

## **CHAPTER 2**

# **PROGRAM ORGANIZATION**

This chapter describes the overall management and administration of the SSWMP, particularly for those programs and activities in the Oahu District, or what will be referred to in this document as the Oahu Storm Water Management Program (Oahu SWMP).

### **2.1 Legal Authority**

Upon receipt of past and present Oahu MS4 NPDES Permits (see Sections 1.1.2 and 1.2), the CWA, HRS Chapter 342D, and HAR Chapters 11-54 and 11-55 provide HDOT Highways with the legal authority to implement and administer the Oahu SWMP. As owner of the Oahu MS4, HDOT Highways has the legal responsibility to reduce the discharge of pollutants from entering receiving State waters.

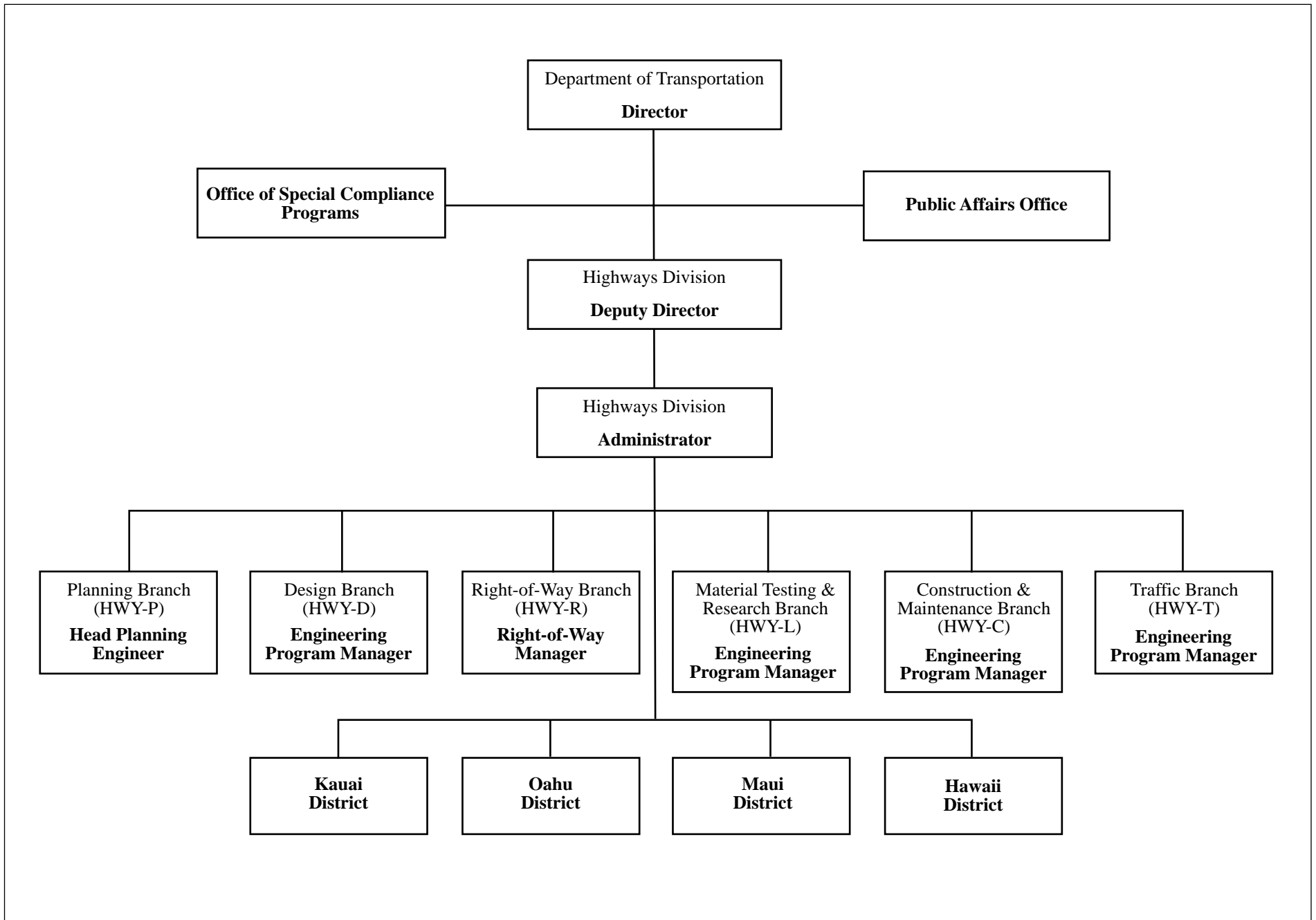
### **2.2 Organization of Oahu SWMP**

This section describes the present and future organizational structure of the Oahu SWMP within HDOT Highways.

#### **2.2.1 Background**

The organizational structure of HDOT Highways is shown in Figure 2-1. HDOT Highways is one of three divisions of the State of Hawaii Department of Transportation. The others are Harbors Division and Airports Division. Each division is led by an administrator under the HDOT Director and Deputy Director. Under the HDOT Highways Administrator there are six branches and four districts that have different responsibilities for the planning, design, construction, operation and maintenance of the statewide highway network, which includes the storm water drainage systems, such as the Oahu MS4, and ancillary facilities, such as baseyards. The six branches are:

- Planning Branch – responsibilities include long-term planning of the State Highway System, including the project development process (i.e., conceptual engineering and State and federal environmental review process);
- Design Branch – responsibilities include managing or conducting the design of highways and other projects undertaken by HDOT Highways, and providing technical design services to other branches and district offices;
- Right-of-Way Branch – responsibilities include securing the rights-of-way, easements and other real property interests needed for the highway network, and preparation of relocation agreements with utility agencies;
- Materials Testing and Research Branch – responsibilities include materials testing, research and development, soil engineering, pavement design, and providing technical services that involve water quality, noise and air pollution;



- Construction and Maintenance Branch – responsibilities include providing review and management services on statewide highway construction and maintenance programs, review of maintenance procedures and practices, and review and consolidation of district construction and maintenance budgets; and
- Traffic Branch – responsibilities include preparation of traffic design plans, managing the safety improvement and traffic systems management programs, and reviewing environmental documentation and application for permits.

The four districts are:

- Oahu District,
- Kauai District,
- Maui District (includes the Islands of Maui, Molokai and Lanai), and
- Hawaii District (Big Island).

The Oahu District is responsible for performing field inspections and field engineering of all Oahu highway construction projects, and the maintenance, alteration and repair of existing Oahu roadways and related structures. The Kauai, Maui and Hawaii Districts are responsible for the design, supervision of construction and maintenance of the State Highway System for their respective islands.

Some of the branches and districts listed above, or more precisely, the sections and units within some of these entities, currently have responsibilities under the Oahu SWMP. In addition, the current organizational structure of the Oahu SWMP includes staff of the “master consultant”, procured by HDOT Highways to provide services for the various functional areas of the SSWMP, as well as supporting the development and implementation of the Oahu SWMP.

To meet the requirements of previous Oahu MS4 permits, the Oahu SWMP was integrated within the formal organizational structure of HDOT Highways. Prior to the addition of the master consultant, responsibilities for managing and implementing the various functional areas of the Oahu SWMP were shared by the Oahu District, Design Branch, Material Testing and Research Branch, and the Construction and Maintenance Branch.

The Oahu District is responsible for the construction and maintenance of the highway network on Oahu, including the Oahu MS4, and therefore, was and continues to be heavily involved in Oahu SWMP activities and responsibilities. The sections within the Oahu District that have primary Oahu SWMP responsibilities include the Maintenance Section (HWY-OM), the Construction Section (HWY-OC), and the Tunnels Operation Section (HWY-OT). HWY-OC is responsible for construction activities within the highway rights-of-way on Oahu, including the construction activities that may add to or modify the Oahu MS4. HWY-OT is responsible for the operation and maintenance of Oahu’s tunnels, as well as other facilities, such as the Interstate H-1 Punahou Pump Station, that have storm water drainage implications.

HWY-OM is responsible for the maintenance, repair, and minor improvements of roadways, structures, landscaping, and appurtenant facilities associated with State highways on Oahu. Within HWY-OM, the Drainage Discharge Unit (DDU) was created in November 2000 to manage the Oahu SWMP. Its primary responsibility was to ensure that HDOT Highways was in compliance with the terms and conditions of the Oahu MS4 NPDES Permit. The unit was headed by a full-time Civil Engineer V, and in January 2005 was joined by a Civil Engineer III, a

Highway Construction Inspector III and a Highway Construction Inspector II. In addition to coordinating the Oahu SWMP, the DDU was also responsible for:

- Investigating complaints and potential violations regarding Oahu MS4;
- Initiating enforcement actions, as needed;
- Administering the drain connection and discharge permits to the Oahu MS4;
- Providing in-house engineering and advisory services regarding discharges to the Oahu MS4;
- Performing construction plan review relative to discharges to the Oahu MS4;
- Overseeing the storm drain inlet placard program; and
- Preparing or coordinating the preparation of reports and other deliverables required by the Oahu MS4 NPDES Permit.

In August 2004, an MS4 Task Force was established within HWY-O to support the DDU by taking over the administrative responsibility of compliance with the terms and conditions of the Oahu MS4 NPDES Permit. The unit was formed by volunteers from HWY-OC who were administratively assigned to the unit, and was headed by a Civil Engineer VI and supported by two Civil Engineer III positions, one Construction Inspector IV, and a clerk. In September 2005, DDU staff, although organizationally under HWY-OM, operationally began to report to the MS4 Task Force manager, which resulted in the formation of a consolidated group to manage the Oahu SWMP.

### **2.2.2 Current Structure**

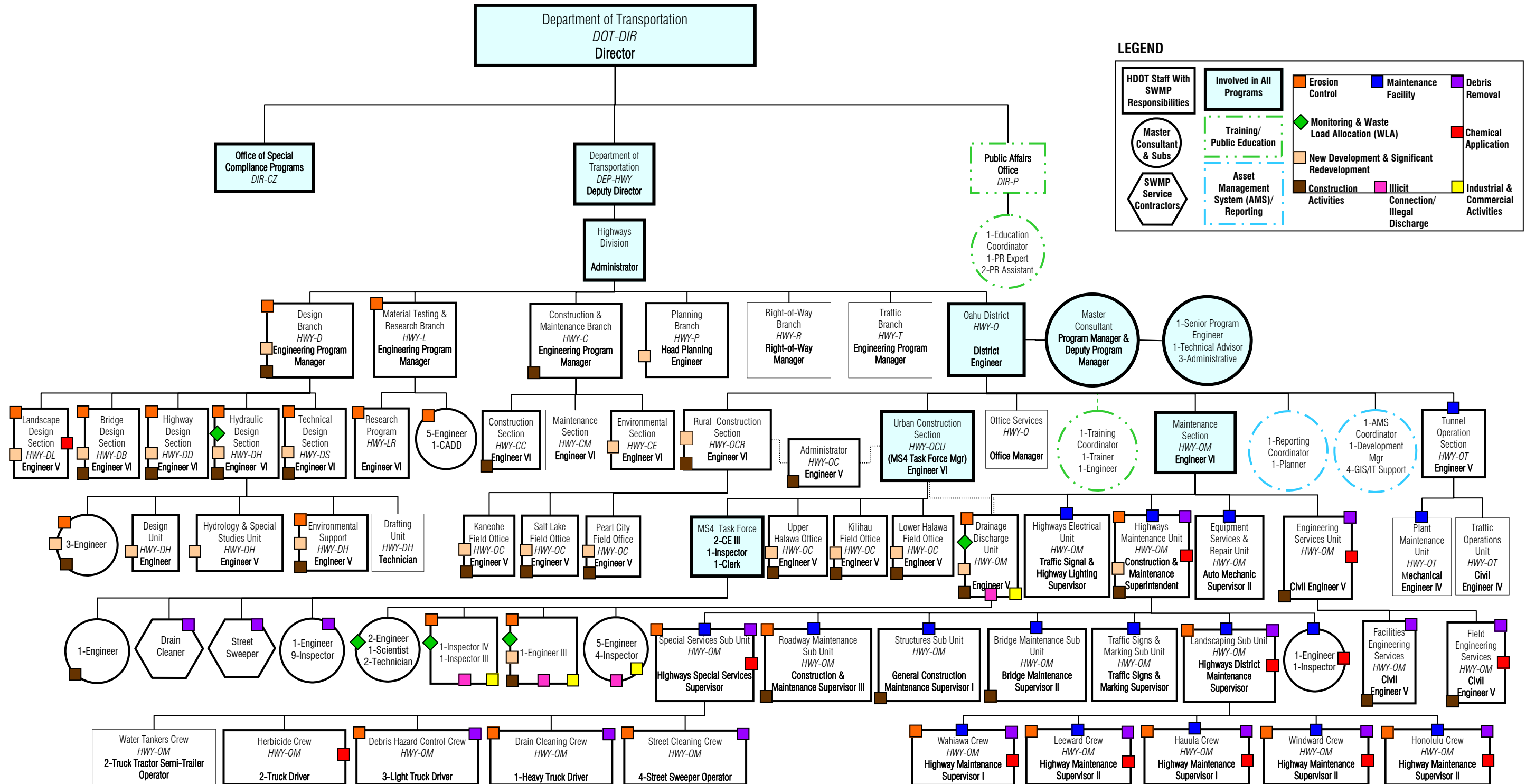
Figure 2-2 shows the current organizational structure of the Oahu SWMP within HDOT Highways that became effective in December 2005 with the addition of the master consultant. This structure is anticipated to be in place until at least September 8, 2009 when the current Oahu MS4 NPDES Permit expires. The figure shows the branches, sections, units and sub-units that are assigned specific responsibilities for managing or implementing various elements of the Oahu SWMP.

The MS4 Task Force/DDU group provides the overall management of the Oahu SWMP. The unit is involved in planning, organizing, directing and coordinating the functions and activities required to achieve the goals and objectives of Oahu SWMP. Other management responsibilities of the MS4 Task Force/DDU include:

- Preparing all reports required by the Oahu MS4 NPDES Permit;
- Hosting monthly meetings with designated contacts to discuss implementation and evaluation of the Oahu SWMP.
- Coordinating and maintaining records, such as sign-in sheets for team meetings and other data needed for the Oahu SWMP;
- Participating in public information and education programs that address storm water pollution, which may affect the Oahu MS4; and
- Performing interagency coordination with City and County of Honolulu (City) and State agencies.

The MS4 Task Force/DDU also manages the contract of the master consultant hired to provide program management and other services to assist HDOT Highways in complying with the terms and conditions of the Oahu MS4 NPDES Permit and the Consent Decree.

# Highways Division Storm Water Management Program Organizational Structure 2006-2009



**LEGEND**

|  |  |  |   |                       |
|--|--|--|---|-----------------------|
| <b>HDOT Staff With SWMP Responsibilities</b> | <b>Involvement in Programs</b>                 | <b>Erosion Control</b>                                 | <b>Maintenance Facility</b>                   | <b>Debris Removal</b> |
| <b>Master Consultant &amp; Subs</b>          | <b>Training/Public Education</b>               | <b>Monitoring &amp; Waste Load Allocation (WLA)</b>    | <b>Chemical Application</b>                   |                       |
| <b>SWMP Service Contractors</b>              | <b>Asset Management System (AMS)/Reporting</b> | <b>New Development &amp; Significant Redevelopment</b> | <b>Industrial &amp; Commercial Activities</b> |                       |
|  |  | <b>Construction Activities</b>                         | <b>Illicit Connection/Illegal Discharge</b>   |                       |

The master consultant's contract was executed on November 8, 2005 and official Notice to Proceed was issued on December 7, 2005. The contract is for three years with a possible one year extension, and is funded from the Oahu District's Operations and Maintenance budget. Master consultant and sub-consultant personnel are involved in almost all facets of the Oahu SWMP, and therefore, the following positions are committed to the program:

- Full-time program manager;
- Full-time deputy program manager;
- Full-time program execution engineer;
- Full-time field office administrator;
- Three full-time engineers and planners;
- Eight full-time inspectors; and
- Engineers (civil and geotechnical), planners, environmental, information technology and public information specialists, landscape architects, and topographic surveyors available on demand.

In addition to the master consultant and its sub-consultants, HDOT Highways is utilizing service contractors to perform certain maintenance-related tasks under the Debris Control BMP Program (see Section 9.1 for additional information).

As shown in Figure 2-2, other HDOT Highways branches, sections, units and sub-units have primary Oahu SWMP responsibilities. Specific roles and responsibilities among the MS4 Task Force/DDU, the master consultant and other HDOT Highways branches are described in detail in each of the program descriptions in Part II, Program Design. The information provided in Part II also includes designated contacts, and descriptions of position roles and responsibilities within the organizational structure.

Monthly Oahu SWMP status meetings are held with the MS4 Task Force/DDU and the master consultant to discuss various Consent Decree and MS4 NPDES Permit issues and to review the master schedule. In addition, monthly meetings are held with the HDOT Director and Deputy Director for HDOT Highways to provide briefings on the status the Oahu SWMP. Also, meetings are held with the HDOT Highways Administrator, the MS4 Task Force manager, various HDOT Highways staff with primary Oahu SWMP responsibilities, and the master consultant's management group.

In addition to the regularly scheduled meetings, frequent meetings are held between HDOT Highways and the master consultant to discuss and coordinate issues relating to individual functional areas of the Oahu SWMP. It is typical for the staff of the HDOT MS4 Task Force/DDU and the master consultant to communicate daily to discuss details of various program elements. Frequent coordination efforts also occur between the designated HDOT Highways Oahu SWMP task leaders and their master consultant counterparts.

As mentioned above, the current HDOT Highways SWMP organization depicted in Figure 2-2 is anticipated to be in place until at least September 8, 2009 when the current Oahu MS4 NPDES Permit expires. Since the Consent Decree was entered on January 30, 2006, significant program efforts to date have been focused on meeting the numerous deadlines and submittals to HDOH and USEPA mandated by the Consent Decree, as well as by the Oahu MS4 NPDES

Permit that became effective on March 31, 2006 (see Section 1.2). At the same time, development of a comprehensive Oahu SWMP is a major effort that will require ongoing adjustments during the first year of the master consultant's contract. After the first year, the subsequent three years will be focused on implementation of the program.

### **2.2.3 Future Structure**

In order to assess the technical expertise and staffing levels necessary to effectively manage and implement the Oahu SWMP for the duration of the Oahu MS4 NPDES Permit, the current HDOT Highways structure with assistance from the master consultant's staff will primarily become the basis for estimating personnel requirements for a future Oahu SWMP organization. Initial assessments of staff requirements for the Oahu SWMP are currently on-going. Assessments of the needs of each of the Oahu SWMP components or programs will be made to identify various issues, such as present organizational and technological capabilities, the nature of technical and field work, duties and management responsibilities of staff, skill level requirements, the number of personnel and equipment required, and functional relationships between Oahu SWMP component programs.

## **2.3 Coordination with the City and County of Honolulu**

The Oahu SWMP activities include maintaining open communication with City agencies, such as the Storm Water Quality Branch of the Department of Environmental Services (ENV), and the Department of Design and Construction (DDC). The primary purpose of these communication activities will be to exchange information regarding specific incidents or commercial activities that are of concern to the City's storm water pollution prevention efforts.

The Oahu MS4 NPDES Permit states that HDOT Highways "may fulfill portions of [the Public Education Program] requirement by cooperating with the [City] storm water public education program." In addition, coordinating with the City's program will promote some consistency between the City and State's programs. Specific HDOT Highways/City coordination efforts include:

- Continuation of semi-annual coordination meetings to discuss their respective Oahu MS4 NPDES Permits and efforts to reduce pollutants;
- Continuation of their joint effort in producing an instructional video about construction BMPs for construction staff in which the City is developing the video and HDOT Highways contributes to funding the production;
- Attendance of City personnel in training sessions organized by the Oahu SWMP, such as the Construction Activities BMP training session in December 2005, and an Erosion and Sediment Control Compliance Assistance Workshop in April 2006; and
- Partnering with the City on certain public education activities, including:
  - Movie theater slides;
  - Adopt-A-Stream Program; and
  - Development of public education materials such as the Backyard Conservation Booklet.

## **2.4 Enforcement Policy**

Adherence to the requirements of the Oahu SWMP involves many others besides HDOT Highways and master consultant personnel. Since the Oahu MS4 NPDES Permit requires HDOT to “develop, implement and enforce a Storm Water Management Program Plan . . . [underscore provided]”, compliance with the Oahu SWMP is also required of non-Oahu SWMP entities, such as contractors hired to work on HDOT Highways projects, utility companies conducting work within HDOT Highways rights-of-way, and landowners or businesses holding permits for connections or discharges into the Oahu MS4 or whose properties indirectly discharge storm water runoff into the Oahu MS4. Because the activities of these entities have the potential to cause storm water pollution to enter into the Oahu MS4 and/or surface waters, and since HDOT Highways has oversight over their activities that can cause storm water pollution through the programs described in Part II of the Oahu SWMP Plan, an enforcement policy was developed for situations where such activities are in violation of the Clean Water Act, the promulgations of storm water regulations by the USEPA, and HRS Chapter 342D, Water Pollution, and/or the Oahu MS4 NPDES Permit or other NPDES general or individual permit.

The enforcement policy, which is provided in Appendix B.1, includes protocols and documentation standards and requirements. The protocols are triggered by the identification of a violation that cannot immediately be addressed by the offending party or where the offending party refuses to address the violation. Once triggered, the enforcement policy is sequentially escalating and contains the following elements as required by the Oahu MS4 NPDES Permit:

- Issuance of written documentation to the offending party (for those facilities that are inspected as part of the Industrial Discharge Program) within two weeks of identifying the storm water deficiency, including copies of all field notes, correspondence, photographs and sampling results, if applicable;
- A timeline for correcting deficiencies; and
- Provisions for re-inspection and potential punitive actions, if necessary.

In the event that the HDOT Highways exhausts all available sanctions and cannot bring the offending party into compliance with local ordinances and/or the Oahu MS4 NPDES Permit, or otherwise deems the facility or actions of the offending party has an immediate and significant threat to water quality, the HDOT Highways will provide oral notification to HDOH within one week of such determination to be followed by providing copies of all inspection checklists, notes, photographs and related correspondence within two weeks of the determination.

## **2.5 Financial and Organizational Resources**

HDOT Highways has committed significant financial, personnel, and equipment resources to fulfill the requirements of the Oahu MS4 NPDES Permit and Consent Decree, and to implement the Oahu SWMP. HDOT Highways’ funding plan extends into future years further demonstrating its commitment to the development of a comprehensive Oahu SWMP that will improve the water quality discharges from its Oahu MS4. The Oahu SWMP’s present and future expenditures are graphically shown in Figure 2-3, and are described in general below:

- Expenditures have been made to fund the efforts of the Debris Control BMP Program service contractors for street sweeping and storm drain inspection. This program will be budgeted indefinitely. Requests for increasing the street sweeping budget and for future pipe repair projects may be made.
- Labor and maintenance costs of HWY-OM in performing its various Oahu SWMP responsibilities are now part of its budget.
- Labor and other expenditures incurred by HWY-OC, including its MS4 Task Force/DDU, are now part of its budget.
- Labor and other expenditures by other HDOT Highways branches in executing their responsibilities as required by the Oahu SWMP are now part of their budgets.
- Construction contracts under the Erosion Control BMP Program (see Section 9.3) were budgeted and additional funds were requested for fiscal year 2008. Additional funds for the remediation and implementation of temporary erosion control BMPs at outfalls may be requested for in future years of the program.
- Other Oahu SWMP costs include requested expenditures for dewatering facilities, storm water quality monitoring efforts, including those conducted by USGS, and expenditures for the Environmental Management System Program.
- Funding amounts have been budgeted for the master consultant's contract for fiscal years 2006 and 2007. Requests will be made to fund the master consultant's contract for fiscal years 2008 and 2009.

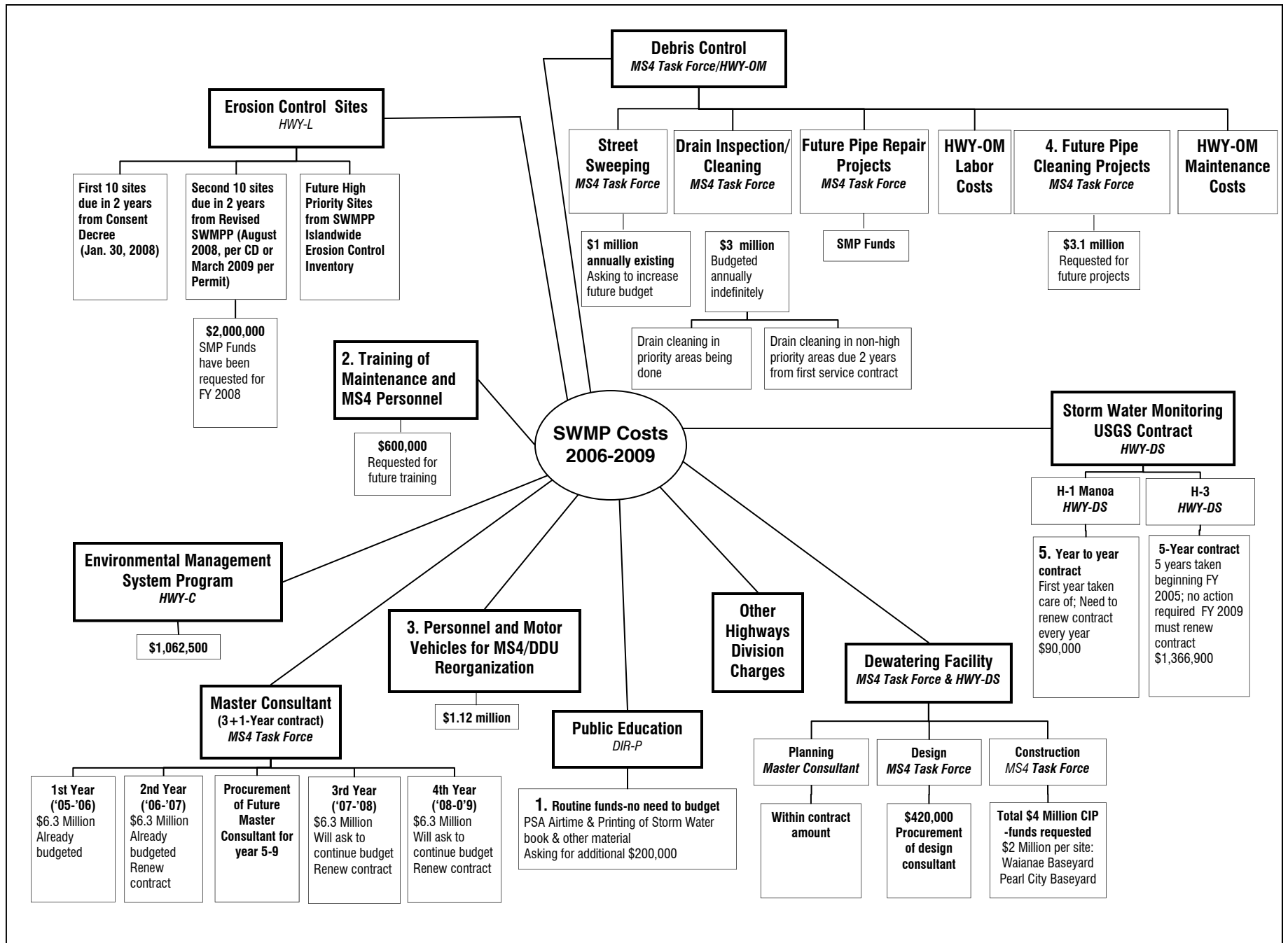
In addition to the SWMP costs depicted in Figure 2-3, implementation of the Post-Construction SWM Program will incur costs for procuring additional right-of-way required for permanent BMPs, and their related design and construction costs.

HWY-O's Operations and Maintenance (O&M) funds are the primary source of funding for the Oahu SWMP. The O&M funds come from the State Highway Fund revenues, which are generated from fuel taxes, motor vehicle weight taxes, rental motor vehicle and tour vehicle surcharge taxes, and vehicle registration fees. Presently, the Oahu SWMP will not generate any income because no fees are levied for connections or discharges to the Oahu MS4.

The process for requesting funding for the Oahu SWMP through the State budget is summarized as follows:

1. Budget proposals are prepared by the Oahu District Engineer and the various branch managers within the HDOT Highways for submittal to the Highways Division Administrator by April.
2. After review and revision by the Highways Division Administrator, the Highways Division budget proposal is submitted to the HDOT Director by August.
3. After review and revision by the HDOT Director's office, the Highways Division budget proposal is submitted to the Department of Budget and Finance by September as a component of the total HDOT budget proposal.
4. After review and revision by the Department of Budget and Finance, the HDOT budget is incorporated into the entire State budget proposal and is submitted to the State Legislature by January. Legislative revisions and approval typically occur by May for implementation in the fiscal year beginning July 1.

Funding requests may be denied at any point throughout this process.



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