges of pollutants in stormwater. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. To minimize discharges of pollutants in stormwater from drydock activities, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding; and making absorbent materials and oil containment booms readily available to clean up or contain any spills.

**8.Q.3.2 Employee and Personnel Training.** (See also Part 2.1.2.7) As part of Permittee's employee and personnel training program, address, at a minimum, the following activities (as applicable): used oil management; spent solvent management; disposal of spent abrasives; disposal of vessel wastewaters; spill prevention and control; fueling procedures; general good housekeeping practices; painting and blasting procedures; and used battery management.

**8.Q.3.3 Preventive Maintenance.** (See also Part 2.1.2.3) As part of Permittee's preventive maintenance program, perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

#### **8.Q.4 Additional SWPPP Requirements.**

**8.Q.4.1 Drainage Area Site Map.** (See also Part 5.2.2) Document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

**8.Q.4.2 Summary of Potential Pollutant Sources.** (See also Part 5.2.3) Document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

**8.Q.5 Additional Inspection Requirements.** (See also Part 3.1)

Include the following in all quarterly routine facility inspections: pressure washing areas; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

**8.Q.6 Sector-Specific Benchmarks.** (See also Part 6)

Table 8.Q-1 identifies benchmarks that apply to Sector Q. These benchmarks apply to both Permittee’s primary industrial activity and any co-located industrial activities.

<b>Table 8.Q-1.</b>		
<b>Subsector (Permittee may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector Q1.</b> Water Transportation Facilities (SIC 4412-4499)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Lead (freshwater) <sup>2</sup>	Hardness Dependent
	Total Lead (saltwater) <sup>1</sup>	0.21 mg/L
	Total Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Zinc (saltwater) <sup>1</sup>	0.09 mg/L

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 6.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Lead (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.014	0.04
25-49.99 mg/L	0.023	0.05
50-74.99 mg/L	0.045	0.08
75-99.99 mg/L	0.069	0.11
100-124.99 mg/L	0.095	0.13
125-149.99 mg/L	0.122	0.16
150-174.99 mg/L	0.151	0.18
175-199.99 mg/L	0.182	0.20
200-224.99 mg/L	0.213	0.23
225-249.99 mg/L	0.246	0.25
250+ mg/L	0.262	0.26

**Part 8 – Sector-Specific Requirements for Industrial Activity Subpart R – Sector R – Ship and Boat Building and Repair Yards.**

**8.R.1 Covered Stormwater Discharges.**

The requirements in Subpart R apply to stormwater discharges associated with industrial activity from Ship and Boat Building and Repair Yards.

**8.R.2 Limitations on Coverage.**

**8.R.2.1 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.4) Not covered by this permit: discharges from vessels including bilge and ballast water, sanitary wastes, pressure wash water, and cooling water. (EPA includes these prohibited non- stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)

**8.R.3 Additional Technology-Based Effluent Limits.**

**8.R.3.1 Good Housekeeping Measures.** (See also Part 2.1.2.2)

**8.R.3.1.1 Pressure Washing Area.** If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate NPDES permit.

**8.R.3.1.2 Blasting and Painting Area.** Minimize the potential for spent abrasives, paint chips, and overspray to be discharged into receiving waters or the storm sewer system. Contain all blasting and painting activities, or use other measures, to prevent the discharge of the contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean

stormwater conveyances of deposits of abrasive blasting debris and paint chips.

- 8.R.3.1.3 Material Storage Areas.** Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.
- 8.R.3.1.4 Engine Maintenance and Repair Areas.** Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all maintenance activities indoors; maintaining an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting the practice of hosing down the shop floor; using dry cleanup methods; and treating and/or recycling stormwater runoff collected from the maintenance area.
- 8.R.3.1.5 Material Handling Area.** Minimize the discharge of pollutants in stormwater from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing stormwater run-on to material handling areas.
- 8.R.3.1.6 Drydock Activities.** Routinely maintain and clean the drydock to minimize pollutants in stormwater runoff. Clean accessible areas of the drydock prior to flooding and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, or fuel spills occurring on the drydock. To minimize discharges of pollutants in stormwater from drydock activities, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding; and having absorbent materials and oil containment booms readily available to clean up and contain any spills.

**8.R.3.2 Employee and Personnel Training.** (See also Part 2.1.2.7) As part of Permittee's employee and personnel training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

**8.R.3.4 Preventive Maintenance.** (See also Part 2.1.2.3) As part of Permittee's preventive maintenance program, perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

**8.R.4 Additional SWPPP Requirements.**

**8.R.4.1 Drainage Area Site Map.** (See also Part 5.2.2) Document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; treatment, storage, and waste disposal areas; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

**8.R.4.2 Potential Pollutant Sources.** (See also Part 5.2.3) Document in the SWPPP the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

**8.R.4.3 Documentation of Good Housekeeping Measures.** Document in the SWPPP any good housekeeping measures implemented to meet the effluent limits in Part 8.R.3.

**8.R.4.3.1 Blasting and Painting Areas.** Document in the SWPPP any standard operating practices relating to blasting and painting (e.g., prohibiting uncontained blasting and painting over open water or prohibiting blasting and painting during windy conditions, which can render containment ineffective).



**8.R.4.3.2 Storage Areas.** Specify in the SWPPP which materials are stored indoors, and contain or enclose or use other measures for those stored outdoors.

**8.R.5 Additional Inspection Requirements.** (See also Part 3.1)

Include the following in all quarterly routine facility inspections: pressure washing areas; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

**8.R.6 Sector-Specific Benchmarks.** (See also Part 4)

Table 8.R-1 identifies benchmarks that apply to the specific subsectors of Sector R. These benchmarks apply to both Permittee’s primary industrial activity and any co-located industrial activities.

<b>Table 8.R-1.</b>		
<b>Subsector (Permittee may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector R1.</b> Ship and Boat Building or Repairing Yards (SIC 3731, 3732)	Chromium (III)	570 µg/L
	Chromium (VI) (freshwater)	16 µg/L
	Chromium (VI) (saltwater)	110 µg/L
	Total Recoverable Copper (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Copper (saltwater) <sup>1</sup>	4.8 µg/L
	Total Recoverable Lead (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Lead (saltwater) <sup>1</sup>	210 µg/L
	Total Recoverable Nickel (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Nickel (saltwater) <sup>1</sup>	74 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L	

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 4.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Copper (µg/L)</b>	<b>Lead µg/L</b>	<b>Nickel (µg/L)</b>	<b>Zinc (µg/L)</b>
0-24.99 mg/L	3.8	14	150	40
25-49.99 mg/L	5.6	23	200	50
50-74.99 mg/L	9.0	45	320	80
75-99.99 mg/L	12.3	69	420	110
100-124.99 mg/L	15.6	95	520	130
125-149.99 mg/L	18.9	122	610	160
150-174.99 mg/L	22.1	151	710	180
175-199.99 mg/L	25.3	182	800	200
200-224.99 mg/L	28.5	216	890	230
225-249.99 mg/L	31.6	246	980	250
250+ mg/L	33.2	262	1020	260

**APPENDIX 2 – BEST MANAGEMENT PRACTICES FOR BOATS IN KANEOHE  
YACHT CLUB MAINTENANCE AREA REQUIREMENTS.**

Revised July 2021



***Kaneohe Yacht Club***

*44-503 Kaneohe Bay Drive*

*Kaneohe, HI 96744*

# Best Management Practices for Boats in Kaneohe Yacht Club Maintenance Area

2021

**1.0 IMPLEMENTATION AND ENFORCEMENT**

The following Best Management Practices (BMPs) are designed to prevent discharge of pollutants from boat maintenance, repair, and other activities in the designated Kaneohe Yacht Club (KYC) maintenance area. Awareness of potential impacts from maintenance activities on the bay, other boats, and the environment is crucial to effective BMPs.

This document shall be available at the KYC office. The BMP management team is composed of individuals who: (1) are knowledgeable of KYC operations; (2) will be responsible maintaining these BMPs; and (3) responsible for assisting and advising KYC management in its implementation, maintenance, and revision. The BMP management team is composed of the following individuals:

<b>Staff Names</b>	<b>Position</b>	<b>Contact:</b>
Shaun Myers	General Manager	808-247-4121
Kyle Morton	Waterfront Director	808-650-4192

By signing below, each individual of the BMP team, certifies that they have read and understand the contents of this document and will commit to the obligations of these BMPs.

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General Manager

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Waterfront Director

Boat owners, crews and contractors shall comply with these BMPs during any maintenance activities in the KYC maintenance area. Any persons conducting such activities must sign an Agreement form acknowledging that they have read and understood the contents of this document and will commit to the obligations of these BMPs. A copy of the Agreement form is included at the end of this document.

Enforcement of these BMPs shall be the responsibility of the KYC Manager and Waterfront Director. The penalties for violations are as follows:

1. First violation: \$100 fine payable to KYC.
2. Second violation: \$500 fine payable to KYC and revocation of the privilege to use the maintenance area for 5 years.
3. Third violation: revocation of mooring rights and slip assignment as well as possible expulsion from KYC.

Anyone who sees another individual violating these BMPs should report the violation to the personnel at the KYC office as soon as practical.

## 2.0 BACKGROUND

The designated KYC maintenance area is located in the northwest corner of the facility, as depicted on the attached Figures 1 and 2 at the end of this document. It is north adjacent to the concrete boat ramp, and includes an asphalt-paved area measuring approximately 75 feet long by 45 feet wide. There is a drain inlet with a sediment trap located within the middle portion of the maintenance area, which empties via an outfall onto the concrete boat ramp.

## 3.0 MAINTENANCE AREA ACTIVITIES

1. Any person hauling a boat at KYC shall ensure that all gear, equipment and materials stored on the boat will not interfere with the haul or spill off the boat. Hauling is defined as lifting the boat with one of the two KYC cranes or a crane brought onsite, or a boat hauled up the boat ramp on a trailer.
2. At all times during any boat work, the maintenance area shall be bermed to prevent transport and discharge of dust, debris, sediments, other solid wastes, or liquid wastes to nearby surface water bodies or soil.
3. When conducting any dust generating operations such as sanding, grinding and scraping, the following guidelines must be adhered to:
  - a. The portion of the boat being worked on must be enclosed in dust screens consisting of a non-woven geotextile or equivalent. The dust screens must be attached/fastened such that there are no gaps. The BMP team shall be responsible for making periodic inspections of the maintenance area to ensure that there is adequate dust containment for work being conducted.
  - b. The entire area under the portion of boat being worked on, including the area inside the dust screen enclosure, must be fully tarped with no gaps. Ground tarps must consist of impermeable material consisting of 6 mil plastic sheeting or equivalent. If multiple tarps are used, there should be a minimum overlap of one foot, and the seam should be sealed with duct tape (or equivalent). Additionally, the seam between the vertical dust screens and tarps shall be attached/fastened appropriately to prevent discharge of dust from the enclosure. Ground tarps must be used any time there is potential release of dust, chemical spills, and other residues. These tarps should be swept or vacuumed daily. At the end of each work session or each workday, the entire area must be vacuumed (preferred) or swept clean of dust and other debris.
  - c. Non-vacuum sanding is prohibited in the work area. All sanding must be done with vacuum sanders equipped with HEPA vacuum systems.
  - d. The sediment trap shall be regularly inspected and cleaned.

- e. Any dust generated by maintenance activities must be contained, collected, and properly disposed of in a manner approved by applicable Federal, State or County regulatory agencies.
  - f. No dust or debris generated by maintenance activities shall be allowed to enter the water either directly by air, or indirectly via sheet flow, storm drains or the maintenance area drain collector.
  - g. Sanding, grinding and other dust generating activities are prohibited during forecasted storm events.
  - h. Sand blasting or power spraying of any abrasive grit or substance is prohibited.
  - i. No water shall be used in the maintenance or cleanup of boats in the KYC maintenance area except to rinse saltwater from the hull and deck immediately after the boat is hauled.
  - j. Pressure washing, wet sanding and rinsing with water after sanding are expressly prohibited.
4. When conducting painting and other activities, the following guidelines must be adhered to:
- a. Bottom painting must be performed in a manner that all drips and spills are contained. Tarping underneath the boat is required. The owner, crew or contractor is responsible for cleanup of any spattered paint found on other boats, vehicles, personal property or the ground.
  - b. Spray painting is prohibited in the maintenance area. All painting shall be conducted with a roller or brush.
  - c. No containers of paint, thinners, or similar materials larger than 5 gallons shall be allowed in the designated maintenance area.
  - d. All containers must have lids that are capable of being sealed to prevent spillage during transport.
  - e. Have absorbents and other cleanup items readily available for immediate cleanup of any spills. Any paint spill shall be handled as an oil spill. Refer to Section 7.0 for spill response guidelines.
  - f. Drip pans, tarps or other devices must be used to contain spills during the transferring of oil, solvents, paints, contaminated bilge water, painting, and paint mixing, (i.e. under pumps, spigots, and cover funnels).
  - g. Work areas must be kept neat and clean at all times. No open containers or

oily equipment shall be stored under cover (inside boats or under tarps) and shall not be exposed to the weather. Boat owners, crews and contractors are responsible for spills or discharges.

- h. Before removing machinery from a vessel in the maintenance area, all open fittings shall be sealed to prevent leakage of lubricating and cooling fluids. Through-hull fittings shall similarly be sealed to prevent leakage of contaminated bilge water.

#### **4.0 WASTE HANDLING**

1. Ordinary trash generated by users of the maintenance area should be placed in trash receptacles or dumpsters. Dumpsters may not be used for disposal of any non-boating materials generated off site.
2. No garbage, trash, oil, fuel, debris, or other material, liquid or solid, shall be deposited in the water, on KYC land, or on any floats or piers.
3. Abandoning wastes on KYC property is prohibited.
4. Boat owners, crews and contractors shall be responsible for disposing of wastes such as paint dust, fuel, paint, thinner, solvent, liquid, epoxy resin, dangerous wastes, or other volatile or hazardous substances in a manner approved by applicable Federal, State or County regulatory agencies. Disposing of such wastes on KYC property is prohibited.
5. Waste engine oil and filters may NOT be disposed of at KYC. However, commercially available oil change boxes may be used and can be deposited in the dumpsters.
6. Dumpsters or trash receptacles shall not be used for disposal of unused or waste paints, solvents, oils, antifreeze, spent oil filters, chemicals, pesticides, dangerous wastes or similar materials. Dry, empty containers may be disposed of in dumpsters. Paint cans must be completely dry before being placed in trash dumpsters.
7. Covers on dumpsters and trash receptacles shall remain closed except during the process of actual trash disposal in order to minimize rainwater entry. Damaged or missing dumpster lids should be reported to the KYC office as soon as possible.

#### **5.0 CHEMICAL AND FUEL STORAGE/USE**

1. Storage of oily rags, open paints, open solvents, open thinners, gasoline, or other flammable or explosive material is prohibited on or within the maintenance area, except for gasoline stored aboard a vessel in U.L. or Coast Guard approved gasoline containers.



2. The use of antifouling paint containing tributyl tin is prohibited.
3. Volatile organic compound (VOC) containing products will be replaced with less hazardous, water-based substances when available.
4. No fueling or transferring of fuel shall be carried out in the maintenance area unless spill prevention procedures are in place and approved by KYC management.

## **6.0 DISCHARGES**

1. Discharge of sewage from vessel toilet facilities while in the maintenance area is prohibited.
2. No dust, solid or liquid waste shall be dumped in storm drains, on the ground, or in the sediment trap inlet in the maintenance area.
3. Contaminated Bilge Water:
  - a. Bilge water contaminated with oil, antifreeze, solvents or similar materials shall not be pumped or emptied into the maintenance area, KYC land, or into facility waters.
  - b. Discharged bilge water shall not cause any visible sheen on the water.
  - c. The use of dispersants or mechanical means to dissipate slicks is prohibited.
  - d. Information on disposal locations for such material and the names of local contractors disposing of them as well as information on absorbent products used and disposal, is available at the KYC office.

## **7.0 SPILL RESPONSE PLAN**

1. In the event of an oil, paint, or hazardous material spill that occurs in the maintenance area despite preventative measures, the following emergency responses shall be conducted:
  - a. Immediately stop the source of the spill and recover as much of the material as possible.
  - b. Shut off all ignition sources in the area. NO SMOKING
  - c. Contain the spill using materials provided in the spill kits. KYC maintains two spill kits onsite with emergency response equipment to aid in the event of a spill or release of oil or other material. Each spill kit includes the following:

- Absorbent socks, booms, and pads
  - Loose absorbent powder
  - Polyethylene disposal bags
  - Hazardous waste identification labels, warning signs, barrier tape, and personal protective equipment (gloves, chemical resistant overalls, face shields, goggles, and respirators) are also available.
- d. Booms will be placed downgradient of any spill as a means of containment and to prevent any further migration. A boom should also be placed around the sediment trap to prevent any oil/chemicals, etc. from entering the grated drainage inlet.
  - e. Spills will then be cleaned up with absorbent pads. Any waste absorbents shall be placed in the polyethylene bags provided in the spill kits. Gloves should be worn at all times while handling absorbent materials.
  - f. After the spill has been cleaned up to the extent practicable, apply loose absorbent powder to the affected area and allow to sit for up to 4 hours. Collect the powder in the disposal bag and repeat this step as necessary until sufficiently removed.
2. A spill of oil, paint, or hazardous material is considered a minor release if all of the following conditions are true:
    - a. It occurs in the maintenance area.
    - b. It is cleaned up immediately.
    - c. The volume released is less than 5 gallons.
    - d. The spill does not enter soil or reach State Waters.
    - e. There are no significant fire hazards.

If such conditions are true, the spill is not considered a reportable quantity and no further action is required. However, the KYC office shall be notified of any such spills occurring at the maintenance area. The KYC office contact number is (808) 247-4121.

3. A spill of oil, paint, or hazardous material is considered a reportable release if any of the following conditions are true:
  - a. Any amount of oil, paint, or hazardous material which, when released into the

environment, causes a sheen to appear on surface water or any navigable water of the State.

- b. Any free product (oil) that appears on surface water.
- c. Any amount of oil, paint, or hazardous material greater than 25 gallons released to the maintenance area or environment.
- d. Any amount of oil, paint, or hazardous material released into the maintenance area or environment which is less than 25 gallons, but which is not contained and remediated within 72 hours.

If such conditions are true, the following agencies should be notified by the BMP management team within 24 hours of the time the team first has knowledge that a release has occurred:

United States Environmental Protection Agency (USEPA) Region IX – Honolulu Office (808) 541-2710

National Response Center (800) 424-8802

Hawaii Department of Health (808) 586-4249

**Attachment 1:  
Best Management Practices Agreement Form**

## **Best Management Practices Agreement Form**

Boat Owner:

Boat Name:

Dates of Proposed Work:

Acceptance: I certify that I have read, understand and will abide by the Best Management Practices for the KYC maintenance area.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

This form shall be submitted to KYC management prior to conducting any boat work in the maintenance area.

**Attachment 2:  
Figures**



Image Source: Google Earth 2019



 **Kaneohe Yacht Club**

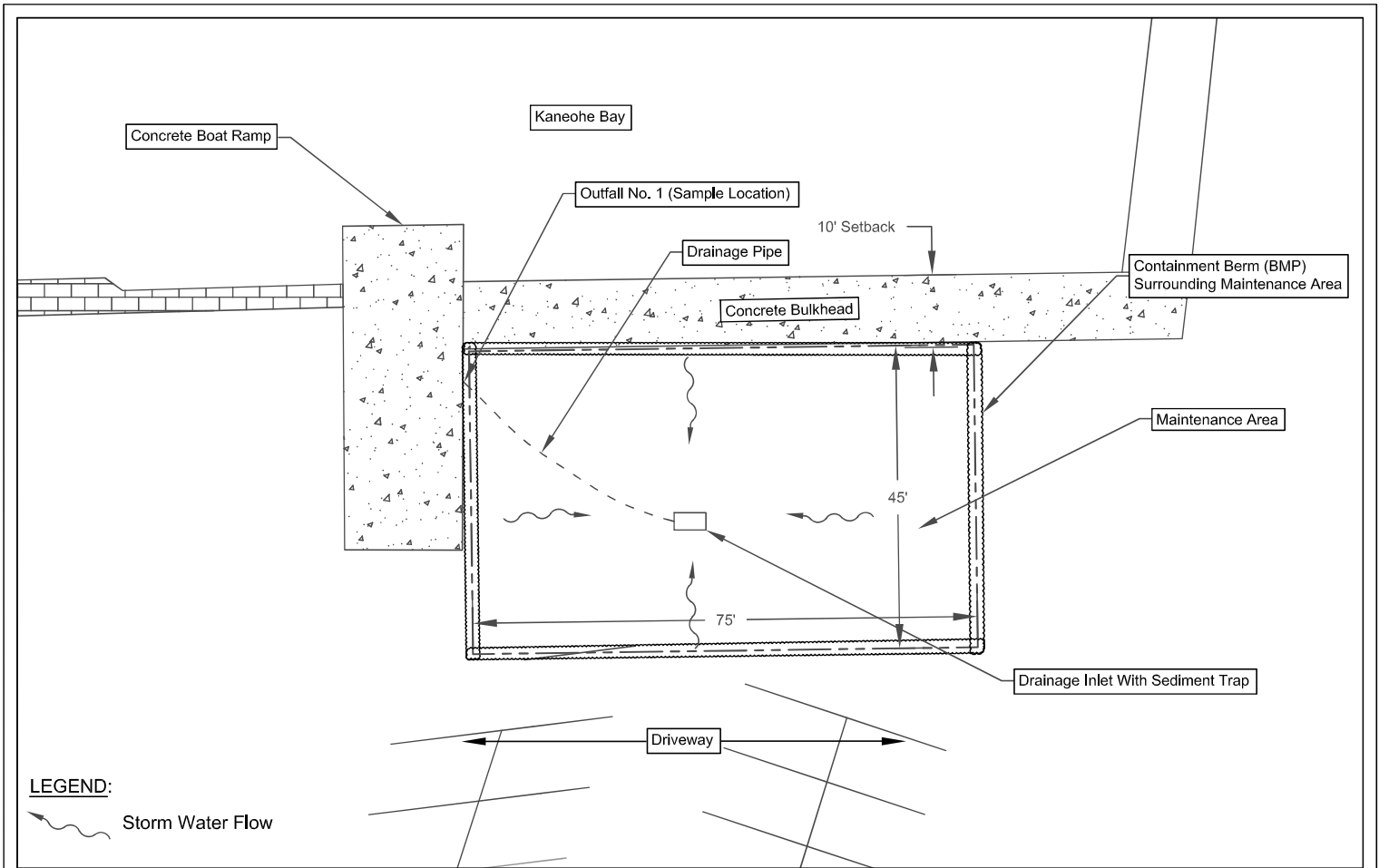
Job Number: 18-1337  
Date: 6/29/21

Created by: JRC  
Reviewed By: DPF

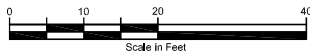
Project:  
Client:

**Facility Layout Map**  
44-503 Kaneohe Bay Drive  
(TMK No.: [1] 4-4-022: Parcel 032)  
Kaneohe, Oahu, Hawaii  
**Kaneohe Yacht Club**

**Figure**  
**1**



**LEGEND:**  
 Storm Water Flow



		<b>Maintenance Area Outline</b> 44-503 Kaneohe Bay Drive (TMK No.: [1] 4-4-022: Parcel 032) Kaneohe, Oahu, Hawaii		<b>Figure 2</b>
		Project:	Client:	
Job Number:	18-1337	Created by:	JRC	
Date:	6/29/21	Reviewed By:	DPF	





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**Hawaii Department of Health  
Clean Water Branch  
National Pollutant Discharge Elimination System (NPDES)  
Industrial Storm Water Inspection Report**

On March 22, 2023, the Department of Health (DOH), Clean Water Branch (CWB), conducted an inspection of the Kaneohe Yacht Club Maintenance Area (Facility). The inspection was conducted to evaluate the Facility's compliance with the issued National Pollutant Discharge Elimination System (NPDES) permit, Permit No. HIS000556 (hereinafter, Permit).

Findings documented in this report include Kaneohe Yacht Club's failure to develop a self-monitoring and reporting program, failure to maintain Best Management Practices (BMPs) and good housekeeping practices at the Facility to prevent the discharge of pollutants. Additionally, Kaneohe Yacht Club failed to develop and submit the Facility's Storm Water Pollution Prevention Plan (SWPPP), complete the required employee storm water training, submit Discharge Monitoring Reports (DMRs), document spills, and properly maintain and certify documents as required by the Permit.

This inspection report documents observations noted by the inspector during the inspection of the Facility. An annotated photograph log is included as a part of this report and referenced as applicable.

## Facility Information

<b>Facility Name:</b>	Kaneohe Yacht Club Maintenance Area		
<b>Facility Address:</b>	44-503 Kaneohe Bay Drive, Kaneohe Hawaii 96744		
<b>Permittee:</b>	Kaneohe Yacht Club		
<b>File Number:</b>	HIS000556	<b>TMK:</b>	(1) 4-4-022:032
<b>Issuance Date:</b>	July 1, 2022		
<b>Expiration Date:</b>	June 30, 2027	<b>Island:</b>	Oahu
<b>Receiving Water(s):</b>	Kaneohe Bay	<b>Watershed:</b>	Puu Hawaiiiloa



### Inspection Information

<b>Inspector Type/ Inspection Type:</b>	State Industrial Storm water Non-Sampling		
<b>Inspection Date:</b>	March 22, 2023	<b>Weather:</b>	Overcast, with evidence of recent precipitation
<b>Time In:</b>	9:15 am	<b>Time Out:</b>	11:21 am
<b>Inspection Report No.</b>	PA2045	<b>Announced:</b>	No

### Contact Information

<b>Inspection Team:</b>	Bobbie Teixeira	Environmental Health Specialist	808-586-4309
	Jacquelyn Corpus	Environmental Health Specialist	808-586-4309

<b>On-Site Representative and Title:</b>	Shaun Myer	General Manager	808-247-4121
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<b>Responsible Official and Title:</b>	William Atherton	Commodore
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<b>Responsible Official Contacted?</b>	No
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<b>Responsible Official Mailing Address:</b>	44-503 Kaneohe Bay Drive, Kaneohe, Hawaii 96744
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## Facility Background and Description

The Kaneohe Yacht Club facility is located at 44-503 Kaneohe Bay Drive, Kaneohe, Hawaii 96744 (refer to Image 1 and Photograph 1), on a single parcel totaling approximately 5.15 acres owned by Kaneohe Yacht Club (hereinafter, KYC or Permittee). The Facility's storm water discharges through a drainage inlet equipped with a sediment trap located in the maintenance area before discharging to Kaneohe Bay, a Class AA Marine State water (refer to Image 2). Two (2) City and County of Honolulu (CCH) drainage easements (refer to Photograph 2), tidally influenced by Kaneohe Bay, border the Facility on the north and south before connecting to Kaneohe Bay.

While KYC is primarily a private marina, KYC sought an NPDES permit so that industrial activities which discharges storm water could be conducted at the facility. Industrial activities at the Facility includes boat repairs and maintenance such as painting, scraping, sand blasting and grinding at the designated haul out maintenance area located in the northwest corner of the Facility.

Additional activities at the Facility, which may affect the Permittee's pollution potential, include the Facility's commercial food preparation kitchen in the main building which generates used cooking oil that is stored outdoors near the southwest corner of the main building.

On July 1, 2022, Kaneohe Yacht Club was issued NPDES permit, Permit No. HIS000556 for the Kaneohe Yacht Club Maintenance Area facility. The Permit authorizes the discharge of storm water associated with industrial activities from the Facility through Outfall Serial No. 001. The Permit expires on June 30, 2027.

## Facility Records and Tour

Ms. Jacquelyn Corpus and I, Bobbie Teixeira of the DOH-CWB (hereinafter, Inspection Team) arrived at the Facility approximately at 9:15 am and met with Mr. Shaun Myers. The Inspection Team conducted an opening conference explaining the purpose of the inspection, requested and reviewed the Facility's Permit required documentation, and conducted a Facility tour.

The following Permit-required documentation was requested for review:

- NPDES Permit No. HIS000556
- Storm Water Pollution Prevention Plan (SWPPP)
- Best Management Practices (BMP) Plan
- Discharge Monitoring Reports (DMRs)
- Site Inspection Records
- Quarterly Visual Assessment Records
- Annual Storm Water Report



Mr. Shaun Myers (Facility representative) accompanied the Inspection Team on the tour of the Facility. On the tour of the Facility, we inspected the permitted discharge location, Outfall Serial No. 001, the vessel maintenance area (where industrial activities are conducted) and the perimeter of the Facility. At approximately 11:00 a.m., we held a closing conference where we discussed the preliminary observations and findings with the Facility representative.

### **Findings/Observations**

The following findings and observations were made either before, during, or after the inspection of the Facility. The findings are not a comprehensive list of all possible areas of non-compliance with Hawaii Water Pollution laws and NPDES permit conditions.

#### Receiving Water/Evidence of Discharge

The Inspection Team viewed the receiving water and Facility's discharge point during the Facility walk through.

1. Part A of NPDES Permit No. HIS000556 authorizes discharges composed of entirely storm water runoff associated with industrial activity provided conditions of the Permit are met in full.
  - a. *Potential Violation:* I observed evidence of a recent discharge from Outfall No. 001 originating from the maintenance area (refer to Photograph 4). Residual storm water remained around the drainage inlet and under a berm created from plastic sheeting under the larger of the two boats within the maintenance area (refer to Photograph 5). I observed water and an oily sheen within the drainage inlet and berm (refer to Photograph 6 & 7). Storm water within the maintenance area sheet flows into a drainage inlet equipped with a 3-compartment sediment trap before being discharged into Kaneohe Bay (refer to Image 3 and Photograph 5).
  - b. *Observation:* At the time of the inspection, the receiving water was clear. The water within CCH drainage easement and Kaneohe Bay was free of scum, floating debris and turbidity (refer to Photographs 2 and 3). Although the receiving water appeared clear, discharges from the Facility are authorized only if permit conditions are met.

#### BMP Implementation and Maintenance

During the Facility walk through, water pollution controls and potential discharge points of the Facility were inspected.

2. Part A.3.(1) requires the implementation of KYC's Best Management Plan (BMP) dated 2021 to prevent the discharge of pollutants. The following findings are associated with BMP implementation required by the Permit.



- 
- a. *Potential Violation:* Section 3.0 of the Facility's BMP Plan, dated 2021, requires the maintenance area to be bermed at all times during boat repair work to prevent the transport and discharge of dust, debris, sediment, other solid wastes, or liquid wastes to nearby surface water bodies.
- i. *Failure to adequately berm/contain storm water from mobilizing water pollutants:* I observed that there were two (2) boats parked in the maintenance area at the time of inspection. The larger of the two boats was parked over plastic sheeting that appeared to be in place to contain any pollutants associated with the presence of the larger boat while in the maintenance area. However, the containment was incomplete as there was gap in the perimeter berm (refer to Photographs 10) that was constructed out of the plastic sheeting.
  - ii. Storm water was accumulated within the berm and an oily sheen was present on the surface of the accumulated storm water (refer to Photograph 7). The berm and sheeting under the boat failed to contain contaminated storm water and failed to prevent residual oil from be transported to the drainage inlet (refer to Photograph 8) which resulted in a discharge as described in Finding 1.
- b. *Potential Violation:* As stated above, the KYC BMP Plan requires that all boats within the maintenance area have containment. The smaller boat parked in the maintenance area did not have a berm or other form of containment for potential pollutants as required by the BMP Plan (refer to Photograph 9). Further, a cream-colored liquid indicative of hydraulic fluid contaminated with water was observed actively dripping from the uncapped hydraulics at the rear of the boat. A cardboard box with what appeared to be a shirt used as absorbent material was placed under the boat (refer to Photograph 11). At the time, Mr. Myers was unsure who the boat owner was. It was also unclear if the boat owner received prior approval to work in the maintenance area. The absence of a berm could allow pollutants to be transported to the inlet and discharged to the receiving water.
- c. *Observation:* I observed stocked spill kits stored at the entrance to both piers (refer to Photograph 12). The spill kits are easily accessible to members and employees. Mr. Myers stated that additional spill kits are kept in the locked storage area and can be provided when necessary.
- d. *Observation:* At the opening conference, Mr. Myers provided me with a copy of the BMP Plan, dated 2021. Mr. Myers stated that all members included hired contractors are required to obtain approval from the waterfront coordinator and sign a BMP Agreement Form prior to commencing boat maintenance.



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### Storm Water Pollution Prevention/Self-Monitoring/Reporting

A review of the Permittee's self-monitoring program and permit-related documents were conducted during the inspection.

3. Part A.2 of NPDES Permit No. HIS000556 defines Storm Water Pollution Prevention Plan (SWPPP) requirements. Part A.2.(2) and A.2.(3) requires the Permittee to submit the SWPPP within 120 calendar days from the effective date of the Permit and implement the SWPPP within 180 calendar days from submittal to DOH.
  - a. *Potential Violation:* At the opening conference, I requested a copy of the Facility's SWPPP. Mr. Myers stated that in August 2020 under the previous Commodore, Ms. Susie Jannuzzi, KYC engaged Environmental Science International (ESI) to develop a SWPPP and collect storm water samples for the Facility. Mr. Myers further explained he recently discovered that the contract was never signed and as a result, the SWPPP was never developed or submitted as required by the Permit.
4. Appendix 1, Section 2.1.2.7 of NPDES Permit No. HIS000556 requires the Permittee to train employees and personnel who work in areas where industrial materials or activities are exposed to storm water or are responsible for ensuring the storm water pollution prevention plan will be properly implemented.
  - a. *Potential Violation:* During the opening conference, I requested a copy of records or sign-in sheets for the Facility's employee storm water education or training program. Mr. Myers was unaware that training was required to be completed and stated that training was not performed.
5. Appendix 1, Section 3.1 of NPDES Permit No. HIS000556 requires the Permittee to conduct routine facility inspections at least quarterly. Further, at least once each calendar year, the routine inspection must be conducted during a period when storm water discharge is occurring.
  - a. *Potential Violation:* During the opening conference, I requested a copy of any records or reports of the Facility's routine facility inspections. Mr. Myers stated that inspections were not being performed. He was also not aware that inspections were required to be performed. Therefore, facility inspections were not conducted in accordance with the Permit.
6. Appendix 1, Section 3.2 of NPDES Permit No. HIS000556 requires the Permittee to conduct a visual assessment of storm water samples once each quarter for the entire permit term.



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- a. *Potential Violation:* At the time of the inspection, I observed evidence that a recent precipitation had occurred at the Facility that resulted in a discharge to the receiving water. The Facility did not perform an inspection, collect samples or perform a visual assessment for the discharge. Mr. Myers said that KYC has never collected nor visually assessed storm water samples.
7. Appendix 1, Section 7.5 of NPDES Permit No. HIS000556 states that the Permittee must submit an Annual Report to DOH by January 30<sup>th</sup> for each year of permit coverage. The Annual Report must include a summary of the past year's routine facility inspection, quarterly visual assessments and corrective action documentation.
    - a. *Potential Violation:* A review of DOH records indicate that KYC did not submit an Annual Report for calendar year 2022 as required by the Permit. Mr. Myers confirmed that the Annual Report was never developed or submitted.

#### Compliance with Discharge Limitations

8. Part A of NPDES Permit No. HIS000556 establishes quarterly and yearly benchmark monitoring requirements. The Permittee shall collect for analysis samples from a discharge resulting from a measurable storm event and report the analytical test results to the DOH no later than 30 days after receiving laboratory results for each quarter.
  - a. *Potential Violation:* Since issuance of the Permit, the Permittee has not conducted storm water sampling at the Facility. Mr. Myers stated that a contract for ESI to collect storm water samples was never executed. As such, KYC has not taken any storm water samples. Further, KYC does not monitor rainfall data to determine when a representative storm event or discharge has occurred.
9. Appendix 1, Section 6.1.9 of NPDES Permit No. HIS000556 requires Discharge Monitoring Reports to be submitted through NetDMR.
  - a. *Potential Violation:* Discharge Monitoring Reports (DMRs) have not been submitted by the Permittee to the DOH since the issuance of the Permit. Additionally, KYC has not assigned a signatory for DMR submittals in NetDMR.
  - b. *Observation:* The DOH records indicate that the Facility's designated Certifying Person is Commodore Michael Van Woerkom. According to the Facility Representative, Mr. Van Woerkom is no longer the Commodore for KYC and has not been for over a year.

#### Unauthorized Discharges- Used Cooking Oil

10. *Deficiency:* During our Facility walk through, I observed an area where used cooking oil was stored. The used cooking oil area is located the southeastern corner of the main building



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(refer to Photograph 14). In the area immediately around the used cooking oil storage tank, used cooking oil was puddled on the ground (refer to Photograph 13). I did not observe absorbent material or secondary containment that would be used to prevent the discharge of the cooking oil should a rain event occur. The oil is stored at the top of a driveway that slopes towards Kaneohe Bay. Two (2) drains approximately halfway down the driveway (refer to Photographs 14 & 15) direct flows to the adjacent CCH drainage easement referenced in Photograph 2. I informed Mr. Myers that the NPDES Permit does not authorize cooking oil to be discharged. Mr. Myers stated he would look into relocating where they store the used cooking oil.





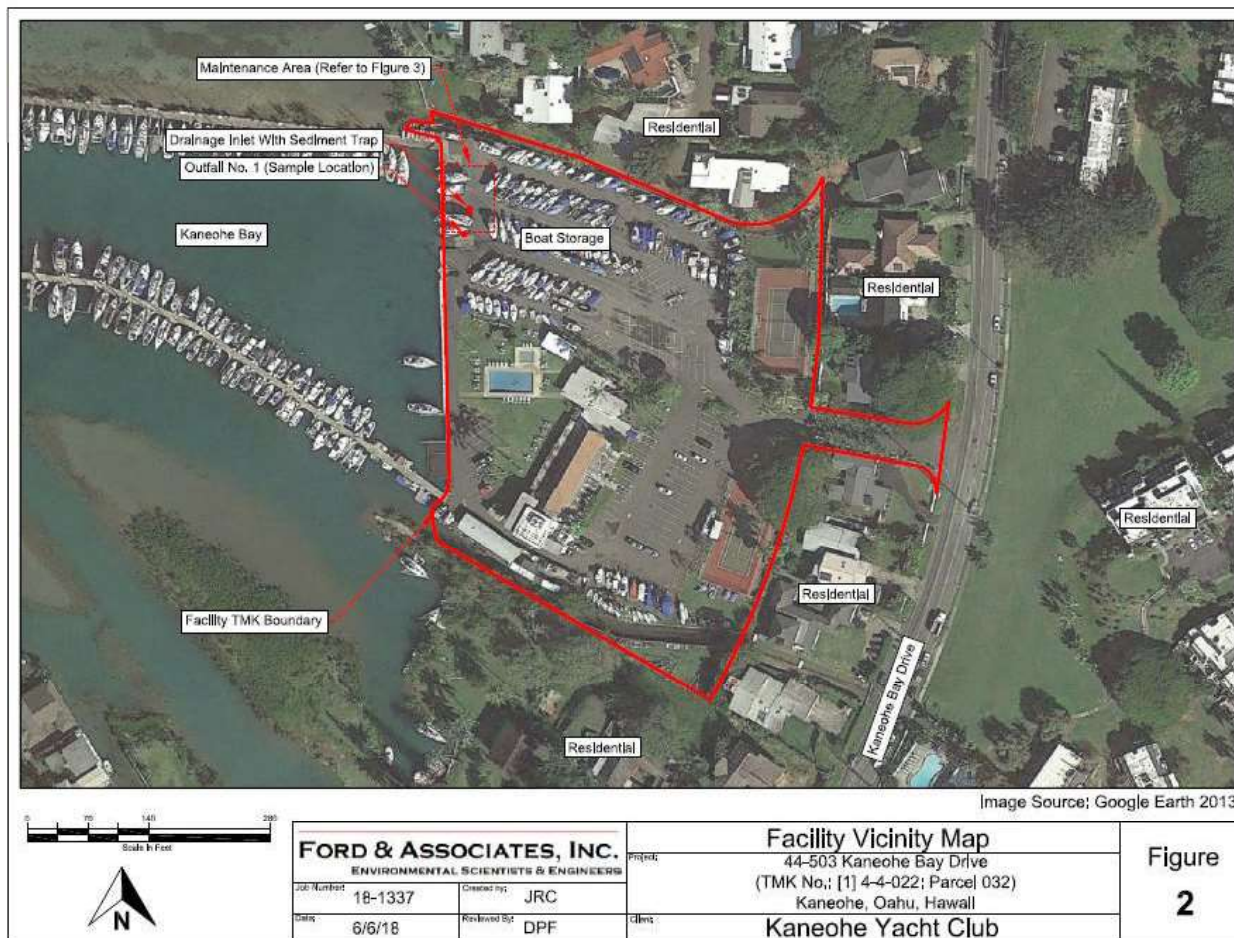
Hawaii Department of Health  
Clean Water Branch  
2827 Waimano Home Road, Room 225  
Pearl City, HI 96782

## NPDES Industrial Storm Water Figure Log

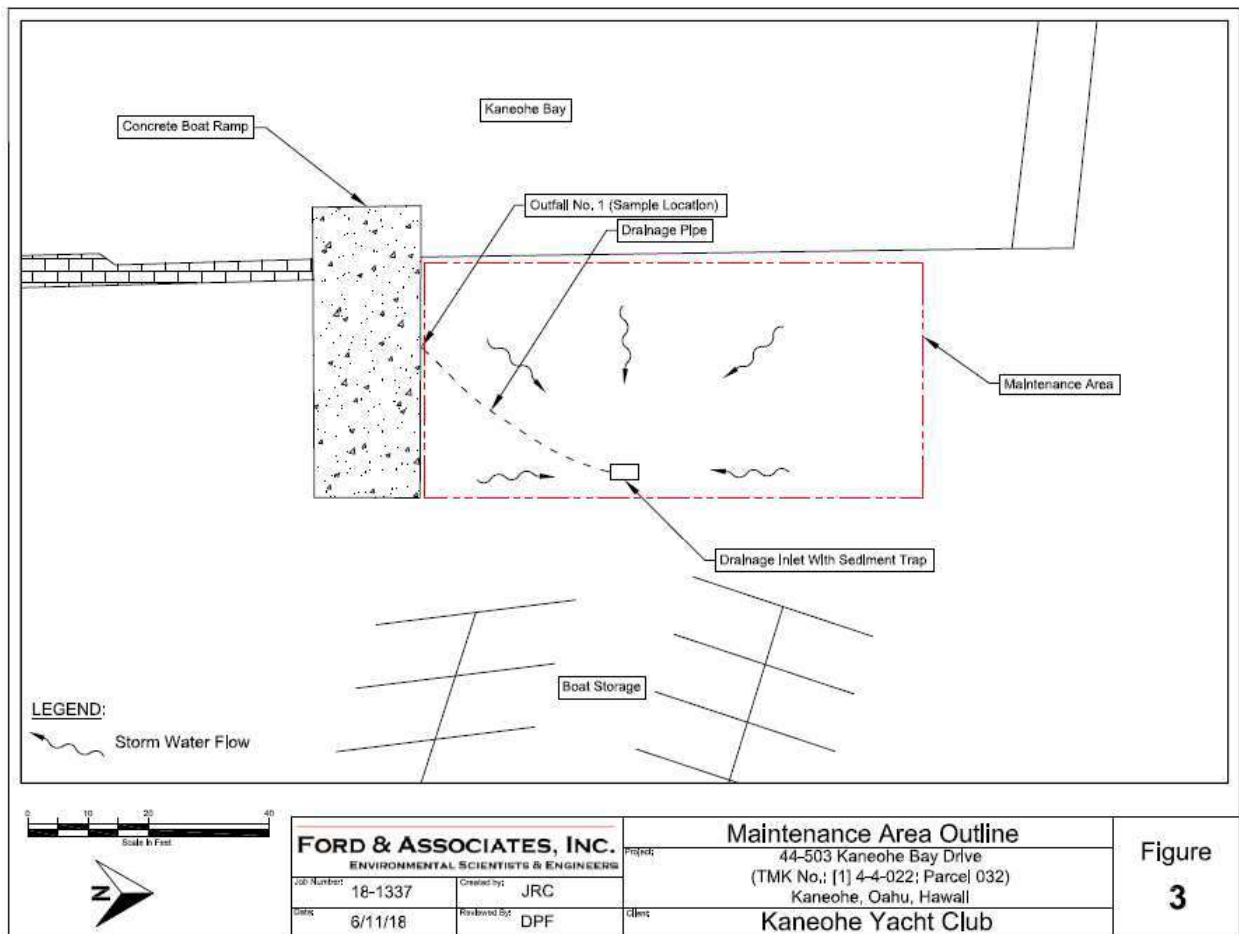
Facility Name: Kaneohe Yacht Club Maintenance Area  
Permit No.: HIS000556



**Image 1:** Image of the Facility pulled from the Department of Transportation Highways Asset Management System. The image indicates the location of the CCH drainage system to Kaneohe Bay.



**Image 2:** Image of the Facility, taken from the Permittee’s NPDES application submitted in 2018.



**Image 3:** Image of storm water flow diagram at the Facility's Maintenance Area, taken from Permittee's NPDES application submitted in 2018.



**Photograph 1:** View of the front entrance of the Facility, Kaneohe Yacht Club at 44-503 Kaneohe Bay Drive. Photograph taken March 22, 2023 by Jacquelyn Corpus.



**Photograph 2:** View of City and County of Honolulu canal located on the southern perimeter of the Facility. The canal connects to Kaneohe Bay. Photograph taken March 22, 2023 by Bobbie Teixeira.



**Photograph 3:** View facing south of the Facility's maintenance area and Kaneohe Bay. Photograph taken March 22, 2023 by Bobbie Teixeira.



**Photograph 4:** View of Outfall Serial No. 001 actively discharging to the receiving water, Kaneohe Bay. Photograph taken March 22, 2023 by Bobbie Teixeira.



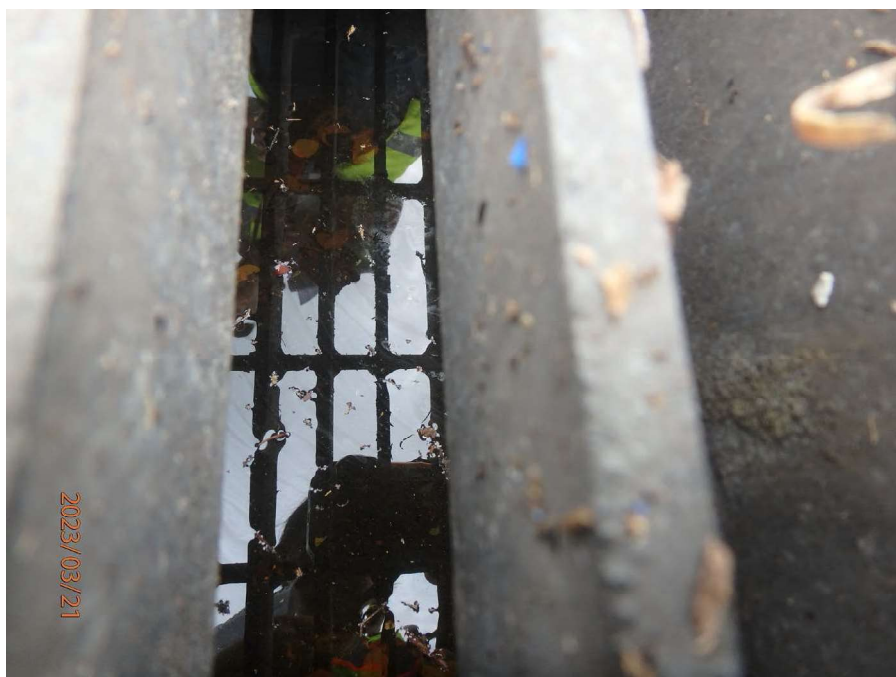
**Photograph 5:** View of the Facility's Maintenance Area and discharge pipe (yellow arrow). Note: sediment trap (red arrow) connects to the discharge pipe. Photograph March 22, 2023 by Jacquelyn Corpus.



**Photograph 6:** Closeup view of sediment trap in Photograph 5. Photograph taken March 22, 2023 by Bobbie Teixeira.



**Photograph 7:** Close-up view of sheen on surface of water accumulated within the containment for boat stored in the maintenance area. Photograph taken March 22, 2023 by Jacquelyn Corpus.



**Photograph 8:** View of sheen on surface of water accumulated within the sediment trap. Photograph taken March 22, 2023 by Jacquelyn Corpus.



**Photograph 9:** Additional view of the Facility's Maintenance Area, facing southeast. A smaller boat was stored in the maintenance area without any containment. Photograph taken March 22, 2023 by Bobbie Teixeira.



**Photograph 10:** View of gap in containment. Photograph taken March 22, 2023 by Bobbie Teixeira.





**Photograph 11:** View of fluid actively dripping from boat stored in maintenance area without containment. Photograph taken March 22, 2023 by Bobbie Teixeira.



**Photograph 12:** View of spill kit accessible to members located adjacent to Kaneohe Bay near Peir G. Photograph taken March 22, 2023 by Bobbie Teixeira.



**Photograph 13:** View of used cooking oil from kitchen fryers, spilled on the ground near the southeast corner of the main building. Photograph taken March 22, 2023 by Bobbie Teixeira.



**Photograph 14:** View, facing west, of used oil storage area (red arrow) and driveway sloping towards Kaneohe Bay. 2 drainage pipes are located by the speed bump (yellow arrow). Photograph taken on March 22, 2023 by Bobbie Teixeira.



**Photograph 15:** Close up view of discharge pipes in Photograph 14, leading to City and County of Honolulu's canal on the southern perimeter of the Facility. Photograph taken on March 22, 2023 by Bobbie Teixeira.



### Inspection Report Certification

I certify that the statements made in this inspection report are, to the best of my knowledge, a true and accurate representation of what was observed on March 22, 2023, at the Kaneohe Yacht Club Maintenance Area facility.

I certify that the attached photographs 1-4, 6, 9-15 described above were taken by the undersigned and are a true and accurate representation of what was observed on March 22, 2023, at the Kaneohe Yacht Club Maintenance Area facility.

*B.L.L.*

Apr 3, 2023

**Bobbie Teixeira**  
 Environmental Health Specialist

Date

I certify that the attached photographs 5, 7, 8 described above were taken by the undersigned and are a true and accurate representation of what was observed on March 22, 2023, at the Kaneohe Yacht Club Maintenance Area facility.

*Jacquelyn Corpus*

Apr 3, 2023

**Jacquelyn Corpus**  
 Environmental Health Specialist

Date

# EXHIBIT C

04/25/2023

## DMR Deficiency & Violation Report: January, 2022 - April, 2023 (DMR Deficiency & Violation Report v2.6)

1/1

### Kaneohe Yacht Club, KANEOHE YACHT CLUB MAINTENANCE AREA, HIS000556

Disch-Desig	Monitoring Period End Date	Param Code	Parameter Desc	Mon Loc	DMR Value Type Code	DMR Value	Stat Base Desc	Vio Code	Over Limit	Violation Desc	DMR Rec'd Date	Days Late	NODI Code	RNC Resolution Desc
001-Q	09/30/2022	00400	pH	1	C 1		DAILY MN	D90		Limtd-Ovrdu				(RNC Not Assigned)
001-Q	09/30/2022	00400	pH	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	09/30/2022	00530	Solids, total suspended	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	09/30/2022	00980	Iron, total recoverable	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	09/30/2022	01032	Chromium, hexavalent [a	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	09/30/2022	01033	Chromium, trivalent [as C	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	09/30/2022	01074	Nickel, total recoverable	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	09/30/2022	01094	Zinc, total recoverable	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	09/30/2022	01104	Aluminum, total recovers	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	09/30/2022	01114	Lead, total recoverable	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	09/30/2022	01119	Copper, total recoverable	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	09/30/2022	81017	Chemical Oxygen Demar	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	12/31/2022	00400	pH	1	C 1		DAILY MN	D90		Limtd-Ovrdu				(RNC Not Assigned)
001-Q	12/31/2022	00400	pH	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	12/31/2022	00530	Solids, total suspended	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	12/31/2022	00980	Iron, total recoverable	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	12/31/2022	01032	Chromium, hexavalent [a	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC

001-Q	12/31/2022	01033	Chromium, trivalent [as C	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	12/31/2022	01074	Nickel, total recoverable	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	12/31/2022	01094	Zinc, total recoverable	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	12/31/2022	01104	Aluminum, total recovers	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	12/31/2022	01114	Lead, total recoverable	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	12/31/2022	01119	Copper, total recoverable	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Q	12/31/2022	81017	Chemical Oxygen Demar	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Y	12/31/2022	00070	Turbidity	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Y	12/31/2022	00600	Nitrogen, total [as N]	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC
001-Y	12/31/2022	71845	Nitrogen, ammonia total	1	C 3		DAILY MX	D90		Limtd-Ovrdu				NC - Unresolved RNC

# EXHIBIT D



## *Kaneohe Yacht Club*

*44-503 Kaneohe Bay Drive  
Kaneohe, Hawaii 96744*

March 15, 2018

Mr. Alec Wong, P.E., Chief  
Clean Water Branch  
Department of Health  
919 Ala Moana Boulevard, Room 301 Honolulu, HI 96814-4920  
(808) 586-4309

Re: DOH Letter Dated July 17 2017 to Kaneohe Yacht Club

Dear Mr. Wong,

This is a follow up to the subject letter. The letter refers to three options available to Kaneohe Yacht Club (KYC). Currently KYC is pursuing Option 2 for the prevention of discharge of all wastewater and storm water from boat maintenance activities/areas. Attached please find a copy of the "Haul Out Paperwork" which details the maintenance area procedures and includes Best Management Practices (BMPs) for all users working in the maintenance area. The intent of the BMPs is to prevent any pollutants resulting from maintenance work from entering into the waters of Kaneohe Bay and surrounding environment.

KYC has improved its BMPs over time as awareness of environmental impacts of the maintenance activities has increased and continues to seek opportunities to further improve its prevention practices. Improvements in the current BMPs include the elimination of the use of water including "power washers" to remove any dust, overspray, sanding residue or other detritus from boats or the asphalt in the maintenance area. Also the BMPs require users of the maintenance area collect all material removed from boats and disposed of in trash receptacles or dumpsters (unless the material is hazardous). A user's work area must be vacuumed (preferred) or swept clean daily. The current BMPs were revised in part in response to the DOH-CWB September 2, 2015 inspection and subsequent report.

While not included in the BMPs for individual maintenance area users, KYC has deployed wattle barriers to prevent storm water runoff into the north boundary drainage swale and uses a baffled catch basin to remove sediments from stormwater runoff prior to draining into Kaneohe Bay.

KYC has also implemented a strict penalty system for violations of the BMPs which did not exist previously. These include a monetary penalty for first offenders, a revocation of privileges for a second offense and expulsion from KYC for a third offense.

KYC now publicizes the existence of the BMPs to its entire membership through its internal newsletter, emails and at meetings regarding boat maintenance. The BMPs now cover maintenance activities in the maintenance area during the entire year, not only those limited to the off-season.

Member awareness and attitudes have improved significantly in a short period of time. For example three years ago members walking past the maintenance area observing violations would not have known of the violations, much less made any attempt to report them. Earlier this year, a member seen violating the BMPs was reported by no less than 5 other members. The errant member took corrective action so quickly management was not able to document the violation and no pollutants were known to have been discharged in Kaneohe Bay as a result of the speedy action.

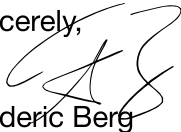
KYC has looked into a more suitable location for the maintenance activities elsewhere on its property but found no other alternative met all the requirements of maintenance including the prevention of pollutants entering the waters of Kaneohe Bay and surrounding environment.

KYC is constantly looking into improvements in its BMPs for the maintenance area. It has recently been made aware of full enclosures that may one day be feasible. One concern with full enclosures is the suitability with boats carrying masts above the building code height limit when taken out of the water and placed on land. Research into the suitability and feasibility of full enclosure continues.

Kaneohe Yacht is very interested in setting the example of good stewardship on Kaneohe Bay and complying with applicable Federal, State, County and other regulations.

Should there be any questions or concerns, please feel free to contact me at 808.284.4221 any time.

Sincerely,



Frederic Berg  
Commodore, Kaneohe Yacht Club





## Kaneohe Yacht Club

44-503 Kaneohe Bay Drive  
Kaneohe, Hawaii 96744

### Haul-Out and Maintenance Acknowledgment and Release

Owner(s): \_\_\_\_\_ Phone # \_\_\_\_\_ Yacht Name \_\_\_\_\_ Haul-Out Date \_\_\_\_\_

Sail or Power/Mast-Y/N Weight: \_\_\_\_\_ LOA: \_\_\_\_\_ Yacht Insurance Co. \_\_\_\_\_

I acknowledge and promise Kaneohe Yacht Club that:

All the information above is true and correct.

My yacht is covered by a policy of hull insurance for its full insurable value and a policy of liability insurance which covers any claims by third parties for damage, injury or death to persons or property. I will maintain this insurance in full force during the haul-out.

I release, indemnify, defend and hold harmless Kaneohe Yacht Club, and all of its officers, directors, employees, agents and members from any and all liability, claims, damages and expenses (including reasonable attorney's fees) which arise from or relate to any of their actions or inactions in any way related to haul-out of my yacht or from anything which may occur while the yacht is out of the water at Kaneohe Yacht Club for maintenance.

I am hauling out my yacht for general maintenance purposes only, including bottom painting. All of the work on the yacht during haul-out will be done in a safe manner and in compliance with all applicable laws, Kaneohe Yacht Club Best Management Practices (BMPs) and the rules of Kaneohe Yacht Club Haul-Out Fleet. I will at all times keep the area around my yacht in a clean, orderly and safe condition.

I have read and understand the rules of the Haul-Out Fleet and Kaneohe Yacht Club. I am willing to comply with the rules and laws.

I understand that the process of hoisting my yacht out of and into the water is performed by Pacific Crane Service Hawaii LLC and not by Kaneohe Yacht Club. I agree that Pacific Crane Service Hawaii LLC shall not be held liable for any matters which occur during the time the yacht is in slings supported by the crane unless caused by Pacific Crane Service Hawaii LLC intentional misconduct or gross negligence.

I understand that by signing this agreement, I am giving up the rights which I might otherwise have against Kaneohe Yacht Club. I further understand, however, that Kaneohe Yacht Club permits the haul-out of member's yachts at the Kaneohe Yacht Club only as a service to its members and would not under any circumstances permit the haul-out of my yacht unless I sign and abide by this agreement.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

## KYC Haul-Out Fleet

### Haul-Out Fleet Rules and Recommendations

The KYC Haul-Out is strictly a "DO-IT-YOURSELF" non-profit, **volunteer** operation. KYC is not involved except to grant permission for the use of the facility. We supply the use of the cradles, a crane and operator, the spreader and slings, and a volunteer Haulmaster. **YOU** supply the rest. The bottom line is: **YOU** are hauling your boat and **YOU** are a responsible party to the success of this operation.

You're expected to have two (2) helpers to haul your boat **and** be part of the haul crew for the entire day, even if you're only pulling your mast. This rule applies to both your haul day and your launch day. This is a good, friendly operation, but many people will be offended (and you may not be invited to haul your boat again!) if you show up without the required helpers or if you "disappear" early! Be sure to brief your helpers on the rules and let them know that closed-toe shoes are required; **no slippers** are allowed in the work area and work gloves are recommended.

You are **required** to clean your hull in the water a few days before your haul date. This will save you a great deal of work and leave less mess on the bulkhead. If **not** cleaned, your boat will **not** be hauled.

Make sure your boat is ready to haul. You **must** remove topping lifts; drop the boom if possible. The deck should be free and clear; outriggers and biminis should be stored or removed. If your mast is being pulled, **make sure all pins are ready to pull.** Turnbuckles and rigging should be loose and wiring disconnected or **ready** to be disconnected, with necessary tools at the ready. See Mast Check Sheet.

Locate all your bulkheads for cradle positioning and know where your motor shaft exits your hull. If this is your first haul at KYC, you may want to observe and/or participate in a haul-out before your scheduled haul date.

**DO NOT** give orders to the crane operator! The Haulmaster on duty for the day will give all commands to the crane operator. The crane operator must concentrate on the safety of the boat and the people nearby. A distraction could be *quite* dangerous. If you see an imminent danger, tell the Haulmaster. You must pay very close attention (**eyes & ears**) to the Haulmaster **at all times** during the haul. **Don't** make the Haulmaster have to get your attention! This is especially critical for line handlers!

Be certain your boat is ready to move, but continue working until instructed to move it to the bulkhead. After your boat has been hauled and properly secured, return to the job at hand: hauling the remaining boats. You may start work on your boat **only** after all the boats are hauled and masts pulled/stepped for the day. Water will be furnished, but you should bring snacks to hold you until pau hana because we don't break for lunch.

Keep your work area clean and orderly at all times. The 2016 Kaneohe Yacht Club Best Management Practices (BMPs) **must** be followed and will be enforced by the KYC Manager. You are responsible for all emissions, debris, overspray, etc. from/around your boat. Screening material is available to hang on the side of your boat when sanding; **use it!** **Do not operate machinery before 8:00am and after 6:00pm.** **Remember:** It's **your** responsibility to control your area, including any person(s) assisting you.

**DO NOT PARK IN THE HAUL AREA while working on your boat!** Drop off your tools and supplies, then park your car in a designated parking area. If you're parked in the haul area, you're in the way of club members not being hauled and needing access to their boats on "E" pier. **Be a good neighbor!**

Your boat **must** be ready for launching at the end of your haul. **No** exceptions or extensions will be granted; every slot for every haul is filled.

## KYC Haul-Out Fleet

### General Haul-Out Check Sheet

- Signed and turned in KYC Haul-Out & Maintenance Release, with check.
- Participate in at least one haul-out work party, either 11/4/17 or 1/27/18. Sweep & seal haul area – date to be determined later.
- You are required to bring 2 crew/friends to assist with your haul-out and launch. Review all rules and requirements with them; closed-toe shoes required.
- Clear the boat deck and remove or stow equipment.
- Secure all running rigging. Secure and stow bimini and dodger.
- Sailboats:** Boom topping lift **must** be removed. Remove backstay, if boat has swept back spreaders OR aft lower shrouds that will keep the mast safely up with the backstay removed. Remove/lower boom for spreader bar clearance.
- Power Boats:** Remove or lower and secure biminis, outriggers, antennae, etc. Leave walk-thru windshield open.
- Mark side of hull with blue painter's masking tape where bulkheads are located. Also mark where the leg, prop shaft, and/or skeg are located.
- If you've previously hauled, we have pictures and we'll take pictures again with this haul. If you have them available, bring pictures from previous haul with your boat in the slings and cradle.
- Have 4 only (min. 3/8" x 8') lines ready to tie back the sling straps.
- Empty all water ballast. Reduce levels of water, fuel and holding tanks, if at all possible.
- Must have boat bottom cleaned in the water, a few days prior to haul-out.
- Have minimum 30' bow and stern lines (to control/steady the boat) cleated and ready to go for haul-out line handlers.
- Required safety meeting on the bulkhead at 7:45 AM. Haul-out starts promptly at 8:00 AM. Be on time and **ready to work** with covered shoes and gloves.
- Follow the 2016 KYC Best Management Practices (BMPs) at all times.
- Drop off tools & equipment in haul-out area; move vehicle to parking area.

## KYC Haul-Out Fleet Mast Check Sheet

- Signed and turned in KYC Haul-Out & Maintenance Release, with check.
- Participate in at least one haul-out work party, either 11/4/17 or 01/27/18. Sweep & seal area – date to be determined later.
- Secure 2 friends to assist with haul-out and launch of all boats and masts. Review rules and requirements with them.
- Clear the boat deck and remove or stow equipment.
- Secure & stow bimini, dodgers and framework, so that deck around mast step is clear.
- Secure all running rigging to the mast.
- Leave one cleat, winch, gooseneck, or other fitting on the mast free to secure the lifting line.
- Remove boom, vang, etc. Stow below deck or on the dock.
- Back off all turnbuckles so that all shrouds, stays, etc. are loose (floppy).
- Remove all clevis pins from toggles and replace them with bolts and wing nuts that are 1/16" diameter smaller than the clevis pins. These bolts can be provided by the Haul-Out Team, if needed. Nuts to be on finger-tight only. If wrenches are needed, your mast stays up and will not be pulled!
- Disconnect the mast electrical where possible. If the mast must be raised to access the wires and connections, be prepared to cut the wires. It takes too long and is dangerous to work with hands under the butt of the mast hanging by a rope over a deck that is moving by shifts of people's weight. Inform the Haulmaster of either situation.
- Be sure that all screws & connections at the mast step are removed and all caulking or sealant scraped away. If the mast is keel-stepped, be sure all screws, bolts and other connections below decks are removed and the mast is ready to exit the deck opening. Have the mast-boot or plug ready to pop out.
- Have rigging tools ready for use on deck. Have fore, aft, and spring lines ready on deck to secure boat to dock. Have small lines ready to secure lines, shrouds, etc. to the mast for carrying to the mast rack.
- After all above is completed:** Call Bob Palmer @ 277-9362 on Wednesday to make arrangements to meet at your boat for review or assistance by Friday afternoon. If all conditions are not met, your mast **will not** be hauled. The final decision will be made by the Haulmaster.



**Kaneohe Yacht Club**

44-503 Kaneohe Bay Drive  
Kaneohe, Hawaii 96744

**Best Management Practices**  
**for Boats in**  
**Kaneohe Yacht Club**  
**Maintenance Areas**

**2016**

The following Best Management Practices (BMPs) are designed to prevent air, water discharges and soil contamination that could result from boat maintenance, repair and other activities in designated KYC maintenance areas. Boat owners, crews and contractors shall comply with these BMPs during any maintenance activities in KYC maintenance areas.

Enforcement of these BMPs shall be the responsibility of the KYC Manager. The penalties for violations are as follows:

1. First violation: \$200 fine payable to KYC
2. Second violation: Revocation of the privilege to use the maintenance area for 5 years
3. Third violation: Expulsion from KYC

### General

1. The BMPs shall be available at the KYC office.
2. Anyone who sees another individual violating these BMPs should report the violation to the personnel at the KYC office as soon as practical.
3. Awareness of potential impacts from maintenance activities on the bay, other boats, and the environment is crucial to effective BMPs.

### Maintenance

4. Any person hauling a boat at KYC shall ensure that all gear, equipment and materials stored on the boat will not interfere with the haul or spill off the boat. Hauling is lifting the boat with one of the two KYC cranes or a crane brought onsite or a boat hauled up the boat ramp.
5. Sanding, grinding and other dust generating activities:
  - a. Any dust generated by maintenance activities must be collected and disposed of in trash receptacles or dumpsters.
  - b. No dust or debris generated by maintenance activities shall be allowed to enter the water either directly by air or indirectly via sheet flow, storm drains and the maintenance area drain collector.
  - c. During any dust generating operations including grinding, sanding, and scraping, the entire boat shall be enclosed in dust screens, except when a vacuum sander is being used.
  - d. Ground tarps must be used any time release of dust, chemical spills, and other residues is probable. These tarps should be swept or vacuumed daily.
  - e. At the end of each work session or each work day, the entire area must be vacuumed (preferred) or swept clean of dust and other debris.
6. No water shall be used in the maintenance or clean up of boats in KYC maintenance areas except to rinse salt water from the hull and deck immediately after the boat is hauled.
  - a. Pressure washing, wet sanding and rinsing with water after sanding are expressly prohibited.
7. Work areas must be kept neat and clean at all times. No open containers or oily equipment shall be stored under cover (inside boats or under tarps) and shall not be exposed to the weather. Boat owners, crews and contractors are responsible for spills or discharges.
8. Sand blasting or power spraying of any abrasive grit or substance is prohibited.

9. Drip pans, tarps or other devices shall be used to contain spills during the transferring of oil, solvents, paints, contaminated bilge water, and paint mixing, ie. under pumps, spigots, and cover funnels.
10. Bottom painting must be performed in a manner that all drips and spills are contained. Placing a tarp underneath areas being painted is required. If overspray and/or spattered paint is expected, near by boats shall be shielded.
11. Spray painting must be conducted within thoroughly enclosed containments (tarps, plastic sheeting) to minimize the spreading of overspray. Avoid spray painting on windy days when controlling the protective covering and overspray is not feasible.
12. Containers of paint, thinners or similar materials:
  - a. No containers of paint, thinners or similar materials larger than 5 gallons shall be allowed in the designated maintenance area.
  - b. All containers must have lids that are capable of being sealed to prevent spillage during transport.
  - c. Any paint spill shall be handled as an oil spill. The KYC office shall be notified of any paint spills.
13. Before removing machinery from a vessel in the work areas, all open fittings shall be sealed to prevent leakage of lubricating and cooling fluids. Through-hull fittings shall similarly be sealed to prevent leakage of contaminated bilge water.
14. Non-biodegradable detergents and cleaning compounds used for washing boats by hand above the waterline shall be used sparingly. Any detergent suds visible on the water is considered a violation of these BMPs.

### Wastes

15. Trash generated by users of the work area should be placed in trash receptacles or dumpsters or removed from KYC by the boat owner/crew/contractor.
16. No garbage, trash, oil, fuel, debris, or other material, liquid or solid, shall be deposited in the water or on KYC land.
17. Abandoning wastes on KYC property is prohibited.
18. Boat owners, crews and contractors shall be responsible for disposing of wastes such as fuel, paint, thinner, solvent, liquid epoxy resin, dangerous wastes, or other volatile or hazardous substances in a manner approved by applicable Federal State or County regulatory agencies. Disposing of such wastes on KYC property is prohibited.
19. Waste engine oil and filters may NOT be disposed of at KYC. However, commercially available oil change boxes maybe deposited in dumpsters.
20. Dumpsters or trash receptacles shall not be used for disposal of unused or waste paints, solvents, oils, antifreeze, spent oil filters, chemicals, pesticides, dangerous wastes or similar materials. Dry, empty containers may be disposed of in dumpsters. Paint cans must be completely dry before being placed in dumpsters.
21. Covers on dumpsters and trash receptacles shall remain closed except during the process of actual trash disposal in order to minimize rainwater entry. Damaged or missing dumpster lids should be reported to the KYC office as soon as possible.

### Discharges

22. Discharge of sewage from vessel toilet facilities while in the work area is prohibited.
23. No dust, solid or liquid waste shall be dumped in storm drains, on the ground or in the drain collector in the maintenance area.
24. Contaminated Bilge Water:
  - Bilge water contaminated with oil, antifreeze, solvents or similar materials shall not be pumped or emptied into facility waters.
  - Discharged bilge water shall not cause any visible sheen on the water.
  - The use of dispersants or mechanical means to dissipate slicks is prohibited.
  - Information on disposal locations for such material and the names of local contractors disposing of them, as well as information on absorbent product use and disposal, is available at the KYC office.
25. Any oil or hazardous material spill that occurs despite preventative measures should be stopped at the source and then contained.
  - The KYC office shall be notified of any spills occurring at the work area.
26. In case of a spill, the users shall:
  - a. Immediately stop the source of the spill.
  - b. Shut off all ignition sources in the area.
  - c. STOP SMOKING
  - d. Call or notify the KYC Office (808) 247-4121.
  - e. Contain the spill.
  - f. Recover the spill as quickly as possible.
  - g. Spill response materials are available in specially marked bins near the maintenance area.

#### Chemicals and Fuels

27. Storage of oily rags, open paints, open solvents, open thinners, gasoline, or other flammable or explosive material is prohibited on or within the work area, except for gasoline stored aboard a vessel in U.L. or Coast Guard approved gasoline containers.
28. The use of antifouling paint containing tributyl tin is prohibited.
29. Volatile organic compounds (VOCs) containing products will be replaced with less hazardous water based substances when available.
30. No fueling or transferring of fuel shall be carried out in work areas unless spill prevention procedures are in place and approved by KYC management.

**Acceptance:** I have read, understand and will abide by these Best Management Practices:

\_\_\_\_\_  
Boat Owner

\_\_\_\_\_  
Date



# EXHIBIT E



**NATIONAL WEATHER SERVICE**  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

## Climate

Weather.gov > Honolulu, HI > Climate

**Honolulu, HI**  
Weather Forecast Office

[NOWData](#)

[Observed Weather](#)

[Climate Prediction  
and Variability](#)

[Local Data/Records](#)

[Climate Resources](#)

### NOWData - NOAA Online Weather Data

Leaflet | Tiles © Esri — Esri, DeLorme, NAVTEQ, TomTom, Intermap, iPC, USGS, FAO, NPS, NRCAN, GeoBase, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community

**KAILUA 0.7 WSW** *(click to select)*   [Show fewer stations](#)   [Help](#)   [Close map](#)

## Record of Climatological Observations

These data are quality controlled and may not be identical to the original observations.

Current Location: Elev: 14 ft. Lat: 21.3989° N Lon: -157.7488° W  
 Station: **KAILUA 0.7 WSW, HI US US1HIHN0032**

Generated on 06/20/2023

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	F l a g	Snow, Ice Pellets, Hail (in)	F l a g				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2022	07	01				0.00		0.0											
2022	07	02				0.01													
2022	07	03				0.23													
2022	07	04				0.04													
2022	07	05				0.17													
2022	07	06				0.05													
2022	07	07				0.07													
2022	07	08				0.10													
2022	07	09				0.05													
2022	07	10				0.00		0.0											
2022	07	11				0.05													
2022	07	12				0.04													
2022	07	13				0.06													
2022	07	14				0.10													
2022	07	15				0.04													
2022	07	16				0.00		0.0											
2022	07	17				0.04													
2022	07	18				0.01													
2022	07	19				0.06													
2022	07	20				0.05													
2022	07	21				0.08													
2022	07	22				0.05													
2022	07	23				0.02													
2022	07	24				0.00		0.0											
2022	07	25				0.03													
2022	07	26				0.01													
2022	07	27				0.05													
2022	07	28				0.00		0.0											
2022	07	29				0.00		0.0											
2022	07	30				0.00		0.0											
2022	07	31				0.00		0.0											
Summary			0	0		1.41		0.0											

Empty, or blank, cells indicate that a data observation was not reported.

\*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

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Generated on 06/20/2023

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2022	08	01				0.05													
2022	08	02				0.03													
2022	08	03				0.02													
2022	08	04				0.17													
2022	08	05				0.02													
2022	08	06				0.35													
2022	08	07				0.00		0.0											
2022	08	08				0.00		0.0											
2022	08	09				0.00		0.0											
2022	08	10				0.01													
2022	08	11				0.00		0.0											
2022	08	12				0.00		0.0											
2022	08	13				0.00		0.0											
2022	08	14				0.00		0.0											
2022	08	15				0.00		0.0											
2022	08	16				0.67													
2022	08	17				0.01													
2022	08	18				0.00		0.0											
2022	08	19				0.05													
2022	08	20				T													
2022	08	21				0.00		0.0											
2022	08	22				0.00		0.0											
2022	08	23				1.20													
2022	08	24				0.03													
2022	08	25				0.00		0.0											
2022	08	26				0.00		0.0											
2022	08	27				0.00		0.0											
2022	08	28				0.00		0.0											
2022	08	29				0.00		0.0											
2022	08	30				0.00		0.0											
2022	08	31				0.00		0.0											
Summary			0	0		2.61													

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Generated on 06/20/2023

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

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2022	09	01				0.00		0.0											
2022	09	02				0.09													
2022	09	03				0.23													
2022	09	04				0.17													
2022	09	05				0.00		0.0											
2022	09	06				0.01													
2022	09	07				0.01													
2022	09	08				0.00		0.0											
2022	09	09				0.38													
2022	09	10				0.21													
2022	09	11				0.00		0.0											
2022	09	12				0.01													
2022	09	13				0.09													
2022	09	14				0.00		0.0											
2022	09	15				0.02													
2022	09	16				0.08													
2022	09	17				0.38													
2022	09	18				0.00		0.0											
2022	09	19				0.00		0.0											
2022	09	20				0.00		0.0											
2022	09	21				T													
2022	09	22				0.02													
2022	09	23				0.03													
2022	09	24				0.03													
2022	09	25				0.00		0.0											
2022	09	26				0.00		0.0											
2022	09	27				0.00		0.0											
2022	09	28				0.00		0.0											
2022	09	29				0.00		0.0											
2022	09	30				0.01													
Summary			0	0		1.77		0.0											

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Generated on 06/20/2023

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2022	10	01				0.00		0.0											
2022	10	02				0.07													
2022	10	03				0.18													
2022	10	04				0.06													
2022	10	05				0.29													
2022	10	06				0.26													
2022	10	07				0.00		0.0											
2022	10	08				0.00		0.0											
2022	10	09				0.00		0.0											
2022	10	10				0.00		0.0											
2022	10	11				0.01													
2022	10	12				0.63													
2022	10	13				0.52													
2022	10	14				0.05													
2022	10	15				0.96													
2022	10	16				0.02													
2022	10	17				0.00		0.0											
2022	10	18				T													
2022	10	19				0.10													
2022	10	20				1.62													
2022	10	21				0.02													
2022	10	22				0.08													
2022	10	23				0.05													
2022	10	24																	
2022	10	25																	
2022	10	26																	
2022	10	27																	
2022	10	28																	
2022	10	29																	
2022	10	30																	
2022	10	31																	
Summary			0	0		4.92		0.0											

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			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2022	11	01				0.64													
2022	11	02																	
2022	11	03																	
2022	11	04																	
2022	11	05																	
2022	11	06																	
2022	11	07																	
2022	11	08																	
2022	11	09																	
2022	11	10																	
2022	11	11																	
2022	11	12																	
2022	11	13																	
2022	11	14																	
2022	11	15																	
2022	11	16																	
2022	11	17																	
2022	11	18																	
2022	11	19																	
2022	11	20																	
2022	11	21																	
2022	11	22																	
2022	11	23																	
2022	11	24																	
2022	11	25																	
2022	11	26																	
2022	11	27																	
2022	11	28																	
2022	11	29																	
2022	11	30																	
Summary			0	0		0.64													

Empty, or blank, cells indicate that a data observation was not reported.

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2022	12	01																	
2022	12	02																	
2022	12	03																	
2022	12	04																	
2022	12	05				0.82s													
2022	12	06				0.02													
2022	12	07				0.11													
2022	12	08				0.04													
2022	12	09				0.00		0.0											
2022	12	10				T													
2022	12	11				0.04													
2022	12	12				0.05													
2022	12	13				0.15													
2022	12	14				0.00		0.0											
2022	12	15				T													
2022	12	16				0.35													
2022	12	17				0.02													
2022	12	18				0.34													
2022	12	19				1.06													
2022	12	20				0.21													
2022	12	21				0.00		0.0											
2022	12	22				0.00		0.0											
2022	12	23				0.00		0.0											
2022	12	24				0.00		0.0											
2022	12	25				0.00		0.0											
2022	12	26				0.00		0.0											
2022	12	27				0.00		0.0											
2022	12	28				0.00		0.0											
2022	12	29				0.02													
2022	12	30				0.00		0.0											
2022	12	31				0.00		0.0											
Summary			0	0		3.23													

Empty, or blank, cells indicate that a data observation was not reported.

\*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.

Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

## Record of Climatological Observations

These data are quality controlled and may not be identical to the original observations.

Current Location: Elev: 14 ft. Lat: 21.3989° N Lon: -157.7488° W  
 Station: **KAILUA 0.7 WSW, HI US US1HIHN0032**

Generated on 06/20/2023

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	F l a g	Snow, Ice Pellets, Hail (in)	F l a g				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2023	01	01				0.01													
2023	01	02				0.00		0.0											
2023	01	03				0.04													
2023	01	04				0.21													
2023	01	05				1.68													
2023	01	06				0.02													
2023	01	07				0.00		0.0											
2023	01	08				0.00		0.0											
2023	01	09				0.00		0.0											
2023	01	10				0.00		0.0											
2023	01	11				0.00		0.0											
2023	01	12				0.00		0.0											
2023	01	13				0.00		0.0											
2023	01	14				0.00		0.0											
2023	01	15				0.00		0.0											
2023	01	16				0.05													
2023	01	17				0.02													
2023	01	18				0.00		0.0											
2023	01	19				0.00		0.0											
2023	01	20				0.00		0.0											
2023	01	21				0.00		0.0											
2023	01	22				0.00		0.0											
2023	01	23				0.00		0.0											
2023	01	24				0.00		0.0											
2023	01	25				0.01													
2023	01	26				0.06													
2023	01	27				0.00		0.0											
2023	01	28				0.30													
2023	01	29				0.19													
2023	01	30				1.51													
2023	01	31				0.46													
Summary			0	0		4.56													

Empty, or blank, cells indicate that a data observation was not reported.

\*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.

Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.



## Record of Climatological Observations

These data are quality controlled and may not be identical to the original observations.

Current Location: Elev: 14 ft. Lat: 21.3989° N Lon: -157.7488° W  
 Station: **KAILUA 0.7 WSW, HI US US1HIHN0032**

Generated on 06/20/2023

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2023	02	01				0.03													
2023	02	02				0.00		0.0											
2023	02	03				0.07													
2023	02	04				0.18													
2023	02	05				0.31													
2023	02	06				0.02													
2023	02	07				0.00		0.0											
2023	02	08				0.03													
2023	02	09				0.05													
2023	02	10				0.00		0.0											
2023	02	11				0.00		0.0											
2023	02	12				0.02													
2023	02	13				0.00		0.0											
2023	02	14				0.29													
2023	02	15				0.12													
2023	02	16				0.58													
2023	02	17				0.95													
2023	02	18				0.52													
2023	02	19				0.05													
2023	02	20				0.05													
2023	02	21				0.89													
2023	02	22				0.02													
2023	02	23				0.09													
2023	02	24				0.00		0.0											
2023	02	25				0.02													
2023	02	26				0.00		0.0											
2023	02	27				0.11													
2023	02	28				0.11													
Summary			0	0		4.51													

Empty, or blank, cells indicate that a data observation was not reported.  
 \*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown  
 "s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation  
 "T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.  
 "A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.  
 Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

## Record of Climatological Observations

**These data are quality controlled and may not be identical to the original observations.**

Current Location: Elev: 14 ft. Lat: 21.3989° N Lon: -157.7488° W  
 Station: **KAILUA 0.7 WSW, HI US US1HIHN0032**

Generated on 06/20/2023

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	F l a g	Snow, Ice Pellets, Hail (in)	F l a g				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2023	03	01				0.40													
2023	03	02				0.02													
2023	03	03				0.10													
2023	03	04				0.02													
2023	03	05				1.59													
2023	03	06				0.33													
2023	03	07				0.24													
2023	03	08				0.20													
2023	03	09				0.08													
2023	03	10				0.00		0.0											
2023	03	11				0.00		0.0											
2023	03	12				0.00		0.0											
2023	03	13				0.00		0.0											
2023	03	14				0.04													
2023	03	15				0.33													
2023	03	16				0.00		0.0											
2023	03	17				0.00		0.0											
2023	03	18				0.00		0.0											
2023	03	19				0.00		0.0											
2023	03	20				0.00		0.0											
2023	03	21				0.00		0.0											
2023	03	22				1.20													
2023	03	23				0.11													
2023	03	24				0.03													
2023	03	25				0.00		0.0											
2023	03	26				0.00		0.0											
2023	03	27				0.00		0.0											
2023	03	28				0.00		0.0											
2023	03	29				0.50													
2023	03	30				0.38													
2023	03	31				0.00		0.0											
Summary			0	0		5.57													

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