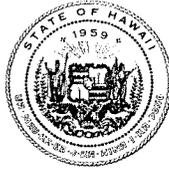


Appendix A4: MOU between DOH and DPW, 1995



BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

RECEIVED
DEPT. OF PUBLIC WORKS

LAWRENCE MIKE
DIRECTOR OF HEALTH

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Eng

In reply, please refer to:
EMD/CWB

October 11, 1995

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P1021SP

Mr. Kenneth E. Sprague
Director and Chief Engineer
Department of Public Works
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

Dear Mr. Sprague:

Subject: Memorandum of Understanding (MOU) Between the
State Department of Health (DOH) and the
City Department of Public Works (DPW)
NPDES Permit No. HI 0021229

We are transmitting one signed copy of the MOU between the DOH and the DPW on the inspection and enforcement of permits issued by each agency. Your cooperation is greatly appreciated in reducing the amount and type of pollutants that reach our State and local waters.

If you have any questions regarding our participation in this agreement, please contact Ms. Susan I. Polanco, at 586-4309.

Sincerely,

THOMAS E. ARIZUMI, P.E., CHIEF
Environmental Management Division

SIP:sl

Enclosure: MOU

MEMORANDUM OF UNDERSTANDING

BETWEEN

DEPARTMENT OF HEALTH
ENVIRONMENTAL MANAGEMENT DIVISION
STATE OF HAWAII

AND

DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU

I. **PURPOSE**

The purpose of this Memorandum of Understanding (MOU) is to define and clarify the roles and responsibilities of the Department of Health, Environmental Management Division, State of Hawaii (DOH), and the Department of Public Works, City and County of Honolulu (DPW), as part of the two said agencies permitting requirements on the same action-activity. The permits issued by the DOH are authorized by Chapter 343D, Hawaii Revised Statutes (HRS), "Water Pollution", and Chapter 11-55, "Water Pollution Control", Hawaii Administrative Rules (HAR). The permits issued by the DPW are authorized by Chapter 14, "Public works Infrastructure Requirements Including Fees and Services", Revised Ordinances of Honolulu 1990, as amended.

Chapter 11-55, HAR, was amended on October 29, 1992, to promulgate rules for the storm water program that resulted in the adoption of the NPDES General Permit (GP) Program. Adopted were the program's two general permits, associated to industrial activities as defined by EPA storm water regulations in Section 122.26(b)(14) consisting of: (1) storm water associated to industrial facilities and (2) storm water associated to construction activities. Four (4) additional general permits were also adopted consisting of: (1) treated groundwater from leaking underground storage tank; (2) once-through cooling water of less than one (1) million gallons per day (mgd); (3) hydrotesting water; and (4) construction dewatering.

Chapter 14, Revised Ordinance of Honolulu 1990, as amended, was amended on November 10, 1992, by Ordinance 92-122, pursuant to EPA regulations in Section 122.26(d)(2)(i). Applicable permits authorized by Chapter 14 allows the DPW to issue grading permit, construction dewatering permits, and effluent discharge permit, in conformance with DPW NPDES Permit Number HI0021299.

Whenever any effluent is discharged into the DPW municipal separate storm sewer systems, the following DOH and DPW permits are required by the permittee for the same action-activity:

II. **BACKGROUND**

The Federal Clean Water Act (CWA) was amended by the Water Quality Act of 1987 and required a National Pollutant Discharge Elimination System (NPDES) permit program for the municipal separate storm sewer systems (MS4) on a system or jurisdiction-wide basis. The new permit requirements are applicable to political jurisdictions with a resident population of 100,000 or more. The goal of the program is to effectively prohibit nonstorm water discharges into storm sewers by the use of controls to reduce the discharge of pollutants to the "maximum extent practicable" ("MEP") including management practices, control technique and systems, and design and engineering methods deemed appropriate for the control of such pollutants.

On Oahu, the Federal storm water implementing regulations require the State Department of Transportation, Highways Division (HDOT-HWYS) and the DPW to apply for NPDES permits for the State Highways Division drainage systems and the municipal separate storm sewer systems, respectively. In the State of Hawaii, the Department of Health (DOH) is responsible for the NPDES program, and issues and enforces the requirements of permits. Since the State highway drainage systems and the City MS4 are interconnected in the urban areas of the Oahu, the regulations require an interagency agreement through a Memorandum of Understanding on policies of interconnection and enforcement which will control the contribution of pollutants from the upper portions of the storm sewer systems to the lower portions of the systems to waters of the State. The Memorandum of Understanding has been executed by the HDOT-HWYS and the DPW and was approved by the DOH on February 11, 1994.

Although not required by any regulations, the DOH and the DPW wish to enter into an interagency agreement through a Memorandum of Understanding on policies of inspection and enforcement of requirements of the DOH and DPW permits where more than one permits are issued for the same action-activity.

III. **OBJECTIVES**

The objectives of this MOU are to establish effective intergovernmental coordination between the DOH and the DPW; clearly delineate roles and responsibilities of each agency which will minimize the discharge of any pollutant into the City MS4 and into State waters to the maximum extent practicable; minimize duplication of efforts and ensure accountability through judicious application of inspection and enforcement of permit violations.

IV. **RESPONSIBILITIES**

- A. State of Hawaii, Department of Health, Environmental Management Division, Clean Water Branch, will:
 - I. Inspect and enforce all permit requirements issued by the Clean Water Branch, including storm water permits and nonstorm water permits.

ACTION-ACTIVITY	PERMIT TYPE	
	DOH NPDES	DPW
Construction Activity, less than 5 acres	Not applicable	Grading and Effluent Discharge Permits
Construction Activity, 5 acres or greater	Individual or General Permit	Grading and Effluent Discharge Permits
Industrial Facilities	General Permit	Private Drain Connection License
Treated Groundwater	General Permit	Effluent Discharge Permit
Cooling Water < 1 mgd	General Permit	Private Drain Connection License
Hydrotesting Water	General Permit	Trenching* and Effluent Discharge Permits
Construction Dewatering	General Permit	Trenching* and Construction Dewatering Permits

Whenever any effluent is discharged directly into State waters, the following DOH and DPW permits are required by the permittee for the same action-activity:

ACTION-ACTIVITY	PERMIT TYPE	
	DOH NPDES	DPW
Construction Activity, less than 5 acres	Not applicable	Grading Permit
Construction Activity, 5 acres or greater	General Permit	Grading Permit
Industrial Facilities	General Permit	Not applicable
Treated Groundwater	General Permit	Not applicable
Cooling Water < 1 mgd	General Permit	Not applicable
Hydrotesting Water	General Permit	Trenching Permit*
Construction Dewatering	General Permit	Trenching Permit*

*Required when construction is within the public right-of-way.

2. Notify the DPW-Engineering Division whenever any permitted discharges into the DPW MS4 result in any violations of any permit condition(s) as soon as possible.
3. Notify the DPW-Engineering Division whenever any illicit discharges or dumping of any pollutant into the DPW MS4 is observed by the Clean Water Branch as soon as possible.
4. Have primary responsibility for inspection and enforcement whenever both the DOH permit and a DPW permit have been issued for the same action-activity and the discharge is from a private system or where the discharge is directly to State waters.
5. Have primary responsibility for enforcement action whenever any discharges result in the violation of a State water quality standard.

B. City and County of Honolulu, Department of Public Works, will:

1. Inspect and enforce all permit requirements issued by the DPW-Engineering Division including grading, trenching, construction dewatering, and effluent discharge permits.
2. Notify the DOH-Clean Water Branch whenever any permitted discharges into the DPW MS4 result in a violation of any permit conditions as soon as possible.
3. Notify the DOH-Clean Water Branch whenever any illicit discharge or dumping of any pollutant into State waters is observed by any DPW employee as soon as possible.
4. Notify the DOH-Clean Water Branch whenever the DPW takes enforcement action against any violation of permit conditions: of the grading's erosion control plans for projects, 5 acres or greater; and drainage ordinance by letter.
5. Have primary responsibility for inspection and enforcement whenever both the DOH permit and a DPW permit have been issued for the same action-activity and the discharge is into DPW MS4.
6. Have primary responsibility for enforcement action whenever there is a violation of any permit conditions stipulated under NPDES Permit Number HI00221299.

V. **OTHER PROVISIONS**

- A. This MOU does not alter the statutory authority and responsibilities of the DOH and the DPW. The intent of the MOU is to form a bases by which the aforementioned goals and objectives can be carried out by each agency in a cooperative manner.
- B. The MOU does not obligate any funds from the DOH and the DPW. The DOH and the DPW may contribute funds or in-kind services to any program which will mutually benefit both parties.
- C. The MOU complies with the nondiscrimination provision of Title VI of the Civil Rights Act of 1964, including Section 504 of Title IX, the Age Discrimination Act of 1975, and other applicable nondiscrimination policies.
- D. The MOU may be amended or terminated at any time by mutual consent of the DOH or the DPW, or the MOU can be terminated by any agency alone by giving 60-day notice in writing to the other.
- E. This MOU shall take effect upon its execution by the DOH and the DPW.

DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU

By  _____

Title Director and Chief Engineer

Date September 28, 1995

DEPARTMENT OF HEALTH
STATE OF HAWAII



Title Deputy Director for Environmental Health

Date October 11, 1995