

## **APPENDIX E.1**

### **Enforcement Policy for Industrial Facilities and Activities**



**E Mālama I Ka Wai Ola**

Protect our waters...  
**FOR LIFE**



**CITY AND COUNTY OF HONOLULU  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
ENFORCEMENT POLICY FOR  
INDUSTRIAL FACILITIES AND ACTIVITIES  
NPDES MS4 PERMIT NO. HI S000002**

**as required by the**

**State of Hawaii  
Department of Health**

**PREPARED BY  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
STORM WATER QUALITY BRANCH**

**SEPTEMBER 2006**

City and County of Honolulu  
NPDES MS4 Permit No. HI S000002

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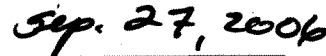
### CERTIFICATION

City and County of Honolulu  
Department of Environmental Services  
Enforcement Policy for Industrial Facilities and Activities  
NPDES MS4 Permit No. HI S000002

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



Dr. Eric S. Takamura, P.E., Director  
Department of Environmental Services



Date

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- Appendix B: Part D.1.g of the City's MS4 NPDES Permit
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**A. BACKGROUND**

The City and County of Honolulu received approval from the State Department of Health (DOH) on its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit on March 31, 2006. The City's NPDES MS4 permit covers all discharges of storm water runoff and certain non-storm water discharges to the MS4. As part of the permit [Part D.1.g.(5)], the City was required to "develop and submit an enforcement policy that shall go into effect when it has been documented that an industrial or commercial facility has failed to comply with local ordinances and/or terms of this permit." As a result, the City and County of Honolulu's Department of Environmental Services (ENV) – Storm Water Quality Branch (SWQ) has prepared the Enforcement Policy for Industrial Facilities and Activities as outlined in this document. The NPDES MS4 Permit expires on September 8, 2009.

**B. PURPOSE**

The purpose of this Enforcement Policy for Industrial Facilities and Activities (Policy) is to ensure that industrial facilities and activities are in compliance with requirements associated with the City's Industrial and Commercial Activities Discharge Management Program. The purpose of the program is to reduce to the Maximum Extent Practicable (MEP) the discharge of pollutants from all industrial and commercial facilities and activities which initially discharge to the City's MS4 and to maintain compliance with conditions of NPDES MS4 Permit No. HI S000002.

**C. GENERAL**

1. The Policy will be implemented by September 29, 2006.
2. ENV personnel shall keep the following document as a reference: *NPDES Compliance Inspection Manual (EPA 305-X-03-004)* dated July 2004 and use to the MEP engineering judgment to identify, develop and correct:
  - a. pollutants potentially present in storm water;
  - b. pollutant sources (including but not limited to the identification of non-storm water sources connected to the storm drainage system);
  - c. training procedures;
  - d. facility inspection procedures;
  - e. pollutant control procedures; and
  - f. spill prevention and response procedures.
3. The facilities shall be inspected by the Division of Environmental Quality (EQ). Records shall be maintained for a minimum of five (5) years, or as otherwise

indicated, and shall include (1) when inspections were conducted, (2) the findings of the inspections, and (3) any corrective actions taken.

## **D. FACILITY INSPECTIONS**

### **1. Requirements**

As required in the City's NPDES MS4 permit [Part D.1.g.(3)], the City will designate priority areas for industrial and commercial facility and activity inspections by March 31, 2007. City and County of Honolulu, Department of Environmental Services (ENV) – Storm Water Quality (SWQ) personnel will conduct annual inspections of these priority industrial and commercial areas. Until such designation is made, SWQ will continue to follow its listing of priority areas as shown in Table II-2 in Appendix C. SWQ will conduct, at a minimum, the applicable number of inspections shown in the table in Part D.1.g.(4) of the NPDES permit. See Appendix B.

### **2. Annual Inspection**

Facility inspections shall include the following items:

- a. Inspector(s) shall use an inspection checklist, or equivalent, and photographs to document site and BMP conditions. See Appendix A for a copy of the checklist.
- b. Inspector(s) shall review site BMPs for compliance with City ordinances and the City's NPDES permit to assess potential impacts to receiving waters.
- c. Inspector(s) shall inspect all chemical storage areas, if any, to ensure proper housekeeping practices are being used.
- d. Inspector shall inspect storm water drainage areas for evidence of pollutants entering the drainage system.

Records of the inspections shall be kept at the Environmental Quality – Storm Water Quality Branch office. The report shall be retained for at least five (5) years.

## **E. ENFORCEMENT POLICY**

1. SWQ personnel conducting industrial and commercial inspections who witness a violation of storm water-related local ordinances and/or terms of the City's NPDES permit at a facility or activity shall do the following:
  - a. Issue written documentation to a facility or activity representative within two (2) weeks of the inspection date. The documentation will include copies of all field notes, correspondence, photographs, and sampling results, if applicable. The

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documentation will also include a checklist indicating the specific violation(s) and will be mailed, e-mailed, or hand-delivered to the facility or activity representative.

- b. In order to encourage facilities to allow entry to SWQ inspectors, SWQ will not take enforcement action against a facility for violations(s) during a first-time visit if the facility indicates a willingness to correct the violation(s).
  - c. Provide a timeline for the facility or activity to correct its violation(s).
  - d. Schedule a re-inspection and take further enforcement action for any violation(s) witnessed during the re-inspection.
  - e. Enforcement action may consist of a Letter of Warning (LOW) for an initial minor violation or a Notice of Violation (NOV) for a repeat or major violation, such as discharge of wastewater or hazardous material to the City's MS4.
2. If a facility or activity fails to comply with applicable local ordinances and/or the terms of the City's NPDES permit following the re-inspection, and the City has exhausted all available sanctions, or otherwise deems the facility or activity an immediate and significant threat to water quality, SWQ shall provide oral notification to DOH within one (1) week of such determination. SWQ shall follow up with written notification to DOH within two (2) weeks of the determination.
  3. In instances where SWQ has identified a facility that has not applied for General Industrial Storm Water permit coverage or any other required NPDES permit, SWQ shall provide oral notification to DOH within one (1) week of such determination. SWQ shall follow up with written notification to DOH within two (2) weeks of the determination.

**F. RECORD KEEPING AND REPORTING**

**1. Record Keeping**

Good documentation practices are very important for demonstrating compliance with the NPDES MS4 permit. It helps to monitor pollution prevention efforts and provide a useful resource for identifying areas that would benefit from improved BMPs. Records of all facility inspections shall be maintained for a minimum of five (5) years.

**2. Reporting**

Facility Inspection Reports shall be kept on file in a central location at the EQ office. These reports shall be submitted to DOH within two (2) months of the inspection date.

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Annual Training Log shall be kept on file in a central location at the EQ office. These logs shall be made available upon request by DOH or any applicable agency.

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### Reporting Requirement Breakdown

<b>Reporting Activity</b>	<b>Responsible Agency</b>	<b>Targeted Deadline Dates</b>
Facility Inspection Report (Report to be kept on file with SWQ)	ENV/SWQ	Within two months of the inspection date.
Annual Training Log (Log to be kept on file with SWQ)	ENV/SWQ	September 29, 2006 and then once annually throughout the permit period.
Inventory and Map of Industrial Facilities and Activities	ENV/SWQ	4 <sup>th</sup> End-of-Year Report (also known as permit reapplication)
Inventory and Map of Commercial Facilities and Activities (Electronic and Paper Format)	ENV/SWQ	Permit Renewal Application
Updated plan to designate priority areas for industrial and commercial facility and activity inspections	ENV/SWQ	March 31, 2007
Industrial/Commercial inspection Program	ENV/SWQ	March 31, 2007
Enforcement Policy for Industrial Facilities and Activities	ENV/SWQ	September 29, 2006