

Revisions to NPDES General Permit for Construction Storm Water

State of Hawaii, Department of Health,
Clean Water Branch

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Summary

1. Department of Health (DOH), Clean Water Branch (CWB) Background.
2. NPDES Introduction.
3. Revisions to NPDES General Permit for Construction Storm Water.
4. Questions.



DOH-CWB Background

- State of Hawaii, Department of Health, Environmental Health Administration, Environmental Management Division.
- Administers and enforces Statewide water pollution laws and rules. Achieved through permitting of point sources, compliance monitoring, inspections, investigation of complaints, and ambient water quality monitoring.



DOH-CWB Background

- Hawaii Water Pollution Law:
 - Hawaii Revised Statutes, Chapters 342D and 342E.
- Hawaii Water Pollution Rules:
 - Hawaii Administrative Rules (HAR), Chapter 11-55, Water Pollution Control is NPDES permit program in State of Hawaii.
 - HAR, Chapter 11-54 is State Water Quality Standards (WQS). According to State law, everyone is required to comply with State WQS whether you need an NPDES permit or not.
- HAR 11-54 and 11-55 are available on the DOH-CWB website located at:
<http://health.hawaii.gov/cwb/>.



NPDES Introduction



NPDES Introduction

- **N**ational **P**ollutant **D**ischarge **E**limination **S**ystem (NPDES) is permit system required by federal Clean Water Act.
- Environmental Protection Agency (EPA) delegated Department of Health (DOH) authority to administer NPDES permit system in State of Hawaii.



NPDES Introduction

- NPDES permit are required for all point source discharges to State waters and three (3) situations involving storm water.
 - Storm water associated with construction activities.
 - Storm water associated with industrial activities.
 - Storm water from Municipal Separate Storm Sewer Systems.



NPDES Introduction

- Two (2) types of NPDES permits
 1. NPDES Individual Permit:
 - Customized NPDES permit issued to the discharger.
 2. NPDES General Permit:
 - NPDES permits issued as rules in HAR 11-55, Appendices for categories of discharges.
 - 12 NPDES general permits
 - HAR 11-55, Appendices B through M. Appendix A is standard NPDES general permit conditions.



NPDES Introduction

- To request coverage under one (1) of the NPDES General Permits:
 - Download, read, and understand the NPDES General Permit for which you would like to request coverage under. All NPDES General Permits with Standard General Permit Conditions are available on CWB website located at: <http://health.hawaii.gov/cwb/>.
 - Determine if your project/activity **and** your organization can and will comply with **every** requirement in the applicable NPDES General Permit.
 - Only after you determine that you can comply and you understand your responsibilities and legal obligations, submit the Notice of Intent through the e-Permitting Portal website.



NPDES Introduction

- Notice of Intent (NOI) Form
 - Form used to notify DOH that you wish to be covered under a general permit.
 - Must submit through e-Permitting Portal website located at: <https://eha-cloud.doh.hawaii.gov/epermit/>.
 - 2 NOI Forms on e-Permitting Portal
 - CWB NOI Form for HAR 11-55, Appendices B through L.
 - CWB NOI Form M for HAR 11-55, Appendix M.



NPDES Introduction

- DOH issues a Notice of General Permit Coverage (NGPC) if NOI is complete.
- NGPC is not a permit. It is a notification that you are covered under the general permit, provided that you comply with the general permit conditions.

REL ASBERCHONES
DIRECTOR

LORETTA J. RUDDY, A.C.B.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 2215
HONOLULU, HI 96820-2215

RECEIVED
R10 [redacted] FNL 13

Month # [redacted], 2013

Certifying Person
Certifying Person Company
Certifying Person Address

Attention: → Owner Contact Person
→ Owner Contact Person Title

Dear Mr/Ms. Certifying Person Last Name

Subject: → NOTICE OF GENERAL PERMIT COVERAGE (NGPC)
→ National Pollutant Discharge Elimination System (NPDES)
→ Project Name
→ Project City, Island of Project, Hawaii
→ File No. HIR10 [redacted]

This letter is to notify you that **CERTIFYING PERSON COMPANY** (hereinafter PERMITTEE) is now covered under the NPDES General Permit authorizing discharges of storm water associated with construction activities. Coverage under this general permit authorizes you to discharge only storm water to the receiving State waters discharge point(s) from the project location(s) identified in the Notice of Intent (NOI), dated **July 23, 2013**, provided that you comply with Hawaii Administrative Rules (HAR) 11-54; HAR 11-55; HAR 11-55, Appendix A; HAR 11-55, Appendix C; and the information submitted in the NOI. Discharges of non-storm water, toxics, and other water pollutants to State waters are not authorized by this NPDES General Permit. HAR 11-54 and 11-55 are available on the Department of Health (DOH), Clean Water Branch (CWB) website at: <http://health.hawaii.gov/cwb/>

This NGPC will take effect on the date of this notice. This NGPC will expire at midnight, December 5, 2018, or when amendments to HAR, Chapter 11-55, Appendix C, are adopted, whichever occurs first. Failure to comply with HAR 11-54; HAR 11-55; HAR 11-55, Appendix A; HAR 11-55, Appendix C; and information provided in the NOI is an enforceable violation and your NGPC may be terminated. If you violate Hawaii Revised Statutes, Chapter 342D, you may be subject to penalties of up to \$25,000 per violation per day and up to two (2) years in jail.



Revised HAR 11-55,
Appendix C
(NPDES General Permit for
Construction Storm
Water)



Revised HAR 11-55, Appendix C

- HAR 11-55, Appendix C is the NPDES general permit authorizing discharges of storm water associated with construction activities.
- Required for land disturbance activities of one (1) acre or more.
 - Activities of this size determined to be potential significant contributor of pollutants which need to be regulated.
 - Land disturbance includes, but is not limited to, clearing, grading, grubbing, excavation, uprooting of vegetation, demolition, staging, and stockpiling.
- Approximately 600 construction projects currently covered under HAR 11-55, Appendix C.



Revised HAR 11-55, Appendix C

- DOH-CWB amended HAR 11-55, Appendix C on December 6, 2013.
- Everyone that was issued an administrative extension was issued a new NGPC.
- Everyone (existing and new construction projects) is required to comply.



Revised HAR 11-55, Appendix C

- Substantive modifications were made to be consistent with EPA's Construction General Permit and Effluent Limit Guidelines in 40 CFR 450.
- Modifications include addition of narrative effluent limits or Best Management Practices (BMPs).
 - DOH expects that compliance with all narrative effluent limits in this general permit will result in compliance with WQS.



Revised HAR 11-55, Appendix C

- Narrative Effluent Limitations (Section 5 of General Permit).
 - Purpose of narrative effluent limitations is to design, install, and maintain erosion and sediment controls that minimize pollutant discharges from earth disturbing activities.
- Narrative Effluent Limit Examples:
 1. Storm water control design shall account for expected frequency, intensity, and duration of precipitation; nature of storm water runoff and run-on at site; and range of particle sizes on site.



Revised HAR 11-55, Appendix C

2. Natural buffer.

- Land disturbance \geq 50 feet from State water: Provide 50 foot undisturbed natural buffer and sediment control, or
- Land disturbance $<$ 50 feet from State water: Provide undisturbed natural buffer less than 50 feet and double sediment control, or
- Cannot provide natural buffer of any size: Provide double sediment control and complete stabilization within 7 calendar days of temporary or permanent cessation of earth disturbance.
- See general permit for exceptions for linear construction projects (e.g. utility installations, road construction, etc.).
- Not required to enhance vegetation or provide if none exists.



Revised HAR 11-55, Appendix C

3. Install sediment controls along all perimeter areas of site that will receive storm water from earth disturbing activities.
4. Protect storm drain inlets that receives project site storm water only if Permittee has authority to access storm drain inlet.
 - May be removed in event of flood conditions where safety or loss of property is of concern.
5. Discharges of all non-storm water is prohibited. This includes storm water mixed with wash water/effluent and storm water that has contacted contaminated soil.



Revised HAR 11-55, Appendix C

6. For any portion of site that discharges to sediment or nutrient-impaired State waters, complete stabilization within 7 calendar days after temporary or permanent cessation of earth-disturbing activities.
7. Complete BMP routine maintenance by close of next work day after discovering problem.
8. Complete significant repairs to BMPs no later than 7 calendar days from time of discovery.



Revised HAR 11-55, Appendix C

9. Inspections required at least once every 7 calendar days, or once every 14 calendar days and within 24 hours of occurrence of a storm event of 0.25 inches or greater and within 24 hours after the end of the storm.



Revised HAR 11-55, Appendix C

10. For any portion of site that discharges to impaired waters, inspections required:
 - Once every 7 calendar days; and
 - Within 24 hours of occurrence of a storm event of 0.25 inches or greater.
 - Permittee may reduce frequency of inspections to once per month in any area of site where stabilization has been completed in accordance with general permit.



Revised HAR 11-55, Appendix C

11. Visually inspect receiving State waters for turbidity, color, floating oil and grease, floating debris, and items that may be toxic to humans or aquatic life.
 - o If discharge enters a MS4 or separate drainage system you may inspect discharge entering drainage system rather than receiving water (except if there is an upset event, BMP failure, or rainfall events greater than 0.25 inches.).



Revised HAR 11-55, Appendix C

12. Permittee shall prepare monthly compliance reports to be kept on-site and available.
 - o Upon DOH receiving EPA's Cross-Media Electronic Reporting Regulation (CROMERR) approval, monthly compliance reports will be required to be submitted through the e-Permitting Portal.



Revised HAR 11-55, Appendix C

- SWPPP (Storm Water Pollution Prevention Plan)
 - Site-specific, written document.
 - Identifies potential sources of storm water pollution at your construction site.
 - Describes storm water control measures to reduce or eliminate pollutants in storm water discharges from your construction site.
 - Identifies procedures you will implement to comply with the terms and conditions of this general permit.



Revised HAR 11-55, Appendix C

- SWPPP (Section 7 of General Permit)
 - All Permittees required to develop their SWPPP prior to submitting NOI.
 - Do not submit SWPPP with NOI.
 - SWPPP required to be kept on-site along with copy of NOI, all correspondence between DOH and Permittee, and NGPC.
 - SWPPP may be modified as often as needed in accordance with Section 7.4. Do not submit to DOH.
 - Current copy of SWPPP must be kept on-site or at an easily accessible location so it can be made available to DOH or EPA upon request.



Revised HAR 11-55, Appendix C

- Appendix C NPDES General Permit:
 - Prescriptive.
 - Requirements provided for each component of SWPPP.
 - Everyone knows up front what is expected.



Revised HAR 11-55, Appendix C

- Other Noteworthy Revisions:
 - May submit NOI within 30 calendar days after starting Emergency-related construction activities (with land disturbance of 1 acre or more) declared by the President of the United States or the Governor of the State of Hawaii.
 - No longer have to submit general contractor information in NOI. Required to include in SWPPP before start of construction.
 - No longer required to provide entry point coordinates into drainage systems.
 - No longer required to attach Drainage System Owner's Approval to Discharge in the NOI. Required to include in SWPPP before start of construction.
 - NGPCs can no longer be modified. Any changes to information in NOI after NGPC issued (i.e. project scope changes, new discharge points, any increase to land disturbance, etc.) requires a new NOI, filing fee, and new NGPC to be issued. Exception are changes to BMPs and updating contact information unrelated to ownership transfer.



Questions?

- Contact information for e-Permitting Portal questions.
 - Web Admin Email: epwebadmin@doh.hawaii.gov
 - Web Admin Phone: (808) 586-4350
 - Address: Environmental Health Administration
Hawaii Department of Health
1250 Punchbowl Street
Honolulu, Hawaii 96813
- Contact information for NPDES General Permit questions.
 - DOH-CWB Email: cleanwaterbranch@doh.hawaii.gov
 - DOH Phone: (808) 586-4309
 - Address: DOH-CWB
919 Ala Moana Blvd, Room 301
Honolulu, Hawaii 96814

