



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
EMD/CWB

WQC826.FNL.12

July 3, 2012

The Honorable Glenn M. Okimoto, Ph.D.  
Director  
Highways Division  
Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawaii 96813-5097

Attention: Mr. Eddie Chiu, Project Manager

Dear Dr. Okimoto:

**Subject: Section 401 Water Quality Certification (WQC) for  
Umauma Stream Bridge Rehabilitation  
Hilo, Island of Hawaii, Hawaii  
File No. WQC0826/DA File No. POH-2011-00098**

In accordance with the provisions of the Clean Water Act, as amended (33 U.S.C. §1251 et seq.; the "CWA"); Hawaii Revised Statutes (HRS), Chapters 91, 92, and 342D; Part 121 of Title 40, Code of Federal Regulations (CFR); and Hawaii Administrative Rules (HAR), Chapter 11-54; the Department of Health (DOH) has reviewed your revised Section 401 WQC Application and appurtenant data relevant to water quality considerations for the subject proposed construction activities. The discharge activities associated with the construction of the subject project will be authorized under the U.S. Department of the Army (DA), Nationwide Permit (NWP) No. 14 (Linear Transportation), File No. POH-2011-00098, under the CWA, Section 404 and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). The processing of this Section 401 WQC Application is based on the requirements contained in the CWA, Section 401; HRS, Chapters 91, 92, and 342D; 40 CFR Part 121; and HAR, Chapter 11-54.

The following is the information of the owner:

**Owner:**

Department of Transportation (DOT)  
Highways Division (HWYS)  
869 Punchbowl Street  
Honolulu, Hawaii 96813-5097

**Contact:** Mr. Eddie Chiu, Project Manager  
Ph.: (808) 692-7547  
Fax: (808) 692-7555

The Director of Health (Director) attests to the following statements based on the information contained in the January 18, 2012 revised Section 401 WQC Application package:

1. The Director has either:
  - a. Examined the Application submitted by the owner and its duly authorized representative and bases its certification upon an evaluation of the information contained in such application which is relevant to water quality considerations; or
  - b. Examined other information furnished by the owner and its duly authorized representative sufficient to permit the statement described in Item No. 2. below.
2. When all requirements and conditions contained in this Section 401 WQC are fully complied with, there is a reasonable assurance that the discharges resulting from the proposed construction activities will be conducted in a manner which will not violate the applicable Water Quality Standards (WQS) and will comply with the applicable provisions of CWA, Sections 301, 302, 303, 306, and 307.
3. The following requirements are deemed necessary and shall constitute part of the Section 401 WQC conditions.

This Section 401 WQC:

- a. Shall become effective when the DOT-HWYS submits the information below to the Clean Water Branch (CWB) for review and comment **within one (1) year of the issuance date of this Section 401 WQC**. Failure to submit the required information within one (1) year of the issuance date of this Section 401 WQC shall render this Section 401 WQC invalid:

**All questions/concerns that the DOH may have must be answered to the satisfaction of the CWB and you must receive written acceptance of your submittal prior to the start of construction.**

- i. General contractor information, including the Contractor's legal name, address, contact person's name and position, telephone and fax numbers, and e-mail address.
- ii. Contractor's emergency contact information, including the contact person's name, position, telephone and fax numbers, and e-mail address.

- iii. A Hazardous Waste Management report which includes a baseline testing procedure, removal procedures, methods for transporting and disposing of the materials, and site clean-up procedures.
  - iv. The lead contaminated soil removal plan which include details on a mechanical ventilation system, a collected wastewater and paint debris disposal plan, and the methods of containing airborne toxins.
- b. Shall expire at midnight on **July 2, 2014**, or until the applicable WQS are revised or modified, or the mandatory requirements in implementing the Total Maximum Daily Load (TMDL) Implementation Plan for Umauma Stream is established by the DOH and approved by the U.S. Environmental Protection Agency (EPA) or when the project construction is completed, whichever is earliest. If the applicable State WQS is revised or modified before the two (2) year period and the discharge activity complies with the revisions or modifications, or the discharge activity complies with the TMDL implementation requirements established by the DOH and approved by the EPA, this Section 401 WQC shall continue to be valid until **July 2, 2014**.

The Director, upon receipt of the written request from DOT-HWYS, may administratively extend the expiration date of this Section 401 WQC only when the written request can demonstrate to the Director that the project is in fact under construction and there are no significant changes to the project scope and the changes will not, either individually or cumulatively, cause adverse impact to the receiving water quality. The request shall be accompanied with appropriate color photographs (including the date/time and narrative description) demonstrating that the project is in fact under physical construction and the purpose of extending the expiration date is to allow the contractor to complete the project construction.

- c. May be revoked when any of the following is identified:
- i. DOT-HWYS shall comply with all applicable new WQS as adopted by the DOH. In any case where:
    - (A) WQS applicable to the waters into which the activity may discharge are subsequently established before the activity is completed; or
    - (B) The Director determines that the activity is violating the new WQS.

The CWB will notify DOT-HWYS of the violation. DOT-HWYS shall cease the violation within 180 calendar days of the date of the notice. If DOT-HWYS fails within 180 calendar days of the date of the notice to cease the violation, the Director may revoke this certification; and

- ii. The Director determines that the discharge(s) from the activity is violating the existing State WQS or any condition specified in this letter.

The Director will notify DOT-HWYS of the violation. DOT-HWYS shall cease the violation within seven (7) calendar days of the date of the notice. If DOT-HWYS fails within seven (7) calendar days of the date of the notice to cease the violation, the Director may revoke this certification.

These actions shall not preclude the DOH from taking appropriate enforcement action authorized by law.

Written notification by the Director under this section is complete upon mailing or sending a facsimile transmission of the document or actual receipt of the document by DOT-HWYS.

4. DOT-HWYS shall:

a. Notify the CWB via e-mail [cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov) of the following:

- i. The commencement date within seven (7) calendar days before start of construction activities.
- ii. The completion date within 14 calendar days after the completion of the proposed construction activities (including the disturbed area restoration activities).

All communication, including but not limited to the e-mail, with the CWB shall indicate **File No. WQC0826** and the certification statement below.

- b. Comply and shall require the contractors to comply with the Best Management Practices (BMPs) Plan contained in the revised Section 401 WQC Application, dated January 18, 2012. This BMPs Plan represents the minimum BMP measures required to be implemented in the construction of the subject project. The general contractor may furnish additional BMP measures as deemed necessary.

All questions/concerns that DOH may have regarding additional BMP measures must be answered to the satisfaction of the CWB prior to the start of construction.

- c. Properly conduct or contract with a qualified laboratory/environmental consultant to conduct the "Applicable Monitoring and Assessment Program" (AMAP) contained in the revised Section 401 WQC Application, dated January 18, 2012.

Test methods promulgated in 40 CFR Part 136 effective on July 1, 2001, and when applicable, the chemical methodology for inland water analyses (HAR, Section 11 54-10) shall be used. The detection limits of the test methods used shall be equal to or lower than the applicable WQS as specified in HAR, Chapter 11-54. For situations where the applicable WQS is below the detection limits of the available test methods, the test method which has the detection limit closest to the applicable WQS shall be used. If a test method has not been promulgated for a particular parameter, the applicant may submit an application through the Director for approval of an alternate test procedure by following 40 CFR §136.4.

The Director may, at the Director's own discretion or upon written request from DOT-HWYS and on a case-by-case basis, require DOT-HWYS to modify the monitoring frequency(ies) or change the sampling locations and/or parameter, as appropriate. If a written request is submitted for the reduction of monitoring frequency(ies), it shall be accompanied by an assessment of monitoring results which shall clearly demonstrate that the project construction activity related discharge has fully complied with the applicable WQS.

Color photographs shall be taken before, during and after completion of the proposed construction activities. Copies of the color photographs taken should note the date and time the photos were taken. Photographs taken before the project construction shall be submitted to the CWB prior to the commencement of the project construction. Photographs taken after the construction shall be submitted to the CWB within two (2) weeks after the completion of the construction project.

Field measurement results as well as the turbidity laboratory analytical results and color photographs taken during the construction period shall be submitted to the CWB, before the closing of the next business day the field samples and photographs were taken, via e-mail in excel and pdf format to [cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov). All communication, including but not be limited to the e-mail with the CWB shall include **File No. WQC0826** and the certification statement below.

- d. Ensure that all "discharges" associated with the proposed construction activities are conducted in a manner that will comply with "Basic Water Quality Criteria Applicable to All Waters" as specified in HAR, Section 11-54-4.

- e. Ensure that all material(s) placed or to be placed in State waters are free of waste metal products, organic materials, debris and any pollutants at toxic or potentially hazardous concentrations to aquatic life as specified in HAR, Section 11-54-4(b).
- f. Ensure that the permitted activity will not result in non-compliance or violations to the applicable State WQS. Although temporary increases in turbidity level is expected, any visible floating debris, oil, grease, scum, other floating materials, or objectionable color, or turbidity plume, detected outside the silt fences confined/isolated areas constitutes a violation of HAR, Subsection 11-54-4(a) requirements:

DOT-HWYS shall immediately cease the portion of the construction work if water quality monitoring or daily inspection or observation result(s) indicates that non-compliance to HAR, Section 11-54-4(a) or Section 11-54-4(b), will occur or is occurring. The construction activity shall not resume until adequate measures are implemented and appropriate corrective actions are taken and concurred with by the DOH.

DOT-HWYS shall not hold the DOH responsible for any damages or costs incurred due to the temporary cessation of the construction operations.

These actions shall not preclude the DOH from taking enforcement action authorized by law.

- g. Immediately report any spill(s) or other contamination(s) that occurs at the project to the CWB via telephone number (808) 586-4309 or through e-mail to: [cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov).
- h. Ensure that:
  - i. Erosion and Sediment Control Measures are in place and functional before earth moving operations begin.
  - ii. Temporary soil stabilization will be applied on areas that will remain unfinished for more than 30 calendar days.
  - iii. Permanent soil stabilization will be applied as soon as practicable after final grading.

- iv. During construction monitoring reports shall include a drawing showing the location of the upstream, downstream, and impact station sampling locations; the coordinates of the sampling locations; the tide direction; the weather conditions at time of sampling; the weather conditions the day before; and photos showing sampling occurring during in-water work.
- v. Loading and off-loading of dredged spoils shall not result in a discharge to State waters.

DOT-HWYS shall maintain and shall also ensure that the contractor(s) will maintain, at the construction site or in the nearby field office, a record that these requirements have been fully complied with.

- i. Ensure that all temporarily constructed structures, including the silt containment device(s) and/or soil erosion control structures, are properly removed immediately after the completion of the construction work and when the affected water body has returned to its pre-construction condition or better, as demonstrated by the monitoring results, including the color photographs.
  - j. Not discharge construction site dewatering effluent, hydrotesting effluent, concrete truck wash water, and any other types of effluent without first obtaining the required National Pollutant Discharge Elimination System permit from the DOH.
  - k. Not allow any concrete truck wash water to be disposed by percolation into the ground.
  - l. Maintain, or require the contractor(s) and the subcontractor(s), if any, to maintain, a copy of the Section 401 WQC Application packages and this letter at the construction site or in the nearby field office. Ensure that all areas impacted, either directly or indirectly, by the project construction activities are fully restored.
  - m. Work shall be discontinued during storm events or during flood condition.
  - n. Clearing and grubbing shall be held to the minimum, if any.
5. DOT-HWYS shall review and update the effectiveness and adequacy of the AMAP and the BMPs Plan. DOT-HWYS shall modify the AMAP, BMPs Plan, and/or environmental protection measures upon request or when instructed by the Director.

Any change(s) to the AMAP, BMPs Plan, or correction(s)/modification(s) to information already on file with the DOH shall be submitted to the CWB, for review and comment, as such change(s), correction(s) or modification(s) arise. DOT-HWYS shall properly address all comment(s) and/or concern(s) to the Director's satisfaction before such change(s), correction(s) or modification(s) become effective.

6. By applying for and accepting this Section 401 WQC, DOT-HWYS agrees that the DOH may conduct routine inspection of the construction site, taking color photographs, and to sample any discharges or effluent in accordance with HRS, Section 342D-8.
7. Construction debris, vegetation and/or dredged material removed from the construction site shall be disposed of at the upland State or County-approved sites. A Solid Waste Disclosure Form for Construction Sites shall be completed and returned to the DOH, Solid and Hazardous Waste Branch, Solid Waste Section. The form can be downloaded at:  
<http://www.hawaii.gov/health/environmental/waste/sw/pdf/swdiscformnov2008.pdf>.  
No construction material or construction activity related materials shall be stockpiled, stored or placed in State waters (including Wetland) or in ways that will disturb or adversely impact the aquatic environment.
8. Runoff or return flow, if any, from the excavated/dredged material dewatering process or from the upland stockpiling site(s) shall be contained on land and not be allowed to enter or reenter State waters.
9. DOT-HWYS shall comply with all new State WQS adopted by the DOH after the effective date of this letter.
10. The DOH reserves the right of taking appropriate enforcement action authorized by law against any non-compliance of conditions contained in this letter.
11. DOT-HWYS is hereby informed that effective as the date of this Section 401 WQC, Mr. Alvin A. Takeshita of DOT-HWYS is no longer recognized as the duly authorized representative. Mr. Sal Panem of DOT-HWYS, Hawaii District Engineer shall submit all information/documents for compliance with the WQC conditions.



Please include **File No. WQC0826** and the following certification statement in all future correspondence with the DOH for the subject project:

**"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."**

If you have any questions, please contact Ms. Jamie Tanimoto of the Enforcement Section or Ms. Jiaping Fouse of the Engineering Section, CWB, at 586-4309.

Sincerely,



*For* LORETTA J. FUDDY, A.C.S.W., M.P.H.  
Director of Health

- c: PICO, EPA, Region 9 [via fax 541-2712 only]
- Regulatory Branch, HED, COE [via fax 438-4060 only]
- CZM Program, Office of Planning, DBEDT [via fax 587-2899 only]
- The Honorable Glenn Okimoto, Ph.D., DOT-HWYS  
[via e-mail [Glenn.Okimoto@hawaii.gov](mailto:Glenn.Okimoto@hawaii.gov)]
- Mr. Eddie Chiu, DOT- HWYS [via e-mail [Eddie.Chiu@hawaii.gov](mailto:Eddie.Chiu@hawaii.gov) only]
- Mr. Alvin A. Takeshita, DOT-HWYS [via e-mail [alvin.takeshita@hawaii.gov](mailto:alvin.takeshita@hawaii.gov) only]
- Mr. Sal Panem, Hawaii District, DOT-HWYS [via e-mail [Sal.Panem@hawaii.gov](mailto:Sal.Panem@hawaii.gov) only]
- Mr. Brian Campbell, Bow Engineering & Development, Inc.  
[via e-mail [bcampbell@bowengineering.com](mailto:bcampbell@bowengineering.com) only]
- Mr. Kelly Sato, DOT-HWYS [via e-mail [Kelly.sato@hawaii.gov](mailto:Kelly.sato@hawaii.gov) only]
- Mr. Robert Shin, DOT-HWYS [via e-mail [robert.shin@hawaii.gov](mailto:robert.shin@hawaii.gov) only]
- Ms. Larissa Sato, PB Americas [via e-mail [sato@pbworld.com](mailto:sato@pbworld.com) only]
- Mr. Robert Chong, CWRM, DLNR [via e-mail [Robert.k.chong@hawaii.gov](mailto:Robert.k.chong@hawaii.gov) only]
- Mr. Neil Mukai, CWB-Kona, Hawaii District Health Office [via e-mail only]
- Mr. Clifford Furukado, CWB-Hilo, Hawaii District Health Office [via e-mail only]