

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director

JORDAN MOLINA
Director

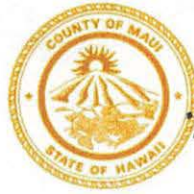
PAUL M. BARANY, P.E.
Deputy Director

WADE SHIMABUKURO, P.E.
Development Services Administration

RODRIGO "CHICO" R. RABARA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

Telephone: (808) 270-7845
Fax: (808) 270-7955



RECEIVED

24 OCT 30 P 4:19



DEPARTMENT OF PUBLIC WORKS

COUNTY OF MAUI

200 SOUTH HIGH STREET, ROOM NO. 434

WAILUKU, MAUI, HAWAII 96793

www.mauicounty.gov/publicworks

COUNTY OF MAUI
PUBLIC WORKS

OFFICE OF THE
COUNTY CLERK

October 15, 2024

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 S. High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

For Transmittal to

Honorable Alice L. Lee, Chair,
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Richard T Bissen 10-21-24
Mayor Date

Dear Chair Lee and Council Members:

SUBJECT: PROPOSED BILL FOR AN ORDINANCE TO ESTABLISH ARTICLE 5 WITHIN TITLE 14 OF THE MAUI COUNTY CODE RELATED TO THE REGULATION OF STORMWATER DISCHARGE AND POLLUTION CONTROLS

The Department is transmitting the attached proposed ordinance entitled "BILL FOR AN ORDINANCE TO ESTABLISH ARTICLE 5 WITHIN TITLE 14 OF THE MAUI COUNTY CODE RELATED TO THE REGULATION OF STORMWATER DISCHARGE AND POLLUTION CONTROLS." The purpose of this proposed ordinance is to prohibit activities that may result in stormwater pollution that could enter the County's storm drainage system.

Under the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) program, the United States Environmental Protection Agency (EPA) regulates stormwater discharges from select municipalities and their Municipal Separate Storm Sewer Systems (MS4s) based on population density. In 2010, Central Maui was designated as an urbanized area by the U.S. Census Bureau and subsequently characterized as a regulated "Small MS4."

In Hawai'i, NPDES program management is delegated by the EPA to the State of Hawai'i, Department of Health (HDOH), Clean Water Branch, which administers the

Honorable Alice L. Lee, Chair
and Members of the Maui County Council
October 15, 2024
Page 2

program under Hawai'i Administrative Rules (HAR) Chapter 11-55, Water Pollution Control, enabled by Hawai'i Revised Statutes Title 19, Chapter 342D – Water Pollution.

Since 2014, the County has operated under HDOH's HAR 11-55, Appendix K, "NPDES General Permit Authorizing Discharges of Storm Water and Certain Non-Storm Water Discharges from Small Municipal Separate Storm Sewer Systems" ("MS4 Permit") for the operation and maintenance of its drainage system. A requirement of the MS4 Permit is for the County to enact regulation that enables the County to enforce against illicit discharge to the County's drainage system by the end of 2024. The proposed bill seeks to satisfy this requirement of the County's MS4 Permit. The County is also committed to launching an educational campaign to inform the public about these standards by the end of 2025.

The proposed standards incorporate language consistent with the EPA Illicit Discharge Detection and Elimination Technical Appendices, Appendix B, "Model Illicit Discharge and Connection Ordinance" and ordinances from various municipalities.

The Department respectfully requests that the Council's consider this ordinance at its next regular meeting. Timely adoption is crucial for compliance with the County's Stormwater Management Plan and the MS4 General Permit. Referring the ordinance to committee and back to the Council for final action would delay adoption by approximately four weeks, leaving limited time before the year-end deadline.

Thank you for your consideration of this request. Should you have any questions, please contact me at Ext. 7845.

Sincerely,



JORDAN MOLINA
Director of Public Works