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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 18 2009

Via Certified Mail:
7008 1140 0004 5420 5704
Return Receipt Requested

Mr. Brennon Morioka, Director
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

Subject: Issuance of Findings of Violation and Order for Compliance with NPDES Permit

Dear Mr. Morioka:

On March 23rd, 2009 Amy C. Miller of CWA Compliance Office transmitted to you EPA's report on the audit that was performed of the Hawaii Department of Transportation (HDOT) Harbors Division's stormwater management program for the Honolulu and Kilaulea Barbers Point Harbors on Oahu. The audit report indicated a number of deficiencies with Harbors Division's stormwater management program, several of which I have found to constitute violations of Harbors Division's NPDES permits and the Clean Water Act (CWA). Given the nature and number of violations at issue, I have determined that an Order for Compliance is needed to ensure that Harbors Division promptly and fully complies with all applicable NPDES permit requirements.

Therefore, enclosed please find Findings of Violation and an Order for Compliance pursuant to Sections 308(a) and 309(a)(3), (a)(4), and (a)(5)(A) of the CWA [33 U.S.C. Sections 1318(a) and 1319(a)(3), (a)(4), and (a)(5)(A)] for HDOT Harbors Division's violations of NPDES permit conditions at the Honolulu and Kilaulea Barbers Point Harbors.

In summary, the Order requires that the HDOT Harbors Division do the following:

- Revise the Stormwater Management Plans (SWMPs) by December 31, 2009;
- Develop and implement a tenant inspection and enforcement program and conduct annual inspections at all commercial/industrial tenant facilities beginning January 2010;

- Use the tenant inspection and enforcement program to detect and eliminate illicit discharges into the harbor stormwater systems;
- Develop and implement a program to control construction site runoff, including inspections of third-party constructions projects undertaken at the harbors;
- Develop and implement a Post-Construction Storm Water Management Program for areas of new development and significant redevelopment;
- Revise the pollution prevention/good housekeeping program to include a program of scheduled inspections of and preventive debris removal from its stormwater system; and
- Develop and implement an erosion and sediment control plan for management of the existing dredged materials at Kalaeloa Barbers Point Harbor, as well as for future dredge spoil stockpiles, if any.

Please feel free to call me at 415-972-3572 if you have any questions, or your staff may contact Amy C. Miller at 415-947-4198.

Sincerely,

Alexis Strauss 18 June 2009
Alexis Strauss, Director
Water Division

Enclosure

cc (w/ enclosure):

Larry Lau, DOH

Michael Formby, Deputy Director, Harbors Div.

Davis Yogi, Harbors Administrator

Chris Takeno, HDOT