

**RESPONSE TO COMMENTS AND FINAL DETERMINATIONS  
FOR KANEOHE BAY DRIVE REHABILITATION –  
KAMEHAMEHA HIGHWAY TO NANAMOANA STREET  
NPDES PERMIT NO. HI S000176  
November 16, 2011**

The Department of Health (DOH) published a Notice of Proposed Water Pollution Control Permit (Public Notice) to issue a National Pollutant Discharge Elimination System (NPDES) permit for the Kaneohe Bay Drive Rehabilitation – Kamehameha Highway to Nanamoana Street in the *Honolulu Star-Advertiser* on September 29, 2011 (Docket No. 11-CW-PW-16). The Public Notice indicated that comments regarding the proposed determinations would be received until October 31, 2011. One (1) organization/agency submitted comments on the proposed Draft NPDES permit. The following is a summary of the comments and the DOH's responses to the comments:

**Comment 1.a to 1.b**

Comments 1.a to 1.b were submitted by Dr. Danielle Jayewardene, Coral Reef Ecologist on behalf of the Habitat Conservation Division of National Oceanic and Atmospheric Administration (NOAA) Fisheries, Pacific Islands Regional Office (PIRO) via email, dated October 21, 2011. A copy of these comments is presented at the end of this document as Attachment 1.

**Comment 1.a:** The contractor should be held responsible for ensuring that each of the Best Management Practices as listed in the permit are successfully implemented, and for monitoring the effectiveness of the BMPs regularly throughout the construction period. If BMPs are found to be ineffective, construction should be halted and re-initiated only when effective BMPs have been implemented. Monitoring results and activities associated with the BMP's should be reported to DOH shortly after construction is completed.

**Response to Comment 1.a:**

The Department of Transportation, Highways Division (DOT-HWYS) has indicated that DOT-HWYS construction staff and DOT-HWYS Contractors are trained annually on inspection and monitoring of construction BMPs to ensure their effectiveness. DOT-HWYS contract documents state "Contractor representatives selected for the inspection and maintenance responsibilities shall receive training from the Contractor. The State and/or Contractor's Representatives shall be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls used onsite in good working order."

DOT-HWYS has also indicated that they require all Construction BMPs be inspected weekly, and within 24 hours of any rainfall event of 0.5 inches or greater in a 24 hour period and daily during periods of prolonged rainfall. The Contractor shall submit a copy of the Site-Specific Best Management Practice Plan Inspection and Maintenance Report Form within one week of the inspection. Repairs shall be initiated within 24

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hours after inspection. Copies of the inspection reports are kept on file on-site for DOH inspection.

DOT-HWYS keeps a reserve of construction funds for each project to ensure the Contractor is compensated for additional installation, maintenance, and monitoring of construction BMPs. These Force Account funds may be used at the DOT-HWYS Engineer's discretion to direct the Contractor to install additional BMPs should the conditions warrant.

The DOH has determined that no amendments to the proposed Draft NPDES permit shall be required in regards to this comment.

**Comment 1.b:** The applicant/contractor should research and incorporate the latest available post-construction BMP's which should trap pollutants and minimize and slow runoff/discharge into the Bay in the long term. These measures might include use of sediment ponds, sediment traps and bioswales, and minimal use of non-permeable surfaces, and ensuring that rainfall on non-permeable surfaces drain to grassy areas to filter through soil (i.e. no high ledges around grassy areas).

**Response to Comment 1.b:**

DOT-HWYS has indicated that their criteria for including project Permanent BMPs is one acre of new impervious surface; and it would be impractical to install Permanent BMPs for Operation and Maintenance Projects (Resurfacings, etc.). DOT-HWYS will stabilize eroded areas which are within the project limits, provided they can be done within the parameters of the project scope. For example, the slope on the outbound lane adjacent to Kawa stream will be stabilized to prevent further sediment transport into Kawa Stream and Kaneohe Bay. Under DOT-HWY's Implementation and Monitoring Plan for Kawa Stream Waste Load Allocation (WLA), WLAs will be addressed under three major programs: Debris Control (including sweeping and drain cleaning), Erosion Control BMP Program (permanent stabilization of erosional areas), and Permanent BMP Installation. The Permanent BMP installation program is considering installation of a hydrodynamic BMP within the project limits at Kawa Stream. Installation, however, will not be included in this project.

The DOH has determined that no amendments to the proposed Draft NPDES permit shall be required in regards to this comment.

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**FINAL DETERMINATIONS**

The DOH has presently determined that the comments submitted by NOAA do not require any amendments be made to the Draft NPDES permit. The DOH has currently determined that the applicable conditions and requirements incorporated into the proposed Draft NPDES permit will address the comments from NOAA.

No revisions to the proposed Draft NPDES permit are required, and further public notice regarding the determinations is not warranted. The DOH shall therefore proceed to issue the proposed Draft NPDES permit for the Kaneohe Bay Drive Rehabilitation – Kamehameha Highway to Nanamoana Street.

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**Attachment 1**

From: Danielle Jayewardene [mailto:[Danielle.Jayewardene@noaa.gov](mailto:Danielle.Jayewardene@noaa.gov)]  
Sent: Friday, October 21, 2011 9:44 AM  
To: CleanWaterBranch  
Cc: NMFS PIRO HCD EFH  
Subject: NPDES permit (HIS000176) to discharge storm water from construction of Kaneohe Bay Drive, Kaneohe, Oahu

Aloha!

The Habitat Conservation Division of NOAA Fisheries, Pacific Islands Regional Office has reviewed, pursuant to the Essential Fish Habitat provision §305(b) of the Magnuson Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1855(b)), the proposed NPDES permit (HIS000176) to discharge storm water to receiving state waters from construction of Kaneohe Bay Drive, Kaneohe, Oahu.

Construction will include: cold planing; resurfacing and reconstruction of roadway, driveway and sidewalk; installation of guardrail, loop detector, pavement marking and signing; adjustment of manhole and valve box frames and covers; upgrade of drainage facilities; and pedestrian railing work.

Discharge may have an adverse impact to Coral Reef Essential Fish Habitat (EFH) present in Kaneohe Bay. An increased volume of storm water run-off carrying pollutants due to construction may cause a reduction of water quality and sedimentation to the reef. The concern relates in particular to the contribution of this discharge to cumulative impacts to coral reef resources in the Bay as there is a concentration of NPDES permits that have been issued in the area over the course of the last couple of years.

To avoid and minimize potential adverse effect to coral reef resources and EFH, we recommend the following:

- The contractor should be held responsible for ensuring that each of the Best Management Practices as listed in the permit are successfully implemented, and for monitoring the effectiveness of the BMPs regularly throughout the construction period. If BMPs are found to be ineffective, construction should be halted and re-initiated only when effective BMPs have been implemented. Monitoring results and activities associated with the BMP's should be reported to DOH shortly after construction is completed.

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- The applicant/contractor should research and incorporate the latest available post-construction BMP's which should trap pollutants and minimize and slow runoff/discharge into the Bay in the long term. These measures might include use of sediment ponds, sediment traps and bioswales, and minimal use of non-permeable surfaces, and ensuring that rainfall on non-permeable surfaces drain to grassy areas to filter through soil (i.e. no high ledges around grassy areas).

Thank you for the opportunity to comment. Please feel free to contact us with any questions.

Aloha!  
Danielle

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