

Appendix A5: MOA Between City Departments, 2015



MEMORANDUM OF AGREEMENT
Responsibilities under NPDES Permit HI S000002
City and County of Honolulu’s Municipal Separate Storm Sewer System (MS4)
and Certain Industrial Facilities and Small MS4s

I. Purpose

This Memorandum of Agreement (MOA) defines roles and responsibilities of the following departments and agencies regarding responsibilities under NPDES Permit No. HI S000002 (the “Permit”):

- Department of Facility Maintenance (DFM)
- Department of Planning and Permitting (DPP)
- Department of Environmental Services (ENV)
- Department of Design and Construction (DDC)
- Department of Parks and Recreation (DPR)
- Department of Enterprise Services (DES)
- Department of Transportation Services (DTS)
- Honolulu Fire Department (HFD)
- Honolulu Police Department (HPD)
- Honolulu Authority for Rapid Transportation (HART)

The Permit authorizes the City and County of Honolulu (City) and HART, a semi-autonomous agency of the City, to discharge storm water runoff and certain non-storm water discharges as identified in Part B.2 of the Permit from the City’s municipal separate storm sewer system into State Waters.

II. Authority of the DFM Director

The Director of DFM is the permittee. DPP, ENV, DDC, DTS, DPR, DES, HFD and HPD, (collectively, the “departments”) agree that the Director and Chief Engineer of DFM, through the Managing Director, will identify proposed changes in resources or use of resources of their respective departments as required to meet NPDES Permit requirements, including but not limited to funding, personnel, equipment, and supplies. The departments are required to adjust resources to ensure NPDES requirements are met. DFM agrees that, to the extent possible, required resources will be identified early, during the planning and budgeting process for operating and CIP funding, and that its authority does not include transferring resources to other departments.

HART agrees that the Director and Chief Engineer of DFM, in coordination with the HART Executive Director and CEO, will identify proposed changes in resources or use of resources of HART as required to meet NPDES Permit requirements, including but not limited to funding, personnel, equipment, and supplies. HART agrees to adjust resources to ensure NPDES requirements are met. DFM agrees that, to the extent possible, required resources will be identified early, during the planning and budgeting process for operating and CIP funding, and that its authority does not include transferring resources to the departments or other agencies.

III. Background

The Federal Clean Water Act (CWA) requires political jurisdictions with a resident population of 100,000 or more that own and operate a municipal separate storm sewer system (MS4) to apply for an NPDES permit under Subchapter IV of the CWA and its implementing regulations in the Code of Federal Regulations (40 CFR Part 122 Subpart B). In Hawaii, the State Department of Health (DOH), Clean Water Branch, has been delegated permit authority by the U.S. Environmental Protection Agency (EPA) and is responsible for the NPDES program. The DOH issues NPDES permits as authorized by Hawaii Revised Statutes (HRS) Chapter 342D, "Water Pollution," and Hawaii Administrative Rules (HAR) Chapter 11-55, "Water Pollution Control."

On March 10, 2003, the DOH implemented EPA NPDES Phase II regulations, and began requiring small MS4s and municipal industrial facilities to be covered by NPDES permits, including corporation yards, refuse convenience centers and transfer stations, and automotive repair shops. The City and HART have determined that certain DES, DFM, DPR, DTS, ENV, HFD, HPD, and HART facilities are required to or may be (a) covered by a small MS4 permit or industrial permit; or (b) incorporated into the City's Large MS4. The City and HART have determined that it is in their best interest to incorporate them into the Large MS4.

Further, on July 1, 2015, the Storm Water Quality (SWQ) Branch was re-organized under DFM. This requires a transition of the NPDES Permit from ENV to DFM. DOH must approve the new permit applicant and, among other things, DFM must have sufficient resources and enforcement authority regarding the NPDES permit conditions.

IV. Goal and Permit Provisions

The goal of the permit program is to effectively prevent the discharge of non-storm water into storm sewers by the use of controls to reduce the discharge of pollutants to the "Maximum Extent Practicable" (MEP) including management practices, control techniques and systems, and design and engineering methods deemed appropriate for the control of such pollutants.

The provisions of the Permit may be categorized in five major components: administration and control of improper discharge activities; operation and maintenance of the storm sewer system; control of private sector construction and land development; control of public works construction; and maintenance of City or HART facilities that would require small MS4 or industrial permit coverage.

DFM is responsible for administration of the Permit, including development and implementation, and enforcement of the storm water management plan (SWMP), water quality monitoring, and reporting. DFM is also responsible for the design, construction, construction management, and inspection of the City-initiated Capital Improvement Program (CIP) projects it manages.

DFM is the owner and operator of the City's streets and storm drain system, which is defined here as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, man-made channels, or storm drains) designed or used for collecting or conveying storm water. DFM is responsible for operation and maintenance of the City's streets and storm drain system, as well as other parts of the

drainage and flood control system. DFM is also responsible for other permit activities, such as ensuring compliance with the Storm Water Pollution Control Plans (SWPCPs), Spill Prevention, Control and Countermeasure Plans (SPCCPs), regular inspections and training, for certain other facilities, including the Honolulu Hale Complex; Kapolei Hale; and municipal industrial facilities, including corporation yards, vehicle repair/maintenance facilities, and dewatering facilities.

DFM's enforcement responsibilities for storm water management will begin on the effective date of new administrative rules authorizing DFM to enforce ROH Chapter 14, Article 12 ("DFM Enforcement Rules"). Until the DFM Enforcement Rules are effective, ENV agrees to continue to approve enforcement actions of applicable laws regarding storm water management pursuant to ENV's existing administrative rules. DFM's SWQ Branch will staff and conduct enforcement activities and seek approval from ENV's Director when a Notice of Violation, Notice of Order, or alternative order needs to be issued, enforced or appealed.

DPP is responsible for the regulation of private sector construction and land development.

ENV is responsible for permit activities, such as ensuring compliance with SWPCPs, SPCCPs, regular inspections and training, related to certain industrial facilities, including H-Power, Waimanalo Gulch landfill, closed landfills, refuse transfer stations and convenience centers, wastewater treatment plants and pump stations and the ENV Division of Collection System Maintenance's Halawa base yard.

DDC is responsible for the design, construction, construction management and inspection of City-initiated projects including storm drain systems, flood control structures, and other CIP projects it manages.

DTS is responsible for permit activities, such as ensuring compliance with the SWPCPs, SPCCPs, regular inspections and training, related to certain industrial facilities, including TheBus facilities at Middle Street, Manana, and the Alapai Transit Center and the design, construction, construction management, and inspection of City-initiated transportation CIP projects it manages.

HART is the owner and operator of the City's rail transit system. HART is responsible for Permit activities, such as ensuring compliance with the SWPCPs, SPCCPs, or regular inspections and training, related to the rail transit system Maintenance and Storage Facility at Waiawa, guideway, stations, park-and-ride lots, and ancillary facilities, and the design, construction, construction management, and inspection of projects it manages.

DES, DFM, DPR, DTS, ENV, HFD, HPD and HART are responsible for implementing the six minimum control measures for their respective small MS4 facilities, and industrial requirements for their respective industrial facilities covered by the Permit. See Tables 1 and 2 of the Permit.

V. Objectives

The objectives of this MOA are to establish departmental and agency coordination; clearly delineate roles and responsibilities of each department and agency to comply with the terms of the Permit; minimize duplication of effort; promote accountability through judicious application of management practices, design, and engineering methods; and establish the

authority to redirect department and agency resources as needed to ensure compliance with the Permit requirements.

VI. Responsibilities

- A. DFM– All actions shall be in compliance with applicable MS4 permit requirements.
1. Administer the current and subsequent SWMP as amended; be the principal means of communication with DOH and EPA on all MS4 permit related matters; and have authority to inspect and check operating and CIP activity by other departments and agencies for compliance with the MS4 permit and manage corrective actions.
 2. Initiate any program modifications of storm water permit requirements or the SWMP.
 3. Document modifications and additions to the MS4.
 4. Implement the storm water quality monitoring program.
 5. Issue effluent discharge permits, with the exception of construction dewatering.
 6. Prepare regular reports to DOH and EPA.
 7. Implement a spill response and prevention program.
 8. Investigate improper discharge activities and take enforcement action if applicable. Until DFM's Enforcement Rules are effective, DFM's SWQ Branch staff will conduct enforcement activities and seek approval from ENV's Director when a Notice of Violation, Notice of Order, or alternative order needs to be issued, enforced or appealed. After DFM's Enforcement Rules are effective, DFM will conduct and approve such enforcement actions.
 9. Conduct scheduled surveys of prioritized industrial areas and inspect facilities with private drain connections to the MS4 on an as-needed basis.
 10. Implement the Public Education Program.
 11. Ensure Public Participation in the program.
 12. Implement intergovernmental coordination.
 13. Conduct assessment of waste loads.
 14. Review environmental assessments, environmental impact statements and land development documents and recommend, if applicable, engineering control structures.
 15. Inspect, monitor, and administer corrective actions related to permanent post-construction storm water quality structures for both City-owned and approved privately-owned facilities constructed as required by the City's "Rules Relating to Storm Drainage Standards." Check operation and maintenance of the facilities.
 16. Coordinate and provide NPDES training required by the Permit.
 17. Research and provide recommendations to update construction and post-construction BMPs.
 18. Prepare plans for CIP projects managed by DFM, and review plans for other projects if they affect CIP projects managed by DFM.
 19. Program and administer CIP project contracts managed by DFM, including architect-engineer consultant contracts, construction contracts, and construction management contracts.

20. Prepare plans for the control of grading, grubbing, stockpiling, and soil erosion controls on CIP projects managed by DFM.
21. Implement construction management and inspection for CIP projects managed by DFM, including coordination with State, Federal, other City departments and agencies, and utility companies.
22. Implement criteria to guide the construction of storm water treatment control BMPs and source control BMPs designed to limit storm water pollution from CIP projects managed by DFM to meet the prevailing “Rules Relating to Storm Drainage Standards.”
23. Review environmental assessments and environmental impact statements to ensure that storm water pollution reduction measures are included in CIP projects managed by DFM. In addition, DFM will coordinate with ENV in applying their respective approved lists of exemptions in accordance with Hawaii Administrative Rules (HAR) Chapter 11-200 and Hawaii Revised Statutes (HRS) Chapter 343.
24. Establish and maintain databases and inventories, for CIP projects managed by DFM to satisfy the MS4 permit requirements.
25. Inspect City-owned or maintained debris and/or boulder basins monthly and perform maintenance as necessary.
26. Inspect City-owned or maintained storm water retention/detention basins periodically and perform maintenance as necessary.
27. Inspect, maintain, and clear City-owned or maintained storm drain lines, manholes, inlets and catch basins as necessary.
28. Provide roadway maintenance on City-owned streets as follows:
 - a. Perform regularly scheduled street sweeping on all major streets, and in industrial, commercial, and residential areas.
 - b. Perform regularly scheduled road inspections and repairs.
 - c. Perform regularly scheduled litter pickup and litter container servicing.
29. Maintain flood control structures through regularly scheduled maintenance.
30. Develop and implement appropriate good housekeeping measures and other best management practices to limit spills and runoff from pesticide application.
31. Operate and maintain dewatering facilities for the disposal of material and debris from storm sewer cleaning operations.
32. Provide to DPP changes or corrections to maps or other data as verified by field maintenance activities.
33. Assist HFD in containing hazardous material spills from entering the municipal storm sewers, streams, and near shore waters.
34. Assist SWQ Branch in detecting suspected illicit flows and illegal connections to the MS4. Provide information on program activities and cost to the SWQ Branch for inclusion in required reports to the DOH and the EPA.

- B. DPP – All actions shall be in compliance with applicable MS4 permit requirements.
1. Review and approve plans for private sector projects, including subdivisions and other land development projects and, if needed, refer such projects to other departments and agencies for review. Provide one-time review of City CIP and applicable HART projects except for those which involve grading, grubbing, stockpiling, and soil erosion control, unless otherwise agreed to by the affected parties.
 2. Review and approve plans for the control of grading, grubbing, stockpiling, and soil erosion control (including those for City CIP and HART projects) unless otherwise agreed to by the affected parties.
 3. Check plans, including soil erosion control measures, to determine whether requirements are being met pursuant to the “Rules Relating to Soil Erosion Standards and Guidelines.”
 4. Check plans to determine whether water quality requirements are being met pursuant to the prevailing “Rules Relating to Storm Drainage Standards.”
 5. Review land use documents to ensure that storm water pollution reduction measures are included in the developments, if applicable.
 6. Implement storm water quality requirements for new private development and redevelopment projects, pursuant to the prevailing Rules Relating to Storm Drainage Standards.
 7. Work with DFM to revise the “Rules Relating to Soil Erosion Standards and Guidelines,” and “Rules Relating to Storm Drainage Standards.”
 8. Issue licenses for private storm drain connections. Issue permits for grading, grubbing, stockpiling, trench excavation, and construction dewatering. Provide copies of the permits and licenses to DFM’s SWQ Branch. Conduct follow-up inspections and pursue enforcement action against permit and illegal grading violations. Notify DFM’s SWQ Branch of illegal storm water discharges onto any City owned right-of-way or MS4 from construction sites. Refer violations to DFM for enforcement action, if necessary.
 9. Provide information on program activities under the Permit including units handled or processed, resources used, and cost to DFM for inclusion in reports to the DOH and the EPA.
 10. Establish and maintain databases and inventories of private construction sites to satisfy the MS4 permit requirements.
 11. Coordinate planning efforts with DFM to acquire storm water data for developments and implementation of a storm water GIS to meet permit requirements.
 12. Manage and maintain the storm drainage system network and facility geospatial database, including any data directly associated to the geospatial geometric features in the geodatabase. Participate and assist in the integration of the geospatial database with other storm water quality data. Review and provide comments on geospatial analyses being conducted using the storm drainage system geodatabase.

- C. ENV- All actions shall be in compliance with MS4 permit requirements.
1. Conduct, through the ENV Division of Refuse Collection and Disposal, an ongoing household hazardous waste pickup and disposal program.
 2. Implement a spill response and prevention program for City related wastewater spills.
 3. Prepare plans for CIP projects managed by ENV, and review plans for other projects if they affect CIP projects managed by ENV.
 4. Program and administer CIP project contracts managed by ENV, including architect-engineer consultant contracts, construction contracts, and construction management contracts.
 5. Prepare plans for the control of grading, grubbing, stockpiling, and soil erosion controls on CIP projects managed by ENV.
 6. Implement construction management and inspection for CIP projects managed by ENV, including coordination with State, Federal, other City departments and agencies, and utility companies.
 7. Implement criteria to guide the construction of storm water treatment control BMPs and source control BMPs designed to limit storm water pollution from CIP projects managed by ENV to meet the prevailing "Rules Relating to Storm Drainage Standards."
 8. Review environmental assessments and environmental impact statements to ensure that storm water pollution reduction measures are included in CIP projects managed by ENV.
 9. Establish and maintain databases and inventories, for CIP projects managed by ENV to satisfy the MS4 permit requirements.
 10. Until DFM's Enforcement Rules become effective, ENV's Director will approve enforcement actions by DFM's SWQ Branch staff, of applicable laws regarding stormwater management.
 11. ENV will coordinate with DFM in applying their respective approved lists of exemptions in accordance to Hawaii Administrative Rules (HAR) Chapter 11-200 and Hawaii Revised Statutes (HRS) Chapter 343.
- D. DDC- All actions shall be in compliance with MS4 permit requirements.
1. Prepare plans for CIP projects managed by DDC, and review plans for other projects if they affect CIP projects managed by DDC.
 2. Program and administer CIP project contracts managed by DDC, including architect-engineer consultant contracts, construction contracts, and construction management contracts.
 3. Prepare plans for the control of grading, grubbing, stockpiling, and soil erosion controls on CIP projects managed by DDC.
 4. Implement construction management and inspection for CIP projects managed by DDC, including coordination with State, Federal, other City departments and agencies, and utility companies.
 5. Implement criteria to guide the construction of storm water treatment control BMPs and source control BMPs designed to limit storm water pollution from CIP projects managed by DDC to meet the prevailing "Rules Relating to Storm Drainage Standards."

6. Perform studies, designs, construction, and construction management of CIP flood control channels and control structures.
 7. Review environmental assessments and environmental impact statements to ensure that storm water pollution reduction measures are included in CIP projects managed by DDC.
 8. Establish and maintain databases and inventories, for CIP projects managed by DDC to satisfy the MS4 permit requirements.
- E. DTS– All actions shall be in compliance with MS4 permit requirements.
1. Prepare plans for CIP projects managed by DTS, and review plans for other projects if they affect CIP projects managed by DTS.
 2. Program and administer CIP project contracts managed by DTS, including architect-engineer consultant contracts, construction contracts, and construction management contracts.
 3. Prepare plans for the control of grading, grubbing, stockpiling, and soil erosion controls on CIP projects managed by DTS.
 4. Implement construction management and inspection for CIP projects managed by DTS, including coordination with State, Federal, other City departments and agencies, and utility companies.
 5. Implement criteria to guide the construction of storm water treatment control BMPs and source control BMPs designed to limit storm water pollution from CIP projects managed by DTS to meet the prevailing “Rules Relating to Storm Drainage Standards.”
 6. Review environmental assessments and environmental impact statements to ensure that storm water pollution reduction measures are included in CIP projects managed by DTS.
 7. Establish and maintain databases and inventories, for CIP projects managed by DTS to satisfy the MS4 permit requirements.
- F. HART– All actions shall be in compliance with MS4 permit requirements.
1. Prepare plans for projects managed by HART, and review plans for other projects if they affect projects and/or operations managed by HART.
 2. Program and administer project contracts managed by HART, including architect-engineer consultant contracts, construction contracts, and construction management contracts.
 3. Prepare plans for the control of grading, grubbing, stockpiling, and soil erosion on projects managed by HART.
 4. Implement construction management and inspection for projects managed by HART, including coordination with State, Federal, and City agencies and utility companies.
 5. Implement criteria to guide the construction of storm water treatment control BMPs and source control BMPs, storm water detention/retention, and other engineering control structures designed to limit storm water pollution from projects managed by HART to meet the prevailing “Rules Relating to Storm Drainage Standards.”
 6. Review environmental assessments and environmental impact statements to

ensure that storm water pollution reduction measures are included in projects and/or operations managed by HART.

7. Establish and maintain databases and inventories, for CIP projects managed by HART to satisfy the MS4 permit requirements.

G. DFM, DES, DPR, DTS, ENV, HFD, HPD, and HART

1. Budget, allocate adequate resources, including funding, personnel, equipment and supplies to implement, to the MEP, the six minimum control measures required by the EPA under NPDES Phase II rules:
 - a. Public education and outreach;
 - b. Public participation/involvement;
 - c. Illicit discharge detection and elimination;
 - d. Construction site runoff control;
 - e. Post-construction site runoff control; and
 - f. Pollution prevention/good housekeeping.
2. Public education and outreach: Will include distribution of brochures and other print material to employees and facility users, when deemed applicable by the department, and participation in the City's overall public education program. The audience for the public education and outreach includes department and agency employees, facility users, and the general public.
3. Public participation/involvement: Will include public review of the proposed measures to meet the Permit requirements.
4. Illicit discharge detection and elimination: Will include regularly scheduled employee training and inspection of facilities, and reporting of any illicit discharges from the facility to DFM for enforcement and reporting.
5. Post-construction site runoff control: DES, DPR, DTS, ENV, HFD, HPD, and HART are responsible for inspection and maintenance of permanent BMPs for their respective departments and agencies.
6. Pollution prevention/good housekeeping: DES, DPR, DTS, ENV, HFD, HPD, and HART are responsible for pollution prevention/good housekeeping at their respectively owned facilities, including spill prevention and response, sweeping, trash pickup, employee training, and documentation of activities, all as required by the storm water pollution control plans for industrial facilities, such as those listed in Table 1 of the Permit; and storm water management plans for small MS4 facilities, such as those listed in Table 2 of the Permit.
7. Report all aspects of the above activities periodically or as needed to the DFM for inclusion in reports required by the DOH and the EPA.

H. CONSTRUCTION SITE RUNOFF CONTROL

1. Construction site runoff control: All signatories managing and/or implementing construction projects are responsible for construction site runoff control.

VII. Amendments; Term and Effective Date

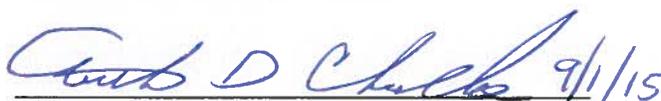
This MOA may be amended in writing from time to time by program modifications or additional permit requirements. Substantial amendments to the MOA must be agreed to in writing by all affected parties. This MOA shall take effect upon approval and shall remain in effect for five (5) years, which may automatically renew for another 5 years on mutual consent of the parties.

 1 SEP 2015

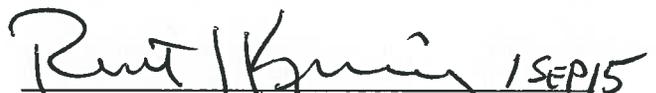
ROSS S. SASAMURA, P.E. Date
Director and Chief Engineer
Department of Facility Maintenance

 9/1/15

LORI M.K. KAHIKINA, P.E. Date
Director
Department of Environmental Services

 9/1/15

GEORGE I. ATTA, FAICP, Date
LEED AP, CEI
Director
Department of Planning and Permitting

 1 SEP 15

ROBERT J. KRONING, P.E. Date
Director
Department of Design and Construction

 9/1/15

GUY H. KAULUKUKUI Date
Director Designate
Department of Enterprise Services

 9/1/15

MICHELE K. NEKOTA Date
Director
Department of Parks and Recreation

 9/1/15

MANUEL P. NEVES Date
Fire Chief
Honolulu Fire Department

 09 01 15

LOUIS M. KEALOHA Date
Chief of Police
Honolulu Police Department

 9/1/15

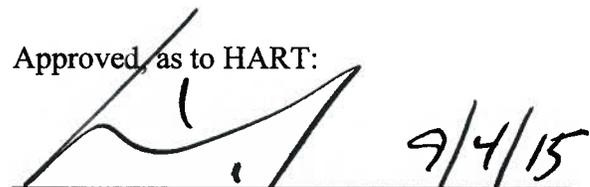
MICHAEL D. FORMBY Date
Director
Department of Transportation Services

Approved, as to Departments:

 9/5/15

ROY K. AMEMIYA JR. Date
Managing Director
City & County of Honolulu

Approved, as to HART:

 9/4/15

DANIEL A. GRABAUSKAS Date
Executive Director and CEO
Honolulu Authority for Rapid Transportation