DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

ADOPT THE PROPOSED AMENDMENTS TO THE RULES RELATING TO WATER QUALITY (ADOPTED AUGUST 16, 2016, AMENDED JULY 14, 2017)

1) Amended the Rules Relating to Water Quality (Rules) to reflect minor corrections and clarifications, including revisions to the following Sections: §20-3-2 Purpose – added language to clarify the Rules also apply to projects that do not discharge into the City's MS4, §20-3-3 Definitions – added the terms Authorized Agent, Certified Erosion and Sediment Control Plan Preparer, Repair, and Routine Maintenance; and revised the terms Industrial Park, Development, Redevelopment, and Replacement of Impervious Surface; §20-3-4 Construction - Revised language to exempt an entity that is covered by a large MS4 NPDES permit to comply with a separate NPDES construction and post-construction runoff control program if approved by DPP; §20-3-14 Project Categories for Development - Revised the description of Category 1B and Category 2 projects; and added description and requirements for the new Minor Development Category; §20-3-16 Processing and Approval of Erosion and Sediment Control Plan – clarified regulated Development; §20-3-17 Requirements for Trenching Projects – revised; §20-3-18 Requirement for Category 1A Projects – revised; §20-3-19 Requirement for Category 1B Projects – revised; §20-3-20 Requirement for Category 1C Projects – revised; §20-3-21 Requirement for Category 2 Projects – revised; §20-3-22 Requirement for Category 3 Projects – revised; §20-3-23 Requirement for Category 4 Projects – revised; §20-3-24 Requirement for Category 5 Projects – revised; §20-3-28 Project Schedule – clarified method of notifying the City of the scheduled start date. §20-3-31 Permanent Stabilization – clarified requirements; §20-3-32 Diversion BMP – clarified requirements; §20-3-38 Sediment Barriers – clarified requirements; §20-3-45(4) Dust Control – omitted spray on chemical soil treatment; §20-3-48 Priority Projects – revised the term "Industrial Park", redefined Priority B2 projects, and added language to clarify exempted projects; §20-3-49 Post-Construction Storm Water Requirements – omitted vortex separator; §20-3-52 Storm Water Quality Checklists – revised O&M plan requirement for Priority B2 projects, §20-3-53 Operation And Maintenance (O&M) Plans – clarified O&M Plan requirement; §20-3-54 Post-Construction BMP Certification and Recording – clarified requirements for Priority B2; §20-3-54(b) Post-Construct BMP Certification and Recording – clarified requirements for regional Post Construction BMPs; §20-3-55 BMP Selection – added Retail Malls to the POC table; §20-3-56 Site Design Strategies & §20-3-58 Treatment Control BMP numerical sizing criteria – added Self Retaining Area and revised size criteria of the De Minimis area; §20-3-60 (g) Harvest/ Reuse - clarified method of storage volume calculation; §20-3-62 Alternative Compliance BMPs – revised description.

2) The templates in Appendices A, B, C, D, E, F, and G were reformatted and the contents were revised to be consistent with the proposed amendments listed above.

ADMINISTRATIVE RULES

TITLE 20

DEPARTMENT OF PLANNING AND PERMITTING

CHAPTER 3

RULES RELATING TO WATER QUALITY

SUBCHAPTER 1 GENERAL PROVISIONS AND REQUIREMENTS

§20-3-1 Short Title
§20-3-2 Purpose
§20-3-3 Definitions
§20-3-4 Construction
§20-3-5 Enforcement Authority
§20-3-6 Enforcement of Post-Construction Violations
§20-3-7 Responsible Parties
§20-3-8 Additional Standards

SUBCHAPTER 2 GENERAL REQUIREMENTS FOR DEVELOPMENT AND LAND DISTURBING ACTIVITIES

§20-3-9 Best Management Practices Required
§20-3-10 Minimum BMP Requirements
§20-3-11 Conditions of Approval
§20-3-12 BMP Use and Maintenance Required

SUBCHAPTER 3 PROJECT CATEGORIES AND CLASSIFICATIONS

§20-3-13 Projects
§20-3-14 Project Categories for Development

SUBCHAPTER 4 REQUIREMENTS FOR REGULATED PROJECTS AND ACTIVITIES DURING CONSTRUCTION

§20-3-15 Erosion and Sediment Control Plans for Development
§20-3-16 Processing and Approval of Erosion and Sediment Control Plans
§20-3-17 Requirements for Trenching Projects
§20-3-18 Requirements for Category 1A Projects

§20-3-19 Requirements for Category 1B Projects
§20-3-20 Requirements for Category 1C Projects
§20-3-21 Requirements for Category 2 Projects
§20-3-22 Requirements for Category 3 Projects
§20-3-23 Requirements for Category 4 Projects
§20-3-24 Requirements for Category 5 Projects
§20-3-25 Additional Requirements for Development
§20-3-26 BMP Inspections

SUBCHAPTER 5 BMPS, STANDARDS, AND SPECIFICATIONS FOR ACTIVITIES DURING CONSTRUCTION

§20-3-27 Project Planning and Design
§20-3-28 Project Scheduling
§20-3-29 Slope Management and Protection
§20-3-30 Temporary Stabilization
§20-3-31 Permanent Stabilization
§20-3-32 Diversion BMPs
§20-3-33 Preservation of Existing Vegetation
§20-3-34 Minimize Soil Compaction
§20-3-35 Velocity Dissipation Devices
§20-3-36 Perimeter Control
§20-3-37 Silt Fences
§20-3-38 Sediment Barriers
§20-3-39 Storm Drain Inlet Protection
§20-3-40 Vegetated Buffers
§20-3-41 Sediment Basins
§20-3-42 Sediment Traps
§20-3-43 Tracking Control
§20-3-44 Stabilized Construction Entrances and Exits
§20-3-45 Dust Control
§20-3-46 Good Housekeeping Practices
§20-3-47 Dewatering Operations

SUBCHAPTER 6 POST-CONSTRUCTION REQUIREMENTS

§20-3-48 Priority Projects
§20-3-49 Post-Construction Storm Water Requirements
§20-3-50 Storm Water Quality Strategic Plans
§20-3-51 Storm Water Quality Reports
§20-3-52 Storm Water Quality Checklists
§20-3-53 Operations and Maintenance Plans
§20-3-54 Post-Construction BMP Certification and Recording

SUBCHAPTER 7 BMPS, STANDARDS, AND SPECIFICATIONS FOR PERMANENT POST-CONSTRUCTION BMPS AND LOW IMPACT DEVELOPMENT

§20-3-55 BMP Selection
§20-3-56 Site Design Strategies
§20-3-57 Source Control BMPs
§20-3-58 Treatment Control BMPs Numeric Sizing Criteria
§20-3-59 Infiltration Testing
§20-3-60 Retention BMPs
§20-3-61 Biofiltration BMPs
§20-3-62 Alternative Compliance BMPs
§20-3-63 Feasibility Criteria

SUBCHAPTER 8 VARIANCES

§20-3-64 Variances

SUBCHAPTER 9 VIOLATIONS AND ENFORCEMENT

§20-3-65 BMP Deficiencies
§20-3-66 Enforcement
§20-3-67 Penalties

SUBCHAPTER 10 APPEALS

§20-3-68 Appeals
§20-3-69 Computation of Time
§20-3-70 Mandatory Filing Deadline
§20-3-71 Representation in Contested Case Hearings
§20-3-72 Prehearing Procedure
§20-3-73 Intervention
§20-3-74 Withdrawal of Petition
§20-3-75 Contested Case Hearing
§20-3-76 Decision and Order
§20-3-77 Judicial Remand

SUBCHAPTER 1
GENERAL PROVISIONS AND REQUIREMENTS

§20-3-1 Short Title
§20-3-2 Purpose
§20-3-3 Definitions
§20-3-4 Construction
§20-3-5 Enforcement Authority
§20-3-6 Enforcement of Post-Construction Violations
§20-3-7 Responsible Parties
§20-3-8 Additional Standards

§20-3-1 Short Title. This document and its provisions, inclusive of any additions and/or amendments hereto, shall be known as the *Rules Relating to Water Quality* and may from time to time be referred to herein as the "Rules."

[Eff August 16, 2017] (Auth: ROH §§ 1-9.1, 14-12.1 et. seq., ROH § 14-13.1 et. seq., ROH § 14-16.1 et. seq.) (Imp: ROH § 14-12.1 et. seq.).

§20-3-2 Purpose. The Rules Relating to Water Quality are adopted to further the City and County of Honolulu's compliance with, and, performance of duties under Article XI, Section 1 of the Hawaii State Constitution, Hawaii Revised Statutes Chapters 180C and 342D, Chapter 14 of the Revised Ordinances of Honolulu 1990 (*as amended*), and the City and County of Honolulu's National Pollutant Discharge Elimination System Permit, NPDES Permit No. HI S000002, 2015 (*as amended*).

The Rules Relating to Water Quality apply to all Development and Land Disturbing Activities within the City and County of Honolulu and establish minimum requirements for the selection, design, implementation and maintenance of best management practices ("BMPs") to protect the MS4 and Receiving Waters from Pollutants that are associated with land disturbance, surface hardening, and land use activities. The pollutants of concern ("POC") addressed by these Rules include, but are not limited to, sediment, nutrients, trash, pathogens, pesticides, oil, grease, hazardous waste, toxic waste, metals, and organic compounds.

The standards and requirements established by these Rules are not a maximum limit to the design requirements for BMPs. Compliance with the minimum requirements and standards established by these Rules does not guarantee that selected BMPs will meet their pollution control and/or drainage objectives. Land owners, design professionals, developers, and contractors are encouraged to implement BMPs that go beyond that requirements of these Rules and seek the advice of other agencies that are responsible for water quality, pollution control, Receiving Waters, water rights, flood plains, and storm water.

Compliance with these rules does not excuse violations of State or Federal law, City Ordinances, or permits issued by Department of Planning and Permitting or other permitting authorities. These Rules shall not be limited to only those areas that drain to the City's drainage facilities or those natural drainage ways that the City has ownership and/or responsibility for.

[Eff December 24, 2018] (Auth: ROH §§ 1-9.1, 14-12.1 et. seq., ROH § 14-13.1 et. seq. , ROH §

14-16.1 et. seq.) (Imp: ROH § 14-12.1 et. seq).

§20-3-3 Definitions. As used in this Chapter, unless the context clearly requires otherwise:

"Action of the Director" or "Director's Action" means a written decision by the Director of Planning and Permitting or his authorized agent regarding an application submitted to the Department pursuant to Chapter 14 of the Revised Ordinances of Honolulu or the Rules Relating to Water Quality.

"Architect" means an Architect licensed in the State of Hawai'i.

"Authorized Agent" means a person authorized in writing by the owner of the property to sign for erosion and sediment control requirements on their behalf including Erosion and Sediment Control Plans, designation of the Erosion and Sediment Control Plan Coordinator.

"Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, management practices, treatments, and temporary or permanent Structures or devices that are intended and designed to eliminate and Minimize the Discharge of Pollutants, directly or indirectly, to Receiving Waters, to the maximum extent practicable.

"Biofiltration" means a pollution control technique that uses living material to capture, and absorb or biologically degrade Pollutants.

"Bonded Fiber Matrix" means a matrix consisting of strands of continuous, elongated wood fibers combined with a stabilizing emulsion and water. Bonded fiber matrix must be 100 percent biodegradable, mixed with water in a hydraulic mulcher, and applied as liquid slurry.

"Certified Erosion and Sediment Control Plan Preparer" or "CESCPP" means a Civil Engineer licensed in the State of Hawaii who has a current Erosion and Sediment Control Plan Preparer Certificate from the Department.

"Certified Water Pollution Plan Preparer" or "CWPPP" means an Architect, Engineer, Land Surveyor, or Landscape Architect licensed in the State of Hawaii who has a current Water Pollution Plan Preparer Certificate from the Department.

"City" means the City and County of Honolulu.

"Contested case" means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after a hearing before the Department.

"Days" means calendar days, including weekends and holidays, unless otherwise indicated.

"Department" or "DPP" means the City and County of Honolulu Department of Planning and Permitting.

"Department of Health" or "DOH" means the State of Hawai'i Department of Health.

"Design Engineer" means a licensed Civil Engineer in the State of Hawaii who stamps or certifies plans that are submitted to the Department for review and approval.

"Developer" means the owner of Real property subject to Development and includes any person that causes, contributes to, or participates in the actions necessary to accomplish Development.

"Development" means the sum of any and all actions that are undertaken to alter the natural or existing condition of Real property or improvements on Real property if a building, electric, grading, grubbing, plumbing, stockpiling or trenching permit is required for the Project. Development does not include the installation of signs and traffic control devices, emergency

work necessary to repair surfaces that are in immediate need of stabilization, and the marking of improved surfaces with striping or signage. "Director" means the director of the City and County of Honolulu Department of Planning and Permitting or the Director's authorized agent or representative.

"Discharge" means the deposit, disposal, injection, dumping, spilling, leaking, tracking or placing of any substance into the MS4 or Receiving Waters, directly or indirectly, and includes allowing the foregoing to occur.

"Disturbed Area" means any and all portions of Project Site affected by Land Disturbing Activities. Disturbed Areas include, but are not limited to, soils and surface areas affected by excavation, areas that are graded, grubbed, or cleared by uprooting vegetation, areas affected by the demolition of foundations, areas used for equipment staging and materials storage, and areas affected by heavy pedestrian or vehicular traffic that disrupts ground covers or surface soil conditions.

"Engineer" means an Engineer licensed in the State of Hawai'i.

"Erosion and Sediment Control Plan" or "ESCP" means a plan prepared to prevent and control erosion and sediment Discharges from a construction Site. ESCPs also include good housekeeping BMPs to limit or reduce other Pollutants associated with construction activities.

"ESCP Coordinator" means the designee responsible for the implementation of an ESCP who has a current ESCP coordinator certificate from the Department. The designation of an ESCP Coordinator does not relieve the property owner or other responsible parties from compliance with these Rules or liability for violations of the same.

"Erosion Control" means practices and devices that are intended and designed to prevent wind and water erosion, water pollution, soil loss, and Pollutant Discharges to the MS4 and Receiving Water. Erosion Control may be achieved, among other things, by the appropriate and effective use of BMPs to address energy and/or velocity dissipation, slope and surface stabilization, and the creation of physical barriers that separate erodible soils from factors that cause or contribute to erosion. Erosion control BMPs include, but are not limited to: Rolled Erosion Control Products, fiber matrix devices, mulching, hydroseeding, and the preservation of existing vegetation.

"Erosion Control Blankets" means biodegradable or photodegradable blankets that are designed to Minimize and/or prevent erosion.

"Evapotranspiration" means the loss of water from soil by evaporation and vegetative transpiration.

"Excavation" or "cut" means any act by which earth material is dug into or moved, and shall include conditions resulting therefrom.

"Final action" means placing an Action of the Director in the U.S. mail for delivery to a person.

"Geotextiles" or "Geotextile Mats" means woven non-biodegradable polypropylene fabric designed for use on Disturbed Areas where high strength materials are needed to endure abrasive forces through the life of a Project. Geotextiles can be used for drainage control and slope stabilization.

"Grading" means any excavation or fill, or combination thereof.

"Grubbing" means the uprooting of vegetation, including trees, shrubbery, and plant life from the surface of the ground.

"Hearings officer" means a person appointed by the Director to preside over a Contested case hearing.

"Hydraulic Matrix" means a matrix consisting of stabilizing emulsion combined with wood fiber, paper fiber, and water.

"Impervious Surface" means a surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall/ storm water. Impervious surfaces include, but are not limited to rooftops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering.

"Improvement" means any structure or work on Real property that increases the usefulness or value of the realty.

"Industrial facility" means an area of land used or zoned for industrial use as set forth under the City and County of Honolulu Land Use Ordinance, ROH Chapter 21.

"Infeasible" means not technologically possible, or, cost prohibitive and not achievable in light of best industry practices.

"Infiltration" means practices which capture and temporarily store a design storm volume of water before allowing it to infiltrate into the soil.

"Land Disturbing Activity" or "Land Disturbance" means any action, activity, or land use that alters the integrity, structure, texture, density, permeability, contents, or stress conditions of soil or ground surfaces if a building, electric, grading, grubbing, plumbing, stockpiling or trenching permit is required for the Project. Land disturbing activities include, but are not limited to actions that result in the turning, penetration, or moving of soil, the resurfacing of pavement that involves the exposure of the base course or subsurface soils, and the use of portions of a Project Site as staging areas or base yards.

"Low Impact Development" or "LID" means systems and practices that use or mimic natural processes that result in the Infiltration, evapotranspiration or use storm water in order to protect water quality and the aquatic habitat. At both site and regional scales, LID aims to preserve, restore, and create green space using soils, vegetation, and rain harvest techniques.

"Maximum Extent Practicable" or "MEP" means economically achievable measures that prevent or reduce the addition of Pollutants to the environment to the greatest degree achievable through the application of the best available pollution control practices, technologies, processes, siting criteria, operating methods and other alternatives.

"Minimize" means to reduce and/or eliminate to the extent achievable using BMPs and storm water controls that are technologically available and economically practicable and achievable in light of the best industry practices.

"Minor Development" means Development that requires a trenching, building, grading, grubbing or stockpiling permit where the total Project scope is limited to the activities listed in §20-3-14(i).

"Municipal Separate Storm Sewer System" or "MS4" means the City's drainage infrastructure that is designed or intended to collect and convey storm water and includes, but is not limited to, City roads with drainage improvements, City streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

"National Pollutant Discharge Elimination System permit" or "NPDES permit" means the permit issued to the City pursuant to *Title 40, Code of Federal Regulations, Part 122,* Subpart B, Section 122.26(a) (1) (iii), for storm water Discharge from the City's separate storm sewer systems; or the permit issued to a person or property owner for a storm water Discharge associated with industrial activity pursuant to *Title 40, Code of Federal Regulations, Part 122*, Subpart B, Section 122.26(a) (1) (ii), or other applicable section of Part 122; or the permit issued

to a person or property owner for the Discharge of any Pollutant from a point source into the State Waters through the City's separate storm sewer system pursuant to *Hawaii Administrative Rules*, Chapter 11-55, "Water Pollution Control".

"Netting" means plastic or geotextile netting that is biodegradable or photodegradable and designed to secure loose mulches to the ground.

"Permanent BMP" or "Post-Construction BMP" means a BMP that will remain on site after the completion of a Project in order to prevent or reduce the Discharge of Pollutants to the MS4 and/or Receiving Waters.

"Person" means an individual, association, partnership, corporation, municipality, State or Federal agency, or an officer, agent or employee thereof. Person also includes trusts, estates, associations, groups of individuals and legal entities. Where person refers to a corporation, association, or other legal entity that has directors or corporate officers, person shall also refer to the individual directors or corporate officers that authorize, allow, or direct actions governed by these rules.

"Plastic Sheeting" means covers comprised of plastic that are impervious, non-biodegradable, and designed for short-term drainage control, slope stabilization, or stockpile and/or materials management.

"Pollutant" means any dredge, spoil, solid refuse, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or dismantled equipment, rock, sand, soil, sediment, dirt, industrial, municipal, or agricultural waste and substances of similar nature.

"Project" means all planned or intended Development, Land Disturbing Activities, construction activities, and Improvements to Real property and includes any unplanned construction, Developments, and/or Improvements that occur on Site.

"Real property" means realty, real estate, or land and includes all Structures and Improvements upon the same.

"Receiving Waters" or "State Waters" means all waters, fresh, brackish, or salt, around and within the State of Hawai'i, including but not limited to coastal waters, streams, rivers, ponds, estuaries, reservoirs, canals, ground waters, and lakes. Waters in drainage ditches, drainage ponds, and drainage reservoirs required as part of a water pollution control system are excluded.

"Redevelopment" means the creation, addition, and/or Replacement of Impervious Surface on improved Real property. Redevelopment also includes changes in land use that may result in increased Pollutant Discharges to the MS4 or Receiving Waters. Redevelopment does not include Minor Development as described in §20-3-14(i).

"Repair" means activities to mend, fix, or restore existing Improvements on Real property to an acceptable operating or useable condition after damage has occurred.

"Replacement of Impervious Surface" includes any activity that is not part of Routine Maintenance and Repair and where impervious materials are removed, exposing underlying soil or base course during construction.

"Routine Maintenance" means activities performed for the regular upkeep of existing Improvements to Real property including recurring, preventative and on-going maintenance necessary to delay or prevent the failure of existing Improvements.

"Retail Mall" or "Commercial mall" means one or more buildings that house or form a complex of retail stores with interconnecting walkways. Retail and Commercial malls include, but are not limited to, mini-malls, strip malls, retail complexes, and enclosed shopping malls or

shopping centers.

"Rolled Erosion Control Products" means geotextiles, Plastic Sheeting, Erosion Control blankets, Netting, and mats used to protect disturbed soil areas from erosion by water and wind. Rolled Erosion Control products can be used as stand-alone soil stabilization BMPs, in conjunction with re-vegetation, or to reinforce mulch.

"Sediment Control" means practices and devices that are intended and designed to prevent soils on a Project Site from being transported to the MS4 and Receiving Waters. Sediment Control may be achieved, among other things, by the appropriate and effective use of silt fences, fiber rolls, gravel bags, drain inlet protection devices, and dewatering filtration.

"Self-Mitigating Area" means a natural or landscaped area, including green roofs, which retains and/or treats rainfall within its perimeter without accepting runoff from other areas. Self-Mitigating Areas must retain all collected storm water or drain directly to the MS4.

"Site" means the Real property on which Development, construction, or other Land Disturbing Activities occur and/or are intended to occur.

"Site Design Strategies" means LID design techniques that are intended to maintain or restore the Site's hydrologic and hydraulic functions with the intent of minimizing runoff volume and preserving existing flow paths.

"Source Control BMPs" means BMPs that are designed to prevent Pollutants from contacting storm water runoff and prevent their Discharge into the MS4 or Receiving Waters.

"Structure" means a building, improvement on Real property, or arrangement of items on property that has or requires a fixed location on the ground.

"Temporary BMPs" means BMPs that will discontinue or be removed from the Site after construction or land disturbing activities are complete.

"Treatment Control BMPs" means engineered technologies designed to remove Pollutants from storm water runoff prior to Discharge to the storm drain system or Receiving Waters.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2).

§20-3-4 Construction. In the interpretation and application of these Rules, the following shall be observed unless it is apparent from the context of the Rules that a different construction is intended:

(a) General Rule. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases that have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(b) Construction of Ambiguous Words. Where the words are ambiguous:

(1) The meaning of the ambiguous words may be sought by examining the context, with which the ambiguous words, phrases, and sentences may be compared, in order to ascertain their true meaning.

(2) The reason and spirit of the rule and the cause which induced enactment or promulgation of the rule may be considered to discover its true meaning.

(3) Every construction which leads to an absurdity shall be rejected.

(c) Rules in pari materia. Rules in pari materia, or upon the same subject matter, shall

be construed with reference to each other. What is clear in one ordinance may be called in aid to explain what is doubtful in another.

(d) Number and Gender. Words in the masculine gender signify both the masculine and feminine gender, those in the singular or plural number signify both the singular and plural number, and words importing adults include youths or children.

(e) Tenses. Every word used in the present tense shall include the future.

(f) Acts by Subordinate Officer. When any provision herein requires an act to be done, which may by law as well be done by a subordinate officer as by the superior officer, such requirement shall be construed to include all such acts when done by an authorized subordinate officer.

(g) Rules Not Retrospective. No rule or regulation herein has any retrospective operation, unless otherwise expressed or obviously intended.

(h) Persons Subject to Rules and Regulations. The Rules and regulations are obligatory upon all persons within the jurisdiction of the City. Entities who hold a Large MS4 NPDES Permit may request an exemption from these Rules to comply with a NPDES construction and post-construction runoff control program approved by DOH. The exemption must be approved by the Director prior to the approval of any permit issued by the Department.

(i) Effect of Prohibitory Rules. Whatever is done in contravention of a prohibitory Rule is void, although the nullity be not formally directed.

(j) References Apply to Amendments. Whenever reference is made to any portion of the Revised Ordinances of Honolulu, any permit issued to the City, or of any other law, the reference applies to all amendments thereto.

(k) References Inclusive. Whenever reference is made to a series of sections in the Revised Ordinances of Honolulu by citing only the numbers of the first and last sections connected by the word "to," the reference includes both the first and last sections.

(l) Effect of Rules. In requirements of these Rules are to be regarded as minimum requirements for the protection of the public health, safety, and welfare.

(m) Use of capitalized terms. Defined words and phrases have been capitalized in the body of these Rules to ensure that the reader is aware of the intended use and meaning of defined words and phrases. The failure to capitalize any defined term or phrase does indicate an intention to apply a meaning or definition to a defined word or phrase other than that provided in §20-3-3 of these Rules. All defined terms and phrases shall be construed in accordance with their defined meanings unless such construction will necessarily lead to an absurd result.

(n) Conflicts with Other Laws or Standards. If other laws, ordinances, rules or regulations cover the same subject as these Rules, conflicts shall be resolved by applying the stricter standard as between conflicting authorities.

(o) No abrogation. These Rules shall not abrogate or annul any permits or approved drainage reports, construction plans, easements, or covenants issued or approved by the Director before the effective date of the Rules unless the permit or approved construction plans is expired. Approved construction plans expire two years after the Director's approval.

(p) Appendices. Appendices to the Rules may be amended by the Director without a public hearing. All current appendices to the Rules shall be available on the Department website.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2).

§20-3-5 Enforcement Authority. Except as otherwise specified in these Rules, the Director shall be responsible for the administration and enforcement of the requirements and regulations contained in these Rules.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-6 Enforcement of Post-Construction Violations. Violations involving the failure to effectively prevent Pollutant Discharges to the MS4 or Receiving Waters and violations involving the failure to properly inspect, document, implement, monitor, use, or maintain Permanent BMPs may be enforced by the Director of the Department of Facility Maintenance.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-7 Responsible Parties. The owner of Real property located within the City and County of Honolulu is absolutely responsible for compliance with these Rules and shall be held liable for any violations occurring on, or, arising from, their property. In addition, the Director may hold any person that causes, contributes to, or fails to prevent a violation of these Rules responsible for the violation and any penalties for the same. Where more than one person is deemed responsible for a violation, the Director may cite and penalize each responsible person separately or hold one or more responsible parties jointly and severally responsible for the violation and penalty.

[Eff December 24, 2018] (Auth: ROH §§ 1-9.1, 14-12.1 et. seq., ROH § 14-13.1 et. seq. , ROH § 14-16.1 et. seq.) (Imp: ROH § 14-12.1 et. seq).

§20-3-8 Additional Standards. The reader is advised to review the documents listed below for informational purposes:

(a) City and County of Honolulu, Storm Water Best Management Practices Manual, Construction, 2011 (as amended);

(b) City and County of Honolulu, Storm Water BMP Guide, 2012 (as amended);

(c) City and County of Honolulu, Storm Water Management Program Plan, 2016 (as amended);

(d) Hawaii Administrative Rules, Title 11, Chapter 54, Water Quality Standards, 2014 (as amended); and

(e) Hawaii Administrative Rules, Title 11, Chapter 55, Water Pollution Control, 2014 (as amended).

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2).

SUBCHAPTER 2
GENERAL REQUIREMENTS FOR DEVELOPMENT AND LAND DISTURBING ACTIVITIES

§20-3-9 Best Management Practices Required
§20-3-10 Minimum BMP Requirements
§20-3-11 Conditions of Approval
§20-3-12 BMP Use and Maintenance Required

§20-3-9 Best Management Practices Required. All persons who engage in Development or Land Disturbing Activities shall install, implement, and maintain appropriate BMPs to prevent the Discharge of Pollutants to the MS4 and Receiving Waters.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31, 18-4.1) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-10 Minimum BMP Requirements. BMPs for all Development and Land Disturbing Activities must effectively prevent the Discharge of the following to the MS4 and Receiving Waters:

(a) Material that will settle to form objectionable sludge or bottom deposits;

(b) Floating debris, oil, grease, scum or particulates;

(c) Substances in amounts sufficient to produce taste in the water or detectable flavor in the flesh of aquatic life, or in amounts sufficient to produce objectionable color, turbidity, or other conditions in Receiving Waters;

(d) High or low temperatures; biocides, pathogenic organisms, toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, or plant life, or in amounts to interfere with the beneficial uses of water;

(e) Substances or conditions or combinations thereof in concentrations that produce undesirable aquatic life;

(f) Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works, highways, subdivisions, recreational, commercial, or industrial Developments, or the cultivation and management of agricultural lands; and

(g) Discharges that cause or contribute to a violation of Chapter 11-54 of the Hawaii Administrative Rules.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31, 18-4.1) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-11 Conditions of Approval. The Director may condition the approval of any permit issued by the Department on the implementation and maintenance of temporary or permanent BMPs to address the following to the Maximum Extent Practicable:

(a) Erosion Control;

(b) Run-on Control;
(c) Run-off Control;
(d) Sediment Control;
(e) Pollution Control;
(f) Post-Construction Pollutant Control;
(g) Low Impact Development objectives; and
(h) Water treatment and/or remediation.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31, 18-4.1) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-12 BMP Use and Maintenance Required. (a) All BMPs must be designed, used, and maintained in compliance with the standards and specifications set forth in these rules at all times. Where these Rules do not provide standards and specifications for a BMP, the BMP must be installed and maintained in compliance with the manufacturer's specifications, which must be kept onsite and immediately made available for inspection upon request by the Director. If BMPs fail, notwithstanding their intent or design, the BMPs shall be modified or upgraded to prevent any further failure in the same or similar circumstances.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31, 18-4.1) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

SUBCHAPTER 3
PROJECT CATEGORIES AND CLASSIFICATIONS

§20-3-13 Projects
§20-3-14 Project Categories for Development

§20-3-13 Projects. (a) A Project is the sum of all Development and Land Disturbing Activities that are planned or conducted on a Project Site. Individual actions, Project phases, and incremental improvements to Real property shall be construed as a single Project where:

(1) The Development and any associated Land Disturbing Activities are phases or increments of a larger total Project or undertaking;
(2) The Development and any associated Land Disturbing Activities are a necessary precedent for a larger total Project or undertaking;
(3) The Development and any associated Land Disturbing Activities represent a commitment to a larger Project or undertaking; or
(4) The combined effects of Development and Land Disturbing Activities on adjoining lots cannot be adequately addressed by separate BMP planning and/or implementation.

(b) All Development shall be categorized as a Trenching Project, Category 1A, Category 1B, Category 1C, Category 2, Category 3, Category 4, Category 5 Project, or as Minor Development.

(c) Where Development qualifies a Project for placement in more than one Project category, the higher Project category shall apply to that Project unless it meets the criteria to be categorized as Minor Development.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-14 Project Categories for Development. (a) Trenching Projects. Development that requires a trenching permit for excavation work in the City owned or City maintained roads and thoroughfare but does not require a building, grading, grubbing, or stockpiling permit.

(b) Category 1A Projects. Development that requires a building permit but does not require a grading, grubbing, or stockpiling permit shall be classified as a Category 1A Project if it meets all of the following criteria:

(1) The Development is for single-family or two-family dwellings;
(2) The total Disturbed Area for the Project is less than 1,000 square feet; and
(3) Land Disturbing Activities will not occur on slopes equal to or greater than 15 percent at the Site.

(c) Category 1B Projects. The following shall be classified as a Category 1B:

(1) Development with less than one acre of Disturbed Area that requires a building permit, which does not meet the Category 1A Project criteria, and does not require a grading, grubbing, or stockpiling permit; or
(2) Development of the zoning lot or portion thereof subject to the permit is less than 15,000 square feet for single-family or two-family dwelling uses and less than 7,500 square feet for other uses that requires a building permit and a grading or stockpiling permit.

(d) Category 1C Projects. Development that requires a building permit but is not required to obtain a grading, grubbing, or stockpiling permit shall be classified as a Category 1C Project if it involves a Disturbed Area of one acre or more or requires a NPDES General/ Individual Permit Authorizing Discharges of Storm Water Associated with Construction Activity, issued by the DOH.

(e) Category 2 Projects. Development requiring a grading or stockpiling permit but does not require a building permit shall be classified as a Category 2 Project if the area of the zoning lot or portion thereof subject to the permit is less than 15,000 square feet for single-family or two-family dwelling uses and less than 7,500 square feet for other uses.

(f) Category 3 Projects. Development requiring a grading, grubbing, or stockpiling permit shall be classified as a Category 3 Project if the area of the zoning lot or portion thereof subject to the permit is 15,000 square feet or more for single-family or two-family dwelling uses, or 7,500 square feet or more for other uses, but where the total area graded or stockpiled upon is less than 15,000 square feet for single-family or two-family dwellings uses and less than 7,500 square feet for other uses.

(g) Category 4 Projects. Development requiring a grading, grubbing, or stockpiling permit shall be classified as a Category 4 Project if the total area including any areas developed incrementally that is to be graded, grubbed, or stockpiled upon is 15,000 square feet or more for single-family or two-family dwelling uses, or 7,500 square feet or more for other uses, or in the

event a proposed cut or fill is greater than 15 feet in height for single-family or two-family dwelling uses, or 7.5 feet in height for other uses.

(h) Category 5 Projects. Development requiring a grading, grubbing, or stockpiling permit shall be classified as a Category 5 Project if it involves a Disturbed Area of one acre or more and which requires a NPDES General/Individual Permit Authorizing Discharges of Storm Water Associated with Construction Activity issued by the DOH.

(i) Minor Development.

(1) Development that requires a trenching, building, grading, grubbing or stockpiling permit where the Project scope is limited to the following activities shall be classified as Minor Development:

(i) Work where Land Disturbing Activities are limited to incidental equipment and material staging for permitted work which is not land disturbing. Examples include enclosing existing outdoor patios or lanais and second story additions where the existing concrete slab will remain;

(ii) The installation of temporary BMPs;

(iii) Land Disturbing Activity that takes place completely under a roof or other enclosure and where existing site conditions preclude storm water run-on to the Disturbed Area;

(iv) The construction of individual bus shelters;

(v) The installation of footings or posts for the construction of fences, decks, roof coverings, and trellises for single-family or two-family dwelling use;

(vi) Trenching project that takes place in the City right-of-way for laterals serving one property;

(vii) Borings; and

(viii) Work not listed above that disturbs no greater than 120 square feet of land, except for fence wall, retaining wall, and driveway apron projects.

(2) The Director may require the Owner of a Minor Development Project to develop and implement an ESCP if necessary to achieve compliance with the requirements of these Rules to reduce Pollutant Discharges to the MS4 and/or Receiving Waters to the MEP. A Minor Development Project may be recategorized as a Category 1A, 1B or Trenching Project and subject to the requirements in Subchapters 4 and 5 if the Director determines that an ESCP is necessary.

(3) Minor Development Projects must include the following notes with the approved construction plans.

(i) Use Best Management Practices (BMPs) to prevent and reduce the discharge of pollutants from the project site onto off-site streets, storm drains, streams and the ocean. Potential pollutants include but are not limited to soil, oil products, paint, solvents, construction demolition waste, trash, portable toilets, AC materials, concrete, and any other liquid, paving or washout material that could be detrimental if released to the environment.

(ii) Any exposed soil from this activity must be permanently or

temporarily stabilized immediately using vegetation, gravel, pavers, rolled erosion control products, or an equivalent method unless active work is scheduled within 14 days.

(iii) All construction waste and washout water must be properly contained and disposed of.

(iv) Sediment tracked off site must be swept or vacuumed daily.

(v) Dust from the project site shall not be transported or discharged to off-site areas. The work must be in conformance with air pollution control standards contained in the Hawaii Administrative Rules: Title 11 Chapter 60.1, "Air Pollution Control."

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

SUBCHAPTER 4
REQUIREMENTS FOR REGULATED PROJECTS AND ACTIVITIES DURING CONSTRUCTION

§20-3-15 Erosion and Sediment Control Plans for Development
§20-3-16 Processing and Approval of Erosion and Sediment Control Plans
§20-3-17 Requirements for Trenching Projects
§20-3-18 Requirements for Category 1A Projects
§20-3-19 Requirements for Category 1B Projects
§20-3-20 Requirements for Category 1C Projects
§20-3-21 Requirements for Category 2 Projects
§20-3-22 Requirements for Category 3 Projects
§20-3-23 Requirements for Category 4 Projects
§20-3-24 Requirements for Category 5 Projects
§20-3-25 Additional Requirements for Development Projects
§20-3-26 BMP Inspections

§20-3-15 Erosion and Sediment Control Plans for Development. (a) No person shall conduct, participate in, or allow any Development categorized as a Trenching Project, Category 1A, 1B, 1C, 2, 3, 4 or 5 Project without an Erosion and Sediment Control Plan (ESCP) approved by the Director.

(b) It is a violation of these Rules to conduct, participate in, or allow any Development categorized as a Trenching Project, Category 1A, 1B, 1C, 2, 3, 4 or 5 Project that is not conducted in accordance with an ESCP approved by the Director.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-16 Processing and Approval of Erosion and Sediment Control Plans. (a)

ESCPs must be reviewed and approved by the Director prior to issuance of a building, grading, grubbing, stockpiling, or trenching permit for Development categorized as a Trenching Project, Category 1A, 1B, 1C, 2, 3, 4 or 5 Project.

(b) ESCPs shall be submitted to the Director for review and approval with the first set of plans for a building, grading, grubbing, stockpiling, or trenching permit for work on the Project or Site.

(c) The Director shall review ESCPs for conformance with the requirements of these Rules and require any revisions necessary to achieve compliance with these Rules. The Director may condition the approval of an ESCP on the implementation, use, and/or maintenance of BMPs not expressly required by these Rules if additional BMPs are necessary to reduce Pollutant Discharges to the MS4 and/or Receiving Waters to the MEP.

(d) Minor changes to an ESCP may be made during construction if approved by a Department Inspector. Minor changes to an ESCP shall be noted on the Site copy of the ESCP and initialed by the approving inspector.

(e) Major changes to an ESCP must be proposed to the Director in writing and approved by the Director before work resumes.

(f) Each failure to comply with the requirements of an ESCP approved by the Director shall be a separate violation of these rules. In addition, each day continuance of a violation shall be separate offense.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31, 18-4.1) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1 18-5.1).

§20-3-17 Requirements for Trenching Projects. (a) Projects which require a trenching permit but do not require a building, grading, grubbing, or stockpiling permit must include, at a minimum, the following BMPs as part of their trenching plan and notes which shall constitute the ESCP:

(1) Project Scheduling;
(2) Storm Drain Inlet Protection for storm drains that may receive runoff from the Disturbed Area;
(3) Stockpile Management BMPs;
(4) Perimeter Controls;
(5) Dewatering Operations BMPs; and
(6) Good Housekeeping Practices for work area and staging areas.

(b) The owner of the property or their Authorized Agent must sign the Trenching Project ESCP and must designate a person responsible for implementing the ESCP at the Project Site ("ESCP Coordinator") using the form provided as Appendix A to these Rules. The form must include the name, phone number, mailing address, and email address of the ESCP Coordinator and must be signed by the owner of the property or their Authorized Agent and the ESCP Coordinator prior to permit issuance. Changes to the ESCP Coordinator shall be submitted to the Director in writing immediately for the Department's acceptance.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-18 Requirements for Category 1A Projects. (a) ESCPs for Category 1A Projects may be prepared by the owner of the property subject to Development or their Authorized Agent. The owner or their Authorized Agent must sign the ESCP and shall designate a person responsible for implementing the ESCP at the Project Site ("ESCP Coordinator") prior to permit issuance using the form provided as Appendix A to these Rules or the Small Project ESCP Template provided as Appendix B to these Rules. Changes to the ESCP Coordinator shall be submitted to the Director in writing immediately for the Department's acceptance.

(b) ESCPs for Category 1A Projects shall include, at a minimum, a BMP Site Plan, which depicts the outline of buildings and Structures, provides a clear delineation of Disturbed Areas, and the proximate location of proposed BMPs and any drainage Structures and Receiving Waters located within 50 feet of the Project Site.

(c) ESCPs for Category 1A Projects shall include, at a minimum, BMPs to address and achieve:

(1) Erosion Control which shall include the following BMPs:
- (i) Project Planning and Design;
- (ii) Project Scheduling; and
- (iii) Permanent Stabilization.

(2) Sediment Control to prevent release of sediment laden waters to the MS4 and Receiving Waters, which shall include the following BMPs:
- (i) Storm Drain Inlet Protection; and
- (ii) Perimeter Controls.

(3) Good Housekeeping practices to prevent and Minimize Pollutant Discharges to the MS4 and Receiving Waters, which shall include the following BMPs:
- (i) BMP and Site Maintenance;
- (ii) Dust Control;
- (iii) Material Delivery, Storage, and Use BMPs;
- (iv) Stockpile Management BMPs;
- (v) Spill Prevention and Control BMPs;
- (vi) Solid Waste Management BMPs;
- (vii) Hazardous Waste Management BMPs;
- (viii) Contaminated Soil Management BMPs;
- (ix) Concrete Waste Management BMPs;
- (x) Sanitary/Septic Waste Management BMPs;
- (xi) Liquid Waste Management BMPs;
- (xii) Vehicle and Equipment Cleaning BMPs;
- (xiii) Vehicle and Equipment Fueling BMPs;
- (xiv) Vehicle and Equipment Maintenance BMPs; and
- (xv) Tracking Control.

(d) ESCPs for Category 1A Projects shall be completed using the Small Project ESCP template provided as Appendix B to these Rules or as a set of drawings, design details and notes with equivalent information to Appendix B, and may include additional plans and materials to aid the Director's review.

(e) If any of the BMPs listed above are not included in an ESCP for a Category 1A Project, the ESCP narrative shall provide a brief explanation of why the omitted BMP is unnecessary or impracticable for the Project.

(f) The Director shall approve an ESCP if it complies with the requirements of these Rules and reduces the risk of onsite erosion, off-site sedimentation, and Pollutant Discharges to the MS4 and Receiving Waters to the MEP. The Director may require revisions to ESCPs and Project schedules or approve the same subject to conditions in order to achieve practicable reductions to the risk of Pollutant Discharges to the MS4 and/or Receiving Waters.

(g) Copies of the approved ESCP and Project schedule must be kept on the Project Site at all times and immediately made available for review by the Director upon request.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-19 Requirements for Category 1B Projects. (a) ESCPs for Category 1B Projects may be prepared by the owner of the property subject to Development or their Authorized Agent. The owner or Authorized Agent must sign the ESCP and shall designate a person responsible for implementing the ESCP at the Project Site ("ESCP Coordinator") prior to permit issuance using the form provided as Appendix A to these Rules or the Small Project ESCP Template provided as Appendix B to these Rules. Changes to the ESCP Coordinator shall be submitted to the Director in writing immediately for the Department's acceptance.

(b) ESCPs for Category 1B Projects shall include, at a minimum, a BMP Site Plan, which depicts the outline of buildings and Structures, provides a clear delineation of Disturbed Areas, and the proximate location of proposed BMPs and any drainage Structures and Receiving Waters located within 50 feet of the Project Site.

(c) ESCPs for Category 1B Projects shall include, at a minimum, BMPs to address and achieve:

(1) Erosion Control which shall include the following BMPs:
- (i) Project Planning and Design;
- (ii) Project Scheduling;
- (iii) Slope Management and Protection;
- (iv) Temporary Stabilization; and
- (v) Permanent Stabilization.

(2) Sediment Control to prevent release of sediment laden waters to the MS4 and Receiving Waters, which shall include the following BMPs:
- (i) Storm Drain Inlet Protection; and
- (ii) Perimeter Controls.

(3) Good Housekeeping Practices to prevent and Minimize Pollutant Discharges to the MS4 and Receiving Waters, which shall include the following BMPs:
- (i) BMP and Site Maintenance;
- (ii) Dust Control;
- (iii) Material Delivery, Storage, and Use BMPs;
- (iv) Stockpile Management BMPs;
- (v) Spill Prevention and Control BMPs;
- (vi) Solid Waste Management BMPs;
- (vii) Hazardous Waste Management BMPs;
- (viii) Contaminated Soil Management BMPs;

(ix) Concrete Waste Management BMPs;
(x) Sanitary/Septic Waste Management BMPs;
(xi) Liquid Waste Management BMPs;
(xii) Vehicle and Equipment Cleaning BMPs;
(xiii) Vehicle and Equipment Fueling BMPs;
(xiv) Vehicle and Equipment Maintenance BMPs; and
(xv) Tracking Control.

(d) ESCPs for Category 1B Projects shall be completed using the Small Project ESCP template provided as Appendix B to these Rules or as a set of drawings, design details and notes with equivalent information to Appendix B, and may include additional plans and materials to aid the Director's review.

(e) If any of the BMPs listed above are not included in an ESCP for a Category 1B Project, the ESCP narrative shall provide a brief explanation of why the omitted BMP is unnecessary or impracticable for the Project.

(f) The Director shall approve an ESCP if it complies with the requirements of these Rules and reduces the risk of onsite erosion, off-site sedimentation, and Pollutant Discharges to the MS4 and Receiving Waters to the MEP. The Director may require revisions to ESCPs and Project schedules or approve the same subject to conditions in order to achieve practicable reductions to the risk of Pollutant Discharges to the MS4 and/or Receiving Waters.

(g) Copies of the approved ESCP and Project schedule must be kept on the Project Site at all times and immediately made available for review by the Director upon request.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-20 Requirements for Category 1C Projects. (a) ESCPs for Category 1C Projects must be prepared by a Certified Erosion and Sediment Control Plan Preparer. The owner of the property or their Authorized Agent must designate a person responsible for implementing the ESCP at the Project Site ("ESCP Coordinator") prior to permit issuance using the form provided as Appendix A to these Rules. Changes to the ESCP Coordinator shall be submitted to the Director in writing immediately for the Department's acceptance.

(b) The ESCP shall include, at a minimum:

(1) A location map showing the name, coordinate, and classification (e.g., Class 1, 2, Class A, Class AA waters) of Receiving Waters, as identified through the DOH State Water Quality Map, available at the DOH Clean Water Branch website;
(2) A vicinity map showing the location of streams, channels, and drainage Structures located within 100 feet of the Project Site;
(3) The location of the 100-year flood plain as shown on the FEMA Map Service Center website;
(4) The location of drainage Structures located within 100 feet of the Project Site;
(5) Topographic maps showing the existing and finished contours of the Site;
(6) Existing and final drainage patterns and Discharge points;
(7) Proposed Structures, impervious areas, existing vegetation, final

landscaping conditions, and appurtenant improvements;

(8) Erosion Control construction notes including non-structural BMPs that cannot be shown on a Site plan;

(9) A BMP Site Plan, drawn to scale, which depicts the outline of buildings and Structures, provides a clear delineation of Disturbed Areas, and the proximate location of proposed BMPs;

(10) BMP design details and notes clearly identifying temporary BMPs, permanent BMPs, a schedule for BMP implementation, and BMP maintenance activities;

(11) A list or table of preconstruction, during construction, and post-construction BMPs;

(12) Any additional information required by the Director.

(c) ESCPs for Category 1C Projects shall include, at a minimum, BMPs to address and achieve:

(1) Erosion Control which shall include the following BMPs:

(i) Project Planning and Design;
(ii) Project Scheduling;
(iii) Slope Management and Protection;
(iv) Temporary Stabilization;
(v) Permanent Stabilization;
(vi) Diversion BMPs to divert runoff from upstream areas around Disturbed Areas of the Site;
(vii) Velocity Dissipation Devices;
(viii) Preserve Existing Vegetation; and
(ix) Minimize Soil Compaction.

(2) Sediment Control to prevent release of sediment laden waters to the MS4 and Receiving Waters, which shall include following BMPs:

(i) Storm Drain Inlet Protection;
(ii) Perimeter Controls;
(iii) Buffer Zones; and
(iv) Sediment Barriers.

(3) Good Housekeeping Practices to prevent and Minimize Pollutant Discharges to the MS4 and Receiving Waters, which shall include the following BMPs:

(i) BMP and Site Maintenance;
(ii) Dust Control;
(iii) Material Delivery, Storage and Use BMPs;
(iv) Stockpile Management BMPs;
(v) Spill Prevention and Control BMPs;
(vi) Solid Waste Management BMPs;
(vii) Hazardous Waste Management BMPs;
(viii) Contaminated Soil Management BMPs;
(ix) Concrete Waste Management BMPs;
(x) Sanitary/Septic Waste Management BMPs;
(xi) Liquid Waste Management BMPs;
(xii) Vehicle and Equipment Cleaning BMPs;

(xiii) Vehicle and Equipment Fueling BMPs;
(xiv) Vehicle and Equipment Maintenance BMPs;
(xv) Tracking Control;
(xvi) Stabilized Construction Entrance and Exit; and
(xvii) Dewatering Operations BMPs.

(d) If any of the BMPs listed above are not included in an ESCP for a Category 1C Project, the ESCP notes shall provide a list of the omitted BMPs with a brief explanation of why each omitted BMP is unnecessary or impracticable for the Project.

(e) The Director shall approve an ESCP if it complies with the requirements of these Rules and reduces the risk of onsite erosion, off-site sedimentation, and Pollutant Discharges to the MS4 and Receiving Waters to the MEP. The Director may require revisions to ESCPs and Project schedules or approve the same subject to conditions in order to achieve practicable reductions to the risk of Pollutant Discharges to the MS4 and/or Receiving Waters.

(f) Copies of the approved ESCP and Project schedule must be kept on the Project Site at all times and immediately made available for review by the Director upon request.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-21 Requirements for Category 2 Projects. (a) ESCPs for Category 2 Projects may be prepared by the owner of the property subject to Development or their Authorized Agent. The owner or Authorized Agent must sign the ESCP and shall designate a person responsible for implementing the ESCP at the Project Site ("ESCP Coordinator") prior to permit issuance using the form provided as Appendix A to these Rules or the Small Project ESCP Template provided as Appendix B to these Rules. Changes to the ESCP Coordinator shall be submitted to the Director in writing immediately for the Department's acceptance.

(b) ESCPs for Category 2 Projects shall include, at a minimum, a BMP Site Plan, which depicts the outline of buildings and Structures, provides a clear delineation of Disturbed Areas, and the proximate location of proposed BMPs and any drainage Structures and Receiving Waters located within 50 feet of the Project Site.

(c) ESCPs for Category 2 Projects shall include, at a minimum, BMPs to address and achieve:

(1) Erosion Control which shall include the following BMPs:
(i) Project Planning and Design;
(ii) Project Scheduling;
(iii) Slope Management and Protection;
(iv) Temporary Stabilization; and
(v) Permanent Stabilization.

(2) Sediment Control to prevent release of sediment laden waters to the MS4 and Receiving Waters, which shall include the following BMPs:
(i) Storm Drain Inlet Protection; and
(ii) Perimeter Controls.

(3) Good Housekeeping Practices to prevent and Minimize Pollutant Discharges to the MS4 and Receiving Waters, which shall include the following BMPs:

(i) BMP and Site Maintenance;
(ii) Dust Control;
(iii) Material Delivery, Storage, and Use BMPs;
(iv) Stockpile Management BMPs;
(v) Spill Prevention and Control BMPs;
(vi) Solid Waste Management BMPs;
(vii) Hazardous Waste Management BMPs;
(viii) Contaminated Soil Management BMPs;
(ix) Concrete Waste Management BMPs;
(x) Sanitary/Septic Waste Management BMPs;
(xi) Liquid Waste Management BMPs;
(xii) Vehicle and Equipment Cleaning BMPs;
(xiii) Vehicle and Equipment Fueling BMPs;
(xiv) Vehicle and Equipment Maintenance; and
(xv) Tracking Control.

(d) ESCPs for Category 2 Projects shall be completed using the Small Project ESCP template provided as Appendix B to these Rules or as a set of drawings, design details and notes with equivalent information to Appendix B, and may include additional plans and materials to aid the Director's review.

(e) If any of the BMPs listed above are not included in an ESCP for a Category 2 Project, the ESCP notes shall provide a list of the omitted BMPs that are unnecessary or impracticable for the Project.

(f) The Director shall approve an ESCP if it complies with the requirements of these Rules and reduces the risk of onsite erosion, off-site sedimentation, and Pollutant Discharges to the MS4 and Receiving Waters to the MEP. The Director may require revisions to ESCPs and Project schedules or approve the same subject to conditions in order to achieve practicable reductions to the risk of Pollutant Discharges to the MS4 and/or Receiving Waters.

(g) Copies of the approved ESCP and Project schedule must be kept on the Project Site at all times and immediately made available for review by the Director upon request.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-22 Requirements for Category 3 Projects. (a) ESCPs for Category 3 Projects must be prepared by a Certified Erosion and Sediment Control Plan Preparer. The owner of the property or their Authorized Agent must designate a person responsible for implementing the ESCP at the Project Site ("ESCP Coordinator") prior to permit issuance using the form provided as Appendix A to these Rules. Changes to the ESCP Coordinator shall be submitted to the Director in writing immediately for the Department's acceptance.

(b) The ESCP shall include, at a minimum:

(1) A BMP Site Plan, drawn to scale, which depicts the outline of buildings and Structures, provides a clear delineation of Disturbed Areas, and the proximate location of proposed BMPs;

(2) Construction notes with a narrative description of any BMPs that cannot be shown on a Site plan; and

(3) A vicinity map showing any drainage Structures and Receiving Waters located within 50 feet of the Project Site.

(c) ESCPs for Category 3 Projects must include, at a minimum, BMPs to address and achieve:

(1) Erosion Control which shall include the following BMPs:
- (i) Project Planning and Design;
- (ii) Project Scheduling;
- (iii) Slope Management and Protection;
- (iv) Temporary Stabilization;
- (v) Permanent Stabilization; and
- (vi) Velocity Dissipation Devices.

(2) Sediment Control to prevent release of sediment laden waters to the MS4 and Receiving Waters, which shall include the following BMPs:
- (i) Storm Drain Inlet Protection;
- (ii) Perimeter Controls; and
- (iii) Sediment Barriers.

(3) Good Housekeeping Practices to prevent and Minimize Pollutant Discharges to the MS4 and Receiving Waters, which shall include the following BMPs:
- (i) BMP and Site Maintenance;
- (ii) Dust Control;
- (iii) Material Delivery, Storage, and Use BMPs;
- (iv) Stockpile Management BMPs;
- (v) Spill Prevention and Control BMPs;
- (vi) Solid Waste Management BMPs;
- (vii) Hazardous Waste Management BMPs;
- (viii) Contaminated Soil Management BMPs;
- (ix) Concrete Waste Management BMPs;
- (x) Sanitary/Septic Waste Management BMPs;
- (xi) Liquid Waste Management BMPs;
- (xii) Vehicle and Equipment Cleaning BMPs;
- (xiii) Vehicle and Equipment Fueling BMPs;
- (xiv) Vehicle and Equipment Maintenance;
- (xv) Tracking Control;
- (xvi) Stabilized Construction Entrance and Exit; and
- (xvii) Dewatering Operations BMPs.

(d) If any of the BMPs listed above are not included in an ESCP for a Category 3 Project, the ESCP notes shall provide a list of omitted BMPs with a brief explanation of why each omitted BMP is unnecessary or impracticable for the Project.

(e) The Director shall approve an ESCP if it complies with the requirements of these Rules and reduces the risk of onsite erosion, off-site sedimentation, and Pollutant Discharges to the MS4 and Receiving Waters to the MEP. The Director may require revisions to ESCPs and Project schedules or approve the same subject to conditions in order to achieve practicable reductions to the risk of Pollutant Discharges to the MS4 and/or Receiving Waters.

(f) Copies of the approved ESCP and Project schedule must be kept on the Project Site at all times and immediately made available for review by the Director upon request.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-23 Requirements for Category 4 Projects. (a) ESCPs for Category 4 Projects must be prepared by a Certified Erosion and Sediment Control Plan Preparer. The owner of the property or their Authorized Agent must designate a person responsible for implementing the ESCP at the Project Site ("ESCP Coordinator") prior to permit issuance using the form provided as Appendix A to these Rules. Changes to the ESCP Coordinator shall be submitted to the Director in writing immediately for the Department's acceptance.

(b) The ESCP shall include, at a minimum:

(1) A location map showing the name, coordinate, and classification (e.g., Class 1, 2, Class A, Class AA waters) of Receiving Waters, as identified through the DOH State Water Quality Map, available at available at the DOH Clean Water Branch website;

(2) A vicinity map showing the location of streams, channels, and drainage Structures located within 100 feet of the Project Site;

(3) The location of the 100-year flood plain as shown on the FEMA Map Service Center website;

(4) The location of drainage Structures located within 100 feet of the Project Site;

(5) Topographic maps showing the existing and finished contours of the Site;

(6) Existing and final drainage patterns and Discharge points;

(7) Proposed Structures, impervious areas, existing vegetation, final landscaping conditions, and appurtenant improvements;

(8) Erosion Control construction notes including non-structural BMPs that cannot be shown on a Site plan;

(9) A BMP Site Plan, drawn to scale, which depicts the outline of buildings and Structures, provides a clear delineation of Disturbed Areas, and the proximate location of proposed BMPs;

(10) BMP design details and notes clearly identifying temporary BMPs, permanent BMPs, a schedule for BMP implementation, and BMP maintenance activities;

(11) A list or table of preconstruction, during construction, and post-construction BMPs; and

(12) Any additional information required by the Director.

(c) ESCPs for Category 4 shall include, at a minimum, BMPs to address and achieve:

(1) Erosion Control which shall include the following BMPs:

(i) Project Planning and Design;

(ii) Project Scheduling;

(iii) Slope Management and Protection;

(iv) Temporary Stabilization;

(v) Permanent Stabilization;

(vi) Velocity Dissipation Devices; and

(vii) Diversion BMPs to divert runoff from upstream areas around

Disturbed Areas of the Site.

(2) Sediment Control to prevent release of sediment laden waters to the MS4 and Receiving Waters, which shall include the following BMPs:
  (i) Storm Drain Inlet Protection;
  (ii) Perimeter Controls; and
  (iii) Sediment Barriers.

(3) Good Housekeeping Practices to prevent and Minimize Pollutant Discharges to the MS4 and Receiving Waters, which shall include the following BMPs:
  (i) BMP and Site Maintenance;
  (ii) Dust Control;
  (iii) Material Delivery, Storage and Use BMPs;
  (iv) Stockpile Management BMPs;
  (v) Spill Prevention and Control BMPs;
  (vi) Solid Waste Management BMPs;
  (vii) Hazardous Waste Management BMPs;
  (viii) Contaminated Soil Management BMPs;
  (ix) Concrete Waste Management BMPs;
  (x) Sanitary/Septic Waste Management BMPs;
  (xi) Liquid Waste Management BMPs;
  (xii) Vehicle and Equipment Cleaning BMPs;
  (xiii) Vehicle and Equipment Fueling BMPs;
  (xiv) Vehicle and Equipment Maintenance BMPs;
  (xv) Tracking Control;
  (xvi) Stabilized Construction Entrance and Exit; and
  (xvii) Dewatering Operations BMPs.

(d) If any of the BMPs listed above are not included in an ESCP for a Category 4 Project, the ESCP notes shall provide a list of the omitted BMPs with a brief explanation of why each omitted BMP is unnecessary or impracticable for the Project.

(e) The Director shall approve an ESCP if it complies with the requirements of these Rules and reduces the risk of onsite erosion, off-site sedimentation, and Pollutant Discharges to the MS4 and Receiving Waters to the MEP. The Director may require revisions to ESCPs and Project schedules or approve the same subject to conditions in order to achieve practicable reductions to the risk of Pollutant Discharges to the MS4 and/or Receiving Waters.

(f) Copies of the approved ESCP and Project schedule must be kept on the Project Site at all times and immediately made available for review by the Director upon request.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-24 Requirements for Category 5 Projects. (a) ESCPs for Category 5 Projects must be prepared by a Certified Erosion and Sediment Control Plan Preparer. The owner of the property or their Authorized Agent must designate a person responsible for implementing the ESCP at the Project Site ("ESCP Coordinator") prior to permit issuance using the form provided as Appendix A to these Rules. Changes to the ESCP Coordinator shall be submitted to the

Director in writing immediately for the Department's acceptance.

(b) The ESCP shall include, at a minimum:

(1) A location map showing the name, coordinate, and classification (e.g., Class 1, 2, Class A, Class AA waters) of Receiving Waters, as identified through the DOH State Water Quality Map, available at the DOH Clean Water Branch website;

(2) A vicinity map showing the location of streams, channels, and drainage Structures located within 100 feet of the Project Site;

(3) The location of the 100-year flood plain as shown on the FEMA Map Service Center website;

(4) The location of drainage Structures located within 100 feet of the Project Site;

(5) Topographic maps showing the existing and finished contours of the Site;

(6) Existing and final drainage patterns and Discharge points;

(7) Proposed Structures, impervious areas, existing vegetation, final landscaping conditions, and appurtenant improvements;

(8) Erosion Control construction notes including non-structural BMPs that cannot be shown on a Site plan;

(9) A BMP Site Plan, drawn to scale, which depicts the outline of buildings and Structures, provides a clear delineation of Disturbed Areas, and the proximate location of proposed BMPs;

(10) BMP design details and notes clearly identifying temporary BMPs, permanent BMPs, a schedule for BMP implementation, and BMP maintenance activities;

(11) A list or table of preconstruction, during construction, and post-construction BMPs; and

(12) Any additional information required by the Director.

(c) ESCPs shall include, at a minimum, BMPs to address and achieve:

(1) Erosion Control which shall include the following BMPs:

(i) Project Planning and Design;

(ii) Project Scheduling;

(iii) Slope Management and Protection;

(iv) Temporary Stabilization;

(v) Permanent Stabilization;

(vi) Diversion BMPs to divert runoff from upstream areas around Disturbed Areas of the Site;

(vii) Velocity Dissipation Devices;

(viii) Preserve Existing Vegetation; and

(ix) Minimize Soil Compaction.

(2) Sediment Control to prevent release of sediment laden waters to the MS4 and Receiving Waters, which shall include the following BMPs:

(i) Storm Drain Inlet Protection;

(ii) Perimeter Controls;

(iii) Buffer Zones;

(iv) Sediment Traps;

(v) Sediment Basins; and

(vi) Sediment Barriers.

(3) Good Housekeeping Practices to prevent and Minimize Pollutant Discharges to the MS4 and Receiving Waters, which shall include the following BMPs:

(i) BMP and Site Maintenance;
(ii) Dust Control;
(iii) Material Delivery, Storage and Use BMPs;
(iv) Stockpile Management BMPs;
(v) Spill Prevention and Control BMPs;
(vi) Solid Waste Management BMPs;
(vii) Hazardous Waste Management BMPs;
(viii) Contaminated Soil Management BMPs;
(ix) Concrete Waste Management BMPs;
(x) Sanitary/Septic Waste Management BMPs;
(xi) Liquid Waste Management BMPs;
(xii) Vehicle and Equipment Cleaning BMPs;
(xiii) Vehicle and Equipment Fueling BMPs;
(xiv) Vehicle and Equipment Maintenance BMPs;
(xv) Tracking Control;
(xvi) Stabilized Construction Entrance and Exit; and
(xvii) Dewatering Operations BMPs.

(d) If any of the BMPs listed above are not included in an ESCP for a Category 5 Project, the ESCP notes shall provide a list of the omitted BMPs with a brief explanation of why each omitted BMP is unnecessary or impracticable for the Project.

(e) The Director shall approve an ESCP if it complies with the requirements of these Rules and reduces the risk of onsite erosion, off-site sedimentation, and Pollutant Discharges to the MS4 and Receiving Waters to the MEP. The Director may require revisions to ESCPs and Project schedules or approve the same subject to conditions in order to achieve practicable reductions to the risk of Pollutant Discharges to the MS4 and/or Receiving Waters.

(f) Copies of the approved ESCP and Project schedule must be kept on the Project Site at all times and immediately made available for review by the Director upon request.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-25 Additional Requirements for Development Projects.

(a) Category 1C and Category 5 Projects may not begin work unless an NPDES General/Individual Permit Authorizing Discharges of Storm Water Associated with Construction Activity has been issued by the DOH.

(b) Dewatering non-storm water. For all categories, including work for trenching permits only, non-storm water from dewatering activities shall not be Discharged from the Site unless an NPDES Permit Authorizing Discharges Associated with Construction Activity Dewatering has been issued by the DOH.

(c) Hydrotesting water. For all categories, including work for trenching permits only, hydrotesting water shall not be Discharged from the Site unless an NPDES Permit Authorizing

Discharges of Hydrotesting Waters has been issued by the DOH.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-26 BMP Inspections. (a) All Projects involving Development or Land Disturbing Activities shall be inspected on a regular basis to ensure that BMPs are properly installed, used, and maintained.

(b) A preconstruction inspection must be performed for Trenching Projects and all Categories 1A to 5 Projects by the ESCP Coordinator prior to commencing ground-disturbing activities, to confirm that BMPs are installed correctly and according to the ESCP.

(c) Requirements for Category 1A, 1B, and 2 Projects. Category 1A, 1B and 2 Projects must be inspected once every 30 days by the ESCP Coordinator. However, if the Project will be completed in less than thirty days, inspection shall occur midway through the Project. Inspection results and corrective actions shall be documented with photographs and by completing the form provided as Appendix C to these Rules.

(d) Requirements for Category 3 and 4 Projects and Trenching Projects. Category 3 and 4 Projects and Trenching Projects must be inspected by the ESCP Coordinator once every seven days. Inspection results and corrective actions shall be documented with photographs and by completing the form provided as Appendix C to these Rules.

(e) Requirements for Category 1C and 5 Projects. Category 1C and 5 Projects must be inspected by the ESCP Coordinator once every seven days. Inspection results and corrective actions shall be documented with photographs and by completing the form provided as Appendix D to these Rules.

(f) Any deficiencies or BMPs that may violate any provision of these Rules or may result in Pollutant Discharges to the MS4 or State Waters and requires corrective actions shall be addressed immediately.

(g) All photographs and inspection reports must be compiled in a 3-ring folder or binder or kept electronically, which shall be the Project Log. The Project Log shall be kept on Site or electronically accessible from the Site at all times, in a complete condition, and immediately produced for inspection if request by the Director.

(h) At the conclusion of the Project, the property owner, Authorized Agent, or ESCP Coordinator shall inspect the Site and confirm that all Disturbed Areas have been stabilized and all temporary BMPs have been removed. An electronic copy of the final Project Log and a letter confirming compliance with this subsection shall be provided to the Director within 5 business days of completing work on the Project. Permits for work on the Project Site will not be closed until compliance with this subsection is achieved.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31, 14-12.32) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 14-12.32, 18-4.1, 18-5.1).

SUBCHAPTER 5
BMPS, STANDARDS, AND SPECIFICATIONS FOR ACTIVITIES DURING CONSTRUCTION

§20-3-27 Project Planning and Design
§20-3-28 Project Scheduling
§20-3-29 Slope Management and Protection
§20-3-30 Temporary Stabilization
§20-3-31 Permanent Stabilization
§20-3-32 Diversion BMPs
§20-3-33 Preservation of Existing Vegetation
§20-3-34 Minimize Soil Compaction
§20-3-35 Velocity Dissipation Devices
§20-3-36 Perimeter Control
§20-3-37 Silt Fences
§20-3-38 Sediment Barriers
§20-3-39 Storm Drain Inlet Protection
§20-3-40 Vegetated Buffers
§20-3-41 Sediment Basins
§20-3-42 Sediment Traps
§20-3-43 Tracking Control
§20-3-44 Stabilized Construction Entrances and Exits
§20-3-45 Dust Control
§20-3-46 Good Housekeeping Practices
§20-3-47 Dewatering Operations

§20-3-27 Project Planning and Design. (a) Projects should be planned and designed to eliminate and prevent Pollutant Discharges to the MS4 and Receiving Waters to the MEP. All Project planning and design should be executed in a manner that prioritizes the following to the MEP:

(1) Preserve native topsoil;
(2) Minimization of soil compaction;
(3) Directing Discharges from storm water controls to vegetated areas;
(4) Preservation and use of natural buffers;
(5) Restriction of vehicle use to necessary areas;
(6) Location of materials and stockpiles outside of buffers;
(7) Effective primary and secondary containment for potential sources of pollution;
(8) Establishment of effective perimeter controls;
(9) Protection of storm drain inlets; and
(10) Effective prohibition of off-site Discharges from wastewater and concrete washout, washout or cleanout water containing stucco, paint, release oils, curing compounds, and waste from construction materials, and Discharges containing fuels, oils, soaps, solvents, detergents, and toxic and/or hazardous substances.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-28 Project Scheduling. (a) All Trenching Permit and Category 1A, 1B, 1C, 2, 3, 4 and 5 Projects must be performed according to a written Project schedule approved by the Director.

(b) Project schedules must establish a sequence of all planned actions and activities on the Project Site, including, but not limited to, all Land Disturbing Activities, the implementation of the BMPs identified in the Project ESCP, scheduled inspections and maintenance of BMPs, and the removal of temporary BMPs. Deadlines for the implementation and removal of BMPs shall be provided in the form of specific dates or Project milestones. The scheduled start date shall be submitted to the Director in writing or by telephone 2 weeks prior to commencing any work governed by these Rules.

(c) Project schedules must be designed to reduce the amount and duration of soil exposed to erosion by wind, rain, runoff and vehicle tracking to the MEP and sequence Land Disturbing Activities to Minimize onsite storage of equipment, materials and wastes that may cause or contribute to pollution Discharges to the MS4 and/or Receiving Waters. In addition, all Project Schedules shall include a rain response plan that identifies work that will not be performed during defined rain conditions and/or events.

(d) The Director may require DPP approval of BMPs and/or Site conditions at one or more points on a Project schedule before work may commence on the next sequenced action or event.

(e) Project schedules must be revised if delays or disruptions to the Project necessitate changes to the sequence of work or BMPs. Revisions to a Project schedule must be proposed by the submission of a revised Project schedule to DPP and approved by the Director before work may be performed pursuant to the revised schedule.

(f) A copy of the original Project schedule and all revised Project schedules must be kept on Site, in chronological order, and stored in a three-ring folder or binder or electronically, which shall be the Project Log. A complete version of the Project Log shall be on Site or electronically accessible from the Site at all times and immediately made available for inspection by the Director upon request.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-29 Slope Management and Protection. (a) Land Disturbing Activities on slopes with a grade of 15 percent or greater must be Minimized to the MEP. Where necessary, work on slopes with a grade of 15 percent or more should be phased to Minimize the amount disturbed to no greater than 5 acres at any time.

(b) Slopes with a grade of 15 percent or more must be stabilized at all times unless the slopes are being actively worked. Slope Stabilization must be initiated immediately unless active work is scheduled on the slope within 7 calendar days or where necessary due to anticipated weather conditions.

(c) Minimum stabilization of slopes 15 percent or greater shall consist of one or more of the following:

(1) Rolled Erosion Control Products that conform to the requirements of the American Association of State Highway and Transportation Officials M288 may be installed and maintained per the manufacturer's specifications, which must be kept onsite at all times and immediately made available for inspection by the Director upon request;

(2) Hydraulic mulch or hydroseed consisting of at least 5 percent soil binder and applied at a minimum of rate of 2000 lb/acre, unless otherwise required by the manufacturer's instructions, which shall be kept onsite at all times and immediately produced for inspection upon request;

(3) Hydraulic or Bonded Fiber Matrix installed and maintained per the manufacturer's specifications, which must be kept onsite at all times and immediately made available for inspection by the Director upon request; or

(4) Planting and/or vegetation providing at least 70 percent surface cover for Temporary Stabilization and at least 90 percent surface cover for Permanent Stabilization.

(d) Category 1C, 4 and 5 Projects with slopes with a grade of 15 percent or more must provide at minimum a 10-foot buffer with a maximum slope of 5 percent at the toe of the slope.

(e) Category 1C, 4, and 5 Projects must provide upstream runoff diversion using such measures as earth dikes, drainage swales and/or slope drains to intercept and direct surface flow away from disturbed slope areas of 15 percent or more.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-30 Temporary Stabilization. (a) Temporary Stabilization must be initiated immediately for Disturbed Areas that are not on slopes with a grade of 15 percent or more when they reach final grade or when active work is not scheduled within 14 calendar days.

(b) Minimum stabilization of Disturbed Areas shall consist of one or more of the following:

(1) Rolled Erosion Control Products that conform to the requirements of the American Association of State Highway and Transportation Officials M288 may be installed and maintained per the manufacturer's specifications, which must be kept onsite at all times and immediately made available for inspection by the Director upon request;

(2) Hydraulic mulch or hydroseed consisting of at least 5 percent soil binder and applied at a minimum of rate of 2000 lb/acre, unless otherwise required by the manufacturer's instructions, which shall be kept onsite at all times and immediately produced for inspection upon request;

(3) Hydraulic or Bonded Fiber Matrix installed and maintained per the manufacturer's specifications, which must be kept onsite at all times and immediately made available for inspection by the Director upon request;

or

(4) Planting and/or vegetation providing at least 70 percent surface cover for Temporary Stabilization and at least 90 percent surface cover for Permanent Stabilization.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-31 Permanent Stabilization. (a) Prior to final approval and closing of the permits for work on the Site, permanent stabilization must be in place.

(b) All Disturbed Areas must be stabilized with permanent Erosion Control BMPs such as vegetation, gravel, or pavers;

(c) Rain gutters, downspouts, and channelized flows must be installed and functioning as designed;

(d) In seeded areas, grass or vegetation must cover at least 90 percent of the disturbed soils;

(e) Seeded areas that have not achieved 90 percent ground cover must be stabilized by tackifiers, mulch, turf reinforcement mats, or Rolled Erosion Control Products until 90 percent vegetative cover is established;

(f) Temporary Erosion Control measures, such as sediment fences, should be removed when permanent measures are in place;

(g) Ditches and areas of concentrated flow must be lined with rock, appropriately installed geosynthetics, or similar materials to prevent scour;

(h) All paved surfaces must be clean; and

(i) Storm drain inlet filters must be removed after all cleanup activities have been completed.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-32 Diversion BMPs. (a) Diversion BMPs consist of Earth Dikes, Drainage Swales and Slope Drains. Category 1C, 4, and 5 Projects must provide runoff diversion upstream of disturbed areas on slopes of 15 percent or more as described in §20-3-29(e).

(b) Earth dikes are ridges of compacted soil that may be placed at the top or base of a disturbed slope or along the perimeter of a Disturbed Area to intercept runoff and direct flows to areas where erosion can be controlled. The tributary area addressed by a single earth dike may not exceed 5 acres. Design capacity for earth dikes must be equal to or greater than the peak flow from a 10-year, 1-hour storm. The upslope side of the dike must provide positive drainage to the dike outlet. No erosion shall occur at the outlet. Earth dikes must be fully compacted and stabilized with vegetation and/or riprap.

(c) Drainage swales are sloped depressions in the soil surface to convey runoff to a desired location. The tributary area addressed by a single drainage swale may not exceed 5 acres. Design capacity for drainage swale must be equal to or greater than the peak flow from a 10-year, 1-hour storm. Drainage swale must be fully stabilized with vegetation and/or riprap.

(d) Earth dikes and drainage swales can be used with slope drains to divert water from the top of a slope to the bottom of a slope. Slope Drains may be a rigid pipe, such as corrugated metal, a flexible conduit, or a lined terrace drain with the inlet placed on the top of a slope and the outlet at the bottom of the slope. The capacity for temporary slope drains intercepting offsite or on-site runoff should be sufficient to convey at least the peak runoff from a 10-year, 1-hour storm. The tributary area addressed by a single slope drain may not exceed 10 acres. Outlets should be stabilized with riprap, concrete or other type of Velocity Dissipation Device, or directed into a stable sediment trap or basin.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-33 Preservation of Existing Vegetation. (a) Preservation of existing vegetation is to Minimize the potential of removing or injuring existing trees, vines, shrubs, and grasses that protect soil erosion. Clearly mark the areas to be preserved with flags or temporary fencing. Where temporary fencing is used, fencing must be adequately supported by posts and maintained in an upright position.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-34 Minimize Soil Compaction. (a) Areas where the final stabilization will occur and areas where Infiltration practices will be installed must be protected from excessive compaction by restricting the vehicle and equipment use to appropriate areas or implementing soil conditioning techniques.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-35 Velocity Dissipation Devices. (a) Velocity dissipation devices are channel linings, Structures, or flow barriers that are placed at outlets for storm drains, pipes, culverts, steep ditches, flumes and areas of contacted flow to lower flow velocities, prevent scour and dissipate energy.

(b) Velocity dissipation devices are required where the Director, Engineer, or preparer of the ESCP determines that Discharge velocities and energies are sufficient to erode the immediate downstream reach of Discharges.

(c) The apron length and materials for velocity dissipation devices must be adequate to accommodate the peak flow of a 10-year, 1-hour storm without resulting in scour or erosion in immediate downstream areas.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-36 Perimeter Controls. (a) Perimeter Controls shall be required if a Project involves any Land Disturbing Activities within 50 feet of State Waters unless the Project has obtained a CWA 404 Permit for the work or the Land Disturbing Activities relate to a water-dependent structure such as a pier or boat ramp. Perimeter Controls shall also be required if the Director, Engineer, or ESCP Coordinator determines that Pollutant Discharges to the MS4 or State Waters are likely to occur based on Site conditions, the nature of planned construction activities, or the location of planned Land Disturbing Activities, or expected weather conditions.

(b) At a minimum, perimeter controls shall consist of vegetated buffers, sediment barriers, or silt fences along those perimeter areas of the Site that will receive storm water from earth disturbing activities.

(c) For Category 1C and 5 Projects that are within 50 feet of State Waters, perimeter controls must be installed along the perimeter of the Site along areas that will receive storm water from Disturbed Areas and consist of a 50 foot wide, undisturbed, natural buffer or in-series perimeter controls consisting of two or more sediment barriers or silt fences with spacing of at least 5 feet between the sediment barriers or silt fences (refer to §20-3-40 Vegetated Buffers).

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-37 Silt Fences. (a) Silt fences are temporary, linear sediment barriers that are composed of permeable fabric and vertical posts. Silt fence fabric shall conform to the requirements set forth under American Society for Testing and Materials (ASTM) designation D4632, or an approved equal, and shall have an integral reinforcement layer. The reinforcement layer shall be a polypropylene or equivalent provided by the manufacturer.

(b) Silt fences may be used as sediment barriers on the face of slopes, at the toe of slopes, down-slope from exposed soil areas, around temporary stockpiles, along streams and channels, and along the perimeter of a Project Site.

(c) Silt fences may not be used at the toe of slopes subject to creep, slumping, or landslides, or, in streams, channels, drain inlets and areas of concentrated flow. Slit fences may not be used to divert flows.

(d) Silt fences used for erosion and runoff control shall comply with the following minimum design standards and criteria:

(1) Silt fence fabric shall be woven polypropylene with a minimum width of 36 inches and a minimum tensile strength of 100 lbs. force. The fabric shall conform to the requirements set forth under ASTM designation D4632 and shall have an integral reinforcement layer. The reinforcement layer shall be a polypropylene or equivalent provided by the manufacturer.

(2) Silt fence fabric shall retain 85 percent of soil by weight, based on sieve analysis. The permittivity of the fabric shall be between 0.1 $sec.^{-1}$ and 0.15 $sec.^{-1}$

(3) Silt fences shall be installed along a trench line at least 6 inches wide and 6 inches deep, set back a minimum of 3 feet from the toe of an abutting slope. Silt fences shall be keyed to a minimum depth of 12 inches. Fence posts shall be no more than 6 feet apart and driven securely to a depth of no less than 18 inches from top soil or 12 inches below the trench line.

When overlap is necessary, silt fence fabric shall be spliced together securely at a fence post and overlap by no less than 6 inches. Staples used to fasten fabric to posts shall be no less than 1.75 inches long and composed of 15 gauge or heavier wire. Wire used at fence joints shall be 9 gauge or heavier. Metal stakes with holders for silt fence must have No. 4 or greater bar reinforcement.

(4) Silt fences shall not be the only Sediment or Erosion Control BMP on slopes greater than 2:1.

(e) Silt fence fabric has a general life of 5 to 8 months. All spilt, torn, weathered or slumping portions of any fence shall be replaced immediately.

(f) Water depth along a silt fence may not exceed 1.5 feet at any point and accumulated sediments may not exceed one third of the fence height at any time.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-38 Sediment Barriers. (a) Sediment barriers are temporary BMPs that intercept sediment-laden runoff from small drainage areas in order to slow runoff velocities and allow suspended solids to settle out of storm water. Sediment barriers may consist of gravel bags, sandbags, fiber rolls, compost filter socks a minimum of 8 inches in diameter or an equivalent BMP approved by the Director.

(b) Sediment barriers must be used to protect disturbed or denuded soils that are not scheduled for active work within 24 hours if the Engineer, preparer of the ESCP, or Director determines that sediment Discharge to State Waters or the MS4 is likely due to Site conditions, the nature of work that will occur in the vicinity of the Disturbed Area, or the proximity of the Disturbed Area to State Waters or portions of the MS4.

(c) Unless more specific criteria apply to the specific type of sediment barrier selected, the contributing drainage area addressed by a single sediment barrier may not exceed 1/4 acre per 100 feet of barrier length. In addition, the maximum length of slope above a barrier may not exceed 100 feet. Unless more specific criteria apply to the type of sediment barrier selected, the spacing between sediment barriers along the slopes must follow the following requirements:

Slope	**Minimum Sediment Barrier Spacing**
< 5 percent	50 feet
5 to 15 percent	30 feet
> 15 percent	20 feet

(d) Sediment barriers may not be used in areas of concentrated flows, such as drainage channels, live streams or in swales where there is the possibility of a washout.

(e) Sediment levels shall not exceed one half of the height of a sediment barrier at any point along the length of the sediment barrier.

(f) Sediment collected from sediment barriers must be reincorporated into the Project Site or disposed of at off-site locations that are approved by the Director (refer to Solid Waste

Management §20-3-46(i)).

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-39 Storm Drain Inlet Protection. (a) All drain inlets and catch basins that are not connected to a sediment basin or trap must be protected by sediment barriers or inlet protection devices if they are capable of receiving sediment or runoff from the Project Site unless severe weather conditions make the use of such devices unsafe or Infeasible.

(b) Sediment levels may not exceed one third of the height of a sediment barrier or inlet protection device at any point along the length of the sediment barrier or the inlet protection device.

(c) Sediment barriers and inlet protection devices must be unclogged and cleaned when performance is compromised.

(d) Torn, weathered or sagging sediment barriers or inlet protection devices must be repaired or replaced immediately.

(e) Sediment collected from sediment barriers and inlet protection devices must be reincorporated into the Project Site or disposed of at off-site locations that are approved by the Director (refer to Solid Waste Management §20-3-46(i)).

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-40 Vegetated Buffers. (a) Vegetated buffer strips are vegetated surfaces that are designed to treat sheet flow from adjacent surfaces by slowing runoff velocities and allowing sediment and other Pollutants to settle and partially infiltrate into underlying soils.

(b) The width of the vegetative buffer strips must have slope of 5 percent or less. The vegetative buffer must be one foot wide for every 3 feet of upslope drainage area directed to the vegetative buffer.

(c) Categories 1C and 5 Projects must maintain a 50-foot undisturbed natural buffer and sediment control between State Waters and the Construction Site. If a 50-foot natural buffer zone cannot be maintained, provide a natural undisturbed buffer zone that is less than 50 feet and either double sediment barriers or silt fences spaced at a minimum of 5 feet apart. If it is Infeasible to provide and maintain an undisturbed natural buffer of any size, provide double sediment barriers or silt fences spaced a minimum of five feet apart and complete stabilization within 7 consecutive days of the temporary or permanent cessation of earth disturbing activities. All Discharges from the area of earth disturbance to the natural buffer must be treated by the Site's erosion and sediment controls before release to buffer areas.

(d) Planned vegetated buffer strips must be shown in the ESCP for a Project. During clearing and grubbing, vegetation designated for use in a vegetated buffer must be enclosed by temporary fencing made of orange polypropylene that is stabilized against ultraviolet light. The temporary fencing must be at least 4 feet tall and have openings not larger than 2 inches by 2 inches. Fence posts must be comprised of wood or metal, driven securely to a depth of no less than one foot, and spacing to completely support the fence in an upright position without sagging

at all times.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31, 14-12.32) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 14-12.32, 18-4.1, 18-5.1).

§20-3-41 Sediment Basins. (a) Sediment basins are excavated or depressed areas that are used to collect and detain runoff to allow suspended solids to settle out of storm water before storm water is Discharged to off-site areas.

(b) The use of sediment basins shall be mandatory for Category 5 Projects with 5 acres of Disturbed Area or greater

(c) Sediment basins shall provide sufficient storage to accommodate the volume of runoff for the 2-year, 24-hour storm for the Project Site or at least 3,600 cubic feet per acre area to be drained.

(d) The embankment slopes must be no steeper than 3 horizontal to 1 vertical. Basin depth must be no less than 3 feet and the length to settling depth ratio must be less than 200, where length is the average distance between the inlet and outlet structure of the basin. Discharges from sediment basins shall pass though outlet Structures that withdraw surface waters from the basin in order to Minimize Pollutant Discharges. Outlet Structures shall be sized to Minimize clogging and achieve a draw-down time between 36 and 72 hours.

(e) Sediment basins shall use stabilization controls such as Erosion Control blankets to prevent erosion of exterior basin surfaces and use velocity dissipation devices to reduce flow rates at inlets and outlets.

(f) Sediment basins shall have emergency spillways to accommodate overflow bypass. Emergency spillways may not direct overflow to sloped areas or other areas of concentrated flow. Emergency spillways and outlets require erosion protection such as velocity dissipation devices.

(g) Sediment basins must be kept in effective operating condition and sediment shall be removed to maintain at least one half of the design capacity of the sediment basin at all times.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§ 20-3-42 Sediment Traps. (a) Sediment traps are excavated or depressed areas that are used to collect and detain sediments from areas of the Site that were cleared or graded during construction.

(b) The use of Sediment traps shall be mandatory for Category 5 Projects with [less than] 5 acres of Disturbed Area.

(c) The drainage area addressed by a single sediment trap shall not exceed 5 acres.

(d) The traps must be designed to provide storage for calculated volume of runoff for the 2-year, 24-hour storm for the Project Site or at least 3,600 cubic feet per acre to be drained.

(e) The embankment slopes shall be no steeper than 3 horizontal to 1 vertical.

(f) Sediment traps shall have an emergency spillway to accommodate overflow or bypass flows that exceed the design storm event. Emergency spillways and outlets require erosion protection such as velocity dissipation devices.

(g) Sediment traps must be kept in effective operating condition and sediment shall be removed when the sediment accumulation reaches one third of the trap capacity.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-43 Tracking Control (a) All Projects must Minimize sediment track-out onto off-site streets, other paved areas, and sidewalks from vehicles exiting the construction Site by restricting vehicle traffic to properly designated areas and using additional controls to remove sediment from vehicle tires prior to exiting the Site.

(b) Vehicular parking and movements on Project sites must be confined to paved surfaces or predefined parking areas and vehicle paths, which shall be marked with flags or boundary fencing.

(c) All Pollutants and materials that are dropped, washed, tracked, spilled, or otherwise Discharged from a Project Site to off-site streets, other paved areas, sidewalks or the MS4 must be cleaned immediately using dry methods such as sweeping or vacuuming. Washing Pollutants and materials that are Discharged from the Project Site to the MS4 into drain inlets or catch basins is prohibited unless the material is sediment and the inlets are directed to a sediment basin or sediment trap.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-44 Stabilized Construction Entrance and Exits. (a) Except where vehicular traffic is limited to paved surfaces, all construction entrances and exits for Categories 1C, 3, 4, and 5 shall provide an effective buffer for the deposit of mud and sediment from the Project Site prior to vehicles entering a paved or public road.

(b) Unpaved construction entrances and exits for Categories 1C, 4 and 5 Projects must consist of 3-6 inch diameter gravel placed upon a geotextile mat. The gravel must have a minimum depth of 12 inches above geotextile mat. The graveled entrance must be at least 50 feet long and 30 feet wide. Entrances and exits must provide a turning radius sufficient to accommodate the construction vehicles entering and exiting the Project Site.

(c) Unpaved construction entrances and exits for Categories 3 Projects must consist of 3-6 inch diameter gravel placed upon a geotextile mat. The gravel must have a minimum depth of 8 inches above geotextile mat. The graveled entrance must be at least 30 feet long and 20 feet wide. Entrances and exits must provide a turning radius sufficient to accommodate the construction vehicles entering and exiting the Project Site.

(d) Where Site conditions prevent the removal of all sediment and mud from tires traveling across construction entrances and exits, tire wash facilities must be provided to allow for the removal of mud and sediments from vehicle tires before they are allowed to enter a public road. Tire wash racks and facilities must direct all wash water and sediments away from the construction entrance or exit to a designated settling area located on the Project Site. The Discharge of wash water or sediment from the wash area to the MS4 or State Waters is prohibited.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-45 Dust Control. (a) Dust from a Project Site shall not be transported or Discharged to off-site areas. The work must be in conformance with air pollution control standards contained in the Hawaii Administrative Rules: Title 11 Chapter 60.1, "Air Pollution Control." All ESCPs shall provide for the control of dust by one or more of the following:

(1) Mulching to a depth of no less than 1 inch;
(2) Sprinkling exposed soils with water to maintain moistness at a depth of 2-3 inches during working hours and not to generate any runoff; and
(3) Vertical dust barriers no less than 6 feet in height, constructed of materials capable of effectively preventing the spread of dust particles.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-46 Good Housekeeping Practices. All Projects must implement and maintain Good Housekeeping Practices to eliminate and Minimize Pollutant Discharges to the MEP. Mandatory Good Housekeeping Practices include, but are not limited to:

(a) Street Sweeping and Vacuuming. All Pollutants Discharged from a construction Site to off-site areas must be swept or vacuumed each day before leaving the job site.

(b) Materials Delivery, Storage and Use Management. Prevent, reduce, or eliminate the Discharge of Pollutants from material delivery, storage, and use to the storm water system or watercourses by minimizing the storage of hazardous materials onsite, storing materials in a designated area, installing secondary containment. Construction materials, waste, toxic and hazardous substances, stockpiles and other sources of pollution shall not be stored in buffer areas, near areas of concentrated flow, or areas abutting the MS4, Receiving Waters, or drainage improvements that Discharge off-site. Primary and secondary containment controls and covers shall be implemented to the MEP.

(c) Spill Prevention and Control. Projects shall create and implement spill prevention and response plans to eliminate and Minimize the Discharge of Pollutants to the MS4 and Receiving Waters from leaks and spills by reducing the chance for spills, absorbing, containing, and cleaning up spills and properly disposing of spill materials. At a minimum, all Projects shall cleanup all leaks and spills immediately.

(d) Hazardous Materials. Prevent or reduce the Discharge of Pollutants to storm water from hazardous waste through proper material use and waste disposal. In the event that hazardous materials are Discharged to the MS4, the property owner or ESCP Coordinator shall immediately notify the Department of Facilities Maintenance, Honolulu Fire Department, and Honolulu Police Department of the Discharge by telephone. A written report describing the Pollutants that were Discharged, the reasons for the Discharge, and the measures that have been taken or will be taken to prevent a reoccurrence of the Discharge shall be submitted to the Director no less than 3 days after notification by phone.

(e) Nonhazardous Materials. In the event that nonhazardous materials are Discharged to the MS4, the property owner or ESCP Coordinator shall notify the City Department of

Facilities Maintenance by telephone no later than the next business day. A written report describing the Pollutants that were Discharged, the reasons for the Discharge, and the measures that have been taken or will be taken to prevent a reoccurrence of the Discharge shall be submitted to the Director no less than 3 days after notification by phone.

(f) Vehicle and Equipment Cleaning. Eliminate and Minimize the Discharge of Pollutants to storm water from vehicle and equipment cleaning operations by using off-site facilities when feasible, washing in designated, contained areas only, and eliminating Discharges to the storm drain system by evaporating and/or treating wash water, as appropriate or infiltrating wash water for exterior cleaning activities that use water only.

(g) Vehicle and Equipment Fueling. Prevent fuel spills and leaks by using off-site facilities, fueling only in designated areas, enclosing or covering stored fuel, and implementing spill controls such as secondary containment and active measures using spill response kits.

(h) Vehicle and Equipment Maintenance. Eliminate and Minimize the Discharge of Pollutants to storm water from vehicle and equipment maintenance operations by using off-site facilities when feasible, performing work in designated areas only, using spill pads under vehicles and equipment, checking for leaks and spills, and containing and cleaning up spills immediately.

(i) Solid Waste Management. Prevent or reduce Discharge of Pollutants to the land, groundwater, and in storm water from solid waste or construction and demolition waste by providing designated waste collection areas, collect Site trash daily, and ensuring that construction waste is collected, removed, and disposed of only at authorized disposal areas.

(j) Sanitary/Septic Waste Management. Temporary and portable sanitary and septic waste systems shall be mounted or staked in, well-maintained and scheduled for regular waste disposal and servicing. Sources of sanitary and/or septic waste shall not be stored near the MS4 or Receiving Waters.

(k) Stockpile Management. Stockpiles shall not be located in drainage ways, within 50 feet from areas of concentrated flows, and are not allowed in the City right-of-way. Sediment barriers or silt fences shall be used around the base of all stockpiles. Stockpiles shall not exceed 15 feet in height. Stockpiles greater than 15 feet in height shall require 8-foot wide benching in accordance with ROH Chapter 14, Article 15. Stockpiles must be covered with Plastic Sheeting or a comparable material if they will not be actively used within 7 days.

(l) Liquid Waste Management. Liquid waste shall be contained in a controlled area such as a holding pit, sediment basin, roll-off bin, or portable tank of sufficient volume and to contain the liquid wastes generated. Containment areas or devices must be impermeable and leak free and should not be located where accidental release of the contained liquid can Discharge to water bodies, channels, or storm drains.

(m) Concrete Waste Management. Prevent or reduce the Discharge of Pollutants to storm water from concrete waste by conducting washout offsite or performing onsite washout in a designated area constructed and maintained in sufficient quantity and size to contain all liquid and concrete waste generated by washout operations. Plastic lining material should be a minimum of 10-millimeter polyethylene sheeting and should be free of holes, tears, or other defects that compromise the impermeability of the material. Containment areas or devices should not be located where accidental release of the contained liquid can Discharge to water bodies, channels, or storm drains. Washout facilities must be cleaned, or new facilities must be constructed and ready for use once the washout is 75 percent full. Once concrete wastes are washed into the designated area and allowed to harden, the concrete should be broken up,

removed, and disposed of as solid wastes.

(n) Contaminated Soil Management. At minimum contain contaminated material soil by surrounding with impermeable lined berms or cover exposed contaminated material with Plastic Sheeting. Contaminated soil should be disposed of properly in accordance with all applicable regulations.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-47 Dewatering Operations. (a) Dewatering Operations are practices that manage the Discharge of Pollutants when non-storm water and accumulated precipitation must be removed from a work location so that construction work may be accomplished and may include sediment basins, sediment traps, weir tanks, dewatering tanks, filtration systems, or other manufactured systems. Dewatering non-storm water cannot be Discharged from the Site without prior notice to and approval from the DOH.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

SUBCHAPTER 6
POST-CONSTRUCTION REQUIREMENTS

§20-3-48 Priority Projects
§20-3-49 Post-Construction Storm Water Requirements
§20-3-50 Storm Water Quality Strategic Plans
§20-3-51 Storm Water Quality Reports
§20-3-52 Storm Water Quality Checklists
§20-3-53 Operations and Maintenance Plans
§20-3-54 Post-Construction BMP Certification and Recording

§20-3-48 Priority Projects. (a) Priority Projects must include or provide permanent structural BMPs to effectively prevent the Discharges of Pollutants to the MS4 and State Waters by implementing Low Impact Development (LID) Site Design Strategies, Source Control BMPs, and Treatment Control BMPs which retain and/or treat storm water on Site. All Projects that meet one or more of the following criteria are Priority Projects:

(1) Priority A: All new Development and Redevelopment, including any incremental Development, that proposes Land Disturbing Activities of one acre or more, excluding contractor staging areas and base yards.

(2) Priority B1: Any new Development and Redevelopment Project that results in 5,000 square feet or greater of Impervious Surface area that may have significant water quality impacts due to its location or associated land use activities, including but not limited to the Development or Redevelopment of:

(i) Retail gas outlets;

(ii) Automotive repair shops;
(iii) Restaurants;
(iv) Parking lots with 20 stalls or more;
(v) Buildings greater than 100 feet in height;
(vi) Retail malls; and
(vii) Facilities used or zoned for industrial use.

(3) Priority B2: Any new Development and Redevelopment Project that results in between 500 and 5,000 square feet of Impervious Surface area that may have significant water quality impacts due to its location or associated land use activities, including but not limited to the Development or Redevelopment of:
(i) Retail gas outlets;
(ii) Automotive repair shops;
(iii) Restaurants;
(iv) Parking lots with 20 stalls or more;
(v) Buildings greater than 100 feet in height;
(vi) Retail malls; and
(vii) Facilities used or zoned for industrial use.

(b) Where 50 percent or more of the Impervious Surface of a previously developed Site will be altered, the entire Development Site must meet the requirements of these Rules.

(c) Where less than 50 percent of the Impervious Surface of a previously developed Site will be altered, only the proposed alteration must meet the requirements of these Rules.

(d) Priority Projects do not include Routine Maintenance and Repair of Impervious Surfaces, trenching and resurfacing work associated with utility installation in Real property or public and private streets, and the construction of temporary or permanent basins and drainage ways.

(e) A Priority Project is not determined by the cumulative areas of multiple noncontiguous and unrelated work.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-49 Post-Construction Storm Water Requirements. (a) The criteria must be met for Priority A, Priority B1, and Priority B2 Projects as follows:

(1) Incorporate appropriate LID Site Design Strategies to the MEP.
(2) Incorporate appropriate Source Control BMPs to the MEP.

(b) The criteria must be met for Priority A and B1 Projects as follows:

(1) Retain on-site by Infiltration, Evapotranspiration or Harvest/Reuse, as much of the Water Quality Volume or "WQV" as feasible, with appropriate LID Retention Post-Construction Treatment Control BMPs. The WQV is defined in §20-3-58.
(2) Biofilter the remaining portion of the WQV that is not retained on-site with appropriate LID Biofiltration Post-Construction Treatment Control BMPs as much as feasible.
(3) If it is demonstrated to be Infeasible to retain and/or biofilter the Water

Quality Volume (WQV) by the criteria in §20-3-63 one of the following alternative compliance measures is required:

(i) Treat (by detention, filtration, or settling) and Discharge with appropriate Alternative Compliance Post-Construction Treatment Control BMPs, any portion of the Water Quality Volume that is not retained on-site or biofiltered.

(ii) Retain or biofilter at an offsite location, the volume of runoff from a non-tributary drainage area equivalent to the difference between the Project's WQV and the amount retained on-site or biofiltered. Offsite mitigation Projects must be submitted for City approval.

(c) Post-Construction Treatment Control BMPs are categorized as Retention BMPs, Biofiltration BMPs, and BMPs for Alternative Compliance according to the following:

Treatment Control	**Retention**	**Biofiltration**	**Alternative Compliance**
Infiltration Basin	●		
Infiltration Trench	●		
Subsurface Infiltration[1]	●		
Dry Well	●		
Bioretention Basin	●		
Permeable Pavement	●		
Harvest / Reuse	●		
Green Roof		●	
Vegetated Bio-Filter[1]		●	
Enhanced Swale		●	
Vegetated Swale		●	
Vegetated Buffer Strip		●	
Detention Basin			●
Manufactured Treatment Device			●
Sand Filter			●

[1]Includes both proprietary and non-proprietary systems

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-50 Storm Water Quality Strategic Plans. (a) Priority A Projects must submit a Storm Water Quality Strategic Plan with or as a part of the Master Development Plan for Department review. The Strategic Plan shall include a written description of the proposed Development, expected activities and Pollutants that will be generated by activities at the Site, and LID Site Design Strategies that will be used to comply with these Rules. The Strategic Plan must include a Development schedule.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-51 Storm Water Quality Reports. (a) Priority A and Priority B1 Projects must submit a Storm Water Quality Report (SWQR) prepared by a Certified Water Pollution Plan Preparer (CWPPP), which must be reviewed and approved by the Director prior to issuance of a building, grading, grubbing, or stockpiling permit for Development. The CWPPP must be designated by the owner of the property using the form provided as Appendix A to these Rules.

(b) SWQRs shall be submitted using the report template provided as Appendix E to these Rules. The SWQR must address the requirements in §20-3-49 and must include the following information:

(1) Project Name;
(2) Master Plan Development Name;
(3) Project Address;
(4) Project size (acres);
(5) Impervious Area (square feet);
(6) Tax Map Key;
(7) The name, address, and telephone number of the owner(s)/ developers of the property;
(8) A description of Site characteristics including drainage patterns, soils, vegetation, and steep or unstable slopes that may be of concern;
(9) A description of the future activities at the Site including those that would require Source Control BMPs;
(10) A description of the Pollutants of concern (POC) expected to be generated at the Site (see §20-3-55); and
(11) A description of the BMPs that will be implemented including Site Design, Self-Mitigating Areas, Self-Retaining Areas, Source Control, Retention, Biofiltration, and Alternative Compliance and which POCs are addressed by those BMPs.
(12) The following reports and plans shall be included as attachments:
    (i) Location Map and Site Plans;
    (ii) Existing and Proposed Runoff Maps with Drainage Management Areas;
    (iii) Permanent BMP Plan including locations of all Source Control and Treatment Control BMPs and a clear and definite delineation of areas covered by vegetation or trees that will be saved;
    (iv) Treatment Control BMP Sizing Calculations or Spreadsheets;
    (v) Infiltration testing results;
    (vi) Operation and Maintenance Plan;
    (vii) Proprietary Treatment Device Washington State Department of Ecology Technology Assessment Protocol (TAPE) Certification or New Jersey Corporation for Advanced Technology (NJCAT) Verification Documentation; and
    (viii) Evidence or explanation for any feasibility and/or infeasibility criteria claimed in order to comply with the requirements for Infiltration, Harvest/ Reuse, and Biofiltration. Infeasibility criteria must be documented on the form provided as Appendix F to these Rules.

(c) SWQRs shall be submitted to the Director for review and approval with the first

set of building, grading, or construction plans for work on the Project or Site.

(d) The Director shall review SWQRs for conformance with the requirements of these Rules and require any revisions necessary to achieve compliance with these Rules. The Director may condition the approval of an SWQR on the implementation, use, and/or maintenance of BMPs not expressly required by these Rules if additional BMPs are necessary to reduce Pollutant Discharges to the MS4 and/or Receiving Waters to the MEP.

(e) Changes to an SWQR must be proposed to the Director in writing and approved by the Director before work resumes.

(f) Each failure to comply with the requirements of an SWQR approved by the Director shall be a separate violation of these rules. In addition, each day continuance of a violation shall be separate offense.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-52 Storm Water Quality Checklists. (a) Priority B2 Projects must submit a Storm Water Quality Checklist (SWQC) prepared by a CWPPP, which must be reviewed and approved by the Director prior to issuance of a building, grading, grubbing, or stockpiling permit for Development. The CWPPP must be designated by the owner of the property using the form provided as Appendix A to these Rules.

(b) SWQCs shall be submitted using the report template provided as Appendix G to these Rules. The SWQC must address the requirements in §20-3-49 and must include the following information:

(1) Project Name;
(2) Master Plan Development Name;
(3) Project Address;
(4) Total Project Size (acres or square feet);
(5) Impervious Area (square feet);
(6) Tax Map Key;
(7) The name, address, and telephone number of the owner(s)/ developers of the property;
(8) BMPs that will be implemented including Site Design Strategies, Self-Mitigating Areas, and Source Control BMPs;
(9) The Permanent BMP Plan including locations of all Site Design Strategies, Source Control BMPs, and vegetated or landscaped areas.

(c) SWQCs shall be submitted to the Director for review and approval with the first set of building, grading, or construction plans for work on the Project or Site.

(d) The Director shall review SWQCs for conformance with the requirements of these Rules and require any revisions necessary to achieve compliance with these Rules. The Director may condition the approval of an SWQC on the implementation, use, inspection, documentation, monitoring, and/or maintenance of BMPs not expressly required by these Rules if additional BMPs are necessary to reduce Pollutant Discharges to the MS4 and/or Receiving Waters to the MEP.

(e) Changes to an SWQC must be proposed to the Director in writing and approved by the Director before work resumes.

(f) Each failure to comply with the requirements of an SWQC approved by the Director shall be a separate violation of these rules. In addition, each day continuance of a violation shall be a separate offense.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-53 Operation and Maintenance Plans. (a) The owner of the property or the designated easement on which a permanent structural BMP is located must submit to the Director for acceptance an Operation and Maintenance Plan for all permanent structural BMPs. The Operation and Maintenance Plan must provide contact information for the individual(s), association, management company, or other responsible entity who shall inspect, document, implement, monitor, and maintain each of the BMPs, excluding those that are designated within limited common areas of individual subdivided lots or condominium property regimes (CPR), in compliance with the Operation and Maintenance Plan. Permanent structural BMPs include Self-Mitigating Areas, Self-Retaining Areas, Source Control BMPs, and Treatment Control BMPs. An Operation and Maintenance Plan is required for Priority A and Priority B1 projects.

(b) Operation and Maintenance Plans shall include:

(1) Name, phone number and mailing address for the owner of the property;

(2) Name and phone number for the individual(s), association, or management company responsible ensuring maintenance is being performed;

(3) Maintenance activities for each BMP;

(4) Inspection frequencies for each BMP;

(5) A Post-Construction BMP plan showing the location of each BMP with a summary of the maintenance activities and inspection schedule for each BMP; and

(6) Identification of the source of funds and/or revenue for implementation of the Operations and Maintenance Plan.

(c) Inspections of post-construction BMPs must be performed regularly and maintenance performed as needed. At a minimum, inspections shall be performed quarterly (4 times per year) and maintenance of all post-construction BMPs performed at least once annually.

(d) For facilities that will be dedicated to the City, the City reserves the right to alter the maintenance plan to conform to its practices.

(e) Modifications to the Operations and Maintenance plan after Department acceptance are permitted before closing applicable building and/or grading, grubbing, stockpiling, or trench permits.

(f) A record of inspection and maintenance activities must be kept on Site, in chronological order, and stored in a three-ring binder or electronically for a minimum of 5 years. The records must be kept on Site or electronically accessible from the Site at all times and shall be made available to the City immediately upon request.

(g) The Operations and Maintenance Plan must be prepared using the template provided as Appendix H to these Rules.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-54 Post-Construction BMP Certification and Recording. (a) Owners shall retain and/or hire a Certified Water Pollution Plan Preparer to observe the installation of Treatment Control BMPs during construction. The Certified Water Pollution Plan Preparer shall inspect the installation of post-construction BMPs at least 2 times prior to final stabilization to confirm that the Treatment Control BMPs and Source Control BMPs have been installed in conformance with the approved construction plans and submit the signed Certificate of Completion form provided as Appendix I to these Rules prior to closing the building and/or grading permits. Inspection Reports shall include photographic evidence, visual observation, maps, and test data, to confirm the installation of all required BMPs.

(b) Approved Permanent Post-Construction BMP Record Drawings and the accepted Operations and Maintenance Plan for projects on privately owned Real property shall be recorded in the State of Hawaii Land Court or Bureau of Conveyances, as appropriate. Post-Construction BMP Record Drawings and Operation and Maintenance Plans for regional BMPs shall be recorded with the land that contains the BMPs. Designated limited common areas or private areas with post-construction BMPs shall be defined in the recorded deed of each affected subdivided lot or CPR with a description of the permanent structural BMPs and the Operation and Maintenance Plan.

(c) For all Priority Projects, one copy of the drainage connection permit and Operations and Maintenance Plan shall be submitted to the Department and Director and Chief Engineer of the Department of Facility Maintenance prior to closing the building and/or grading, grubbing, or stockpiling permits.

(d) Modifications to the BMP Plan or Operations and Maintenance Plan after permit closure or after the drainage connection permit has been issued must be approved with the Department of Facility Maintenance. Any modifications to BMP plans or Operations and Maintenance Plans shall not reduce the level of protection from Pollutant Discharges afforded to State Waters or the MS4 when compared to the accepted plans prior to permit closure.

(e) Facilities with Post-Construction BMPs are subject to annual inspection by an Inspector from the Department of Facility Maintenance and must provide access to the facility for the annual inspections. Failure to comply with this requirement shall be a separate violation of these Rules. In addition, each day the violation continues shall be a separate offense.

(f) Each failure to comply with the requirements of an Operations and Maintenance Plan approved by the Director and on file at the Department of Facility Maintenance shall be a separate violation of these rules. In addition, each day the violation continues shall be a separate offense.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

SUBCHAPTER 7
BMPS, STANDARDS, AND SPECIFICATIONS FOR PERMANENT POST-CONSTRUCTION BMPS AND LOW IMPACT DEVELOPMENT

§20-3-55 BMP Selection
§20-3-56 Site Design Strategies
§20-3-57 Source Control BMPs

§20-3-58 Treatment Control BMPs Numeric Sizing Criteria
§20-3-59 Infiltration Testing
§20-3-60 Retention BMPs
§20-3-61 Biofiltration BMPs
§20-3-62 Alternative Compliance BMPs
§20-3-63 Feasibility Criteria

§20-3-55 BMP Selection. (a) Post-construction BMPs shall be chosen to address identified POCs for each Project Site and/or the Receiving Water for that Site.

Note: The following table summarizes the pollutants typically associated with the priority project land uses and more than one category may apply to a project.

Priority Project Categories	**Nutrients**	**Sediment**	**Trash**	**Pathogens**	**Pesticides**	**Oil & Grease**	**Metals**	**Organic Compounds**
Priority A: Residential Development > one acre	X	X	X	X	X	X		
Priority A: Commercial Development >one acre	P(1)	P(1)	X	P(3)	P(5)	X	X	P(2)
Priority B: Facilities used or zoned for industrial use		X	X			X	X	X
Priority B: Automotive Repair Shops			X			X	X	X(4)(5)
Priority B: Restaurants			X	X	P(1)	X		
Priority B: Parking Lots	P(1)	P(1)	X		P(1)	X	X	X
Priority B: Retail Gas Outlets			X			X	X	X
Priority B: Buildings greater than 100 feet in height	X	X	X	X	X	X		
Priority B: Retail malls	P(1)	P(1)	X	P(3)	P(5)	X	X	P(2)
(All) Streets, Highways & Freeways	P(1)	X	X	X	P(1)	X	X	X(4)

X = anticipated P = potential

(1) A potential Pollutant if landscaping exists onsite.
(2) A potential Pollutant if the Project includes uncovered parking areas.
(3) A potential Pollutant if land use involves food or animal waste products.
(4) Including petroleum hydrocarbons.
(5) Including solvents

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-56 Site Design Strategies. (a) All Priority A and Priority B Projects shall implement Site Design Strategies. Site Design strategies are LID design techniques that are intended to maintain or restore the Site's hydrologic and hydraulic functions with the intent of minimizing runoff volume and preserving existing flow paths. Site Design Strategies reduce the

amount of storm water runoff that requires treatment, resulting in smaller Treatment Control BMP size. They include:

(1) Conserve natural areas, soils, and vegetation.
(2) Minimize disturbances to natural drainages.
(3) Minimize soil compaction.
(4) Minimize Impervious Surfaces.
(5) Direct Runoff to Landscaped Areas and Reduce directly connected impervious areas (DCIA).

(b) Site Design Strategies may be used to exclude drainage management areas on the Site from requiring additional Treatment Control BMPs if they are Self-Mitigating or Self-Retaining.

(1) Self-Mitigating Areas consist of natural or landscaped area, including green roofs, which retain and/or treat rainfall over the footprint of the Self-Mitigating Area but do not accept runoff from other areas. Self-Mitigating Areas may drain directly to the MS4 or other off-site drainage without further treatment and can be excluded in calculation of the WQV or WQF. They must meet all the following criteria to be eligible for exclusion:
   (i) Vegetation in the natural or landscaped area is native and/or non-native/non-invasive drought tolerant species that do not require regular application of fertilizers and pesticides.
   (ii) Soils are undisturbed native topsoil, or disturbed soils that have been amended and aerated to promote water retention characteristics equivalent to undisturbed native topsoil.
   (iii) The incidental impervious areas are less than 5 percent of the Self-Mitigating Area.
   (iv) Impervious area within the Self-Mitigating Area should not be hydraulically connected to other impervious areas unless it is a storm water conveyance system (such as brow ditches).
   (v) The Self-Mitigating Area is hydraulically separate from other drainage areas that contain permanent storm water Pollutant control BMPs.
(2) Self-Retaining Areas are areas of a development site that are designed to retain the first 1 inch of rainfall (by ponding and infiltration and/ or evapotranspiration) on itself and from adjacent areas without producing storm water runoff. Self-Retaining Areas may be created by designing concaved landscaped areas at a lower elevation or which are bermed or ditched to accept runoff from adjacent impervious areas. They must meet all the following criteria to be eligible for exclusion:
   (i) A maximum of 1:1 ratio of impervious area to the receiving pervious area is acceptable. The maximum impervious to pervious area ratio may be increased to 1.5:1 if the soils in the pervious receiving area have been amended by incorporating at least 8 inches of compost/ amendments and tilled/ aerated to promote water infiltration and retention.
   (ii) The functional area of the Self-Retaining Area must be flat (less than 5%), designed for sheet flow, and with a minimum of 10 feet from

inflow to overflow route. Berms or other design features may be required to distribute flow throughout the Self-Retaining Area.

(iii) Side slopes and flow paths shall be protected from erosion by minimizing concentrated flows into the Self-Retaining Area using appropriate velocity dissipation methods (e.g. riprap or level spreaders).

(iv) Vegetation should be native and/or non-native/non-invasive drought tolerant species that can tolerate periodic ponding and do not require regular application of fertilizers and pesticides.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-57 Source Control BMPs. (a) Source Control BMPs are required for all Priority A and B Projects for the following activities and areas: Landscaped areas, Automatic irrigation systems, Storm drain Inlets, Vehicle/equipment fueling, Vehicle/equipment repair, Vehicle/equipment washing/cleaning, Loading docks, Outdoor trash storage, Outdoor material storage, Outdoor work areas, Outdoor process equipment operations, and Parking areas. They shall be implemented to the MEP.

(b) Landscaped areas.
  (1) Limit runoff from landscaped areas to impervious areas
  (2) Protect slopes and channels

(c) Automatic Irrigation.
  (1) Design irrigation systems to each landscape area's specific water requirements.
  (2) Implement landscape plans consistent with City water conservation resolutions, which may include provision of drip irrigation, water sensors, or programmable irrigation times (for short cycles)
  (3) Design timing and application methods of irrigation water to Minimize the runoff of excess irrigation water into the storm water drainage system.
  (4) Group plants with similar water requirements in order to reduce excess irrigation runoff and promote surface filtration.

(d) Storm Drain Inlets.
  (1) Provide stenciling or labeling of all storm drain inlets and catch basins, constructed or modified, within the Project area with prohibitive language.
  (2) Place the marker in clear sight facing toward anyone approaching the inlet from either side
  (3) Signage must not be placed on the face of curbs to avoid contact with vehicle tires and sweeper brooms.
  (4) Post signs with prohibitive language and/or graphical icons, which prohibit illegal dumping at public access points along channels and streams within the Project area.

(e) Vehicle and Equipment fueling areas.
  (1) Covering. Include an overhanging roof structure or canopy over fuel dispensing areas. The cover's minimum dimensions must be equal to or

greater than the area within the grade break. The cover must not drain onto the fuel dispensing area and the downspouts must be routed to prevent drainage across the fueling area. If fueling large equipment or vehicles that prohibit the use of covers or roofs, the fueling island should be designed to accommodate the larger vehicles and equipment and to prevent storm water run-on and runoff.

(2) Surfacing. Pave fuel dispensing areas with Portland cement concrete (or equivalent smooth Impervious Surface). Extend the paved area a minimum of 6.5 feet from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less. The use of asphalt concrete is prohibited. Use asphalt sealant to protect asphalt paved areas surrounding the fueling area.

(3) Grading/Contouring. Slope the dispensing areas to prevent ponding, and separate it from the rest of the Site by a grade break that prevents run-on. Grade the fueling areas to drain toward a dead-end sump or vegetated/landscaped area. Direct runoff from downspouts/roofs away from fueling areas towards vegetated/landscaped areas if possible.

(4) Drains. Label all drains within facility boundaries using paint or stencil, to indicate whether flow is to the storm drain, sewer, or oil/water separator.

(f) Vehicle and Equipment Repair.

(1) Locate repair/ maintenance bays indoors; or design them to preclude run-on and runoff.

(2) Pave repair /maintenance floor areas with Portland cement concrete (or equivalent smooth Impervious Surface).

(3) Provide impermeable berms, drop inlets, trench drain, catch basins, or overflow containment Structures around repair bays to prevent spilled materials and wash-down waters from entering the storm drain system. Connect drains to a sump for collection and disposal. Direct connection of the repair/ maintenance bays to the storm drain system is prohibited.

(4) Label all drains within facility boundaries using paint or stencil, to indicate whether flow is to the storm drain, sewer, or oil/ water separator.

(g) Vehicle and Equipment Washing and Cleaning. At least one of the following features for vehicle and equipment washing must be incorporated into the Project design:

(1) Be self-contained and/or covered with a roof or overhang; or

(2) Be equipped with a clarifier or other pretreatment facility; or

(3) Have a proper connection to a sanitary sewer; or

(4) Install sumps or drain lines to collect wash water. Divert wash water to the sanitary sewer, an engineered Infiltration system, or an equally effective alternative; or

(5) Direct and divert surface water runoff away from the exposed area around the wash pad, and wash pad itself to alternatives other than the sanitary sewer; or

(6) Cover areas used for regular washing of vehicles, trucks, or equipment, surround them with a perimeter berm, and clearly mark them as a

designated washing area

(7) Label all drains within facility boundaries using paint or stencil, to indicate whether flow is to the storm drain, sewer, or oil/water separator.

(8) Approval for a sanitary connection must be obtained from the City Department of Environmental Services and may require an industrial wastewater Discharge permit.

(h) Residential Vehicle and Equipment Washing for Condominiums and Apartment Buildings.

(1) Designate a car wash area and post signs for area.

(2) Divert wash water to a vegetated area where it may percolate into the ground, the sanitary sewer, an engineered Infiltration system, or an equally effective alternative.

(3) Direct and divert surface water runoff away from the wash area to alternatives other than the sanitary sewer.

(4) Approval for a sanitary connection must be obtained from the City Department of Environmental Services.

(d) Loading Docks.

(1) Cover all loading dock areas, or design them to preclude run-on and runoff.

(2) Do not allow runoff from depressed loading docks (truck wells) to Discharge into storm drains.

(3) Drain below-grade loading docks from grocery stores and warehouse/distribution centers of fresh food items through water quality inlets, an engineered Infiltration system, or an equally effective alternative.

(4) Grade and/or berm the loading/unloading area to a drain that is connected to a dead-end.

(5) Pave loading areas with Portland cement concrete.

(j) Outdoor Trash Storage.

(1) Hazardous waste must be handled in accordance with legal requirements established in Hawaii Administrative Rules Title 11 Chapter 58.1 Solid Waste Management Control, and enforcement by the State of Hawaii Department of Health solid and Hazardous Waste Branch.

(2) Berm trash storage areas to prevent run-on from adjoining roofs and pavement, or grade areas towards vegetated/landscaped areas.

(3) Reduce/prevent leaking of liquid waste by incorporating at least one of the following: Lined bins or dumpsters, Low containment berm around the dumpster area, or Drip pans underneath dumpsters

(4) Prevent rainfall from entering containers with roofs, awnings, or attached lids.

(5) Pave trash storage areas with an Impervious Surface to mitigate spills.

(6) Do not locate storm drains in immediate vicinity of the trash storage area.

(7) Post signs on dumpsters indicating that hazardous material are not to be disposed of therein.

(k) Outdoor Material Storage may be in the form of raw products, by-products, finished products, and waste products.

(1) Materials with the potential to contaminate storm water must either be placed in an enclosure that prevents contact with runoff or spillage to the storm water conveyance system, or protected by secondary containment Structures such as berms, dikes, or curbs.

(2) Pave the storage area with Portland cement concrete (or equivalent smooth Impervious Surface) to contain leaks and spills.

(3) Slope the storage area towards a dead-end sump to contain spills.

(4) Direct runoff from downspouts/roofs away from storage areas.

(5) Cover the storage area with an awning that extends beyond the storage area to Minimize collection of storm water within the secondary containment area. A manufactured storage shed may be used for small containers.

(l) Outdoor Work Areas may include but are not limited to areas where grinding, painting, coating, sanding, and parts cleaning are performed.

(1) Use an impermeable surface such as concrete or asphalt, or a prefabricated metal drip pan, appropriate for the work area.

(2) Cover the area with a roof to prevent rain from falling on the work area and becoming polluted runoff.

(3) Berm or perform mounding around the perimeter of the area to prevent water from adjacent areas from flowing on to the surface of the work area.

(4) Directly connect runoff to the sanitary sewer or other specialized containment system(s). This allows the more highly concentrated Pollutants from these areas to receive special treatment that removes particular constituents. Approval for a sanitary connection must be obtained from the City Department of Environmental Services and may require an industrial wastewater Discharge permit.

(5) Locate the work area away from storm drains or catch basins.

(m) Outdoor Process Equipment Operations may include but are not limited to rock grinding or crushing, painting or coating, grinding or sanding, and degreasing or parts cleaning.

(1) Cover or enclose areas that would be the most significant source of Pollutants; or slope the area toward a dead-end sump; or, Discharge to the sanitary sewer system following appropriate treatment in accordance with conditions established by the City Department of Environmental Services.

(2) Grade or berm area to prevent run-on from surrounding areas.

(3) Do not install storm drains in areas of equipment repair.

(4) Provide secondary containment Structures (not double wall containers) where wet material processing occurs (e.g., electroplating), to hold spills resulting from accidents, leaking tanks, or equipment, or any other unplanned releases (Note: if these are plumbed to the sanitary sewer, they must be with the prior approval of the City.)

(n) Parking Areas that are paved with impermeable material must be graded to direct runoff towards vegetated/landscaped areas or other Post-Construction Treatment Control BMPs.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-58 Treatment Control BMPs numeric sizing criteria. (a) Treatment Control BMPs include retention (Infiltration and Harvest/ Reuse) BMPs, Biofiltration BMPs, and manufactured treatment devices and are sized either based on volume, flow, or demand, depending on the BMP.

(b) Treatment Control BMPs shall be designed off-line from the drainage system, unless a bypass system is provided for the design storm.

(c) Drainage management areas should be defined based on proposed drainage patterns of the Site and BMPs to which they drain. More than one drainage management area can drain to a single BMP but a single drainage management area cannot drain to more than one BMP unless those BMPs are in series and not parallel. Drainage management area calculations for Treatment Control should not include Self-Mitigating Areas and Self-Retaining Areas.

(d) De Minimis Areas are very small drainage areas that are not significant contributors of Pollutants. Examples include portions of sidewalks, driveways, and retaining walls at the external boundary of a Project. De Minimis Areas can be excluded from Treatment Control requirements and WQV or WQF calculations if they meet all of the following characteristics:

(1) Areas abut the perimeter of the Development Site.

(2) Topography or land ownership constraints make BMP construction Infeasible.

(3) The sum of all De Minimis areas should represent less than 5 percent of the total Project size.

(e) Volume based BMPs numeric sizing criteria. Volume based storm water quality facilities include LID retention BMPs: Infiltration Basins, Infiltration Trenches, Subsurface Infiltration Systems, Dry Wells, Bioretention Basins, Permeable Pavement; Biofiltration BMPs: Green Roofs, Vegetated Bio-Filters, Enhanced Swales; and Alternative Compliance BMPs: Detention Basins, and Sand Filters.

(1) Volume based BMPs shall be sized for the Water Quality Volume (WQV), which is calculated as follows:

$$WQV = P \times 3630$$

Where:

WQV	=	water quality volume (cubic feet)
P	=	design storm runoff depth (inches)
C	=	volumetric runoff coefficient
A	=	drainage management area(s) (acres)

(2) A design storm runoff depth of 1 inch shall be used for LID retention BMPs. A design storm runoff depth of 1.5 inches shall be used for volume-based Biofiltration and Alternative Compliance BMPs.

(3) The volumetric runoff coefficient shall be calculated using the following equation as developed by EPA for smaller storms in urban areas:

$$C = 0.05 + 0.009I$$

Where:

C	=	volumetric runoff coefficient
I	=	percent of impervious cover, expressed as a percentage

(f) Flow-through based BMPs Numeric Sizing Criteria. Flow-through based BMPs include Vegetated Swales, Vegetated Filter Strips, and Alternative Compliance Manufactured Treatment Devices.

(1) Flow-through based BMPs shall be sized for the Water Quality Flow Rate

(WQF), which is calculated using the Rational Formula as follows:

WQF = 1.5 X CiA

Where: WQF = water quality flow rate (cubic feet per second)
C = runoff coefficient
i = peak rainfall intensity (inches per hour)
A = drainage management area(s) (acres)

(2) A peak rainfall intensity of 0.4 inches per hour shall be used.

(3) The runoff coefficient shall be determined from the table below.

(4) For drainage areas containing multiple land uses the following formula may be used to compute a composite weighted runoff coefficient:

$$C_c = \left(\sum_{i=1}^{n} C_i A_i\right) / A_t$$

Where: C_c = composite weighted runoff coefficient
$C_{1,2,\ldots n}$ = runoff coefficient for each land use cover type
$A_{1,2,\ldots n}$ = drainage area of each land use cover type (acres)
A_t = total drainage area (acres)

(5) The calculated WQF for Vegetated Swales and Vegetated Filter Strips may be reduced by 25 percent if the soil beneath the BMP is classified as Hydrologic Soils Group (HSG) "A" or "B", as reported by the United States Department of Agriculture (USDA) Natural Resources Conservation Service, or if the soil beneath the BMP is amended by incorporating 6 inches of compost/amendments and tilled up to 8 inches.

Note: the following table provides runoff coefficients to be used for Flow-through based BMP calculations

Type of Surface	**Runoff Coefficient**
Roofs	0.90
Concrete	0.80
Stone, brick, or concrete pavers with mortared joints and bedding	0.80
Asphalt	0.70
Stone, brick, or concrete pavers with sand joints and bedding	0.70
Pervious Concrete	0.10
Porous asphalt	0.10
Permeable interlocking concrete pavement	0.10
Grid pavements with grass or aggregate surface	0.10
Crushed aggregate	0.10
Grass	0.10

Grass over Porous Plastic	0.05
Gravel over Porous Plastic	0.05

Note: These runoff coefficients are only appropriate for small storm treatment design and should not be used for flood control sizing.

(g) The sizing procedures for BMP size based on the WQV and WQF are based on simple dynamic and static principles and therefore may result in larger BMPs than are necessary. More rigorous sizing methods, such as detailed routing methods or continuous simulation models, may be used with Director approval. Any other sizing method for retention BMPs must retain the first 1 inch of rainfall. Any treat and release BMP must use a design storm depth of 1.5 inches.(h) Demand based BMP Numeric Sizing Criteria. Demand based BMPs include Harvest /Reuse. One of two equivalent performance standards shall be met:

(1) Harvest and Reuse BMPs must be designed to capture at least 80 percent of average annual (long term) runoff volume AND meet 80 percent of the annual overall demand. If these criteria are met then no further BMPs are required to retain the WQV for the contributing drainage management area(s).

(2) Harvest and Reuse BMPs must be sized to meet] the 48-hour demand at the Site at a minimum. It is rare that cisterns can be sized to capture the full WQV and use this volume in 48 hours, therefore the BMP should be sized to meet the estimated 48-hour demand and the remaining WQV not captured is required to be retained onsite through Infiltration/ evapotranspiration or, if Infeasible, treated with Biofiltration or Alternative Compliance as required in §20-3-49.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-59 Infiltration Testing. (a) The Infiltration rate, or permeability, measured in inches per hour, is the rate at which water passes through the soil profile during saturated conditions. Soil investigations and Infiltration tests are required to accurately determine the local soil characteristics and capacity for Infiltration. For Infiltration basins, subsurface Infiltration systems, dry wells, bioretention basins, and permeable pavement, at a minimum, one permeability test must be performed for every 2,500 square feet. For Infiltration trenches, at a minimum, one permeability test must be performed for every 100 linear feet.

(b) Design Infiltration Rates. To account for uncertainties and inaccuracies in testing, a correction (i.e., safety) factor shall be applied to the assumed or measured Infiltration rate to produce a design Infiltration rate for BMP sizing calculations. The minimum safety factor shall be 2 for Infiltration facilities.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-60 Retention BMPs. Retention BMPs include Infiltration BMPs and Harvest/

Reuse.

(a) Infiltration Basin. An Infiltration basin is a shallow impoundment with no outlet, where storm water runoff is stored and infiltrates through the basin invert and into the soil matrix.

(1) Infiltration Basins shall have a flat invert, interior side slopes (length per unit height) no steeper than 3 horizontal to 1 vertical unless approved by a licensed Engineer with geotechnical expertise, and at least 3 feet from the basin invert to the seasonally high groundwater table. For side slopes greater than 3 horizontal to 1 vertical, permanent Erosion Control using Geotextiles or Rolled Erosion Control Products and grassing is required.

(2) The soil Infiltration rate below the basin invert shall be at least 0.5 inches per hour, and drain completely in 48 hours.

(b) Infiltration Trench. An Infiltration trench is a rock-filled trench with no outlet, where storm water runoff is stored in the void space between the rocks and infiltrates through the bottom and into the soil matrix.

(1) Infiltration Trenches shall have no more than 6 inches of a top backfill layer, no more than 12 inches of a bottom sand layer, and 1.5-3.0 inch diameter trench rock.

(2) The soil Infiltration rate below the trench invert shall be at least 0.5 inches per hour, the depth from the trench invert to the seasonally high groundwater table shall be at least 3 feet, and the trench shall completely drain in 48 hours.

(3) The depth of the Infiltration trench shall not exceed the greater of the trench width and trench length to avoid classification as an Underground Injection Control (UIC) Class V injection well.

(c) Subsurface Infiltration System. A subsurface Infiltration system is a rock (or alternative pre-manufactured material) storage bed below other surfaces such as parking lots, lawns and playfields for temporary storage and Infiltration of runoff.

(1) In addition to applicable manufacturer's guidelines, the soil Infiltration rate below the system invert shall be at least 0.5 inches per hour, the depth from the system invert to the seasonally high groundwater table shall be at least 3 feet, and the system shall completely drain in 48 hours.

(2) The depth of the subsurface Infiltration system storage bed shall not exceed the greater of the storage bed's width and storage bed's length to avoid classification as a UIC Class V injection well.

(d) Dry Well. A dry well is a subsurface aggregate-filled or prefabricated perforated storage facility, where roof runoff is stored and infiltrates into the soil matrix.

(1) The soil Infiltration rate below the dry well invert shall be at least 0.5 inches per hour, the depth from the dry well invert to the seasonally high groundwater table shall be at least 3 feet, and the dry well shall completely drain in 48 hours.

(2) If the dry well is aggregate-filled, 1.0-3.0 inch aggregate shall be used unless an alternative is approved by a licensed Engineer with geotechnical expertise.

(3) The depth of the dry well shall not exceed the diameter to avoid classification as an UIC Class V injection well.

(e) Bioretention Basin. Sometimes referred to as a Rain Garden, a Bioretention Basin is an engineered shallow depression that collects and filters storm water runoff using conditioned planting soil beds and vegetation. The filtered runoff infiltrates through the basin invert and into the soil matrix.

(1) Bioretention Basins shall have a flat invert, interior side slopes (length per unit height) no steeper than 1:1 for single family residential installations and no steeper than 3 horizontal to 1 vertical for all other installations unless approved by a licensed Engineer with geotechnical expertise, and at least 3 feet from the basin invert to the seasonally high groundwater table. For side slopes greater than 3 horizontal to 1 vertical, permanent Erosion Control using geotextiles or erosion mats and grassing is required.

(2) The ponding depth shall be no greater than 12 inches, the mulch thickness shall be 2-4 inches, and the planting soil depth shall be 2-4 feet.

(3) The soil Infiltration rate below the basin invert shall be at least 0.5 inches per hour, and the basin shall drain completely in 48 hours.

(f) Permeable Pavement. Sometimes referred to as pervious pavement or porous pavement, permeable pavement refers to any porous, load-bearing surface that allows for temporary rainwater storage in an underlying aggregate layer until it infiltrates into the soil matrix. It includes pervious concrete, porous asphalt, interlocking paver blocks, and reinforced turf grassing and gravel filled grids.

(1) Permeable pavement shall have a reservoir layer no thicker than 3 feet and have at least 3 feet from the reservoir invert to the seasonally high groundwater table.

(2) The soil beneath the reservoir layer invert shall have an Infiltration rate of at least 0.5 inches per hour, and the reservoir layer shall drain completely in 48 hours.

(g) Harvest/Reuse. Sometimes referred to as Capture/Reuse or Rainwater Harvesting, Harvest/Reuse is the collection and temporary storage of roof runoff in rain barrels or cisterns for subsequent non-potable use (landscape irrigation, vehicle washing and other uses as allowed by the Building Code).

(1) Harvest/ Reuse facilities must be sized according to the sizing criteria in §20-3-58 or other methods appropriate to compute the storage volume.

(2) Harvest/ Reuse facilities must not conflict with any applicable building codes.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-61 Biofiltration BMPs.

(a) Green Roof. Sometimes referred to as a Vegetated Roof or Eco-roof, a green roof is a roof that is entirely or partially covered with vegetation and soils for the purpose of filtering, absorbing, evapotranspirating, and retaining/ detaining the rain that falls upon it.

(1) Green roofs shall have a slope no greater than 20 percent, at least 2 inches of soil media, and at least 2 inches of drainage layer.

(b) Vegetated Bio-Filter. This category of BMPs may be referred to as a Bioretention

Filter, Stormwater Curb Extension, Tree box filter, or Planter Box. A Vegetated Bio-Filter is an engineered or proprietary system that collects and filters storm water runoff using conditioned planting soil beds and vegetation. The filtered runoff Discharges through an underdrain system.

(1) Engineered vegetated Bio-Filters shall have a relatively flat invert, the ponding depth shall be no greater than 12 inches, the mulch thickness shall be 2-4 inches, and the planting soil depth shall be 2-4 feet.

(2) Engineered vegetated Bio-Filters planting soil shall have a coefficient of permeability equal to at least 1.0 foot per day, and the WQV shall drain completely in 48 hours.

(3) Non-vegetated filter media may be used in lieu of planting soil.

(4) For proprietary systems, the BMP must be certified for general use by the Washington State Department of Ecology Technology Assessment Protocol (TAPE) for Enhanced Treatment (for the treatment of dissolved metals), Phosphorous Treatment, or Oil Treatment, according to the predominant Pollutant(s) of concern at that Site.

(c) Dry Swale. Sometimes referred to as a Bioretention Swale or Enhanced Swale, a Dry Swale is a shallow linear channel with a planting bed and covered with turf or other surface material (other than mulch or plants). Runoff filters through a planting bed, is collected in an underdrain system, and Discharged at the downstream end of the swale.

(1) Enhanced Swales shall have interior side slopes (length per unit height) no steeper than 3 horizontal to 1 vertical unless approved by a licensed Engineer with geotechnical expertise, a bottom width between 2-8 feet, and a longitudinal slope no greater than 2 percent without check dams or 5 percent with check dams. For side slopes greater than 3 horizontal to 1 vertical, permanent Erosion Control using geotextiles or erosion mats and grassing is required.

(2) If used, check dams shall be no higher than 12 inches. The maximum ponding depth is 18 inches and the minimum media depth is 18 inches.

(d) Vegetated Swale. Sometimes referred to as a Grass Swale, Grass Channel, or Biofiltration Swale, a vegetated swale is a broad shallow earthen channel vegetated with erosion resistant and flood tolerant grasses. Runoff typically enters the swale at one end and exits at the other end.

(1) Vegetated Swales shall have interior side slopes (length per unit height) no steeper than 3 horizontal to 1 vertical unless approved by a licensed Engineer with geotechnical expertise, a bottom width no greater than 10 feet, and a water depth no greater than 4 inches.

(2) The velocity in the swale shall not exceed 1 foot per second, and the hydraulic residence time shall be at least 7 minutes.

(e) Vegetated Buffer Strip. Sometimes referred to as a Vegetated Filter Strip or Biofiltration Strip, a vegetated buffer strip is a grassy slope vegetated with turf grass that is designed to accommodate sheet flow. They may remove Pollutants by vegetative filtration.

(1) Vegetated Buffer Strips shall have a length (in the direction of flow) no less than 15 feet, the depth of flow shall not exceed 1 inch, and the velocity shall not exceed 1 foot per second. The length of the filter strip in the direction of flow may be noncontiguous so long as the minimum length is met for the tributary area.

(2) The flow length of the tributary area discharging perpendicularly onto the strip shall not exceed 75 feet.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-62 Alternative Compliance BMPs.

(a) Manufactured Treatment Device. A manufactured treatment device is a proprietary water quality structure utilizing settling, filtration, adsorptive/absorptive materials, or other appropriate technology to remove Pollutants from storm water runoff.

(1) The device must provide, at minimum, a total suspended solids (TSS) removal rate of 80 percent, certified for general use by the Washington State Department of Ecology Technology Assessment Protocol (TAPE) or verified by the New Jersey Corporation for Advanced Technology (NJCAT) consistent with the New Jersey Department of Environmental Protection (NJDEP) protocols.

(2) Systems not meeting the required TSS removal criteria are allowed as pre-treatment for other BMPs

(b) Detention Basin. Sometimes referred to as a Dry Extended Detention Basin, a detention basin is a shallow man-made impoundment intended to provide for the temporary storage of storm water runoff to allow particles to settle. It does not have a permanent pool and is designed to drain between storm events.

(1) Detention Basins shall have an invert sloped between 1 to 2 percent, interior side slopes (length per unit height) no steeper than 3 horizontal to 1 vertical unless approved by a licensed Engineer with geotechnical expertise, a minimum length to width ratio of 2 to 1, and a maximum depth of 8 feet.

(2) With outlets no smaller than 4 inches in diameter, the basin shall drain completely in 48 hours when full and 24-36 hours when half full.

(c) Sand Filter. A sand filter is an open chambered structure that captures, temporarily stores, and treats storm water runoff by passing it through an engineered media (e.g., sand).

(1) Sand filter beds shall have at least 18 inches of sand with a coefficient of permeability of at least 3.5 feet per day, and shall drain completely in 48 hours.

[Eff December 24, 2018] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

§20-3-63 Feasibility Criteria. For compliance with §20-3-49 of these Rules, the following feasibility criteria are established.

(a) Infiltration Feasibility. Infiltration BMPs are Infeasible and must not be used if any of the following conditions are met:

(1) Soils beneath the BMP invert have measured Infiltration rates of less than

0.5 in/ hr or are USDA HSG "C" or "D" as reported by the USDA Natural Resources Conservation Service;

(2) The seasonally high groundwater table is within 3 feet from the BMP invert;

(3) There is a documented concern that there is a potential onsite for soil Pollutants, ground water Pollutants, or Pollutants associated with industrial activities to be mobilized;

(4) There are geotechnical concerns at the Site;

(5) Excavation for the installation of the BMP would disturb iwi kupuna or other archeological resources;

(6) The BMP cannot be built within the following setbacks:

(i) 50 feet from the nearest drinking water well;

(ii) 35 feet from the nearest septic system;

(iii) 10 feet from the nearest private property line;

(iv) 20 feet from the nearest building foundation at the Project Site;

(v) 100 feet from the nearest down-gradient building foundation; or

(7) Infiltration facilities would conflict with the location of existing or proposed underground utilities or easements, or would result in their placement on top of underground utilities, or otherwise oriented to underground utilities, such that they would Discharge to the utility trench, restrict access, or cause stability concerns.

(b) Harvest/Reuse feasibility. Harvest/ Reuse is considered Infeasible for the any of the flowing reasons:

(1) The demand is inadequate to reuse the required volume of water;

(2) The technical requirements cause the harvesting system to exceed 2 percent of the total Project cost;

(3) The Site where a cistern must be located is at a slope greater than 10 percent;

(4) There is no available space to locate a cistern of adequate size to harvest and use the required amount of water;

(5) The cistern cannot be built within the following setbacks:

(i) 10 feet from the nearest septic system;

(ii) 5 feet from the nearest private property line;

(iii) 5 feet from the nearest building foundation at the Project Site; or

(6) The Project includes a reclaimed water system and demand for a harvest/ reuse system cannot be met.

(c) Biofiltration feasibility.

(1) Vegetated Biofilters are Infeasible for any of the following reasons:

(i) Excavation would disturb iwi kupuna or other archaeological resources;

(ii) The invert of underdrain layer is below seasonally high groundwater table;

(iii) The Site does not receive enough sunlight to support vegetation;

(iv) The Site lacks sufficient hydraulic head to support BMP operation by gravity; or

(v) Unable to operate off-line with bypass and unable to operate in-

line with safe overflow mechanism;

(2) Green Roofs are Infeasible for any of the following reasons:
  (i) The roof is for a single family residential dwelling;
  (ii) Roof space is unavailable due to renewable energy, electrical, and/or mechanical systems; or
  (iii) Slope on roof exceeds 25 percent (14 degrees);

(3) Dry Swales are Infeasible for any of the following reasons:
  (i) Excavation would disturb iwi kupuna or other archaeological resources;
  (ii) The invert of underdrain layer is below seasonally high groundwater table;
  (iii) The Site lacks sufficient hydraulic head to support BMP operation by gravity; or
  (iv) Unable to operate off-line with bypass and unable to operate in-line with safe overflow mechanism.

(4) Vegetated Swales are Infeasible for any of the following reasons:
  (i) The excavation would disturb iwi kupuna or other archaeological resources;
  (ii) The Site does not receive enough sunlight to support vegetation; or
  (iii) Unable to operate off-line with bypass and unable to operate in-line with safe overflow mechanism.

(5) Vegetated filter strips are Infeasible for any of the following reasons:
  (i) Excavation would disturb iwi kupuna or other archaeological resources;
  (ii) The Site does not receive enough sunlight to support vegetation; or
  (iii) Unable to operate off-line with bypass and unable to operate in-line with safe overflow mechanism.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1)

SUBCHAPTER 8
VARIANCES

§20-3-64 Variances

§20-3-64 Variances. (a) Petitions for variances from the requirements of these rules may be submitted to the Director.

(b) Petitions for a variance must include:
  (1) The name, address, phone number and email address of the petitioner;
  (2) A designation of the specific sections and provisions of these rules from which variance is sought;
  (3) A narrative explanation of the grounds on which the variance may be granted; and

(4) Engineer certified plans, illustrations, and/or calculations in support of the petition.

(c) The Director may authorize a petitioner to vary from any requirement established by these rules if the petitioner is able to establish all of the following are true:

(1) The variance is necessary to prevent a hardship caused by unique Site conditions on the property that are not ordinarily found in other areas within the City;

(2) The unique conditions on the property are not the result of petitioner's own actions or the actions of h/her agents, contractors, consultants, or tenants;

(3) Granting a variance will not adversely affect the rights of abutting property owners;

(4) The variance requested will not result in an unreasonable threat of Pollutant Discharges to the MS4 or State Waters;

(5) The variance requested is the minimum accommodation needed to overcome the hardship caused by naturally occurring conditions on the property; and

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§1-9.1, 14-12.31, 14-12.32) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 14-12.32, 18-4.1, 18-5.1).

SUBCHAPTER 9
VIOLATIONS AND ENFORCEMENT

§20-3-65 BMP Deficiencies
§20-3-66 Enforcement
§20-3-67 Penalties

§20-3-65 BMP Deficiencies. BMP Deficiencies and violations of ESCPs shall be classified as critical, major, and minor deficiencies as follows.

(a) Critical deficiencies are any BMP deficiencies that result in or pose an immediate threat of Pollutants Discharges to the MS4 or state waters.

(b) Major deficiencies are non-critical deficiencies that indicate a lack of good-faith efforts to comply with the requirements of these rules and those deficiencies that may reasonably be expected to result in the Discharge of Pollutants to the MS4 or state waters under rain conditions with a 10 year recurrence interval or less.

(c) Minor deficiencies means those deficiencies that do not pose a threat for Discharge of untreated storm water or Pollutants to the MS4, surface waters, or State waters, but are not in strict conformance with an approved ESCP.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-66 Enforcement. (a) If the Director determines that any person is violating any provision of these rules, the Director may issue a notice of violation and order to the person or persons responsible for the violation. The person responsible for a violation of these rules shall be the owner of the Real property on which the violation occurs and the person responsible for implementing the ESCP for the Project. The responsible person or persons may also include all persons who directed, authorized, allowed, or participated in the acts of omissions that cause the violation to occur.

(b) The notice of violation shall contain the following:

(1) The date of the notice
(2) The name and address of the person or persons served with the notice
(3) The section of the ordinance or rule that has been violated
(4) The nature of the violation; and
(5) The deadline for compliance with the notice.

(c) Contents of the Order. The order may require the person or persons responsible for the violation to do any or all of the following:

(1) Cease and desist from the violation;
(2) Correct the violation at the person's own expense;
(3) Pay and administrative fine; or
(4) Appear before the Director at the time and place specified by the order to answer charges and explain why a fine for the violation should not be imposed; and
(5) Clean and abate any Discharge to the MS4.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.24, 14-12.26, 14-12.28, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

§20-3-67 Penalties. (a) Any person violating the provisions of these rules may be ordered to pay an administrative or civil penalty of not less than $1,000.00 nor more than $25,000.00 per violation per day, except that in cases where such offense shall continue after due notice, each day's continuance of the same shall constitute a separate offense.

(b) A civil fine that remains unpaid after all rights to a Contested case hearing have expired or been exhausted may be added by administrative action of the Director to any taxes, fees, or chargers collected by the City, other than charges for residential water and sewer use. Once added to fees or charges collected by the City, no permit, approval, or license shall be issued to a person responsible for the unpaid fine until said fines are paid in full. Taxes, fees, and charges that unpaid civil fines may be added to include, but are not limited to:

(1) Building, grading, grubbing, stockpiling, trenching, sign, special management area, shoreline variance, subdivision approval, building relocation, conditional use, and general plan amendment, and state land use district boundary amendment permits issued by the Department;
(2) Motor vehicle registration and vehicle weight tax, motor vehicle transfer of ownership fee, driver's license renewal fees, and business license fees collected by the customer services department;
(3) Liquor license and liquor license renewal fees collected by the Liquor Commission;

(4) Refuse collection and disposal fees collected by the Department of Environmental Services; and

(5) Real property taxes collected by the Department of Budget and Fiscal services. However, fines added to Real property taxes after the effective date of these rules shall be junior to all interests recorded against Real property before the unpaid fines are added to the Real property taxes for the property.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.24, 14-12.26, 14-12.28, 14-12.31) (Imp: ROH §§ 14-12.1, 14-12.23, 14-14.2, 18-4.1, 18-5.1).

SUBCHAPTER 10
APPEALS

§20-3-68 Appeals
§20-3-69 Computation of Time
§20-3-70 Mandatory Filing Deadline
§20-3-71 Representation in Contested Case Hearings
§20-3-72 Prehearing Procedure
§20-3-73 Intervention
§20-3-74 Withdrawal of Petition
§20-3-75 Contested Case Hearing
§20-3-76 Decision and Order
§20-3-77 Judicial Remand

§20-3-68 Appeals. (a) A property owner, permit holder, Discharger, or person that is personally and adversely affected by an action of the Director in the administration of these rules may appeal the Director's action by filing a petition for appeal with the Department of Planning and Permitting within thirty days of the mailing of the Director's action.

(b) A petition for appeal shall not exceed ten pages in length and must be signed by the petitioner or the petitioner's attorney. A petition for appeal must also include all of the following:

(1) The petitioner's name, address, phone number, and interest in the Director's action;

(2) All pertinent facts;

(3) The provisions of the Director's action that are objected to;

(4) The reasons for the objection;

(5) The alternate provisions, if any, that petitioner seeks to place in the Director's action; and

(6) The reasons why the petitioner believes that the Director's action is based on an erroneous finding of material fact, arbitrary or capricious decision making, or an abuse of discretion.

(c) Upon receipt of a petition for appeal containing all required information, the Director shall assign a hearings officer to hold a Contested case hearing on the petition.

(d) A petition for appeal shall only be sustained if the petitioner is able to prove, by a preponderance of the evidence, that the Director's action is based on an erroneous finding of material fact, arbitrary or capricious decision-making, or an abuse of discretion. In all other cases, an appeal shall be denied.

(e) If an appeal is sustained, the hearings officer shall remand the Director's action or to the Department for further action consistent with the hearings officer's findings and decision.

(f) The filing of a petition for appeal shall not stay an action of the Director of the requirements of a notice of violation and order.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: HRS §§ 91-2, 91-9, 91-9.5, 91-12, ROH § 14-12.27).

§20-3-69 Computation of Time. Whenever these rules specify a period of days for the completion of an action, the action shall be completed by 4:30 p.m. on the last day specified in the period, except when the specified period of days ends on a weekend, observed holiday, or other day on which the City is not open for business. In such cases, the action shall be completed by 4:30 p.m. on the next business day.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: HRS §91-2).

§20-3-70 Mandatory Filing Deadline. (a) A petition for appeal must be received by the Department within thirty days of the mailing or personal service of the Director's action. The date of mailing may be established by a postal receipt or official Department records which state the date on which the director's action was placed in the US mail or hand delivered to the petitioner.

(b) If a petition for appeal is not filed within thirty days, it shall be dismissed upon motion by the Director.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.27, 14-12.31) (Imp: HRS §91-2, ROH § 14-12.27).

§20-3-71 Representation in Contested Case Hearings. (a) A person may appear before the hearings officer in the person's own behalf, a partner may represent a partnership, an officer, trustee, or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association, and an officer or employee of an agency may represent the agency in Contested case proceedings.

(b) A person may be represented by counsel in any proceedings under these rules.

(c) A person may not be represented in proceedings before the hearings officer except as stated in (a) and (b).

(d) When a person who is not an attorney acts in a representative capacity and appears in person or signs documents or papers in practice before the hearings officer, the person shall provide proof of h/her authority to act on behalf of the represented person upon request of

the hearings officer or the Director.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.27, 14-12.31) (Imp: HRS §91-2, ROH § 14-12.27).

§20-3-72 Prehearing Procedure. (a) Within thirty days of receiving a petition for appeal, the hearings officer shall schedule a prehearing conference with the parties by issuing a notice of prehearing conference. The notice shall be served upon the parties by certified mail, with return receipt requested, no less than seven days prior to the prehearing conference. If the notice is mailed to the address provided by the petitioner in h/her petition for appeal and returned to the hearings officer as unclaimed, notice of the scheduling may then be provided by publishing a copy of the notice in a newspaper published in the State of Hawaii and having a general circulation within the City and County of Honolulu at least once per week in two successive weeks.

(b) At the prehearing conference, the hearings officer shall establish a date for the Contested case hearing and a schedule for the submission of prehearing motions, prehearing briefs, witness lists, and exhibit lists by the parties.

(c) Prehearing briefs must contain a statement of relevant facts, the relief sought, and all grounds on which relief is sought. The petitioner's prehearing brief shall be filed with the Department no less than 30 days prior to the Contested case hearing. The Director's reply brief shall be filed no less than seven days prior to the Contested case hearing. Arguments that are not presented in the petitioner's prehearing brief shall not be heard in the Contested case hearing.

(d) After the conclusion of the prehearing conference, the hearings officer shall issue a notice of Contested case hearing to the parties. The notice shall be served upon the parties by certified mail no less than seven days before the Contested case hearing date and include the following information:

(1) The date time, place and nature of the Contested case hearing,
(2) The legal authority under which the hearing is to be held,
(3) The particular sections of the statutes and rules involved,
(4) An explicit statement, in plain language, of the issues involved and the facts alleged by the Director, unless the hearings officer is unable to determine the same and
(5) The fact that any party may retain counsel or be represented in accordance with §20-3-71 of these rules.

If the notice is mailed to the address provided by the petitioner in h/her petition for appeal and returned to the hearings officer as unclaimed, notice of the scheduling may then be provided by publishing a copy of the notice in a newspaper published in the State of Hawaii and having a general circulation within the City and County of Honolulu at least once per week in two successive weeks. The last required publication of the notice shall be no less than seven days before the Contested case hearing date.

(e) Any procedure in a Contested case may be modified or waivered by stipulation of the parties and an information disposition of the appeal may be made by agreement, consent order, or default, which shall be entered against any party that fails to appear at two consecutive hearings on the petition for appeal or motion thereon after receiving due notice of the same.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.27, 14-12.31) (Imp: HRS §91-2, ROH § 14-12.27).

§20-3-73 Intervention. (a) Persons with a financial interest in the Real property concerned by the Director's action and persons who will be directly and personally affected by the Director's action may submit a petition to intervene in a Contested case appeal from an action of the Director.

(b) Petitions to intervene shall only be granted if the petitioner meets the requirements of subsection (a).

(c) Petitioners who are in support of the petition for appeal shall submit all prehearing documents concurrently with the petitioner-appellant. Petitioners who oppose the petition for appeal shall submit all prehearing documents concurrently with the Director.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.27, 14-12.31) (Imp: HRS §91-2, ROH § 14-12.27).

§20-3-74 Withdrawal of Petition. A written request for the withdrawal of a petition for appeal may be filed at any time. A request to withdraw the petition may be approved by the hearings officer shall be approved if submitted with the concurrence of all parties.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.27, 14-12.31) (Imp: HRS §91-2, ROH § 14-12.27).

§20-3-75 Contested Case Hearings. (a) The party initiating the proceedings shall have the burden of proof, which includes the burden of producing evidence and the burden of persuasion. The degree or quantum of proof shall be a preponderance of the evidence.

(b) Any oral or documentary evidence may be received; however, the hearings officer shall exclude all irrelevant, immaterial, or unduly repetitious evidence and shall give effect to the rules of privilege recognized by law.

(c) Every party shall have the right to conduct cross-examination as required for the full and fair disclosure of the facts.

(d) All parties shall have the right to submit rebuttal evidence;

(e) The hearings officer may take judicial notice of judicially recognizable facts and generally recognized technical or scientific facts within the specialized knowledge of the Department, provided that the parties shall be given notice of any judicially noticed facts and given the opportunity to dispute or contest the same.

(f) If any party fails to appear at two consecutive hearings on a matter, their right to a Contested case hearing shall be waived and the petition for appeal shall be dismissed.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.27, 14-12.31) (Imp: HRS §91-2, 91-9, 91-10, ROH § 14-12.27).

§20-3-76 Decision and Order. (a) At the conclusion of the Contested case hearing,

the hearings officer may enter an oral ruling and direct the prevailing party to prepare a proposed findings of fact, conclusions of law, and decision and order for adoption by the hearings officer or take the matter under consideration for a period of time not to exceed 60 days.

(b) Where the matter is taken under consideration, the hearings officer shall issue a findings of fact, conclusions of law, and decision and order prepared by the hearings officer.

(c) If the hearings officer requires the prevailing party to prepare a prosed findings of fact, conclusions of law, and decision and order, the other parties to the case may submit written objections or exceptions to the proposed findings of fact, conclusions of law, and decision and order within fourteen days of receiving a copy of the same. A hearing to adopt or modify the proposed order shall be held within thirty days of the filing of exceptions or the expiration of the opportunity to do the same.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: HRS §§ 91-2, 91-9, 91-12, 91-14, ROH § 14-12.27).

§20-3-77 Judicial Remand. (a) If a matter is remanded to the Department or hearings officer for further proceedings pursuant to HRS §91-14, the judicial record shall be incorporated into the record of proceedings before the hearings officer.

(b) Upon notice of the remand, the hearings officer shall schedule a public hearing within sixty (60) days of the remand. Notice of the hearing shall be transmitted to the parties by certified mail no less than fifteen (15) days prior to the public hearing

(c) At the public hearing, the hearings officer shall identify the issues on remand and the scope of the additional testimony or evidence that may be received based on the needs of the case and the order directing remand to the Department or hearings officer.

(d) The hearings officer shall conduct further proceedings in compliance with the requirements for Contested cases in these rules and may require additional briefs, witness lists, and/or exhibit lists.

[Eff August 16, 2017] (Auth: HRS §91-2, RCH §4-105, ROH §§ 1-9.1, 14-12.31) (Imp: HRS §§ 91-2, 91-9, 91-14, ROH § 14-12.27).

These amendments to the Rules Relating to Water Quality were adopted on September 17, 2018, following a public hearing held on August 31, 2018, after public notice was given on July 31, 2018, in the Honolulu Star Advertiser, State and County Public Notices Section, Honolulu, Hawaii.

These amendments shall take effect fourteen days after filing with the City Clerk.

KATHY K. SOKUGAWA
Acting Director
Department of Planning and Permitting

APPROVED:

KIRK CALDWELL
Mayor
City and County of Honolulu

Dated: 11/30/18

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel
BRAD T. SAITO

FILED:
Given unto my hand and affixed with the Seal of the City and County of Honolulu this 10th day of December, 2018.

Glen I. Takahashi, City Clerk