3 | Illicit Discharge Detection and Elimination Program

DEPARTMENT OF TRANSPORTATION
STATE OF HAWAII

3 | ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

The Illicit Discharge Detection and Elimination Program (IDDE Program) is designed to detect and eliminate, to the MEP, illicit discharges and illegal connections to the MS4.

The IDDE Program includes the following objectives:

- Administer a permitting program for connections and discharges to the MS4.
- Promote the reporting of suspected illicit discharges, illegal connections, or other issues.
- Investigate complaints of illicit discharges and illegal connections.
- Pursue enforcement actions for applicable illicit discharges and illegal connections to the MS4, to the MEP.
- Track illicit discharges and illegal connections.
- Screen outfalls for illicit discharges and illegal connections.
- Prevent, respond to, contain, and clean up spills/discharges, to the MEP.
- Conduct inspections of facilities located adjacent to a State Highway.
- Identify non-stormwater discharges considered to be contributors of pollutants.
- Conduct training on IDDE Program BMPs.

3.1 PERMIT REQUIREMENTS

The IDDE Program is administered in accordance with the MS4 NPDES Permit requirements referenced in Table 3-1.

Table 3-1. MS4 NPDES Permit Requirements for the IDDE Program.

MS4 NPDES Permit Requirement	*SWMP* Section(s)
Part 6.(a)(3): *Illicit Discharge Detection and Elimination* – Develop, implement, and enforce a program to detect and eliminate illicit discharges that, at a minimum, includes the following.	—
Part 6.(a)(3)(A): Establishment of rules, ordinances, or other regulatory mechanism, including enforcement procedures and actions, that prohibit non-stormwater discharges, except those listed in section 1 that do no cause or contribute to any violations of water quality standards, into the permittee's small municipal storm sewer system.	3.2, 3.8
Part: 6.(a)(3)(B): Procedures to detect and eliminate illicit discharges (as defined in 40 CFR Section 122.26(b)(2)).	3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8
Part 6.(a)(3)(C): Compilation of a list of non-stormwater discharges or flows that are considered to be significant contributors of pollutants to the system and measures to be taken to prevent these discharges into the permittee's small municipal storm sewer system, or reduce the amount of pollutants in these discharges.	3.9

3.2 Connection and Discharge Permits

Maui District administers a permitting program for any individual, business, or agency that establishes a permanent physical connection to the MS4 (*Permit for Connection to the State Highways Drainage System,* hereinafter *Connection Permit);* or for discharge stormwater runoff associated with industrial activities, construction activities, hydrotesting, or construction dewatering *(Permit to Discharge into the State Highways Drainage System,* hereinafter *Discharge Permit).*

Permitting for construction projects that plan to perform work along or within the Maui District rights-of-way and property are administered in accordance with Section 4.4 of this *SWMP.*

Permits must be obtained prior to constructing a physical drain connection, or discharging stormwater runoff associated with the activities described above, to the MS4. Requests for a *Connection Permit* (Appendix 3.1) or *Discharge Permit* (Appendix 3.2) are made by submitting an *Application for a Private Storm Drain Connection and/or Discharge Permit to the State of Hawaii Highways Division Storm Drain System* (Appendix 3.3). In the application, the applicant is required to submit information on the location of the proposed connection or discharge, tax map key (TMK), and associated State Highway. The applicant must also provide a brief description of each proposed connection, including the size, type of discharge, flow rate including a drainage report, as well whether the facility or activities generate stormwater associated with "industrial activity" and requires NPDES Permit coverage.

Once reviewed and accepted by Maui District, the applicant must complete and submit a *Connection Permit* or *Discharge Permit,* which states that the applicant agrees to the terms and conditions of the permits. Maui District will evaluate the terms and conditions of these permits periodically and will update/modify them as necessary.

Further, Maui District reserves the right to terminate the permit(s) and/or connection or discharge for those permit applicants or holders who do not adhere to the terms and conditions of the permit(s) during the duration of their connection and/or discharge to the MS4.

3.3 Reporting Complaints

Maui District encourages the public to report spills, suspected illicit discharges, illegal connections, or other complaints by filling out an online reporting form on the Stormwater Maui website, or by calling the reporting hotline at (808) 873-3535.

3.4 Illicit Discharges and Illegal Connections

Maui District investigates all observed, suspected, and reported illicit discharges or illegal connections. Reported complaints are investigated by Maui District within the following business day of receipt of the complaint.

3.4.1 Investigations

Maui District initiates investigation of complaints with information gathering, and as applicable, subsequent field investigations. If an illicit discharge or spill is identified during the investigation, Maui District implements the following illicit discharge and spill response procedures:

- Issue verbal order to cease the illicit discharge.
- Determine the material that was discharged or spilled.
- Determine if the discharged or spilled material entered, or threatened to enter State Waters.
  - If yes, notify the State of Hawaii, Department of Health (DOH) within 24 hours of the incident.
- Utilize Maui District's 'Tool Box' of available resources to implement measures to prevent the discharge or spill from entering or continuing to enter the MS4, and to contain and/or cleanup the discharge or spill area.
  - Maintenance section staff.
  - Contractors with Service Contracts to provide drain cleaning, street sweeping, spill response, and hazardous waste removal and disposal.
  - County of Maui Wastewater Reclamation Division.
  - Maui Fire Department.
  - AMS Viewer.
- Document the information within the Spill Response Documentation Form (Appendix 3.4) and submit to Maui District within 24 hours of the incident.
- Implement the standard form, Illicit Discharge Detection and Elimination MS4 Site Investigation Sheet (SIS) (Appendix 3.5).
- Notify the authorities and other regulatory agencies of the incident, as applicable.

3.4.2 Enforcement

Maui District provides written documentation to the responsible party within 30 calendar days of identifying any illicit discharge or illegal connection. Written documentation may include an SIS and Notice of Violation and Order (NOV), which may require the facility to:

- Address any violations observed by Maui District.

- Apply for a Connection Permit.
- Apply for a Discharge Permit.
- Immediately cease and desist discharging and/or causing the discharge of pollutants to the MS4.
- Clean portions of the MS4 impacted by the illicit discharge or illegal connection.
- Submit a written plan that clearly identifies BMPs that will be implemented to correct and prevent discharges into the MS4.

The responsible party has 20 calendar days from the date marked on the NOV to submit a response. If the responsible party is unresponsive to the NOV, Maui District may mail a Connection and/or Discharge Permit Termination Letter to the owner and/or terminate the connection, as applicable. If Maui District has exhausted all available sanctions and determined it cannot bring the responsible party into compliance with their MS4 NPDES Permit and policies, and/or otherwise deems the activity or facility an immediate and significant threat to water quality, Maui District provides email or phone notification to DOH within one week of such determination.

Maui District will initiate discussion with DOH, along with its Attorney General's Office, during the permit term to reflect the collaborative efforts to enforce against illicit discharges to the MS4.

3.5 Tracking Illicit Discharges and Illegal Connections

Maui District utilizes Maximo to track and document information about illicit discharges, illegal connections, and spills to the MS4. For each case, the information documented includes the type of discharge, responsible party, actions taken by Maui District, and resolution.

Documentation produced as a result of investigations, such as the SIS and follow-up reports (if remedial actions were required), are also tracked.

3.6 Outfall Screening

Maui District screens outfalls to further detect and eliminate illicit discharges and illegal connections. Signs of non-allowable discharges may include the presence of pollutants, flowing water under dry weather conditions, or illegal connections to the MS4. Maui District will complete the Debris Control: Inspection and Cleaning Detailed Report (Appendix 3.6) to document outfall screening activities.

If an active or potential illicit discharge or illegal connection is identified, or if an outfall is tidally influenced, Maui District investigates upstream MS4 structures. Maui District, to the MEP, locates the source of the discharge, document findings, initiates procedures in accordance with

Section 3.4 of this *SWMP*, and conducts additional follow-up inspections within 30 calendar days of the initial screening.

3.7 Spill Prevention and Response

Maui District prevents, responds to, contains, and cleans up all spills on State Highways or other spills in accordance with Section 3.4 of this *SWMP*.

3.8 Industrial and Commercial Facility Inspections

Maui District conducts BMP inspections at those IC facilities located adjacent to State Highways that have potential to discharge stormwater to the MS4. The IC facility inspections are designed to educate businesses about the impacts of stormwater discharges on water bodies, and reduce the discharge of pollutants from these facilities. Maui District maintains an inventory of applicable IC facilities and performs BMP inspections of the facilities to reduce their impact of polluted stormwater runoff to the MS4.

3.8.1 Initial Inspections

Maui District ranks IC facilities either as high or low risk based on their risk of discharging pollutants determined during an Initial Inspection. During the Initial Inspection, Maui District determines the risk by identifying the facility's on-site activities, distance from a receiving water body, NPDES Permit applicability, facility history, and if there is a physical connection to the MS4. Facilities determined to be low risk will not be considered for further inspections, unless conditions change, while facilities determined to be high-risk are subject to Routine Inspections.

Maui District will revise the risk ranking criteria and inspection frequency as deemed appropriate, and as resources are available.

3.8.2 Routine Inspections

Maui District conducts Routine Inspections of facilities determined to be ranked as high risk. During Routine Inspections, Maui District assesses the appropriateness and effectiveness of the BMPs implemented at the facility; identifies illicit discharges and illegal connections; and completes an inspection form, Industrial and Commercial MS4 Site Investigation Sheet (IC SIS) (Appendix 3.7). Routine Inspections are conducted once every five years for those facilities determined to be ranked as high risk.

If facility or activities are deemed to generate stormwater associated with "industrial activity" that may require NPDES Permit coverage, Maui District informs the facility representative that NPDES Permit coverage may be required and provides further information on these requirements.

Routine Inspections are organized into three workflow processes, as shown in Figure 3-1.

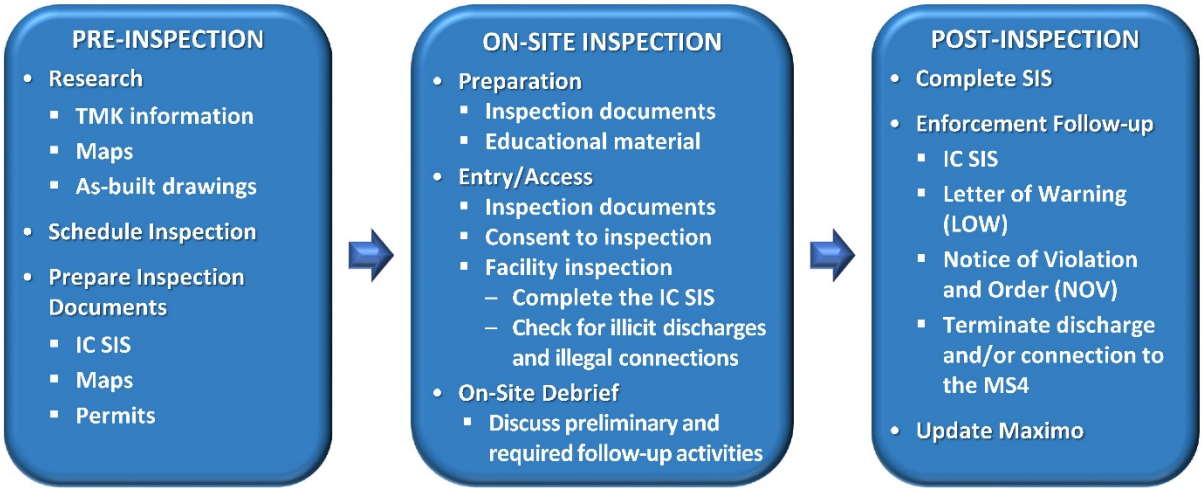

Figure 3-1. Routine Inspection workflow is organized into pre-, on-site, and post-inspection processes.

Deficiencies observed during Routine Inspections may include observation of inadequate BMP measures to prevent the discharge of pollutants to the MS4, an illegal connection, or the need for a *Discharge Permit.* Maui District addresses any illicit discharges or illegal connections identified during the Inspections in accordance with Section 3.4 of this *SWMP.*

3.9 Non-Stormwater Discharges

The program elements and BMPs identified in this *SWMP* that prevent the non-stormwater discharges considered to be potential contributors of pollutants to the Maui District MS4, are referenced in Table 3-2.

Table 3-2. Non-Stormwater Discharges Considered to be Potential Contributors of Pollutants.

Non-Stormwater Discharges	*SWMP* Chapters Describing Measures Taken				
	2	3	4	5	6
Discharges associated with the General Public	✓	✓	✓	✓	✓
Discharges associated with Businesses	✓	✓	✓	✓	✓
Discharges associated with Contractors	✓	✓			✓
Discharges associated with Maui District operations	✓	✓	✓	✓	✓

3.9.1 Training

Maui District conducts annual training for its staff on appropriate BMPs, such as investigating complaints; identifying, enforcing, and tracking illicit discharges and illegal connections; screening outfalls; preventing, responding to, containing, and cleaning up spills; and conducting IC facility inspections.

3.10 Measuring Program Effectiveness

Maui District assigns each IDDE Program BMP an Outcome Level, anticipated frequency over the permit term, data collection method, and assessment parameter, as shown in Table 3-3.

Table 3-3. Measuring Effectiveness of the IDDE Program.

IDDE Program BMP	Outcome Level[1]	Anticipated Frequency	Data Collection Method	Assessment Parameter
Connection and Discharge Permits	2	Continuous	Tabulation	No. of Connection and Discharge Permits issued
Reporting Complaints	3	Continuous	Tabulation	No. of complaints received
Illicit Discharges and Illegal Connections	3	Continuous	Tabulation	No. of illicit discharges and illegal connections investigated
			Tabulation	No. of enforcement actions
Tracking Illicit Discharges and Illegal Connections	1	Continuous	Completion	Permit compliance
Outfall Screening	3	Annually	Tabulation	No. of outfalls with illicit discharges and/or illegal connections screened
Spill Prevention and Response	2	Continuous	Tabulation	No. of spills investigated
Industrial and Commercial Facility Inspections	3	Ten Initial Inspections per year until completed + Routine Inspections	Tabulation	Average no. of deficiencies
Training	2	Annually	Tabulation	No. of events and event attendees

Table 3-3. Measuring Effectiveness of the IDDE Program.

IDDE Program BMP	Outcome Level[1]	Anticipated Frequency	Data Collection Method	Assessment Parameter

[1] Outcome Levels:

1- **Permit Compliance.** Many program activities are conducted as a direct requirement of the MS4 NPDES Permit. Therefore, Level 1 outcomes may take the form of yes/no answers. Level 1 outcomes are assumed to be beneficial to water quality, but are not considered Direct Outcomes as it lacks the casual effect to support this assumption.

2- **Knowledge and Awareness.** Outcomes at this level gauge whether educational efforts are progressing toward changes in knowledge and awareness. Measuring these outcomes is achieved through observation of involvement from target audiences. Similar to Outcome Level 1, Level 2 outcomes are assumed to be beneficial to water quality but are considered Indirect Outcomes.

3- **Behavioral Changes.** Outcomes at this level measure the effectiveness of programs in motivating target audiences to change their behaviors and implement appropriate BMPs. These behavioral changes are tracked using site inspections and tabulating changes in program involvement. Outcomes at Level 3 are considered Indirect Outcomes.

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