1a - Huiokoolaupoko

MEP language too vague

CWB Response: The MEP standard is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)] for municipal discharge and is referenced in the 40CFR122.26(d)(2)(iv) [requirements for large and medium municipal separate storm sewer discharges] and 40CFR122.34(a) [for small MS4s]. MEP establishes a level of pollutant reduction which shall be achieved through the implementation of the operator's storm water management plan. If the DOH determines that the permittee is not reducing pollutants to the MEP, the City will be required to modify its storm water management plan.

The DOH has determined that no other amendments to the proposed permit shall be required in regards to this comment.

Background information:

> *As stated in the Clean Water Act, Section 402(p)(3)(B)(iii), Municipal discharge, "Shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods and such other provision as the Administrator or the State determines appropriate for the control of such pollutants."*
>
> *Title 40 of the Code of Federal Regulations, Section 122.26(d)(2)(iv) [40CFR122.26(d)(2)(iv)] states: "Proposed management program. A proposed management program covers the duration of the permit. It shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollution to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate.*
>
> *40CFR122.34(a) states: "Your NPDES MS4 permit will require at a minimum that you develop, implement, and enforce a storm water management plan designed to reduce the discharge of pollutants from your MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. Your storm water management plan must include the minimum control measures described in paragraph (b) of this section unless you apply for a permit under §122.26(d). For purposes of this section, narrative effluent limitations requiring implementation of best management practices (BMPs) are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of best management practices consistent with the provisions of the storm water management plan required pursuant to this section*

and the provisions of the permit required pursuant to §122.33 constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable." Your NPDES permitting authority will specify a time period of up to 5 years from the date of permit issuance for you to develop and implement your program."

1b - Huiokoolaupoko

The permit should require structural Best Management Practices (BMPs) into CCH's system to treat polluted runoff. Additionally, the Permit should address what types of Low Impact Development (LID) BMPs can be implemented depending on the type of landscape. For example, parks and golf courses should have a different set of BMPs compared to Automotive Equipment Service facilities.

CWB Response: For Construction Site Runoff Control, Part D.1.d.(1) of the permit requires BMPs to be implemented.

BMPs are also required in Part D.1.f.(1)(vi) for retrofitting structural BMPs, Part D.1.f.(3) for Erosion Control, Part D.1.f.(4) for Municipal Facilities, and Part D.2. if exceedances occur.

As specified in Part D.1.e.(1), LID requirements are to be developed and specified in the City's revised standards. At a minimum, LID requirements to be specified in the City standards shall be based on the criteria provided in the permit. The appropriate LID requirement for a project shall be based on the City standards and then approved by the City during plan review [Part D.1.d(3)].

1c - Huiokoolaupoko

Action Plan for Retrofitting Structural BMPs: This section refers to documents and recommendation of implementation in Wailupe Stream, Kuliouou Stream and Niu Stream. This section should also include reference to the document: Storm Water Best Management Plan (BMP) Plan, For Four Major Outlets at Ka'elepulu Pond, Kailua, HI 2008. Prepared for the City and County of Honolulu, Department of Environmental Services, prepared by EarthTech AECOM. Additionally, we recommend these structural and non-structural BMPs highlighted in this document be implemented as part of the MS4 Permits. Additionally, a timeline should be highlighted within the first year of the permit as to when this implementation will take place.

CWB Response: The permit was revised to reference the document, require the City to evaluate the recommendations, and submit an implementation schedule within one (1) year of the effective date of the permit. See below.

Part D.1.f.(1)(vi) *Action Plan for Retrofitting Structural BMPs*. The Permittee shall:

- Continue with the implementation of the activities for Wailupe Stream, Kuliouou Stream, and Niu Stream as described on Pages 10-11 of the

"Action Plan: Implementing Feasible Opportunities to Retrofit Structural BMPs," dated October 2001, and submitted to DOH on October 31, 2001, to address retrofitting the existing MS4 with structural BMPs. All structural BMPs as identified in the Action Plan, dated October 2001, shall be completed within five (5) years of the effective date of this permit.

- Evaluate the recommendations of the report titled, "Storm Water Best Management Practices (BMP) Plan for Four Major Outlets at Kaelepupu Pond," Kailua, Hawaii, November 2008.
- Evaluate the recommendations of the draft report titled, "Watershed Based Plan for Reduction of Nonpoint Source Pollution in Wailupe Stream Watershed," dated June 2010.
- Provide the DOH with an updated Action Plan within one (1) year of the effective date of this permit, which shall identify retrofits to be implemented and a discussion on the basis for their selection, and an implementation schedule. The implementation schedule shall cover a five (5) year period and be updated yearly to include additional retrofit projects with water quality protection measures for the 5th year of the schedule. The annual updates to the implementation schedule shall be included in the Annual Report with a description of the projects status. The Action Plan may include, but not be limited to projects in compliance with any TMDL implementation and trash reduction plan.

1d - Huiokoolaupoko

Monitoring: We recommend more detailed information be provided regarding the monitoring. Currently, the Permit's requirements do not reflect if water quality waste loads are being met or if improvements in water quality are being realized. We recommend that where water quality standards are not being met, monitoring is conducted and stipulate measured targets for reduction over the Permit period.

CWB Response: DOH does not agree that more detailed information be required for monitoring.

For watersheds with EPA-approved TMDLs, monitoring is required to show compliance with Wasteload Allocations (WLAs) as specified in the permit.

Refer to:

Part F.3.a. The Permittee shall submit a compliance schedule with a final compliance deadline to comply with the TMDL waste load allocations only, as specified in the following within one (1) year of the effective date of this permit. The compliance schedule shall provide for the implementation of the BMPs, monitoring to evaluate its performance, and time to make adjustments necessary to demonstrate consistency with the WLAs at the earliest possible time. If the

schedule extends beyond a year, interim dates and milestones shall be included in the schedule with the time between interim dates not to exceed one year. After the deadline, compliance with the WLAs are required.

Additionally:

The Permittee is required to submit for review and acceptance, an Implementation and Monitoring (I&M) Plan for watersheds with approved TMDLs. The monitoring plan outlined in their I&M Plan needs to identify how they will show compliance with the WLAs. Results of the program shall validate the permittee's efforts, if meeting WLAs or water quality standards, or show if additional efforts should be implemented and their approach be modified.

The Permittee shall compare results of their monitoring to the permit requirements and identify and report all non-compliance and be documented in their Annual Monitoring Report.

The permit was revised to require I&M Plans to be made available for public review and comment on the Permittee's website (refer to revised Part F.3.a).

Note: Storm water monitoring is required for their industrial facilities in accordance with HAR, Chapter 11-55, Appendix B and Part F.2.

Also refer to the following parts:

Part C.2. The discharge shall not cause or contribute to a violation of any of the applicable beneficial uses or water quality objectives contained in Hawaii Administrative Rules (HAR), Chapter 11-54, titled "Water Quality Standards."

Part C.4. The Permittee shall immediately take action to stop, reduce, or modify the discharge of pollutants as needed to stop or prevent a violation of the basic water quality criteria as specified in HAR, Section 11-54-4.

Part F.4. - Other WLAs

As additional WLAs are adopted and approved by the EPA that identify the Permittee as a source, the Permittee shall develop implementation and monitoring plans for a minimum of one (1) additional WLA per year within one (1) year of the approval date. Compliance with their assigned WLAs are required within two (2) years of the TMDL approval date.

Part C.5 was added which states:

After the deadline, as identified in the Permittee's TMDL compliance schedule required in Part F.3.b., compliance with the WLAs are required. Any future WLAs adopted and approved by the EPA shall comply with their WLAs within two (2) years of the TMDL approval date.

Comment: "Currently, the Permit's requirements do not reflect if water quality waste loads are being met or if improvements in water quality are being realized." Please be aware that the permittee is required to submit an Annual Report and Annual Monitoring Report.

1e - Huiokoolaupoko

Estimated budget to be implemented over the coming fiscal year: The fiscal analysis for the Permit appears to be missing. There is an estimated budget mention in monitoring requirement on page 31 this does not appear to apply to the Proposed Management program. We would like to see a much broader analysis that includes the Management program. This would provide a valuable tool for conducting the evaluation of each permit cycle in terms of whether adequate resources are being allocated to implement the required MS4 permit. We recommend a permit reference to an annual fiscal analysis to document and explain the changes to the budget from year to year and describe how each type of funding can and cannot be used for storm water program activities.

CWB Response: The intent of the requirement in 40CFR122.26(d)(2)(vi) is satisfied in Part G.1.b.(4) of the permit and is required to be submitted in the Annual Report.

Based on the existing requirements in the proposed NPDES permit, Parts F.1.b.(6) and G.1.b.(4), the DOH has determined that no amendments to the proposed Draft NPDES permit shall be required in regards to this comment.

2a – UH Environmental Center

The language of the proposed permit, a potentially powerful regulatory tool, is overly vague. This weakens the permitting process, which becomes a mere act of faith that the City will needed pollutant reduction measures, void of many necessary assurances.

CWB Response: The CWB's mission and aim of the proposed permit is to protect the public health of residents and tourists who recreate in and on Hawaii's coastal and inland water resources, and to also protect and restore inland and coastal waters for marine life and wildlife.

The permit requirements are consistent with the federal regulations and have been specifically adapted for the City and County of Honolulu. The proposed permit provides deadlines to submit information or where deadlines have not been set, requires the Permittee to submit a compliance schedule, to be reviewed and accepted by DOH. Failure to comply with the permit requirements and information submitted in compliance with the permit is a violation of the permit and subject to enforcement action.

The DOH has determined that no amendments to the proposed NPDES permit shall be required in regards to this comment.

2b – UH Environmental Center

The proposed permit addresses the potential environmental impacts of MS4 discharges by requiring the City to design and implement a storm water management plan that seeks to reduce storm water runoff pollution to the maximum extent practicable. We believe that the permitting process in general would benefit from wider availability of the existing information, greater detail in the information provided, and-most importantly-the inclusion of a draft Storm Water Management Plan (SWMP) as part of the permit application, rather than as a subsequent deliverable under the permit conditions.

CWB Response: Permit information is available by request.

DOH does not agree that greater detail is necessary.

The SWMP cannot be included with the application since it shall be based on the new permit requirements.

[The Annual Report required to be submitted by October 31st of each year, includes but is not limited to, reporting on the activities as specified in their SWMP. Please be aware that the Annual Report for the fiscal year prior to the expiration date of the permit serves as the permit's renewal application. Refer to Part G.1. for the Annual Report requirements.]

<u>2c – UH Environmental Center</u>

Why doesn't the permit application, the proposed permit, describe and require specific measures to reduce the generation, transport and discharge of pollutants into receiving waters? Most importantly, why doesn't the proposed permit explain how DOH will determine if these measures do actually reduce pollutant loads to the maximum extent practicable (MEP)? The permitting process, permit language, and MEP benchmark are too vague and discretionary, thus the proposed permit appears to allow DOH and the City to selectively ignore the intent of the Clean Water Act. Therefore, we suggest that the permit include language that requires and enables the City to implement targeted preventive actions and retrofits to the MS4 that will abate pollutant loads prior to discharge. If the language cannot be inserted into the permit as DOH has stated before, then DOH may wish to consider changing its administrative rules, and requesting changes to Hawaii Revised Statutes, that would empower DOH to better facilitate water quality improvements and to more strongly regulate program outcomes.

CWB Response: DOH requires the Permittee to determine/specify the appropriate measures for their MS4, small MS4, and municipal industrial activities based on their knowledge of their own system, and require these measures to be updated if expectations have not been met. It is not DOH's responsibility to determine the specific measures to be implemented and to comply with the permit requirements. Similarly, it is not DOH's responsibility if these measures are later found to be unacceptable or if expectations are not met and modification of their plan be

required. It is the City's responsibility to follow and prove compliance with the permit requirements.

Refer to:

Part B.3. The discharge of pollutants from the Permittee's MS4 and Small MS4 facilities, as identified in Table 2, shall be reduced to the Maximum Extent Practicable (MEP), consistent with Section 402(p)(3)(B) of the CWA. This permit, and the provisions herein, are intended to develop, achieve, and implement a timely, comprehensive, cost-effective storm water pollution control program to reduce the discharge of pollutants to the MEP from the City's MS4 and Small MS4 facilities to waters of the State. MEP is a dynamic performance standard and it evolves as our knowledge of urban runoff control measures increases.

The MEP standard is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)] for municipal discharge and is referenced in the 40CFR122.26(d)(2)(iv) [requirements for large and medium municipal separate storm sewer discharges] and 40CFR122.34(a) [for small MS4s]. MEP establishes a level of pollutant reduction which shall be achieved through the implementation of the operator's storm water management plan. If the DOH determines that the permittee is not reducing pollutants to the MEP, the City will be required to modify its storm water management plan.

2d – UH Environmental Center

Does the City have enough resources to enact/enforce the terms of the permit? There is a huge amount of work specified in the permit application. Does the City have the manpower to do it all? There appears to be a critical need for a funding strategy for the treatments, maintenance, and monitoring necessary for the County to assure that its MS4 is:
• attaining basic water quality criteria at end of pipe
• reducing pollutant loads to the MEP
• meeting discharge limitations established by BAT/BCT
• achieving its TMDL Waste Load Allocations
• neither causing nor contributing to violations of the water quality standards (uses, criteria, and anti-degradation).

CWB Response: The City's budget is a concern of the DOH, which is why it is important the permit allow flexibility in determining where its resources shall be best utilized.

2e – UH Environmental Center

The cover page of the public notice permit includes a weblink to the CWB homepage. In the sentence containing that link, the word "Standards" should be changed to " Standard. " Why not change the link to the page that actually shows the Standard NPDES permit Conditions? http://hawaii.gov/healthlenvironmental/water/cleanwater/stdcond.html

CWB Response: Revised permit per comment.

2f[1] – UH Environmental Center

Please note a typographical error on page 25 in section D .1.g.(2). In the second bullet, first line. "though" should be "through" The last page of the Fact Sheet is misnumbered, and the third sentence in the second paragraph on page 6 contains. a word choice error ("geographic" should be ·'geometric").

CWB Response: Revised permit and fact sheet per comment.

2f[2] – UH Environmental Center

The first and last complete paragraphs on page 6 of the Fact Sheet refer to a "Table 11," and the last complete paragraph refers to 'Figure 6." However, Table 11 and Figure 6 are not shown, only a "Table 1" that is not mentioned in the accompanying text. This makes it difficult to understand and evaluate the water quality data summary presented, and motivates a busy reader to just ignore it and assume that it is wrong.

CWB Response: Revised the rationale to rename Table 1 to Table 11 and included Figure 6.

2g – UH Environmental Center

The Fact Sheet states that "[the MS4 is a system of conveyances ... designed to collect and convey storm water runoff. The area of permit coverage is the island of Oahu" (p. 3). Does this mean that any place on the island that provides storm water runoff to an MS4 conveyance is regulated under the permit? It seems strange that nowhere in this permit does DOH define-spatially or the City's MS4 really is. To help remedy this, we suggest that the Notice and Fact Sheet explain that the contributing areas for the storm water pollution that the MS4 collects and conveys include public and private lands that are under the home rule jurisdiction of the City.

CWB Response: To clarify, the MS4 portion of this permit covers storm water discharges and certain allowable non-storm water discharges from the City's drainage system (i.e. MS4). The City is responsible for all discharges from its MS4. As owners and/or operators of MS4 systems, permittees are responsible for discharges into their systems that they do not prohibit or control. The only eligible discharges to be covered under this permit are storm water and certain allowable non-storm waters.

The part of the rationale which mentions Oahu is meant to clarify that the City and County of Honolulu's encompasses the entire Island of Oahu and therefore, all of its discharges from its drainage system on Oahu shall be covered under this permit.

2h – UH Environmental Center

These MS4 contributing areas are subject to federal, state, and county coastal zone management requirements, which provide additional enforceable mechanisms to help reduce pollutant loading. It would be helpful for the City and DOH to explain how the NPDES program works with the CZM program to develop and implement land management practices that support MS4 goals.

CWB Response: Please refer to the response to ID 2g. The NPDES program is separate from the CZM program. The CZM program manages land while this permit covers the discharge of storm water and certain allowable non-storm waters.

2i[1] – UH Environmental Center

The second line in the last paragraph on page 1 of the Notice has a grammatical or typographical error ("entering") that distorts its meaning.

CWB Response: No change required. The Notice of Proposed Water Pollution Control Permit was for publication and is no longer needed.

2i[2] – UH Environmental Center

Similar language in the Fact Sheet (p. 4) clarifies that this sentence in the Notice is intended to mean that the majority of the runoff volume conveyed by the MS4 discharges into marine waters. What is the quantitative basis for this assumption? It would be useful to back up this assumption with some analysis of MS4 discharges to inland v. marine receiving water, perhaps using contributing areas as a surrogate for discharge. In other words, how much MS4 contributing area discharges-to inland waters, and how much to marine waters? How much to each waterbody class (A, AA., 1, and 2)?

CWB Response: DOH does not agree that this information should be required.

2j – UH Environmental Center

Page 5 of the Fact Sheet lists 4 discrete elements of the City's monitoring program as being conducted over just one year of the five year permit cycle. Moreover, the subsequent discussion of monitoring results only presents and interprets data from two of these four monitoring program elements. What did the City and the DOH learn from the other two elements of the monitoring program (stream biological assessment and BMP survey)? How was this knowledge used to write the proposed permit? What did we learn from the other four years of that permit cycle, and from the cycles before, that? The impression given-that the next five years of permit conditions are based on one year of data-is hopefully not true. We suggest that the permit fact sheet include a more rigorous description of the City's monitoring program, and a more informative summary of what the results tell us about (1) the effectiveness and efficiency of past practices, and (2) the types of practices that should be implemented, and will be implemented over the next permit cycle.

CWB Response: The City's monitoring program requirements are identified in the permit and are an improvement to the previous issued permit. For watersheds with approved TMDLs, the permit specifies that pre and post water quality sampling to determine the effectiveness of the BMPs and compliance with WLAs or water quality standards (i.e. for Waimanalo Watershed) are required. Specifically for Waimanalo watershed, the DOH has identified three (3) monitoring locations to be taken at the end of pipe. Refer to the permit, Figures 1 and 2. For other watersheds, the monitoring locations shall be identified in their Implementation and Monitoring (I&M) Plans. Although some I&M Plans has already been submitted, as required in their previously issued NPDES permit, those plans are required to be revised based on the requirements in this permit (Part F.3.a.).

It is the City's responsibility to know of the available technology, determine their appropriateness and to analyze their effectiveness.

Parts F.1., G.2., and the Fact Sheet were revised so that future fact sheets will have information as to the water quality issues, instead of just the water quality data for discharges from the City's MS4.

2k – UH Environmental Center

For the second paragraph on page 6, the geometric mean should be calculated and presented for (1) all the samples collected during the wet season, and (2) all the samples collected during the dry season. There are numerous methods available for assigning computational value to samples that have concentrations below the analytical laboratory reportable value. We suggest that the City select a method, explain the reasons for its choice, and recalculate the water quality statistics using the complete data set. More importantly. we suggest that the City explain (1) why it is using a detection limit of 0.050 mg/l when the dry season geometric mean criterion for nitrate + nitrite nitrogen is 0.030 mg/l, and (2) the statistical and

regulatory implications of using such data to evaluate attainment of that lower water quality criterion.

CWB Response: Field analysis results presented in the Fiscal Year 2010 Monitoring Report (see Table 6, page 39 of report) and monthly grab sample results for the previous two years (FY08 and FY09) were reported in separate wet season and dry season geometric means and compared to WQS for wet season and dry season, respectively.

As informed by the City, commercial local and mainland analytical laboratories have determined that select parameters in the WQS (HAR 11-54) have standards that are below the method detection limits provided for current EPA-approved methods in 40 CFR 136 (EPA-600/4-84-017) to be used for NPDES water quality analysis. Therefore the analytical laboratories must report "less than the method detection limit concentrations" for these parameters according to Quality Assurance/Quality Control and Data Quality Objective rules and regulations.

2l – UH Environmental Center

The third complete paragraph on page 6 is a somewhat convoluted, illogical, and unproven analysis of water quality conditions. If indicators of sediment loading are higher in lower stream segments than they are in upper stream segments, then one can infer only that additional sediment entered the water column between the two measurement points, not that the source of the additional sediment is bank and channel erosion. The information presented, by itself, does not support the Schueler theory as it is stated.

CWB Response: Comment noted.

2m – UH Environmental Center

We suggest that "all Information required under this permit" be made available online, for public review, by DOH and the City. In response to our previous, similar comments about the Small MS4 for the State of Hawaii Department of Agriculture, DOH maintained that this was not possible due to file size constraints on the website. What is the maximum file size for the website, and how does it compare with permit information file sizes?

CWB Response: The permit shall be made available on the City's website for them to maintain. DOH does not have a website to view issued permits, however information is available by submitting a request to access a government record.

2n – UH Environmental Center

Non-storm water discharges in our watersheds appear to be voluminous, and cumulatively they may contribute significantly to overall pollutant loading from the MS4. We suggest that the permit conditions specify how the City will determine that non-storm water discharges do not contain pollutants that ''will cause or contribute to a violation of an applicable water

quality standard," and include a compliance schedule that identifies when these determinations will be made.

CWB Response: In accordance with 40CFR122.26(d)(2)(iv)(B)(1) the non-storm waters identified in Part B.2. are allowed, unless the City determines them to be a source of pollutants.

Currently the DOH considers these non-storm waters to be either natural, incidental to urban activities or for emergency situations where public safety is the highest priority.

Based on the nature of the non-storm waters (e.g., water line flushing, uncontaminated ground water infiltration, discharge from potable water sources, etc.) allowed under this section, the DOH determines that it unnecessary, under normal conditions, to determine if it would be a source of pollutants. However, the Permittee reserves the right to prohibit any discharge into its drainage system if it determines it to be a source of pollutants. For the discharge of swimming pool water, the Permittee has developed and implemented a process where approval for this type is required (via an effluent discharge permit). This approval process was developed since swimming pool water typically contains chlorine and the City wanted to ensure that only dechlorinated water be discharged to their system.

However, the permit language was revised to indicate the allowed non-storm water discharges shall not be a source of pollutants rather than "will not contain pollutants in amounts that will cause or contribute to a violation of an applicable water quality standard," which is consistent with the 40CFR. Also, language was revised to "meet all conditions when specified by the Permittee," to be broader than the current language of "implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge."

<u>2o – UH Environmental Center</u>

We also suggest that reducing the discharge of pollutants to MEP is not always sufficient.

CWB Response: The MEP standard is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)] for municipal discharge and is referenced in the 40CFR122.26(d)(2)(iv) [requirements for large and medium municipal separate storm sewer discharges] and 40CFR122.34(a) [for small MS4s].

<u>2p – UH Environmental Center</u>

We suggest that the permit conditions specify a schedule for conducting inspections of receiving water, effluent, and control measures and BMPs, or that the permit conditions specify ''timely'' in terms of the maximum allowable time intervals between repeated inspection events. We also suggest that the permittee be required to outline (1) the methods employed for measuring water quality and (2) the decision rules employed for determining if violations exist. Terms such as "inspect" and "look at" are too vague and do not explain how conclusions will be supported by data.

CWB Response: Part C's title was revised from "Receiving Water Limitations" to "Receiving Water Limitations, Inspections, and Corrective Actions." Language in Part C.3 and C.4 is focused on inspections and corrective actions, respectively and can be found in HAR, Chapter 11-55, Appendix K, requirements for Small MS4s.

The intent of the receiving water inspection requirement, included in Part C.3, is aimed towards Small MS4 facilities after a storm event has occurred, where it is more appropriate to require inspection of the receiving State water. However, this requirement may also apply to the larger MS4, but is complied with through scheduled inspections of the outfalls, during their illicit detection program, and through complaint investigations.

The word "timely" is used to allow for a realistic and reasonable time frame for inspections to occur.

To clarify, "inspect" means to visually inspect. Only those items in HAR, Chapter 11-54-4 which may be inspected through visual monitoring is applicable. If an event has occurred, which required more than visual monitoring (e.g. support by data), the City would be required to take additional/corrective action (Part C.4.), which may require water quality sampling.

The City currently inspects receiving waters during wet and dry weather as well as at various location along streams segments (i.e. upstream and within urbanized and industrial areas) as part of the City MS4 SWMP's Illicit Discharge Program (Chapter 5 of SWMP - Part D.1.c of Permit) based on parameters including field screening of industrial areas, investigative complaints, public reporting, and enforcement of illegal drain connections. The City also inspects condition and possible illicit/illegal discharges to outfalls, catch basin, and drainage structures as part of the City SWMP's Pollution Prevention Program (Chapter 8 of SWMP) - according to schedule presented in Part D.1.f.(1).(v) of permit.

<u>2q – UH Environmental Center</u>

We suggest that the SWMP include a timeline for DOH review. a formal public review period, and formal DOH approval of the plan. In order to create additional incentives for citizens to participate with the CCH in developing the SWMP, we further recommend that there be a requirement for the SWMP and associated materials to be made publicly available on the internet.

CWB Response: Formal acceptance by DOH is unnecessary since the SWMP requirements are outlined in the permit.

Additionally, review of the SWMP would delay its implementation. The permit requires implemented upon submittal to DOH.

The current SWMP is available on the internet.

2r – UH Environmental Center

We disagree that public education should be measured via results of an annual survey that is issued to Oahu residents. It is highly likely that many residents win not participate in the survey. It may be more accurate to gauge public awareness by more closely evaluating "tracking" data (described on page 14, Part D.l.c(4) or via the "investigation of complaints" (described on page 14, Part D.l.c.(5). As the public becomes more informed about storm drain issues, there should be fewer improper discharges and complaints. These seem like better evaluation criteria than do surveys.

CWB Response: The permit was revised to the following:

Part D.1.a.(1) *Evaluation Methods*. The Permittee shall evaluate the progress of the public education program based on the following:

- An annual survey of Oahu residents to measure both behavior and knowledge relating to storm water. The surveys can be conducted in person at events, on the phone, or using Web-based survey tools. The results of the survey shall be compared to past surveys.
- Number of brochures distributed
- Number of people trained
- Participation in events
- Volunteer hours

The results of the evaluation shall be summarized in the Annual Report.

2s – UH Environmental Center

We commend DOH for adding the new requirement that includes LID in the standards for addressing post-construction runoff (Part D.1.e(1)). The language, however, is not specific enough to issue a desirable outcome. We suggest that DOH tighten the language to include LID requirements that are specific and practicable.

CWB Response: DOH disagrees that the permit language is not specific enough. The LID requirements are to be developed by the City, based on criteria provided in the permit and be included in the revised standards. As required in the permit, a draft of the plan to develop LID requirements in the revised standards shall be submitted for review and acceptance to DOH within six (6) months of the permit's effective date. Following, a draft of the revised standards, which shall include the requirements developed in the plan shall be submitted within 12 months after the permit's effective date for review and acceptance. Within 18 – 24 (subject to City adoption) months after the effective date of the permit, LID shall be required per the City's standards.

The revised standards will include criteria for implementation (i.e., as to when LID shall be required) and depending on an investigation, quantitative criteria for a specific design storm to be managed. Refer to the permit for additional information.

2t – UH Environmental Center

We also recommend adding a requirement to cap Effective Impervious Area (EIA) in new and re-development projects. A cap at 3% EIA was recommended to protect aquatic ecosystem health in Ventura County (Homer, 2007).

CWB Response: DOH disagrees adding a requirement of a cap EIA in new and re-development projects. LID will be addressed by the revised "Rules Relating to Storm Drainage Standards".

Geosyntec prepared a critique of Horner's study (Geosyntec, 2008) and found various misrepresentations of findings and problematic assumptions that tended to result in uncertainty about claims of feasibility and effectiveness of an EIA standard at all project densities. Furthermore, Finding No. 62 in California Regional Water Quality Control Board, Santa Ana Region, Order Number R8-2009-0030 includes "EPA believes that EIA is a reasonable metric for incorporating LID principles into storm water permits and EPA supports other equally effective metrics for compliance determination. A review of the analysis of the LID metrics in storm water permitting and its critique indicates that there are certain shortcomings in specifying a percentage EIA as a metric.", and, " It was generally agreed by the stakeholders that a numeric metric, such as a metric based on a specified volume capture may be an equally effective metric." Consistent with the above, a numeric metric based on volume capture is specified in this permit, which will be investigated as part of the LID Implementation Plan and specified in the revised "Rules Relating to Storm Drainage Standards".

2u – UH Environmental Center

In addition, DOH could strengthen the language that suggest alternative mitigation when a LID waiver is granted by changing the words "could be" to "shall be". The current language allows too much discretion.

CWB Response: DOH disagrees that the language be revised. Given the variety of site conditions and constraints throughout the island and particularly the increased emphasis on urban redevelopment and density in certain areas, such as Waikiki, it is necessary to preserve flexibility in storm water quality management measures. The language as stated provides this flexibility until options are evaluated as part of the LID Implementation Plan.

2v – UH Environmental Center

Additionally, we appreciate that these standards would apply to projects smaller than one acre that have the potential to discharge pollutants to the City MS4. Still, the language leaves too much uncertainty as to which smaller projects these standards will apply to. It would be

more transparent to develop a list such as the list of "Common Hotspot Operations" which can be found in the Wright et al. (2005) Unified Subwatershed and Site Reconnaissance: A User's Manual.

CWB Response: DOH does not agree that the language leaves to much uncertainty as to which small projects these standards apply. As required in the permit, the standards shall be applicable to all small projects that have to potential to discharge to the City's MS4.

<u>2w – UH Environmental Center</u>

We recognize that the permittee is implementing a program for approval of Post-Construction and Redevelopment projects that requires use of BMPs for permit approval utilizing a BMP checklist. However, it is not clear what the minimum requirements are for approval.

CWB Response: An updated BMP checklist, which shall include a review of current post-construction BMP as required in the standards, shall be submitted to DOH within 90 calendar days of the effective date of the permit. Refer to Part D.1.d.(3).

During the standards revisions [Part D.1.e.(1)], the plan for including LID requirements shall also include a plan for updating the BMP checklist for LID. The minimum BMP requirements shall be investigated as part of the standard revisions.

Part D.1.e.(2) was revised to clarify that the review of plans shall include smaller projects (e.g., retail gas stations, restaurants, auto repair shops, parking lots) that have the potential to discharge pollutants to the City's MS4.

<u>2x – UH Environmental Center</u>

We would like to see more specific monitoring requirements outlined in the permit that will provide increased assurance that water quality objectives will be met.

CWB Response: The specific monitoring requirements to meet the water quality objectives shall be described in the City's Annual Monitoring Plan, to be reviewed and accepted by DOH, and is an enforceable component of the permit.

<u>2y – UH Environmental Center</u>

We would like to see specific maintenance performance standards and feedback mechanisms be required to provide increased assurance that water quality objectives will be met. For example there presently is no clear nexus between street sweeping and attainment of water quality goals. Great reliance is placed upon street sweeping as a pollutant load reduction measure. However, the street sweeper can only sweep where people are not parked. In some parts of Oahu, on-street parking virtually precludes meaningful street sweeping. What

removal rates and efficiencies are accomplished by the City's current efforts? Clear, measurable objectives and standards are needed. We suggest that the permit require that monitoring be tied not only to structural BMPS but to maintenance activities as well. Require evaluative criteria by which to gauge effectiveness of the various maintenance measures.

CWB Response: It is the City's responsibility to evaluate performance standards and keep records of data for feedback to determine efficiencies. However, the permit was revised to include the following language:

Part F.1.b.(3) Identification of management measures proven to be effective and/or ineffective at reducing pollutants and flow.

DOH agrees that street sweepers may not be as effective with cars parked along the roadway. However, although there may not be a "clear" connection between street sweeping and attainment of water quality goals, it is a BMP which prevents material from entering the City's drainage system and eventually into the receiving waters.

DOH agrees that the City should to maintain records of material collected from both maintenance and structural BMPs, which may be used to help show compliance with the permit, provided that the City describe the relationship between material collected with WLAs or other permit limitations.

The permit was revised to include trash provisions, refer to Part D.1.f.(1)(vi), including the following language in the fact sheet:

Part D.1.f.(1)(vi) is a new section in the permit which requires the permittee to develop and submit to DOH a proposed trash control plan, including an implementation schedule, to ultimately reduce trash discharges from the MS4 to zero, which is required to comply with state water quality standards. Numerous waterbodies on Oahu are currently listed on the State's CWA section 303(d) as impaired due to trash, and the proposed requirement is intended to address this problem. Similar requirements have recently been adopted for trash control in the State of California, and DOH recommends that the permittee review these requirements* in developing a practicable plan and implementation schedule for Oahu.

*Additional information is available at:
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/mrp.shtml, and
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/index.shtml

2z[1] – UH Environmental Center

The requirements for annual monitoring include assessing the chemical, physical, and biological impacts to receiving waters resulting from storm water discharges; and assessing

the overall health of receiving waters; and evaluating long-term trends in receiving water quality. Opportunities exist to bring these assessments to much higher levels using the ability of existing benthic macro algae to acquire nitrogen from surrounding waters and incorporate that nitrogen as a stable isotopic signal in plant tissues... The stable isotope methods can be quite reasonable in price and staffing needs, especially when one considers the quality of information that is gained. Use of this approach would represent a significant step above the simple monitoring of nutrients in a water column. It would seem quite important to specify the parameters needed to assess 'biological impacts to the receiving waters' and the associated benthic communities of these regions. We endorse specifying the nature of methods needed, and suggest that the City consider using isotopic signals (e.g. 15N) as a short term and long term tool for assessment of elevated nutrient levels.

CWB Response: The only acceptable methods are those as defined in the 40CFR Part 136.3, unless an application for an alternative test procedure is submitted for review and acceptance in accordance with the 40CFR Part 136.4.

<u>$2z^2$ – UH Environmental Center</u>

For WLAs assigned to the City in TMDLS that are approved by EPA during the permit cycle. the proposed permit merely requires the City to develop a WLA implementation and monitoring plan. We suggest that the permit also require the City to implement that plan over the remainder of the permit cycle.

CWB Response: The compliance schedule to be submitted as required in Part F.3.b. shall, among other requirements, provide for the implementation of the BMPs and identification of a final compliance deadline.

<u>$2z^3$ – UH Environmental Center</u>

We suggest that all required reports be made available online, for public review, by DOH or the City.

CWB Response: No objection to posting on the City's website for them to maintain and update. The DOH does not have the resources to post and update City reports or other Permittee reports on its website. However, a request to access a government record may be submitted to the DOH.

<u>3a - Jeffrey H Schwartz for the DIRE Coalition</u>

1) public hearing, and 2)an extension of the public comment period with respect to the above permit before it becomes final.

CWB Response: A public hearing and extension of the public comment period is not warranted at this time.

3b - Jeffrey H Schwartz for the DIRE Coalition

The lack of mass based reporting of pollutant loads

CWB Response: The City currently reports pollutant loading data in both the Annual Report and Annual Monitoring Report.

3c - Jeffrey H Schwartz for the DIRE Coalition

...the combining of multiple individual City NPDES permits into one permit, especially those with industrial runoff

CWB Response: The permit fact sheet states:

"In an effort to consolidate and streamline the permitting of the various municipal facilities, the proposed permit includes City Municipal Industrial and Small MS4 facilities to be covered under this permit."

Additionally, consolidating the permit allows for more effective management of the City facilities, monitoring, reporting, and review by DOH/EPA.

3d - Jeffrey H Schwartz for the DIRE Coalition

We are specifically opposed to reducing monitoring frequency out of consideration of economic costs. A rationale for monitoring frequency should be based on providing adequate environmental protection by collection of sufficient representative samples. Any reduction in frequency from what is in the regulations should be accompanied by a technical rationale that assures the monitoring is representative of the discharge. Often NPDES permits can be written with reduced monitoring frequency based on analysis of effluent variability and compliance. This provides an economic incentive and environmental protection by reducing monitoring frequencies only for well controlled discharges that are meeting permit limits.

CWB Response: The language in the Fast Sheet was revised to:

The reduced monitoring frequency for each facility described in the permit was developed based on permit coverage for similar types of activities. Each type of activity would still be annually monitored with sampling for facilities with similar activities to be rotated. However, the highest priority facility for each type is required to be annually monitored. Rotating sampling, for similar activities with less priority, would preserve the intent of sampling by providing sufficient representative samples.

Refer to Part F.2, which states:

"The Permittee shall develop a priority based monitoring schedule for each type of Industrial Facility (i.e., convenience center, refuse collection yard, corporation yard, etc.) with the highest priority for facilities with the greatest potential of pollutant discharge. The facilities ranked first within each type shall be annually monitored as other facilities (based on priority), within the same type, are monitored on a rotational basis (i.e., at least two (2) facilities monitored per year per type). Facilities which exceed any of the limitations are required to be monitored during the next year, in addition to the next priority facility. For facilities required to be re-sampled because of a previous exceedance or by request to the Director (on a case by case basis) for facilities which are required to be annually monitored (e.g., wastewater treatment plants), the Permittee may have the option of implementing/installing structural BMP(s) during that year in lieu of sampling. The BMP(s) shall be selected based on targeting the pollutant(s) which were exceeded. The total cost of the BMP implementation shall not be less than the cost of the sampling. Sampling shall continue for the year after which BMPs were installed to measure the effectiveness of the BMPs. The Permittee will not be granted consecutive year BMP implementation in lieu of sampling. The Permittee shall monitor for the parameters as specified below, including any additional parameters, which the Permittee believes to be present in the storm water runoff and the results reported on the Discharge Monitoring Report (DMR) Form."

<u>4 - Stuart Coleman (Surfrider Coordinator)</u>

We ask that the DOH impose new and improved requirements on the City's permit to discharge polluted storm water and that you hold a public hearing so that people can share their concerns and become part of the solution.

CWB Response: The proposed permit does include new and improved requirements (e.g., Low Impact Development, Trash Reduction, and Wasteload Allocation limitations).

A public hearing is not warranted at this time. The public review period was from September 8, 2010 to October 7, 2010.

<u>5a – Enchanted Lake Residents' Association</u>

National Pollutant Discharge Elimination System ("NPDES") permit, which is currently up for renewal. The Enchanted Lake Residents Association ("ELRA"), an association of owners of waterfront homes on Enchanted Lake in Kailua, Oahu, ("the Lake," also known as "Ka'elepulu Pond") objects to the issuance of this permit on the grounds existing and proposed permit conditions are not being met. Specifically, the City has not complied with Part D.1 of the proposed permit, which mandates implementation and enforcement of its November 2008 Storm Water Management Plan ("SWMP").2 see note 2 The SWMP at issue is the Storm Water Best Management Practices (BMP) Plan for Four Major Outlets at Ka'elepulu Pond, prepared for the City and County of Honolulu, Department of Environmental Services, Nov. 2008; which can be found at http://www.kaelepulupond.org/bmp. "Ka'elepulu Pond" is another name for "Enchanted lake."

CWB Response: The proposed permit includes additional requirements, not currently included in their exiting permit, and is an improvement to the existing permit whose intent is to minimize pollutant discharge to receiving waters. Currently, the City's MS4 Permit has been administratively extended, meaning that they are required to act in compliance with their previously issued permit, which does not include some of the requirements included in the proposed permit.

The permit was revised to require the City to evaluate the recommendations of report title, "Storm Water Best Management (BMP) Plan, For Four Major Outlets at Ka`elepulu Pond," Kailua, Hawaii, November 2008. Refer to the Part D.1.f.(1)(vi).

5b – Enchanted Lake Residents' Association

At present, the City has not implemented the BMPs required by the existing SWMP. Although Part D.l.f(l)(ii) of the proposed permit states that, "The Permittee shall continue to perform frequent, regularly-scheduled street sweeping on all major streets, and in industrial, commercial and residential areas," this is not currently being done.

CWB Response: The following information was provided by the City: within the Kailua District the City has swept mechanically (with sweeper) 3,627 and 2,274 curb miles in Fiscal Year 2009 and 2010 with an additional 11 and 31 curb miles of streets cleaned manually (without use of sweeper), respectively. In addition to domestic refuse collection, the City removed refuse from approximately 80 public litter containers approximately 100 times annually with an estimated total annual removal of greater than 5000 bags of refuse.

5c – Enchanted Lake Residents' Association

Similarly, Part D.l.f.(3) of the proposed permit states that, "The Permittee shall continue to address erosional areas in its SWMP with the potential for Significant water quality impact," and shall "Require the implementation of temporary Erosion Control Measures (e.g., erosion control blankets and/or fabrics, gravel bag placement and silt fencing/fiber rolls) on erosional areas within City right-of-ways with the potential for Significant water quality impact if a permanent solution is not immediately possible." While these recommendations may be being performed in other areas of Oahu, they have not been implemented in the Enchanted Lake basin.

CWB Response: The City has indicated that temporary erosion control measures are being identified/addressed including areas within the Enchanted Lake Basin. The current and future SWMP does and will address erosional areas. The City is in the process of identifying the erosional areas and prioritizes implementation based on factors such as (ownership of erosional rights-of-way area in repair area, effort needed for temporary/permanent remediation, permit requirements, proximity to TMDL-Approved Watershed, overall effectiveness, possible

substitution of structural controls with public outreach/education efforts, installation costs and maintenance cost.)

5d – Enchanted Lake Residents' Association

Renewal of the NPDES permit should be conditional on the City's agreement to assist ELRA in remediating the cumulative damage done to the Lake and wetlands by the City's prior and continuing storm sewer sediment discharges.

CWB Response: DOH does not agree with the issuance of the permit conditional to the City's agreement to assist ELRA. Without issuance of the permit, new requirements would not be clearly enforceable.

The permit was revised to require the City to evaluate the recommendations of report title, "Storm Water Best Management (BMP) Plan, For Four Major Outlets at Ka`elepulu Pond," Kailua, Hawaii, November 2008. Refer to the Part D.1.f.(1)(vi).

5e – Enchanted Lake Residents' Association

One particular area of concern is the shoaling associated with sediment released from "WKIP Outlet 10," located between the Ka'elepulu Pond outlet and Ka'elepulu Canal.

CWB Response: Further investigation is required.

5f – Enchanted Lake Residents' Association

No permit should issue until the requirements of the ESA are met. The purpose of the Endangered Species Act ("ESA") is, in relevant part, "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species."16 Furthermore, it is the policy of the ESA that, "all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act," and that "Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.,,17 The ESA requires listing of endangered species and a determination of their "critical habitats," and creation of recovery plans.18 The U.S. Fish and Wildlife Service ("FWS") is the agency in charge of implementing the ESA for the endangered species in question.

CWB Response: The proposed permit includes additional requirements, not currently included in their exiting permit, and is an improvement to the existing permit whose intent is to reduce pollutant discharge to receiving waters which will benefit endangered and threatened species. Currently, the City's MS4 Permit has been administratively extended, meaning that they are

required to act in compliance with their previously issued permit, which does not include the new and improved requirements in the proposed permit.

5g – Enchanted Lake Residents' Association

A plan for remediating past and continuing MS4 sedimentation of Enchanted Lake should be a condition of the NPDES permit renewal.

CWB Response: The permit was revised to require the City to evaluate the recommendations of report title, "Storm Water Best Management (BMP) Plan, For Four Major Outlets at Ka`elepulu Pond," Kailua, Hawaii, November 2008. Refer to the Part D.1.f.(1)(vi).

6a – DOT HWYs

DOT-HWYS suggests providing guidance on resolving conflicts where the conditions of the NPDES Permit and the revised Storm Water Management Plan (SWMP) are in conflict with the requests submitted with the reapplication dated October 2008. Does the Permit supersede the reapplication material?

CWB Response: Upon issuance of the permit, its requirements shall supersede the previous permit requirements.

Activities which were previously identified in the reapplication and whose requirement carried over from the previous permit shall continue, in addition to compliance with any new permit requirement. However, the Permittee may request to discontinue any activity not required in the issued permit by submitting a formal written request and rationale for review and acceptance by DOH. Only after the Permittee receives acceptance, may the activity cease.

6b – DOT HWYs

Comment: DOT-HWYS requests to modify the first sentence in the last paragraph to read: "The SWMP shall be updated and modified per the requirements of this permit and a draft shall be submitted to DOH within one (1) year from the effective date of this permit, or as otherwise specified, and shall fully implement the SWMP upon submittal to DOH."

CWB Response: Submittal of a draft is unnecessary since the SWMP requirements are outlined in the permit.

The SWMP is required to be implemented upon its submittal.

6c – DOT HWYs

Comment: DOT-HWYS suggests modifying these seven (7) provisions or balance the objectives and outcomes desired with the cost and resources required to develop and conduct comprehensive monitoring of MS4 discharge quality and receiving water quality.

CWB Response: The requirements in Part F.1.a shall not be modified.

6d – DOT HWYs

Comment 1: A single WLA Implementation Plan developed jointly by CCH and DOT-HWYs will likely not help with "maximizing the effectiveness of the activities" as stated in the draft permit. Coordination and compromise necessary to merge the activities of the two programs are more likely to delay and reduce the effectiveness of the activities included. DOT-HWYs suggests separate, but coordinated plans by each Permittee. Comment 2: "The plans shall be submitted within one (1) year of the effective date of this permit." If CCH and DOT-HWYs are to prepare a joint plan, DOT HWYs suggests it be due" within one (1) year of the effective date of the later of CCH and DOT-HWYs permits."

CWB Response: The previously issued permit required the DOT and CCH to work "jointly," and the revised permit language only acts to clarify what was previously expected.

The permit was revise to: "within one (1) year of the effective date of the later of CCH and DOT-HWYs permits."

6e – DOT HWYs

Comment: DOT-HWYS suggests omitting the last sentence, "After the deadline, compliance with the numeric WLAs are required for those EPA approved TMDLs which have numeric WLAs assigned to the Permittee. " EPA has provided guidance for establishing WLAs in MS4 permits in a November 2002 memo: Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs. Section III of this memo states, "EPA's policy recognizes that because storm water discharges are due to storm events that are highly variable in frequency and duration and are not easily characterized, only in rare cases will it be feasible or appropriate to establish numeric limits for municipal and small construction storm water discharges." The memo goes on to explain the rational and process for establishing BMP-based effluent limits rather than numeric limits. A copy of the 2002 memo is attached.

CWB Response: Refer to the EPA's memorandum, date November 12, 2010 (emailed to DOT on November 22, 1010).

6f – DOT HWYs

Comment: DOT-HWYS suggests deleting tables with numeric WLA values to avoid confusion as the text already includes reference to the original TMDL documents. If DOH does determine that this permit constitutes one of those "rare instances", as described in the November 2002 Memo~ and numeric limits will be used, HDOT-HWYS suggests deleting Load Allocations (LAs) and WLAs for other stakeholders from the tables in Part F.3.b.(l), Part F.3.b.(2), Part F.3.b.(3),and F.3.b.(4) and include only the numeric WLAs assigned to the Phase I Permittee consistent with 40CFR 130.2(h). (See Ventura County, CA permit as example)

CWB Response: DOH does not agree with removing the tables with numeric WLAs. Refer to the EPA's memorandum, dated November 12, 2010.

6g – DOT HWYs

Comment: DOT-HWYS suggests deleting Part F.3.b.(6) in its entirety. DOT-HWYS feels that applying instream criteria to storm water discharges is inaccurate as 40 CFR §122.44(d)(l)(vii)(B) requires that effluent limits in a NPDES permit must be consistent with any established WLA. Neither 40 CFR § 1 22.44(d)(l)(vii)(B) nor HAR 11-54-5.2(b) require or support the application of specific water quality criterion for streams to storm water discharges. 40 CFR § 122.44(d)(l)(vii)(B) reads," When developing water quality based effluent limits under this paragraph the permitting authority shall ensure that:
Effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the State and approved by EPA pursuant to 40 CFR130.7."

CWB Response: In accordance with 40 CFR §122.44(d)(1)(vii)(B), where a TMDL has been approved, NPDES permits must contain effluent limits and conditions consistent with the requirements and assumptions of the WLAs in the TMDL. However, in the absence of WLAs being assigned to the Permittee for the TMDLs approved for Waimanalo Stream, the Permittee shall comply with the water quality standards as specified in HAR, Chapter 11-54-5.2(b) – Specific criteria for streams, the rationale being that TMDLs are based on water quality standards.

TMDLs should provide WLA requirements for major stakeholders.

6h – DOT HWYs

Comment: DOT-HWYS suggests qualifying or quantifying the objectives and outcomes desired from these seven (7) provisions. For example: • Part F.1.a.(1) and Part F.1.a.(2): It is not clear how a monitoring program can assess compliance with many of the requirements in this permit or effectiveness of SWMP. (whether a plan or report was submitted on time, whether the permittee conducted 400 or 399 commercial/industrial facility inspections)

• Part F.l .a.(3), and Part F.l .a.(7): Characterizing and assessing impacts and water quality in receiving waters will require an extensive in-stream sampling program in addition to monitoring of MS4 discharges.
• Part F.1.a.(5), Monitoring may identify specific pollutants, but identifying the sources of these pollutant is an activity carried out in other programs such as Industrial Commercial inspections, and Illicit Discharge Detection and Elimination

CWB Response: The activities to be conducted to meet the objectives, as identified in this part, is left up to the permittee to determine. This allows the maximum flexibility in MS4 permitting and to give the permittee the opportunity to optimize pollutant reductions on a program to program basis.

<u>6i – DOT HWYs</u>

Comment: DOT -HWYS requests clarification on paragraphs 3 and 4, regarding "Composite samples". As it is currently stated, the processes of collecting samples are in conflict with each other.

CWB Response: DOH does not agree. Please refer to the permit Part F.2., Notes.

<u>6j – DOT HWYs</u>

Comment: DOT-HWYS requests to discuss with DOH the requirement of submitting a joint implementation plan with the City and County of Honolulu.

CWB Response: The permit will not be revised to allow for separate but coordinated Implementation and Monitoring Plans. The DOT-HWYs and CCH shall submit only one plan to satisfy this requirement.

<u>6k – DOT HWYs</u>

Comment: DOT-HWYS suggests omitting the last sentence, "After the deadline, compliance with the numeric WLAs are required for those EPA approved TMDLs which have numeric WLAs assigned to the Permittee. " Section III of Establishing Total Maximum Daily Load (TMDL) Waste1oad Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs, a memo submitted by the EPA in November 2002, "EPA's policy recognizes that because storm water discharges are due to storm events that are highly variable in frequency and duration and are not easily characterized, only in rare cases will it be feasible or appropriate to establish numeric limits for municipal and small construction storm water discharges."

CWB Response: Refer to the EPA's memorandum, date November 12, 2010 (emailed to DOT on November 22, 1010).

EPA letter to DOH, dated August 14, 2009, Re: Draft MS4 Permit for City and County of Honolulu.

"Once a final compliance deadline has been selected, the permit should clarify that compliance with the numeric WLAs would be required beyond that date, since this would provide greater assurance of consistency with the WLAs (than BMP requirements alone) and would enhance the enforceability of the permit with regards to the WLAs."

6l – DOT HWYs

Comment: DOT-HWYS suggests deleting tables with numeric WLA values to avoid confusion as the text already includes reference to the original TMDL documents. If DOH determines that this permit constitutes one of those "rare instances", as described in the November 2002 Memo, Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs, and numeric limits will be used, HDOT-HWYS suggests deleting Load Allocations (LAs) and WLAs for other stakeholders from the tables in Part F.3.b.(I), Part F.3.b.(2), Part F.3.b.(3),and F.3.b.(4) and include only the numeric WLAs assigned to the Phase I Permittee consistent with 40CFR 130.2(h). (See Ventura County permit as example)

CWB Response: DOH does not agree with removing the tables with numeric WLAs. Refer to the EPA's memorandum, dated November 12, 2010.

6m – DOT HWYs

Comment: DOT-HWYS requests to discuss with DOH the requirement of complying with a joint WLA with the City and County of Honolulu.

CWB Response: The DOT-HWYs and CCH shall submit a joint plan (i.e. one plan) based on the requirements in the permit.

6n – DOT HWYs

Comment: DOT-HWYS suggests deleting this sentence-Part F.3.b.(5) -In accordance with 40 CFR §122.44(d)(1)(vii)(B), where a TMDL has been approved, NPDES permits must contain effluent limits and conditions consistent with the requirements and assumptions of the WLAs in the TMDL. DOT-HWYS feels this statement is inaccurate as 40 CFR §122.44(d)(1)(vii)(B) requires that effluent limits in a NPDES permit must be consistent with any established WLA. Neither
40 CFR §122.44(d)(l)(vii)(B) nor HAR 11-54-5.2(b) require or support the application of specific water quality criterion for streams to storm water discharges. 40 CFR §122.44(d)(1)(vii)(B) reads," "When developing water quality based effluent limits under this paragraph the permitting authority shall ensure that: Effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with the

assumptions and requirements of any available wasteload allocation for the discharge prepared by the State and approved by EPA pursuant to 40 CFR 130.7."

In accordance with 40 CFR §122.44(d)(1)(vii)(B), where a TMDL has been approved, NPDES permits must contain effluent limits and conditions consistent with the requirements and assumptions of the WLAs in the TMDL. However, in the absence of WLAs being assigned to the Permittee for the TMDLs approved for Waimanalo Stream, the Permittee shall comply with the water quality standards as specified in HAR, Chapter 11-54-5.2(b) – Specific criteria for streams, the rationale being that TMDLs are based on water quality standards.

<u>7a – Malama Maunalua</u>

Point Sources require Retrofits: Based on Congress's 1987 broadening of the definition of point sources to include MS4 systems, and CWA language that states pollutants be abated to the maximum extent practicable we suggest that since the MS4 outlets in our area constitute discrete delivery systems unto themselves, the contributing source areas fall within the kuleana of the CCH, and as such the CCH is required to actively seek to abate pollutants to the fullest extent from areas outside the footprint of the MS4. Recommendation: Identify and implement appropriate retrofits to the MS4 that will abate pollutants transported in storm water runoff.

CWB Response: This section of the permit was revised to:

(i) *Action Plan for Retrofitting the Existing MS4 with Structural BMPs*. The Permittee shall:

- Continue with the implementation of the activities for Wailupe Stream, Kuliouou Stream, and Niu Stream as described on Pages 10-11 of the "Action Plan: Implementing Feasible Opportunities to Retrofit Structural BMPs," dated October 2001, and submitted to DOH on October 31, 2001, to address retrofitting the existing MS4 with structural BMPs to be completed within five (5) years of the effective date of this permit.
- Evaluate the recommendations of the report titled, "Storm Water Best Management Practices (BMP) Plan for Four Major Outlets at Kaelepupu Pond," Kailua, Hawaii, November 2008.
- Evaluate the recommendations of the draft report titled, "Watershed Based Plan for Reduction of Nonpoint Source Pollution in Wailupe Stream Watershed," dated June 2010.
- Provide the DOH with an updated Action Plan within one (1) year of the effective date of this permit, which shall identify retrofits to be implemented and a discussion on the basis for their selection, and an implementation schedule. The implementation schedule shall cover a five (5) year period and be updated yearly to include additional retrofit projects with water quality protection measures for the 5th year of the

schedule. The annual updates to the implementation schedule shall be included in the Annual Report with a description of the projects status. The Action Plan may include, but not be limited to projects in compliance with any TMDL implementation and trash reduction plan.

7b – Malama Maunalua

A monitoring component to ensure CWA compliance is lacking.

CWB Response: DOH does not agree that the monitoring component of the permit is lacking. As indicated in the permit, there are seven (7) objectives of the plan [Parts F.1.a.(1) – (7)], the first being to "assess compliance with this permit (including implementation of TMDL Wasteload Allocations)." The activities to be conducted to meet the objectives are left up to the permittee to determine. This provides the permittee flexibility to develop its own plan, while still preserving its intent.

The monitoring program [Part F.1.a.(7)] was revised to require assessment of the water quality issues for each watershed resulting from storm water discharges.

Part F.1.b.(1) was revised to include additional language to clarify that the plan's objective shall include, but is not limited to those objectives as identified in the permit.

Part F.1.a.(3) was revised to incorporate language, which was originally in Part F.1.a.(7).

An additional requirement to identify those management measures that are proven to be effective and/or ineffective was added to Part F.1.b.

7c – Malama Maunalua

Structural BMPs and LID measures for the Maunalua Region: The Permit should require mitigation of the harmful effects of discharges that are creating an impaired waterbody at Maunalua Bay, by requiring sufficient safeguards (e.g. structural BMPs) be placed into the CCH's MS4 and surrounding areas under its jurisdiction to reduce and treat sediment and pollutants that pass through the system. Part D.1.e.(2) refers to the Action Plan for Retrofitting Structural BMPs for Wailupe, Kuli'ou'ou and Niu streams which are all in the Maunalua Bay region . This "Action" plan was dated October 2001 and no action has yet been taken. Malama Maunalua would like to see structural BMPs installed immediately. The Permit should specify a timeline and require implementation in order for funding to become available. A new watershed-based pollution reduction plan for Wailupe Watershed (SRGII 2010) provides specific recommendations for structural retrofits that can be implemented for Wailupe stream. These include installation of sediment capture and filtration structures at specific locations on the MS4 in combination with increases in preventive Green Infrastructure (LID) technologies, in order to significantly reduce sediment and pollutants entering the Bay and restore hydrologic function .

Recommendation: Within the first year of the Permit, define a timeline for the installation of structural BMPs for Niu, Kuli'ou'ou and Wailupe stream channels; and begin implementation of those BMPs during the Permit period

CWB Response: DOH agrees that measures should be implemented.

The permit was revised to provide a deadline (i.e. five (5) years of the effective date of this permit). The revised language is:

> *"Continue with the implementation of the activities for Wailupe Stream, Kuliouou Stream, and Niu Stream as described on Pages 10-11 of the "Action Plan: Implementing Feasible Opportunities to Retrofit Structural BMPs," dated October 2001, and submitted to DOH on October 31, 2001, to address retrofitting the existing MS4 with structural BMPs to be completed within five (5) years of the effective date of this permit."*

Additionally, it is required that an updated Action Plan be submitted within one (1) year of the effective date of this permit and for the City to "Evaluate the recommendations of the draft report titled, "Watershed Based Plan for Reduction of Nonpoint Source Pollution in Wailupe Stream Watershed," dated June 2010" [refer to Part D.1.f.(1)(vi)].

Please note that the part of the permit requiring an "Action Plan for Retrofitting of the Existing MS4 with Structural BMPs was moved to within Part D.1.f. Pollution Prevention/Good Housing Keeping, specifically within Part D.1.f.(1) Debris Control BMPs Program Plan, between Part D.1.f.(1)(v) Maintenance of Structural Controls and our new trash requirements in Part D.1.f.(1)(vi) Trash Reduction Plan.

<u>7d – Malama Maunalua</u>

Non Storm water Discharges (Part B): Non-storm water discharges appear to be numerous in our watersheds and cumulatively may contribute significantly to overall polluted runoff. Malama Maunalua has been documenting these sites along stream channels and can provide a preliminary stream reconnaissance survey report and map illustrating this problem. Additionally, a number of allowable non-storm water discharges to the MS4 system are permitted "provided that the Permittee determines that such discharges will not contain pollutants in amounts that will cause or contribute to a violation of an applicable water quality standard". We would like to know how the CCH will make this determination and enforce it? In particular, we are concerned with landscape irrigation; lawn watering runoff; water from residential car washing and charity car washes; flows from riparian habitats which often carry significant amounts of sediment; and swimming pool discharges which often contain unmonitored algaecides and other residual chemicals that are harmful to aquatic life. With this in mind, we recommend the Permit require the County to describe the methodology and requirements for monitoring these discharges and the SWMP should include clear guidelines for landscape design, discharge limitations and penalties for

violations for these types of discharges. Recommendation: Require a clear description of the methodology for monitoring non storm water discharges. Require clear guidelines for landscape design drainage, discharge limitations and penalties for violations for these types of discharges in the SWMP.

CWB Response: Please submit the results of your preliminary stream reconnaissance to the City for their action and copy the DOH with any correspondence.

In accordance with 40CFR122.26(d)(2)(iv)(B)(1) the non-storm waters identified in Part B.2. are allowed, unless the City determines them to be a source of pollutants.

Currently the DOH considers these non-storm waters to be either natural, incidental to urban activities or for emergency situations where public safety is the highest priority.

Based on the nature of the non-storm waters (e.g., water line flushing, uncontaminated ground water infiltration, discharge from potable water sources, etc.) allowed under this section, the DOH determines that it unnecessary, under normal conditions, to determine if it would be a source of pollutants. However, the Permittee reserves the right to prohibit any discharge into its drainage system if it determines it to be a source of pollutants. For the discharge of swimming pool water, the Permittee has developed and implemented a process where approval for this type of discharge is required (via an effluent discharge permit). This approval process was developed to prevent chlorinated water from being discharged into their system.

However, the permit language was revised to indicate the allowed non-storm water discharges shall not be a source of pollutants rather than "will not contain pollutants in amounts that will cause or contribute to a violation of an applicable water quality standard," which is consistent with the 40CFR. Also, language was revised to "meet all conditions when specified by the Permittee," to be broader than the current language of "implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge."

<u>7e – Malama Maunalua</u>

SWMP: The SWMP should include a timeline for DOH review, a formal public review period, and approval of plan. We ask that the Permit require these. In order to create additional incentives for citizens to participate with the CCH in developing the SWMP, we further recommend that there be a requirement for the SWMP and associated materials to be made publicly available on the internet.

CWB Response: Formal acceptance by DOH is unnecessary since the SWMP requirements are outlined in the permit.

Additionally, review of the SWMP would delay its implementation. The permit requires implemented upon submittal to DOH.

The current SWMP is available on the internet.

7f – Malama Maunalua

LID requirements: We commend DOH for adding the new requirement for inclusion of LID in the standards for addressing post-construction runoff (Part D.1.e(l)}. The language, however, is not specific enough to insure a desirable outcome. The language should be strengthened to require that the draft of the revised standards include specific recommended design criteria, not just an "investigation into" these criteria. In addition, the language suggesting alternative mitigation when a LID waiver is granted should be strengthened by changing the words "could be" to "shall be." The current language allows too much discretion. Additionally, we appreciate that these standards would apply to projects smaller than one acre that have the potential to discharge pollutants to the City MS4. Still, the language leaves too much uncertainty as to which smaller projects these standards will apply to. It would be more transparent to develop a list such as the attached list of "Common Hotspot Operations" which can be found in the Wright et al. (2005) Unified Sub watershed and Site Reconnaissance: A User's Manual. Recommendation: Strengthen and tighten language of the permit to include LID requirements that are specific and practicable.

CWB Response: DOH does not agree that the permit language is not specific enough. The City shall submit to DOH a plan for requiring LID in the City standards and a draft of the standards for review and acceptance, which will also be forwarded to the EPA for comments.

As stated in the permit, the LID standard shall be applicable to all construction projects disturbing at least one (1) acre and smaller projects (e.g., retail gas stations, restaurants, auto repair shops, parking lots) that have the potential to discharge pollutants to the City's MS4.

7g – Malama Maunalua

Monitoring: We would like to see more specific monitoring requirements outlined in the Permit that will provide increased assurance that water quality objectives will be met. Recommendation: There should be clear guidance for Permittee to monitor discharges to ensure compliance with WQS and reductions in the impairing constituents. Permit should, where CWA Standards are not being met, stipulate measurable targets for improvement such as percentage reductions over the permit period.

CWB Response: DOH does not agree that more specific monitoring requirements be outlined. As indicated in the permit, there are seven (7) objectives of the plan [Parts F.1.a.(1) – (7)], the first being to "assess compliance with this permit (including implementation of TMDL Wasteload Allocations)." The activities to be conducted to meet the objectives are left up to the permittee to determine. This provides the permittee flexibility to develop its own plan, while still preserving its intent.

The monitoring program [Part F.1.a.(7)] was revised to require assessment of the water quality issues for each watershed resulting from storm water discharges. Once the City determines the water quality issues, controls can be identified, which shall include retrofits to the existing MS4. However, the implementation of controls may depend on a schedule (based on priority) to be developed by the City.

Part F.1.b.(1) was revised to include additional language to clarify that the plan's objective shall include, but is not limited to those objectives as identified in the permit.

Part F.1.a.(3) was revised to incorporate language, which was originally in Part F.1.a.(7).

An additional requirement to identify those management measures that are proven to be effective and/or ineffective was added to Part F.1.b.

Please also refer to Part F.3.

<u>7h – Malama Maunalua</u>

BMP Checklist: We recognize that the CCH is implementing a program for approval of Post Construction and Redevelopment projects that requires use of BMPs for permit approval utilizing a BMP checklist. However, it is not clear what the minimum requirements are for approval.

CWB Response: Post-construction and Redevelopment BMP checklists are to be included in the revised "Rules Relating to Storm Drainage Standards". The minimum requirements for approval will be investigated as part of the LID Implementation Plan and specified in the revised standards.

<u>7i – Malama Maunalua</u>

Maintenance: We would like to see specific maintenance performance standards and feedback mechanisms be required to provide increased assurance that water quality objectives will be met. For example there presently is no clear nexus between street sweeping and attainment of water quality goals. Clear, measurable objectives and standards are needed. Recommendation: Require that monitoring be tied not only to structural BMPS but to maintenance activities as well. Require evaluative criteria by which to gauge effectiveness of the various maintenance measures.

CWB Response: It is the City's responsibility to evaluate performance standards and keep records of data for feedback to determine efficiencies. However, the permit was revised to include the following language:

Part F.1.b.(3) Identification of management measures proven to be effective and/or ineffective at reducing pollutants and flow.

Although there may not be a "clear" connection between street sweeping and attainment of water quality goals, street sweeping is a BMP which prevent pollutants from entering the drainage system and eventually into receiving waters.

DOH agrees that the City need to maintain records of material collected from both maintenance and structural BMPs, which may be used to show compliance with the permit, provided that the City provide information between material collected and relationship with assigned WLAs or permit limitations. However, the permit will not be revised to include this type of language since it is City's responsibility to prove compliance with the permit.

The permit was revised to include trash provisions, refer to Part D.1.f.(1)(vi), including the following language in the fact sheet:

Part D.1.f.(1)(vi) is a new section in the permit which requires the permittee to develop and submit to DOH a proposed trash control plan, including an implementation schedule, to ultimately reduce trash discharges from the MS4 to zero, which is required to comply with state water quality standards. Numerous waterbodies on Oahu are currently listed on the State's CWA section 303(d) as impaired due to trash, and the proposed requirement is intended to address this problem. Similar requirements have recently been adopted for trash control in the State of California, and DOH recommends that the permittee review these requirements* in developing a practicable plan and implementation schedule for Oahu.

*Additional information is available at:
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/mrp.shtml, and
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/index.shtml

7j – Malama Maunalua

Funding: 40CFR122.26(d)(2)(vi) requires a fiscal analysis for each fiscal year covered by the permit. This is supposed to include an analysis of the necessary capital and operation and maintenance expenditures necessary to accomplish the activities of the Characterization Data and Proposed Management Plan programs described under paragraphs (d)(2) (iii) and (iv) of this section, respectively. The analysis must include a description of the source of funds that are proposed to meet the necessary expenditures, including legal restrictions on the use of such funds. This fiscal analysis appears to be missing in the Permit. Although there is an 'estimated budget' mentioned in monitoring requirements on page 31 (Part F 1 b) this does not appear to apply to the Proposed Management program. We would like to see a much broader analysis that includes the Management program. This would provide a valuable tool for conducting an evaluation of each permit cycle in terms of whether adequate resources have been allocated to carry out the requirements of the MS4 permit. Less directly but no less importantly, this analysis can also help to build public confidence and broad support for

increased funding in the future. Recommendation: Include in permit reference to an annual fiscal analysis to document and explain changes to budgets from year to year and describe how each type of funding can and cannot be used for storm water program activities. We also suggest that the fiscal analysis be posted on the internet.

CWB Response: The intent of the requirement in 40CFR122.26(d)(2)(vi) is satisfied in Part G.1.b.(4) of the permit and is required to be submitted within the Annual Report.

<u>8a – Native Hawaiian Legal Corporation</u>

MEP language must be improved.

CWB Response: The MEP standard is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)] for municipal discharge and is referenced in the 40CFR122.26(d)(2)(iv) [requirements for large and medium municipal separate storm sewer discharges] and 40CFR122.34(a) [for small MS4s]. MEP establishes a level of pollutant reduction which shall be achieved through the implementation of the operator's storm water management plan. If the DOH determines that the permittee is not reducing pollutants to the MEP, the City will be required to modify its storm water management plan.

<u>8b – Native Hawaiian Legal Corporation</u>

We request that the MS4 permit exclude any new additions to the MS4 so that additional discharges can be specifically assessed and appropriate mitigation can be required.

The City's review of modifications to Kalo'i Gulch vividly illustrate the City's failings. When developers proposed modifications to Kalo'i Gulch to allow for increased discharge of polluted storm water, the Office of Environmental Quality Control asked that the City detail in the Final Environmental Impact Statement "the best management practices (BMP) that will be implemented throughout the watershed to minimize the volume of water and pollutants that overflow into the proposed drainage channel." The City ignored this request and failed to provide a substantive, thorough or direct response.

CWB Response: DOH does not agree with excluding any new additions to the MS4 because requirements of this permit, to those new additions, would not be clearly enforceable.

<u>8c- (number was skipped)</u>

<u>8d – Native Hawaiian Legal Corporation</u>

II. More Effort-The permit devotes too little attention to specific infrastructure that needs to be added to the City's municipal storm sewer system that would capture pollution before it enters the waters that Native Hawaiians rely upon for gathering food, recreation, and other constitutionally protected activities. For example, vegetated buffers, vegetated detention

basins, grassy swales, sediment traps, oil/water separators, and hydrodynamic separators all need to be added to the storm sewer system. To date, the City has failed to make significant progress in installing these and other improvements that would reduce pollution.

CWB Response: The City's standards are to be revised to include new LID requirements. The permit also includes revised language for the retrofitting of the existing MS4 system and new trash requirements.

9 - rfripp

Polluted Storm water runoff is one of the leading contributors to pollution in our marine waters. Please require Honolulu to make reasonable efforts like installing sediment traps along major roads and building grassy swales. This could be precedent for all counties to ensure Hawaii is vigilant about protecting our natural resources.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

10 – Denise Towle

Please ask the state Department of Health to take a closer look at this permit application! Let's require Honolulu to make reasonable efforts like installing sediment traps along major roads and building grassy swales. This could be precedent for all counties to ensure Hawaii is vigilant about protecting our natural resources. ●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading contributors to pollution in our marine waters. ●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate.

Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

11 – M Seeley

●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading contributors to pollution in our marine waters.
●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

12 – Karen Chun

Title: Please mandate retention basins for new development where we've put them here (I'm thinking specifically about Paia Maui) they've completely eliminated the muddy plumes into the ocean when it rains hard.

CWB Response: Part D.1.e.(2) of the proposed permit requires the City to review plans for post-construction BMPs and LID requirements, which shall include retention basins, if appropriate.

13 – David H. Dinner

It is time to hold the City of Honolulu to a higher standard of environmental responsibility. They are in a position to lead this state in making this a pristine place for visitors and residents alike. ●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading contributors to pollution in our marine waters. ●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

14 – David Westerfield

Runoff including storm water that picks up urban chemicals and sediments, is a major killer of coral reefs and marine ecosystems. The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. Storm water runoff is one of the leading contributors to pollution in our marine waters. The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

15 – Valrie Griffith

Clean water is vital it supports life on this planet. please be sure that dirty storm water drain off isn't allowed to pollute our clean ocean water.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

16 - Aaron

Please review carefully and require necessary protections for our marine environment and the people who enjoy it.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

17 – Ellen Jacobs

I am writing to ask the state Department of Health to take a closer look at the permit application to discharge storm water into the bays near Honolulu. The state department of Health should make reasonable efforts like installing sediment traps along major roads and building grassy swales. This could be precedent for all counties to ensure Hawaii is vigilant about protecting our natural resources. ●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading contributors to pollution in our marine waters. ●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

18 – Fithian Jones

Storm water runoff is one of the leading contributors to pollution in our marine waters. Please make every effort to ensure that Dept of Health keeps its promise to all Hawaiians to protect the waters around our islands. Healthy reefs are key to the health of all of us.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

19 – Robert J. Conlan

The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. Storm water runoff is one of the leading contributors to pollution in our marine waters. The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

20 – Dayle Bethel

Please reconsider the permit application to discharge storm water runoff into our coastal waters that endangers marine life and kills the coral reefs. Installing sediment traps and building grassy swales along major roads are positive steps that could be taken to protect our coastal waters.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

21 – Nancy Davlantes

Polluted runoff (including storm water that picks up urban chemicals and sediments) is a major killer of coral reefs and marine ecosystems, but this permit application doesn't do

enough to protect our coastal waters. I urge you to take a closer look at this permit application and require Honolulu to make reasonable efforts like installing sediment traps along major roads and building grassy swales. This could be precedent for all counties to ensure Hawaii is vigilant about protecting our natural resources.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

<u>22 – Maurizia Zanin</u>

Please consider that storm water runoff is one of the leading contributors to pollution in our marine waters. Please consider imposing new requirements on the city's permit to discharge polluted storm water. The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

<u>23 - Crowe</u>

Polluted storm water must NOT be allowed to run into our ocean!

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate.

Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

24 – Brain Bell

Title: No one wants to surf in a brown ocean
The DOH has an opportunity to prevent polluted storm water runoff, which is one of the primary reasons our Hawaiian corals are deteriorating. All of these pollutants running into the ocean also can't be good for our tourist industry or the health of everyone who enjoys the water, including our keiki. The city needs to make some basic progress towards mitigating this problem. I've heard grassy swales and detention basins to filter pollutants can help.

CWB Response: Concur and the requirements in this permit aim to reduce pollutants from entering receiving waters.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

25 - Golden

Please take a closer look at this permit application? Consider requiring Honolulu to make reasonable efforts to set a precedent for all counties to ensure Hawaii is vigilant about protecting our natural resources. ●The Department of Health could impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading contributors to pollution in our marine waters. ●The City could make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate.

Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

26 – djrx cares

We need to do all we can to protect what little natural resources that we have and do our best to protect our resources from harm.

CWB Response: Concur.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

27 – Diane Ware

The State Department of Health has a duty to protect all our near shore waters from pollution and sedimentation This should start with land use permit process. Development that can potentially increase sedimentation and runoff of pollutants due to grading and grubbing vegetation must be carefully scrutinized and measures taken to assure water quality will not be adversely affected. Furthermore; ●Storm water runoff is one of the leading contributors to pollution in our marine waters. ●The Department of Health should impose new requirements on the city of Honolulu's permit to discharge polluted storm water. ●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: Land use permitting is not the responsibility of DOH. However, the DOH agrees that land uses have a potential to affect the quality of discharge into our receiving waters.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

28 – Joy Brann

...The degradation of our reefs is shocking, and I believe we are not adequately monitoring the safety of the water according to standards that ensure healthy reef ecosystems and water quality. I am also concerned about the number of people suffering staph infections after swimming in the ocean. Hawaii Department of Health should impose new requirements on Honolulu's permit to discharge polluted storm water. We need stricter standards statewide that limit storm water and other run-off contaminants from reaching our oceans or seeping into the water table. Storm water runoff is one of the leading pollutants in our marine waters. The city (and state) should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

29 – Deborah Williams

Please consider stricter measures for Honolulu's permit to discharge storm water. Storm water run off is a major cause of pollution around Hawaii's shores, damaging our reefs and threatening our fish. populations. Please require Honolulu to filter our storm water before discharge.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

30 - Best

●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water.

●Storm water runoff is one of the leading contributors to pollution in our marine waters.
●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

31 – Carolyn Knoll

Please review the recent NPDES storm water permit application submitted by the City and County of Honolulu. Most experts have concluded that polluted runoff (including storm water that picks up urban chemicals and sediments) is a major killer of coral reefs and marine ecosystems. The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. And the City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

32 – Douglas Perrine

I am in total agreement with Sierra Club's position on Honolulu's storm water discharge permit application. Please require sediment traps etc. Our clean ocean water and healthy reefs are our greatest resources.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

33 – Sandy Storm

Please protect our oceans from storm water pollution. Do more than enough, not less!

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

34 – Barbara Dinoff

Let's require Honolulu to make reasonable efforts like installing sediment traps along major roads and building grassy swales. This could be precedent for all counties to ensure Hawaii is vigilant about protecting our natural resources. ●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading contributors to pollution in our marine waters.
●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

35 – Diane Fell

I am concerned about the quality of our waters here in the islands and am opposed to Honolulu's Storm Water Permit application. I feel the DOH should follow my points listed below and deny this permit! ●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading

contributors to pollution in our marine waters. ●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

<u>36 – Alice Folkart</u>

...I understand that the city of Honolulu has just received a permit to discharge storm water into the ocean. I also understand that the requirements of this permit don't go far enough to make sure that the storm water discharge is as clean as possible. We all know that storm water runoff is a leading contributor to pollution in island waters and that this pollution is killing large colonies of coral. In addition to this being a question of local ecology, it also impacts the tourist industry. Our visitors are not going to want to swim in polluted waters and those who snorkel are going to be disappointed by the bleached-out coral and lack of fish. So, I'd like you to know that I and many of my friends feel that the Department of Health should stiffen and expand the requirements on the city's permit to discharge polluted storm water and require that the city make honest basic efforts such as installing grassy swales to reduce sediments and providing detention basins to filter pollutants...

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

37 – Angela K. Hoover

The difference in water quality between Honolulu and Hana is pretty obvious. Most experts have concluded that polluted runoff (including storm water that picks up urban chemicals and sediments) is a major killer of coral reefs and marine ecosystems. ●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading contributors to pollution in our marine waters. ●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants. Let's require Honolulu to make reasonable efforts like installing sediment traps along major roads and building grassy swales. This could be precedent for all counties to ensure Hawaii is vigilant about protecting our natural resources.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

38 – Cory Harden

●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading contributors to pollution in our marine waters. ●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

39 – Michael Genger

Please examine the recent application by the City and County regarding storm water runoff. The ocean water we all use for recreation, especially townside all along Waikiki, is a filthy discrace (disgrace). The Ala Wai has become a sewer. Try walking along the feeder stream that runs behind Iolani School, for example. The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. Storm water runoff is

one of the leading contributors to pollution in our marine waters. The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants...

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

<u>40 – Steve Carll</u>

Most experts have concluded that polluted runoff (including storm water that picks up urban chemicals and sediments) is a major killer of coral reefs and marine ecosystems. ●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading contributors to pollution in our marine waters.●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The permit requires the City to reduce pollution from entering receiving waters to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)].

The proposed permit includes new requirements to reduce pollutants to this level of standard and the use of sediment traps and grassy swales should be considered, where appropriate. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

<u>41 – Chris Kraynek</u>

Protecting our environment should be priority #1. The planet we live on is a miracle, a miraculous gift. We have the power to understand and create new ways to protect our planet. The very least we can do is protect it from our own waste. We have the technology to protect our marine waters from our own runoff. Use it.

CWB Response: Comment noted.

The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

42 – Julia Brown

Please Reconsider the City and County of Honolulu's application for storm water discharge. Polluted runoff from storm water picks up urban chemicals and sediments that are a major killer of coral reefs and marine ecosystems. We should make basic efforts to decrease pollution by installing grassy swales to reduce sediments and use detention basins to filter pollutants. The DOH could impose new requirements on the city's permit to discharge polluted storm water. Any concern and vigilance now is sure to set precedents for future protection for all of Hawaii's natural resourced.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

43 – Cindy Lowry

PLEASE take a closer look at the permit application to discharge storm water and better protect our coastal waters. ●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading contributors to pollution in our marine waters. ●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

44 – Ann Van Eps

Our coral reefs are dying because the PH is now more acidic. We can stop this from happening if we can stop run off which carries pollutants into our ocean.

CWB Response: The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act

[Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

45 – Neil Frazer

As a scientist, and a state employee, I'm very concerned about ocean jellification (replacement of fishes by jellyfish) because of Hawaii's tourist based economy and because of the importance of subsistence fishing to Native Hawaiians. Generally speaking, jellification is accelerated by run-off and other environmental factors that damage wild fish habitat. I understand that reduction of storm water runoff is expensive, but I think the reward is worth the price. I would like to see a ban on solid-apron driveways, and a movement toward requiring homeowners and business to either use the water that falls on their land and roofs, or put it back into the ground clean.

CWB Response: The proposed permit requires the City to revise its standards to include Low Impact Development requirements.

46 – Michele Nihipali

The department of health should have new regulations about discharging polluted storm water into the ocean. Storm water runoff is one of the leading sources of pollution to our coastal waters. The City should use grassy swales to reduce sediments and detention basins to filter pollutants.

CWB Response: The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

47 – Marv Mathews

I understand the C&C Honolulu has applied for a permit to discharge storm water into the ocean. This is known to be a major contributor to pollution. New requirements should be imposed to minimize this. Examples are grassy swales to reduce sedimentation and detention basins to filter pollutants.

CWB Response: The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

48 – Sarah Falzarano

...The City and County of Honolulu's permit application to discharge storm water runoff into the ocean should be subject to common-sense solutions, like installing grassy swales to reduce sediments and using detention basins to filter pollutants. I urge the Department of Health to impose these new but important requirements that will protect our environment.

CWB Response: The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

49 – Darien C. Morris

Need new requirements to dispose of polluted storm water for the permit.

CWB Response: The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

50 – Bonnie Bonse

...This plan does not do enough to protect our coastal waters. New requirements need to be imposed by the Dept of Health on Honolulu's permits to discharge polluted water. Installing sediment traps along major roads and building grassy swales would be a good beginning to filter pollutants and would set a much needed precedent for all islands to follow.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

51 – Wynnie Hee

Please reject C&C of Honolulu's permit application to discharge storm water into the ocean. Storm water runoff is one of the leading contributors to ocean pollution. ●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants...

CWB Response: The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

52 – John Quincy Adams

Please do your BEST to protect our coral reefs & ocean waters.

CWB Response: We will do our best to keep our waters clean.

The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

53 – Trisha Egger

Please protect our marine waters by denying the current permit application of Honolulu's NPDES. This does not do enough to protect the marine environment. With Hawaii's number one industry - the beautiful water and land - we should be doing all we can to ensure that the enviroment (environment) is protected. Please do not let expediency rule here.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The proposed permit includes new requirements, which shall reduce pollutants from entering our receiving waters. However, without issuance of the permit, those requirements would not be clearly enforceable. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

54 – Brett Thomas

...Please think carefully about the permit to discharge dirty storm water runoff into our recreation zones. Tourism, and public health is more important to Hawaii's people and economy than saving a few dollars. Can you please take a closer look at this permit application? Let's require Honolulu to make reasonable efforts like installing sediment traps along major roads and building grassy swales. This prevents or can prevent much of the pollution from flowing straight into our surf sites and ocean. Your actions could be precedent for all counties to ensure Hawaii is vigilant about protecting our natural resources. Take the lead and do the right thing on this issue.

CWB Response: The permit was revised based on public comments.

The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section

402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

55 – Sam Rodrigues

●The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. ●Storm water runoff is one of the leading contributors to pollution in our marine waters. ●The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants. ●There should be a public hearing on the issue.

CWB Response: The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

A public hearing is not warranted at this time.

56 – Kae Toguchi

I wanted to know if you are either or concerned about Hawaii's Nature and Society of what brings Hawaii. We already lost Aloha Spirit. What should be next? You need to take care of the pollution of your society and ignore it . Just to make an excuse for money. Could you just do this instead make a reasonable action. Make sediment traps and along that way those major roads and building grassy swales. That could be precedent for all countries to ensure Hawaii is viligant (vigilant) about protecting our natural resources in Hawaii. Making sure to take care of the island. You got think before the words comes out your mouth...

CWB Response: DOH is very concerned about our environment and the proposed permit's intent is to protect our natural resources.

The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

57 – Kathy Malasky

I think we all know that storm runoff causes tremendous damage to marine life. I believe it is our responsibility as citizens to demand filtering of storm runoff before it drains into the

ocean and water system. Please place requirements on all permits for effective filtering before any discharging of polluted storm water runoff.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

58 – Phyllis Fong

I am a concerned citizen and am opposing the Storm water Permit Application. We need to prevent any further storm water into the ocean as this is damaging or ocean. In fact, I have stopped swimming in the ocean because of the runoff. I would like to return to swimming one of these days.

CWB Response: The proposed permit includes new requirements, which shall reduce pollutants from entering our receiving waters. However, without issuance of the permit, those requirements would not be clearly enforceable. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

59 - Angela

We play in the water everyday. Please do what you can to keep it cleaner from runoff.

CWB Response: The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

60 – Esta Feedora

I believe that storm water runoff is one of the leading contributors to pollution in our marine waters. For cleaner ocean water, Honolulu should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants. I believe that the Honolulu Department of Health should impose new requirements on the city's permit to discharge polluted storm water...

CWB Response: The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

61 – Lauren C. Roth Venu

As a concerned citizen, surfer, outdoors and nature enthusiast, and expert in the field, I strongly oppose the lack of regulation for storm water treatment before it can leave any given property. Based on common knowledge that storm water carries litter, heavy metals, nutrients, pesticides and herbicides, many of which are known carcinogens, there should be a mandatory inclusion of best management practices as described by the EPA, for all developments. Providing incentives to both homeowners and commercial developers to include storm water treatment systems such as bioswales and rain gardens would be plus. Possibly this can be supported with monies by the Army Corps or EPA whose interest is in maintaining the health of our streams and coastal waters. Fixing the problem upstream will inevitably save lives and money downstream for large scale remediation efforts. In addition, implementing many of the BMPs will also allow for the water to recharge our aquifers, whereby increasing potable water security for our islands.

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The proposed permit requires the City to revise its standards to include Low Impact Development requirements. Additionally, the proposed permit includes a new requirement for trash reduction.

62 – Robin Knox

I am requesting a 1) public hearing and 2)an extension of the public comment period with or without a hearing. This permit is significant and precedent setting for the State of Hawaii, and therefore adequate opportunity for public review , especially by people on the neighbor isles, is needed. The past history of Clean Water rulemaking in Hawaii has demonstrated that often the entire state is affected by regulatory changes that are focused primarily on the City and County of Honolulu (for instance DOH changed the enterococcus bacterial standard for the whole state in response to a petition from the City. I became aware of this public notice less than two weeks ago, and have not had adequate time to review and comment. The concerns that I have noticed in limited review include: The lack of mass based reporting of pollutant loads, and the combining of multiple individual City NPDES permits into one permit, especially those with industrial runoff. I specifically am opposed to reducing monitoring frequency out of consideration of economic costs. A rationale for monitoring frequency should be based on providing adequate environmental protection by collection of representative samples. Any reduction in frequency from what is in the regulations should be accompanied by a technical rationale that assures the monitoring is representative of the discharge. Often NPDES permits can be written with reduced monitoring frequency based on analysis of effluent variability and compliance. This provides an economic incentive and environmental protection by reducing monitoring frequencies only for well controlled

discharges that are meeting permit limits. I reserve the right to submit additional comments on this matter.

CWB Response: A public hearing and extension of the public comment period is not warranted at this time.

The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

Reporting of pollutants either mass or concentration based is required in the permit.

As explained in the permit fact sheet:

"In an effort to consolidate and streamline the permitting of the various municipal facilities, the proposed permit includes City Municipal Industrial and Small MS4 facilities to be covered under this permit."

The reduced monitoring frequency for each facility described in the permit was developed based on permit coverage for similar types of activities. Each type of activity would still be annually monitored with sampling for facilities with similar activities to be rotated. However, the highest priority facility for each type is required to be annually monitored. Rotating sampling, for similar activities with less priority, would preserve the intent of sampling by providing sufficient representative samples.

<u>63 – Celia Smith</u>

I would like to request a public hearing and an extension of the public comment period with or without a hearing. This permit is significant and precedent setting for the State of Hawaii, and therefore adequate opportunity for public review is needed. The past history of Clean Water rulemaking in Hawaii has demonstrated that often the entire state is affected by regulatory changes that are focused primarily on the City and County. I was informed of this public opportunity less than two weeks ago, and have submitted only preliminary comments. I have not had adequate time to review and comment in detail.

CWB Response: A public hearing and extension of the public comment period is not warranted at this time.

<u>64 – Danielle Jayewardene</u>

The Habitat Conservation Division (HCD) of NOAA Fisheries, Pacific Islands Regional Office, has reviewed the Public Notice (PN) for NPDES permit No. HI000002, Municipal Separate Storm Sewer System (MS4). The proposed permit action involves discharge into State Waters or into adjacent separately-owned storm drainage systems of municipal storm water run-off and certain non-storm water discharges which are collected by the MS4, and storm water

run-off from additional City facilities, which include Municipal Industrial and Small MS4 facilities. The area of permit coverage is the entire Island of Oahu, thus receiving waters of the discharge entails the nearshore area surrounding the Island. This area is designated as Coral Reef Ecosystem Essential Fish Habitat (EFH), a NOAA Fisheries trust resource. The summary of water quality data in the PN Fact sheet (p.6-8) indicates that in FY09, water quality standards were not met for the monitored sites on multiple occasions (wet seasons) for several of the water quality indicators (TSS, turbidity, nitrate-nitrite, Total N, Total P). This is likely to persist, such that water quality of the near shore marine environment may be impacted, and hence EFH adversely affected. It is clear that thoughtful effort has gone in to developing the proposed permit conditions to prevent and reduce discharge and pollution related to action. The Storm Water Management Plan (SWMP), for example, is detailed and comprehensive and involves adaptive management. Furthermore, the Monitoring Plan includes assessing compliance with the permit, measuring the effectiveness of the SWMP, assessing impact to receiving waters, characterizing storm water discharges and identifying specific sources of pollution. NOAA fisheries HCD interest is to ensure that potential adverse affects to EFH from the proposed action are avoided and minimized. With this perspective in mind, we wish to support the effort of the Permittee in complying with the NPDES permit conditions, and Department of Health in guiding and enforcing this compliance. If helpful, we offer to provide our expertise and/or participate in developing the SWMP and monitoring plan. If this is not appropriate, we ask that we are provided the opportunity to review the draft and final SWMP, and also be sent the annual monitoring reports.

CWB Response: The draft SWMP shall be made available on the City website for public review and comment. The Annual Monitoring Reports are available through request to the DOH by completing and submitting a request to access a government record. A copy of the form is on our website.

<u>65 – Irene Bowi</u>

...I am requesting a 1) public hearing and 2)an extension of the public comment period with or without a hearing. This permit is significant and precedent setting for the State of Hawaii, and therefore adequate opportunity for public review , especially by people on the neighbor isles, is needed. The past history of Clean Water rulemaking in Hawaii has demonstrated that often the entire state is affected by regulatory changes that are focused primarily on the City and County of Honolulu (for instance DOH changed the enterococcus bacterial standard for the whole state in response to a petition from the City...

CWB Response: A public hearing and extension of the public comment period is not warranted at this time.

<u>66 - den</u>

*** The Department of Health should impose new requirements on the city's permit to discharge polluted storm water. * Storm water runoff is one of the leading contributors to**

pollution in our marine waters. * The City should make basic efforts like installing grassy swales to reduce sediments and use detention basins to filter pollutants.

CWB Response: The proposed permit includes new requirements to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. Examples of new requirements include Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.

67 – Beppie Shapiro

Be careful in considering Honolulu's application for a permit to discharge storm water into the ocean. Our clean ocean is incredibly valuable here to maintain our tourist industry and offshore fishing for local population. Near shore water & coral also serve as nurseries for larger ocean fish. As I'm sure you know, storm (and rain) water contains pollutants from streets and cars, and lots of mud, which quickly smother coral and degrade our ocean water quality. I've lived on Oahu all my life (67 years) but now I'm temporarily in Portland, OR for a year. Portland has a major program to clean up storm water at the source: new street designs incorporate swales of plantings which filter out excess dirt and pollutants from rain water before it gets into storm sewers. Even older streets are being gradually rebuilt to include these improvements (among others). Many businesses and homeowners have installed their own swales. The City could do a lot to clean up its storm water either like Portland, or once it's been collected. Cleaned up water might even qualify as gray water for golf courses, etc. Please don't approve a permit which will degrade our ocean!

CWB Response: The public notice permit was reviewed and revised in consideration of comments received during the public notice review period.

The proposed permit requires the City to reduce pollutants to the maximum extent practicable, which is the level of control as specified in the Clean Water Act [Section 402(p)(3)(B)(iii)]. New requirements have been included within this permit, which includes but is not limited to, Low Impact Development, Trash Reduction, and Wasteload Allocation limitations.