

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

In reply, please refer to:  
EMD/CWB

WQC0987.FNL.18

July 27, 2018

The Honorable Jade T. Butay  
Director  
Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawaii 96813-5097

Attention: Mr. Lawrence Dill  
Kauai District Engineer

Dear Mr. Butay:

**Subject: Section 401 Water Quality Certification (WQC)  
Kuhio Highway Short-Term Improvements Kuamoo Road to  
Temporary Bypass Road, Kuhio Highway Culvert Extension  
Kapaa, Island of Kauai, Hawaii  
File No. WQC0987/DA File No. POH-2007-00280**

In accordance with the provision 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), Clean Water Branch (CWB) issues this Section 401 WQC for your project based on your Section 401 WQC application (hereinafter "Application"), dated July 17, 2018 (received on July 20, 2018). The activities associated with the subject project will be authorized under the U.S. Department of the Army, Pacific Ocean Division, Honolulu District Office permit, File No. POH-2007-00280.

1. The DOH has examined the Application with respect to water quality considerations and attest that when all requirements and conditions contained in this Section 401 WQC are fully complied with, there is reasonable assurance that the water pollutant discharges resulting from the proposed activities will be conducted in a manner which will not violate the applicable State water quality standards (WQS) and will comply with the applicable provisions of the CWA, Sections 301, 302, 303, 306, and 307.
2. This Section 401 WQC becomes effective on **July 27, 2018** and shall expire on midnight **July 26, 2020**. The DOH may, upon written request from the Certifying Person or Authorized Representative, administratively extend the expiration date of this Section 401 WQC. The decision by the DOH to allow an administrative extension will be made on a case-by-case basis taking into account compliance history and impact to water quality.

3. This Section 401 WQC may be revoked when:
  - a. The DOH determines that the water pollutant discharges from the activity is violating existing State WQS or any condition in this Section 401 WQC and the Certifying Person fails to cease the violation within seven (7) calendar days of notice by DOH letter or DOH e-mail.
  - b. New State WQS are subsequently established before the activity is completed, the DOH determines that the activity is violating the new State WQS, and the Certifying Person fails to cease the violation within 180 calendar days of notice by DOH letter or DOH e-mail.

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

4. The following conditions must be complied with by your organization and contractor(s) when conducting your project activity:
  - a. Invite the DOH-CWB to attend the partnering, pre-construction, or any other similar type of meeting that is established for the proposed project, if any.
  - b. Unless otherwise specified, all Section 401 WQC compliance requirements must be submitted via the DOH e-Permitting Portal Section 401 WQC Compliance Form. The DOH e-Permitting Portal is located at:  
<https://eha-cloud.doh.hawaii.gov/epermit/>.
  - c. Provide the information below via the DOH e-Permitting Portal Section 401 WQC Compliance Form.
    - i. The project commencement date at least seven (7) calendar days before the start of any in-water activities.
    - ii. The project completion date within 14 calendar days after the completion of the project activities, including the disturbed in-water area restoration activities.
    - iii. The General Contractor information.
  - d. Comply with all information, requirements, specifications, figures, project plans, "An Integrated Storm Water Management Approach and a Summary of Clear Water Diversion and Isolation Best Management Practices for Use in the State of Hawaii, by the Federal Highway Administration and Hawaii Department of Transportation Practitioners Guide, Version 1," contained in the Application. The practitioner's guide represents the minimum Best Management Practice (BMP) measures required to be implemented in the construction of the subject project.

- e. Maintain a copy of the Application and this Section 401 WQC at the project site or in the nearby field office.
- f. Maintain records at the project site or in the nearby field office demonstrating that all Section 401 WQC requirements have been fully complied with.
- g. Ensure that all project activities are conducted in a manner that will comply with the "Basic Water Quality Criteria Applicable to All Waters" as specified in HAR 11-54-4.
- h. 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 11-54-4(c).
- i. Ensure that the project activities will not interfere or become injurious to any designated uses and/or existing uses of the receiving State water.
- j. Color photographs shall be taken before, during, and after the completion of the project activities. Copies of the color photographs shall contain the date and time the photos were taken and a written descriptive narrative of what is being documented. A photograph orientation map shall also be submitted. Photographs taken before the project construction shall be submitted to the DOH-CWB via the DOH e-Permitting Portal Section 401 WQC Compliance Form prior to the commencement of the project construction. Photographs taken during the construction period shall be submitted with the field sampling report. (See below.) Photographs taken after the construction shall be submitted to the DOH-CWB within two (2) calendar weeks after the completion of the construction project.
- k. Immediately report to the DOH-CWB by e-mail at: [cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov) and at telephone number (808) 586-4309 of any spill(s) or other contamination(s) that occurs at the project site.

- I. Ensure that construction debris is contained and prevented from entering or reentering State waters. All construction debris shall be properly removed from the aquatic environment and disposed of at an upland State and County approved site.

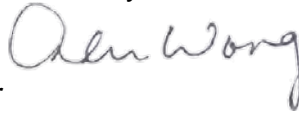
A Solid Waste Disclosure Form for Construction Sites shall be completed and returned to the DOH's Solid and Hazardous Waste Branch, Office of Solid Waste Management. No construction material or construction-related materials shall be stockpiled in the aquatic environment or stored or placed in ways that will disturb the aquatic environment. The Solid Waste Disclosure Form for Construction Sites is available online at: <https://health.hawaii.gov/shwb/files/2018/04/swdiscformapr2018.pdf>.

- m. Properly collect and remove all side cast material and dispose at an upland State and County approved site.
- n. Immediately cease the portion of the project activity if water quality monitoring or daily inspection or observation result(s) indicates that noncompliance to this Section 401 WQC will occur or is occurring. The project activity shall not resume until adequate mitigative measures are implemented and appropriate corrective actions are taken. These actions shall not preclude the DOH from taking enforcement action authorized by law. You shall not hold the DOH responsible for any damages or costs incurred due to the temporary cessation of the project activities.
- o. Review and update the effectiveness and adequacy of pollution control measures and BMPs in the Application. You shall modify the pollution control measures, BMPS, and AMAP when instructed by the DOH.
- p. There shall be no discharge of any type of wash water and/or effluent into State waters without first obtaining from the DOH a National Pollutant Discharge Eliminations System (NPDES) permit authorizing such type of water pollutant discharge to State waters.
- q. Runoff, return flow, or airborne particulate pollutants, if any, from the excavated/dredged material dewatering process or from stockpiling shall be contained on land and not be allowed to enter State waters.

- r. Discontinue the work during flood conditions.
  - s. Ensure that all areas impacted, either directly or indirectly, by the project activities are fully restored.
5. Pursuant to Item No. 16 of your Application, Lawrence Dill, DOT-HWYS, is recognized as your duly authorized representative. Any future correspondence or reports that are submitted prior to the termination of discharge to State waters may be done so by you or the duly authorized representative.

If you have any questions, please contact Mr. Darryl Lum of the Engineering section, CWB, at (808) 586-4309.

Sincerely,



for

BRUCE S. ANDERSON, Ph.D.  
Director of Health

DCL:na

- c: Regulatory Office, POH, COE  
[via e-mail [cepoh-ro@usace.army.mil](mailto:cepoh-ro@usace.army.mil) only]  
Mr. John Nakagawa, CZM Program, Office of Planning, DBEDT  
[via e-mail [john.d.nakagawa@hawaii.gov](mailto:john.d.nakagawa@hawaii.gov) only]  
Mr. Darell Young, DOT-HWYS  
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(w/Receipt No. 51992 for \$1000 Filing Fee)