From: Lum, Darryl C
To: "jwhelan1@wm.com";
cc: "tsteinberger@honolulu.gov"; "whamada@honolulu.gov"; Seto, Joanna L; Tsuji, Michael; Kurano, Matthew; Tanimoto, Jamie; Ichinotsubo, Lene K;
Subject: Incomplete Renewal NOI for Waimanalo Gulch Sanitary Landfill (HI R50A533)
Date: Tuesday, April 13, 2010 4:17:57 PM

Dear Mr. Whelan,

The Department of Health (DOH), Clean Water Branch (CWB) has reviewed your revised renewal Notice of Intent (NOI), dated January 29, 2009 and July 17, 2009, for the subject project. We have determined that your renewal NOI is incomplete.

In order to process your coverage under the Hawaii Administrative Rules (HAR), Chapter 11-55, Appendix B, NPDES General Permit Authorizing Discharges of Storm Water Associated with Industrial Activity, we request that you submit the following information to our office to complete your renewal NOI. Until your renewal NOI is complete, the DOH cannot proceed with the processing for your coverage under the applicable NPDES General Permit. **Please number your responses to correspond to the comments/ questions below.**

1. <u>CWB NOI General Form: Item No. 5. – Receiving State Water(s) Information</u>

a. Please clarify if the facility is located in Waimanalo Gulch. Waimanalo Gulch is a State water. If the facility is located in Waimanalo Gulch, the receiving State water is Waimanalo Gulch, not the Pacific Ocean. Please revise Item Nos. 5.a. and 5.a.i. of the CWB NOI General Form as needed.

b. Please clarify if the concrete-lined drainage channel is a modification to a natural stream. If it is a modification to a natural stream, the concrete-lined drainage channel is a receiving State water. Please revise Item Nos. 5.a. and 5.a.i. of the CWB NOI General Form as needed. **Note:** If the concrete-lined drainage channel is a receiving State water, the proposed Best Management Practices (BMPs) and monitoring stations need to

be adjusted accordingly.

2. <u>CWB-NOI Form B: Item No. B.3. – Location Map</u>

Please update your Location Map with any revisions to the receiving State water. Please see Comment No. 1 above.

3. <u>CWB-NOI Form B: Item No. B.4. – Flow Chart</u>

Please update the Flow Chart with any revisions to the receiving State water. Please see Comment No. 1 above.

4. <u>CWB-NOI Form B: Item No. B.5. – Existing or Pending Permits, Licenses, or Approvals</u>

a. The DOH, Solid and Hazardous Waste Branch, Solid Waste Section informed the DOH-CWB of the proposed Material Drop Off Facility (MDOF).

i. Please clarify if the construction of the MDOF will require NPDES Permit coverage for discharges of storm water associated with construction activities. **Note:** The need to obtain NPDES Permit coverage for discharges of storm water associated with construction activities will not delay the processing of your renewal NOI.

ii. Please clarify if the construction of the MDOF (within Waimanalo Gulch) will require a Section 404 Permit from the Army Corps of Engineers, Regulatory Branch. **Note:** The need to obtain a Section 404 Permit and/or a Section 401 Water Quality Certification (WQC) will not delay the processing of your renewal NOI.

b. Please provide the status of the 92 acre landfill expansion (north of current operations). Please list all applicable environmental documents and permits associated with the landfill expansion.

5. **<u>CWB-NOI Form B: Item No. B.7. – Facility Site Map(s)</u>**

a. Please update the Facility Site Map with the MDOF.

b. Please update the Facility Site Map with the landfill expansion (only if this information is available).

c. Please ensure that all drainage structures are shown and labeled on the Facility Site Map.

d. Please update the Site Drainage Map by showing the outline of sub-drainage areas for the entire facility and by showing the location of all drainage structures. Please also ensure that storm water drainage patterns for all sub-drainage areas of the facility are shown with flow arrows.

e. Please ensure that all structural control measures and BMPs (e.g. diversion berms, silt fence, hay bales, etc.) are shown on the Facility Site Map.

Note: On August 20, 2009, the DOH-CWB requested an updated BMPs Plan for the subject facility (DOH-CWB Letter No. 08046PKP.09). To date, we have not received a response.

f. Please ensure that all stabilized areas (e.g. hydroseeded slopes, geosynthetic tarps, paved roads, etc.) are shown on the Facility Site Map.

g. Page 2-1 of the SWPCP indicates that the facility accepts municipal solid waste (MSW), construction and demolition (C&D) debris, incinerator ash from H-POWER, wastewater treatment sludge, septic tank and cesspool pumping, and asbestos containing materials. Please include these pollutants in Table 4-1 of the SWPCP. Please also show these areas on the Facility Site Map.

h. Clarify if pesticides, herbicides, soil conditioners and/or fertilizers are applied at the facility. If any of these chemicals

are utilized, please show the location of these chemical application areas on the Facility Site Map and update Table 4-1 of the SWPCP.

i. Provide a map or drawing showing the landfill leachate collection/treatment system. Please also show all areas where leachate may be exposed to storm water on the Facility Site Map.

j. Provide a map or drawing showing the landfill gas collection system. Please also show all areas where landfill gas condensate may be exposed to storm water on the Facility Site Map.

k. Clarify if there are any aqueous waste drained from waste containers (e.g., drums) prior to landfilling. If applicable, please show the handling and disposal areas on the Facility Site Map.

l. Clarify if there is any washing of equipment/vehicles that have come in contact with solid waste at the facility. If applicable, please show these areas on the Facility Site Map.

m. Clarify if the Future BMPs for Sediment and Erosion Prevention (Page 4-5 of SWPCP) have been implemented.

n. Show the location of the sampling station(s).

6. <u>CWB-NOI Form B: Item No. B.8. – Storm Water Pollution Control Plan (SWPCP) Requirements</u>

a. Page 2-2 of the SWPCP states: "Drainage swales and the detention pond containing sediment deposition from last year's rainfall are currently being cleaned out using an excavator. The sediment is being used as daily cover in the active landfill areas." Specify all pollutants that may be present in the sediment from the drainage swales and detention pond which is being used for daily cover material.

b. What else is being used for the daily cover soil? Specify

the source of this soil, clarify where this soil is stockpiled, and list any pollutants associated with this soil.

c. The SWPCP indicates that ash landfilling is covered once every seven (7) days. Specify all pollutants that may be present in the ash (e.g. dioxin, heavy metals, etc.).

d. Page 2-3 of the SWPCP states: "Additionally, WMH is evaluating changes to the overall drainage system for the site that may include expansion of the existing detention pond and/or separating up-canyon (off-site) run-off from landfill (on-site) run-off." Clarify if these changes were implemented. Update the SWPCP as needed.

e. Clarify how the synthetic water diffusion bags are maintained.

f. Provide a detail with dimensions and/or catalog cut of all BMPs (including the detention basin) utilized at the facility.

g. Please provide a sample collection diagram.

h. Provide the maintenance procedures and schedule for the detention basin.

i. Please provide a complete copy of the revised SWPCP.

7. <u>CWB-NOI Form B: Item No. B. 9. - Multiple Outfall or Discharge Point Information</u>

The purpose of the storm water monitoring is to obtain representative samples to demonstrate that your facility is complying with the conditions of the Notice of General Permit Coverage (NGPC), to demonstrate that your proposed BMPs are working, and to demonstrate that your facility is not discharging contaminated storm water and non-storm water.

The current sampling station (culvert inlet at facility boundary,

downstream of detention basin) is not representative of the discharge from the facility since off-site storm water from Waimanalo Gulch is also being directed into the detention basin. Please propose a way to allow representative storm water samples to be collected.

8. <u>CWB-NOI Form B: Item No. B.11. – Water Quality Parameters</u>

Please update the "HAR, 11-54" column with any revisions to the receiving State water. Please see Comment No. 1 above.

9. <u>CWB-NOI Form B: Item No. B.12. – Toxic Parameters</u>

a. Contaminated storm water is storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (i.e. areas exposed at any given time and before daily cover is provided); the areas around wastewater treatment operations; trucks, equipment, or machinery that have been in direct contact with the waste; and waste dumping areas.

Comment Nos. 5.g to 5.l and 6.a. to 6.c. all refer to potential contaminated storm water at the facility. Please revise Item No. B.12. of the CWB-NOI Form B by including toxic parameters for **all** applicable sources of contaminated storm water from the facility mentioned in Comment Nos. 5.g to 5.l and 6.a. to 6.c. If applicable, you may separate toxic parameters by sub-drainage basins.

Note: All listed toxic parameters will become a monitoring requirement in your NGPC.

b. Page 3-1 of the SWPCP states: "If prohibited discharges are occurring when monitoring is scheduled to take place, the sample analyses shall be modified to include the pollutant(s) associated with the discharge(s). Upon elimination of the prohibited discharge(s), the associated pollutants can be removed

from the monitoring list." This is not acceptable. All storm water monitoring parameters shall be sampled during a representative storm event.

c. Please revise the "HAR, 11-54-4(b)(3)" column with any changes made to the receiving State water. Please refer to Comment No. 1 above.

We request that you send us a transmittal letter (including your responses to our comments above, File No. HI R50A533, the certification statement below, and your original signature) and a CD or DVD disk with the following information attached:

1. Revised CWB NOI General Form in xml format. Create the CWB NOI General Form in xml format by pressing the "Submit by Email" button and save the xml file on the CD or DVD.

2. Revised CWB-NOI Form B in pdf format (do not click "Submit by Email" button); and

3. Attachments to support your submittal in pdf format (minimum 300 dpi), as necessary.

<u>Certification Statement to be Included in Your Transmittal Letter:</u>

"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."

Pursuant to HAR, Section 11-55-34.09, the Director of Health may deny without prejudice an NOI to be covered by an NPDES General Permit if the owner or operator or duly authorized representative fails to provide a written response within 30 calendar days of this incomplete NOI notification. The CWB expects to receive the required information by **May 13, 2010**. Additional time may be granted upon receipt of a valid written request from you or Mr. Timothy Steinberger of the CCH-DES. If the CWB does not receive the required information or a valid written request by this date, we will assume that you are no longer interested in obtaining NPDES General Permit coverage for the subject project. Consequently, the administrative extension, dated October 19, 2007, of the NGPC, issued on March 2, 2005, for this project will be rescinded. In addition, the processing of your NOI will be terminated and your request for NPDES General Permit coverage for the subject project will be denied without prejudice. You may resubmit a complete NOI with the required filing fee, as specified in HAR, Section 11•55•34.08(i).

If you have any questions, please email or call me at 586•4309.

Darryl Lum
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Clean Water Branch
State of Hawaii Department of Health
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