

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH

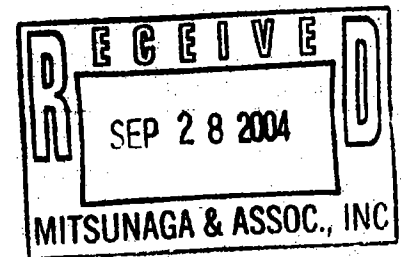
STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
EMD / CWB

09072CEC.04

September 24, 2004

Mr. George P. Young, P.E., Chief  
Regulatory Branch  
U.S. Army Engineer District, Honolulu  
Department of the Army  
Building 230  
Fort Shafter, Hawaii 96858-5440



Dear Mr. Young:

**Subject: Comments on Pre-construction Notification (PCN) Information Submitted by the Department of Transportation (DOT), Highways Division (HD), for the Kokololio Stream Bridge Replacement Project, Island of Oahu**  
**File No. WQC 0000640/DA File No. 200300135**  
**TMK Nos.: 5-5-006:001, 5-5-006:011, 5-5-001:007, and 5-5-001:055**

Thank you for the opportunity to review and comment on the subject PCN transmitted with your letter of September 9, 2004. The PCN was received on September 15, 2004. The Department of Health (Department), Clean Water Branch (CWB), has also received a copy of an Individual Section 401 Water Quality Certification (WQC) application (dated August 16, 2004) from the HD/DOT for the subject project. The Section 401 WQC application was submitted to the CWB on August 26, 2004. In addition, the CWB also received a revised Section 401 WQC application (hereafter the "Application") transmitted with a transmittal (dated September 20, 2004) from Mr. Chad M. McDonald of the Mitsunaga & Associates, Inc., the duly authorized representative.

The HD/DOT proposes to replace the Kamehameha Highway bridge located at Kokololio Stream, Hauula, Island of Oahu. In order to allow access to the bridge site for construction, the HD/DOT would construct a temporary detour (bypass) road upstream of the bridge site. Proposed work requiring Department of the Army (DA) permit authorization includes the discharge of fill material into a non-tidal reach of the intermittent stream to create a culvert crossing for the temporary detour (bypass) road. It would also include the discharge of fill for relocation of the existing 16-inch and 4-inch water lines crossing.

The Honolulu Engineer District of the U.S. Army Corps of Engineers (COE) plans to authorize the proposed activity under COE's Nationwide Permit authority at 33 CFR 330 and the

January 15, 2002 Notice of Issuance of Nationwide Permits (67 FR 2020), Paragraphs B.12 (Utility Line Activities) and B. 33 (Temporary Construction, Access and Dewatering) (Section 404).

Based on information contained in PCN, the Application, and telephone discussion between Mr. Ken Santana of the Mitsunaga & Associates, Inc. and Mr. Edward Chen of the CWB on September 17, 2004, it was agreed that to qualify for a coverage authorized under the Department's conditional blanket Section 401 WQC (File No. WQC 000543), the following information required in Section 5 (Notification Requirements) of File No. WQC 0000543 shall be submitted to complete the PCN:

1. Item 5.a (4) A Site-Specific Best Management Practices (BMPs) Plan was not submitted..

The BMPs Plan shall be designed, implemented, operated, and maintained by the Permittee in a manner to properly isolate and confine the construction activity(ies) and to contain and prevent any potential pollutant(s) discharges from adversely impacting the State waters.

The BMPs Plan, at a minimum, shall include site characterization; construction sequence; construction method; characteristics of the discharge and potential pollutants associated with the proposed construction activity; and proposed control measures and/or treatment.

A site-specific BMPs Plan shall also include a detailed Temporary Construction and Restoration Plan (Plan) if temporary construction activities such as the construction of erosion control measures, temporary construction access, temporary stream diversion (dewatering) measures, staging and storage areas, desilting and/or dewatering basins, or any other similar activities that are needed for the project construction and to be authorized under any applicable Nationwide Permit(s). The Plan shall include typical section, location, and material to be used for the temporary structures, duration the temporary structures to be left in State waters and/or on land, BMPs and/or mitigation measures to be used for the construction and removal of the temporary structures, color photographs taken at all disturbed areas (including both upland and aquatic environment) before and after the proposed construction activities, information on the physical, chemical, and biological property of the disturbed areas, methods to be used to restore the disturbed areas, and methods to be used to determine the adequacy of the restoration activity. If restoring the site to its preconstruction condition is impractical or impossible, a written justification and the detailed disturbed site stabilization plan acceptable to the site/project owner, as appropriate, shall be submitted for review and comment.

2. Item 5.a.(6) An Applicable Monitoring and Assessment Plan was not submitted.

The Plan shall include description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge; the operation of equipment or facilities employed in the control of the proposed discharges; a map showing the location(s) of the monitoring point(s); reporting requirements; and assessment of monitoring results to demonstrate how the project construction activity would be in compliance with the applicable State Water Quality Standards.

The Department has determined that the PCN can be processed under the authorization of the Department's conditional blanket Section 401 WQC (File No. WQC 0000543) if all environmental concerns are properly addressed. Therefore, an individual Section 401 WQC application is unnecessary. The individual Section 401 WQC application is considered as the supplemental information submitted to support the PCN. By a copy of this letter, we are returning the original filing fee (Mitsunaga & Associates, Inc., Bank of Hawaii Main Branch 001, check #23123 for \$1,000) to the Mitsunaga & Associates, Inc.

It was also agreed that the processing of this PCN shall be terminated effective the date of this letter. The processing of the PCN shall be reactivated upon receipt of the acceptable information as listed above. The Department shall have 30 days to review and provide comment after receiving a copy of the submittal. The HD/DOT and Mitsunaga & Associates, Inc. shall properly address the Department's concern(s) and comment(s), if any, within 30 days of the Department's notification. Failure to properly address the Department's concern(s) or comment(s) or correct a deficiency shall be sufficient grounds for denial of a WQC coverage without prejudice. The HD/DOT and Mitsunaga & Associates, Inc. may resubmit a complete PCN for a Section 401 WQC coverage.

The HD/DOT and Mitsunaga & Associates, Inc. shall include the File number WQC 0000640 and the following certification in all future correspondence with the Department regarding this project:

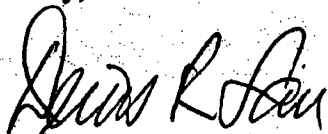
**"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage 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."**

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Failure to provide the File number WQC 0000640 assigned to this project in any future correspondence or inquiry may be a basis to delay the processing of the correspondence.

Should you have any questions, please contact Mr. Edward Chen of the Engineering Section, CWB, at 586-4309.

Sincerely,



DENIS R. LAU, P.E., CHIEF  
Clean Water Branch

EC:np

c: HD, DOT  
Commission on Water Resource Management, DLNR  
CZM Program, Office of Planning, DBEDT  
Mr. Chad McDonald, Mitsunaga & Associates, Inc. (w/BOH check #23123)