

Maturing Expectations

Storm Water Management and the Relationship Between the City and
State

In 1972 the Clean Water Act...

That was 45 Years ago...

In 2017 it's about “sustainability”

“Sustainability is about our economy, our educational system, our culture and our people.”

- Chef Roy Yamaguchi

Questions? Text: 808-265-6829

Compliance Trends

- ▶ Levels of compliance differ depending on where you are and what you are.

Oahu: DOH expects to find more compliance

- Mature MS4 programs, more Federal and State oversight, longer history of compliance actions, mature regulations

Maui: Awareness has dramatically increased and compliance levels are increasing

- New MS4 program, dedicated compliance staff, developing regulations, increased State and Federal oversight

Kauai: Awareness of environmental regulations is increasing but implementation is lacking

- No MS4 program, familiarity with high profile storm water cases, smaller community and land area

Hawaii: Awareness of environmental issues is growing

- No MS4 program, limited environmental regulations, large land area, limited compliance infrastructure

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Compliance Trends

- ▶ Levels of compliance differ depending on where you are and what you are.

State Department of Transportation

- Maturing environmental programs (incl. MS4), history of Federal and State oversight (recipient of enforcement actions), internal compliance programs, third party oversight programs

Federal Facilities: DOD projects, federal highways, etc.

- National environmental compliance programs, accountability, internal compliance programs

Large Private Projects: Walmart, Centex, etc.

- History with high profile storm water enforcement actions, deeper resources, brand concerns

State/County Public Works Projects

- Highly variable depending on construction management, agency, location, project manager

Smaller Private Projects

- Low economic incentive to comply, high degree of non-compliance depending on oversight by the regulatory agencies (primarily the Counties).

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What explains the trends?

- Planning: Water Quality Rules
- Budgeting: Adequate Resources
- Self-Policing: Third Party Inspections, Monetary Penalties

Understand, Counties are the front lines

Counties:

- Define design standards;
- Have inspectors who you will see far more than a DOH representative;
- Ensure compliance with water quality rules;
- Refer bad violators to the DOH

DOH's top enforcement priorities include recalcitrant violators referred to the DOH by the Counties

The Counties and State are Partners in Water Pollution Prevention

Because in 2017 it isn't simply about "compliance", it is about "sustainability."

"He Wa'a He Moku, He Moku He Wa'a"

A Canoe is an Island, an Island is a Canoe

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