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A SUBSIDIARY OF ALEXANDER & BALDWIN, INC.

Environmental Compliance for Building Owners

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Preview

- Storm Water Discharges
- Non-Storm Water Discharges
- Oil and Hazardous Material Storage
- Spills
- Lead Paint
- Community Right-to-Know
- Universal Waste



Storm Water Discharge

- NPDES
 - National Pollutant Discharge Elimination System
 - Permit program established by the EPA under the Clean Water Act in the 1970's
 - Permits for wastewater treatment plants, cooling water, chemical manufacturers, and STORM WATER
 - Has been a major force in the restoration of rivers, lakes and coastal waters
 - Still a long way to go (i.e., Ala Wai Canal)
 - In Hawaii, authority has been delegated to Department of Health (DOH) Clean Water Branch



NPDES Permit for Discharge of Storm Water Associated with Industrial Storm Water

- Applicability depends on facility's NAICS code
- Requirements – SWPC Plan, BMPs, Training...
- Annual storm water sampling and DMR
- Certificate of No Exposure is an option if completely enclosed (i.e. warehouse)



NPDES Permit for Discharge of Storm Water Associated with Construction Activity

- For construction projects where >1 acre of land is disturbed
- Contractor is jointly liable
- Inspections and Paperwork (SWPPP, Training Records, Monthly Reports, etc.)
- Smaller projects must still use BMPs, but no permit is required

NPDES Penalties can be Large

- \$25,000 / day / violation for State violations
- \$52,000+ / day / violation for federal violations

U.S. Environmental Protection Agency

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Hawaii landowner agrees to pay \$7.5 million for stormwater pollution

Release date: 03/09/2006

Contact Information: Dean Higuchi, 808-541-2711, higuchi.dean@epa.gov

(Honolulu - March 9, 2006) The United States government and its partners announced today that James Pflueger will pay more than \$7.5 million for Clean Water Act violations associated with construction activities on Pflueger's property at Pila'a on Kaua'i.

Honolulu City & County Requirements

- New “Rules Related to Storm Water Quality” enacted in 2017
- Small Projects:
 - Categories 1A, 1B, 2
- Ground disturbance?
- Designate ESCP Coordinator
- Prepare ESCP and submit (with fee!) to DPP for approval
- Conduct monthly inspections

Start Here:

<http://www.honolulu.gov/pp.org/ApplicationsForms/StormWaterQuality.aspx>

Download

“Storm Water Requirements Applicability Checklist”

Honolulu City & County Requirements, continued

- Large Projects (>1 acre disturbance):
 - Categories 1C, 3, 4, 5
- Get NPDES Permit
- Prepare ESCP
- Designate CWPPP
- Prepare SWQR for Post-Construction BMPs and O&M Plan

Where to go for help?

- **C&C Honolulu**
<http://www.honolulu.gov/dfmswq/rules-relating-to-water-quality.html>
- **DOH Clean Water Branch** <http://health.hawaii.gov/cwb/>
- **US EPA** <https://www.epa.gov/npdes/npdes-stormwater-program>



Non-Storm Water Discharges

- Building Maintenance
 - Power Washing
 - Painting
 - Concrete Repairs
 - Sealcoating
- Tenants
 - Vehicle/Equipment Washing
 - Dark Rooms

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Oil Storage – SPCC Rule

- Facilities that store >1,320 gallons of “oil”
- Potential to discharge to Navigable Waters
- Facilities must develop and implement SPCC Plan
- Conduct annual inspections and training



Oil Storage – SPCC Rule

- Twenty-four (24) 55-gallon drums would put you over the threshold
- All oil storage containers must have secondary containment
- Sufficient freeboard for simultaneous heavy rainfall

SPCC - Navigable Water?

- Lakes, Rivers, Streams
- Bays, Harbors, and Beaches
- Nearby storm drain can be a conduit to the these waters

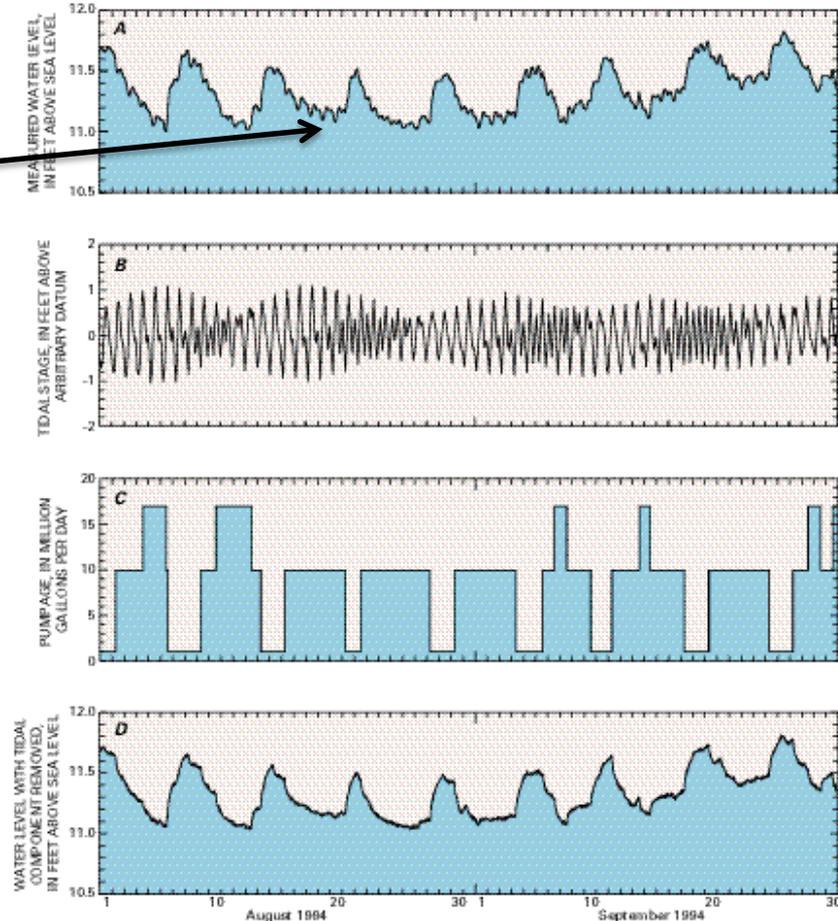


Navigable Water?

Small “squiggles” in this well on Oahu are caused by the tides

- Tidally influenced groundwater may have a “hydraulic connection” to the ocean

Figure 41. Measured water levels (A) in a well in northern Oahu are affected by (B) ocean tides and (C) withdrawals from a nearby wellfield. The effects of withdrawals are more clearly seen in hydrograph D after the removal of the effects of ocean tides from the measured water levels.



Modified from Oki, D.S., 1997, Modeling the effects of pumping, barometric pressure, and ocean tides on ground-water levels in northern Oahu, Hawaii: University of Hawaii, Ph.D. dissertation, 321 p.





SPCC – Simultaneous Heavy Rainfall and Containment Capacity

- Defined as 25-year 24-hour storm event
- Often 8-10” deep
- 110% rule of thumb is not sufficient
- Covers can keep the rain out



SPCC Plan

- Certified by licensed professional engineer
- OR-
- Qualified Facility: Owner can self-certify for Tier 1 and Tier 2 qualified facilities (<10,000 gallons total oil storage)
- No agency submittal or review – just implement and keep a copy of plan on file



SPCC – Upcoming Changes

- Scope to be expanded by EPA to include other hazardous materials, not just oil
- Ordered by consent decree, partly due to 2014 WV Elk River spill
- New rule expected in 2019, or later?
(Washington politics...)

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Oil Spills

- Regulated by numerous agencies
- Cleanup costs skyrocket once oil reaches water
- An ounce of prevention is worth a pound of cure!



Oil Spill Reporting Thresholds

- >25 gallons
- Any amount not cleaned up within 72 hours
- Any amount that reaches a water body (“sheen” rule)

DOH HEER Office
586-4249

Honolulu LEPC
723-8960

National Response Center
800-424-8802

Oil Spill Cleanup

- Spills are expensive to clean up
- Fines are even more expensive
- Failure to report is also a violation



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ABOUT US

Aloha Petroleum to pay \$650,000 fine for tank violations

Published: Monday, December 7th 2015, 4:54 am HST
Updated: Monday, December 7th 2015, 4:54 am HST




HAWAII
Hawaii Island

HILO, Hawaii (AP) - Aloha Petroleum has agreed to pay \$650,000 to settle Clean Air and Clean Water acts violations at its Hilo East bulk fuel storage terminal near Hilo Harbor.

[West Hawaii Today](#) reports Aloha Petroleum recently shut down operations at the facility. The Environmental Protection Agency says the company can't reopen the terminal until vapor controls are installed and oil spill containment is improved.

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Lead Renovation, Repair, and Painting (RRP) Rule

- Applies to homes, child care facilities, pre-schools, or any child-occupied facility built before 1978
- Contractors must be certified and follow lead-safe practices



Lead Paint Health Effects

- **Irreversible** damage in children
 - Lower intelligence, learning disabilities, behavioral problems...
- Also harmful to adults
 - High blood pressure, headaches, fatigue, memory loss...

Lead RRP Rule

- Dust from renovation is the quickest exposure route
- In-House maintenance staff should also be trained and certified

Lead RRP Rule

- Covered Activities

- Remodeling
- Electrical
- Plumbing
- Painting Prep
- Carpentry
- Window Replacement

- Applicability Thresholds

- Interior disturbance
>6 square feet of paint
- Exterior disturbance
>20 square feet of paint
- All window replacement

Lead RRP Rule

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HEPCRA: Hawaii Emergency Planning and Community Right-to-Know Act

- Protects public and first responders in case of emergency
- Requires inventorying and reporting hazardous/toxic chemicals (Tier 2 Reporting)
- Based on chemical, hazard class, and quantity stored



HEPCRA Applicability

- Threshold Planning Quantity (TPQ)
 - Hazardous/toxic substances = 10,000 pounds or more
 - Includes flammable liquids, LPG, toxic chemicals, etc.
 - Rule of thumb = Anything that has a Safety Data Sheet (SDS)!

HEPCRA, cont.

- Extremely Hazardous Substances* (EHS) = between 10 and 500 pounds
 - Eg. Ammonia, formaldehyde, acids
- Reportable Quantity (RQ)
 - Smallest amount of a spill you must report
 - Can be as low as 1 pound!
- Exclusions: household products in consumer packaging, fertilizer, food additives

*List found in 40 CFR Part 355, Appendices A and B and EPA website

Where to go for help?

- **DOH Hazard Evaluation and Emergency Response Office**

<http://eha-web.doh.hawaii.gov/eha-cma/Org/HEER/>

- **OSHA** <https://www.osha.gov/dsg/hazcom/ghd053107.html>

- **US EPA** <https://www.epa.gov/epcra>

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Solid & Universal Wastes

- Universal wastes are technically hazardous:
 - Batteries
 - Fluorescent bulbs
 - Pesticides
- No manifest required
- Can be stored up to a year
- Solid wastes:
 - Construction debris
 - Pressure treated wood
 - Chemicals, mixes, solutions that have been properly tested (profiled) and confirmed non-hazardous.
- Electronic Waste (e-waste)



Hazardous Wastes - RCRA

- Automotive fluids
 - “waste” oil, antifreeze, etc.
- Oil-based paint, paint thinners
- Dry cleaning chemicals
- Pesticides



Hazardous Wastes, cont.

- Hazardous waste is regulated by the Resource Conservation and Recovery Act (RCRA)
- Categories:
 - Large Quantity Generator (LQG) – $>1,000$ kg/month
 - Small Quantity Generator (SQG) – $<1,000$ but > 100 kg/month
 - Must obtain RCRA ID #
 - Very Small Quantity Generators (CESQG)



Hazardous Waste Requirements

- Separate storage
- Labeling
- Containment
- Waste manifests
- LQGs: submit biennial hazardous waste report & written contingency plan

Where to go for help?

- **US EPA** <https://www.epa.gov/hwgenerators/categories-hazardous-waste-generators>
- **DOH Solid and Hazardous Waste Branch**
<https://www.osha.gov/dsg/hazcom/ghd053107.html>

Questions?



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Thank you!!!