

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE STATE OF HAWAII DEPARTMENT OF
TRANSPORTATION, HIGHWAYS DIVISION,
MAUI DISTRICT

AND

THE DEPARTMENT OF PUBLIC WORKS
COUNTY OF MAUI

I. **Purpose**

The purpose of this Memorandum of Understanding (MOU) is to help the State of Hawaii, Department of Transportation, Highways Division, Maui District (HWY-M) and the County of Maui (COM), Department of Public Works, control illicit discharges and nonpoint sources of pollution in their respective Municipal Separate Storm Sewer Systems (MS4s) in the regulated Kahului-Paia Urbanized Area (UA). This MOU defines the roles and responsibilities of HWY-M and COM, who each hold respective National Pollutant Discharge Elimination System (NPDES) MS4 permits.

II. **Background**

The goal of the NPDES MS4 program is to effectively prohibit certain non-stormwater discharges into an MS4 by the use of control measures to reduce the discharge of pollutants to the maximum extent practicable (MEP). MEP includes best management practices (BMPs), control technique and systems, and design and engineering methods deemed appropriate for the control of such pollutants. In Hawaii, the Environmental Protection Agency (EPA) has delegated NPDES permitting authority to the State of Hawaii, Department of Health, which issues and enforces the requirements of NPDES Permits.

NPDES regulations require that both HWY-M and COM have NPDES permits for their respective MS4s in the UA. NPDES regulations also prohibit stormwater discharges from small MS4s that initially enter a separate stormwater drainage system, unless a permit, license, or equivalent written approval is granted by the owner of the drainage system allowing the discharge. Because the HWY-M and COM MS4s interconnect at multiple points, this executed interagency MOU establishes policies governing interconnection that will regulate the discharge of pollutants to and from each MS4 in the UA.

III. **Objectives**

The objectives of this MOU are to: a) establish effective intergovernmental coordination between HWY-M and COM; b) establish the roles and responsibilities of each agency to minimize, to the MEP, the discharge of pollutants from one regulated MS4 to the other; c) minimize duplication of

effort between HWY-M and COM; and d) ensure accountability through application of BMPs, design and engineering methods, and water quality monitoring.

IV. Responsibilities

A. HWY-M, through the Maui District Engineer, will:

1. Conduct regularly scheduled maintenance of the HWY-M MS4.
2. Maintain a program to promote reports from the public of illicit discharges into the HWY-M MS4.
3. Conduct investigations to detect and eliminate illicit discharges and illegal connections to the HWY-M MS4, including where such discharges may flow to the COM MS4, and immediately notifying COM of the discovery of such discharges so that COM may take protective measures at the outfall(s) from their MS4.
4. Upon request by COM, provide an inventory, location, and other available data of MS4 structures and outfalls owned, operated, and maintained by HWY-M.

B. COM, Department of Public Works will:

1. Conduct regularly scheduled maintenance of the COM MS4.
2. Maintain a program to promote reports from the public of illicit discharges into the COM MS4.
3. Conduct investigations to detect and eliminate illicit discharges and illegal connections to the COM MS4, including where such discharges may flow to the HWY-M MS4, and immediately notifying HWY-M of the discovery of such discharges so that HWY-M may take protective measures at the outfall(s) from their MS4.
4. Upon request by HWY-M, provide an inventory, location, and other available data of MS4 structures and outfalls owned, operated, and maintained by COM.

V. Other Provisions

- A. This MOU does not alter the authority and responsibilities or the respective permit requirements under HWY-M and COM NPDES MS4 permits. The intent of the MOU is to form a basis by which the aforementioned goals and objectives can be carried out by each agency in a cooperative manner.
- B. It is agreed that interconnections between the HWY-M MS4 and COM MS4 are not considered private drain connections, and therefore do not require private drain connection licenses. Instead, this MOU serves as the agreement to interconnect storm drains between the HWY-M MS4 and the COM MS4.

