



Workshop on Water Pollution Control Hawaii Administrative Rules Chapter 11-55

August-September 2007

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Agenda

- ❖ Introduction to National Pollutant Discharge Elimination System (NPDES)
- ❖ Proposed amendments to Hawaii Administrative Rules (HAR), Chapter 11-55
- ❖ Questions and answers
- ❖ 10 minute break
- ❖ Notice of Intent (NOI) Forms and requirements
- ❖ Questions and answers

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The CWB Mission

The mission of the Clean Water Branch is to protect the public health of residents and tourists who recreate in and on Hawaii's coastal and inland water resources, and to also protect and restore inland and coastal waters for marine life and wildlife.

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HAR, Chapter 11-55 Water Pollution Control

Regulations
for
National Pollutant Discharge
Elimination System (NPDES)
Permit

Federal Law and Regulation NPDES

- ❖ Section 402 of Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (commonly referred to as the Clean Water Act or CWA)
- ❖ Title 40, Code of Federal Regulations (40 CFR)

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State Law and Regulations NPDES

- ❖ Hawaii Revised Statutes, Chapter 342D, Water Pollution
- ❖ Hawaii Administrative Rules, Title 11, Chapter 54, Water Quality Standards
- ❖ Hawaii Administrative Rules, Title 11, Chapter 55, Water Pollution Control
- ❖ <http://www.hawaii.gov/health/about/rules/admrules.html>

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Storm Water Regulations NPDES

- ❖ In 1987, Congress added Section 402(p) of the CWA which requires the EPA to adopt regulations for storm water discharges from industrial activities
- ❖ On November 16, 1990, the EPA adopted Phase I rules to regulate storm water discharges
- ❖ On December 8, 1999, the EPA adopted Phase II rules to regulate storm water discharges

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Types of NPDES Permit

- ❖ Individual permit
- ❖ General permit

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NPDES Individual Permit

- ❖ Discharge does not qualify for general permit coverage
- ❖ Custom made
- ❖ 180 days to process (with complete application)
- ❖ \$1,000 filing fee
- ❖ Applicant responsible for publication fee
- ❖ May be issued an NPDES permit for any period not exceeding five years

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NPDES General Permit

- ❖ Adopted as rules (See Chapter 11-55 Appendices)
- ❖ Similar nature of discharge
- ❖ Minor and non-controversial – No discharge into Class AA (Open Coastal Waters) or Class 1 (Inland Waters) State waters
- ❖ 30 days for CWB to process (with submittal of complete Notice of Intent [NOI])
- ❖ \$500 filing fee
- ❖ Effective for not more than five years from the date of the adoption

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Conditional “No Exposure” Exclusion

- ❖ Effective on January 6, 2001
- ❖ “No exposure” means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff
- ❖ Submit certification to the CWB
- ❖ NO filing fee
- ❖ The Exclusion may be effective for a period not exceeding five years from the date of receipt of a complete certification

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Current NPDES General Permits and Standard General Permit Conditions

in HAR, Chapter 11-55
Appendices A through L

were adopted on November 7, 2002
and expire on November 6, 2007

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Notice of Public Hearing for Proposed Amendments to HAR, Chapter 11-55

Published on Monday, August 6, 2007 in
*The Maui News, Honolulu Star Bulletin,
The Garden Isle, West Hawaii Today,
and Hawaii Tribune-Herald*
[www.hawaii.gov/health/environmental/water/
cleanwater/pubntcs/index.html](http://www.hawaii.gov/health/environmental/water/cleanwater/pubntcs/index.html)

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Public Hearing for Proposed Amendments to HAR, Chapter 11-55

2:00 pm, Thursday, September 6, 2007
919 Ala Moana Blvd, 5th Floor Conference Room

- and by Video Conference Center Sites at:
- ❖ Kauai – DOH Reading Room, 3040 Umi St, Lihue, 96766
 - ❖ Maui – DOH, BT Conference Room, 210 Imi Kala St, Suite 204, Wailuku, 96793
 - ❖ Hilo – State Building, 75 Aupuni Street, Room 105, Hilo, 96720 (location corrected)

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Proposed Amendments to HAR, Chapter 11-55

- ❖ Readopt Eleven (11) National Pollutant Discharge Elimination System General Permits. This will continue a significant streamlined permitting process for those activities which are eligible {Appendices B through L}

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11 NPDES General Permits Proposed to be Readopted in HAR, Chapter 11-55 Appendices

- ❖ Appendix B - Storm water associated with industrial activities
- ❖ Appendix C - Storm water associated with construction activities
- ❖ Appendix D - Treated effluent from leaking underground storage tank remedial activities

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11 NPDES General Permits Proposed to be Readopted in HAR, Chapter 11-55 Appendices (continued)

- ❖ Appendix E - Once through cooling water less than one (1) million gallons per day
- ❖ Appendix F - Hydrotesting water
- ❖ Appendix G - Construction dewatering effluent
- ❖ Appendix H - Treated effluent from petroleum bulk stations and terminals

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11 NPDES General Permits Proposed to be Readopted in HAR, Chapter 11-55 Appendices (continued)

- ❖ Appendix I - Treated effluent from well drilling activities
- ❖ Appendix J – Occasional or Unintentional Discharges from Recycled Water Systems

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**11 NPDES General Permits
Proposed to be Readopted**

in HAR, Chapter 11-55 Appendices
(continued)

- ❖ Appendix K – Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems
- ❖ Appendix L – Discharges of Circulation Water from Decorative Ponds or Tanks

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**Proposed Amendments to
HAR, Chapter 11-55**

(continued)

- ❖ Excuse from NPDES permitting certain pesticide use to control vectors when pesticides are applied properly. This complies with Application of Pesticides to Waters of the United States in Compliance with *Federal Insecticide, Fungicide, and Rodenticide Act* (FIFRA) regulations promulgated in 71 FR 68483-68492, dated November 27, 2006, and on Friday, December 1, 2006, in 71 FR 69622 (date was corrected) {§11-55-04(h)}

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**Proposed Amendments to
HAR, Chapter 11-55**

(continued)

- ❖ Adopt regulations to enable the use of Field Citations for four (4) specified cases {§11-55-40}
- ❖ Also allow payment in the form of pre-printed check or as otherwise specified by the Director {§11-55-04(d)(4) and §11-55-34.08(i)(3)}
- ❖ Submit affidavit of publication within four weeks of the publication {§11-55-09(d) and §11-55-14(c)}

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**Proposed Amendments to
HAR, Chapter 11-55**

(continued)

- ❖ Provide method for industrial activities, not including construction activities, to certify “no discharge” {§11-55-04(g)}
- ❖ Revise method for termination of NPDES Individual Permit {§11-55-18}
- ❖ Require copy of application, NOI, NPDES Individual Permit or NGPC to be on-site or at a nearby office or field office {§11-55-23(11)}

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**Proposed Amendments to
HAR, Chapter 11-55**

(continued)

- ❖ Clarify that all information is required to be included with the new NOI to claim automatic coverage {§11-55-34.09(f)}
- ❖ Include Trust and Limited Liability Company {§11-55-07(a)(4) and (a)(5)}
- ❖ Clarify signatory requirements for submittals {§11-55-07(b) and §11-55-34.09(i)}

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**Proposed Amendments to
HAR, Chapter 11-55**

(continued)

- ❖ Require notification of the start of Construction, Hydrotesting, and Dewatering Activities within one (1) week before the start of activities {Chapter 11-55, Appendix C, Section 9(b); Appendix F, Section 8(d); Appendix G, Section 8(b)}

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Proposed Amendments to HAR, Chapter 11-55

(continued)

- ❖ Update of references to reflect the latest changes of the Hawaii Revised Statutes (HRS); Code of Federal Regulations, Title 40 (40 CFR); and the Clean Water Act (Act)
- ❖ Comply with the 40 CFR, revised as of July 1, 2006

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Proposed Amendments to HAR, Chapter 11-55

(continued)

- ❖ Conform with the HAR Format specified in the *Hawaii Administrative Rules Drafting Manual*, Second Edition, June 1984 by the Legislative Reference Bureau
- ❖ Revise for clarity and consistency with policies and corrections of errors

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Recommendation

- ❖ Contact the Clean Water Branch as early as possible

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*** Notice ***
The NPDES General Permit coverage for discharges to State waters will expire at midnight on November 6, 2007, or when amendments to the general permit are adopted, whichever occurs first. Please see the [CWB Forms](#) webpage for the process of renewing the Notice of General Permit Coverage.

The Clean Water Branch will hold Workshops on Water Pollution Control from August 6, 2007 through September 4, 2007. For Workshop information and updated CWB-Notice of Intent (NOI) Forms (in August 2007), please refer to [Workshop Presentations](#).

About CWB
Details structure of the Clean Water Branch (CWB). Includes Mission Statement, Engineering, Monitoring, and Enforcement Sections and Polluted Runoff Control Program.

Administrative Procedures
Details administrative procedures, such as [requesting a public record](#), public hearing, rule making, etc. Hawaii Revised Statutes (HRS), Chapter 91.

Contact Us

Current Warnings, Advisories, and Closures
The Clean Water Branch posts three types of advisories. Brown Water Advisories are related to storm water discharges into coastal waters. High Indicator Bacteria Advisories are notifications of exceedances of Single Sample Maximums (100 CFU/100ml) in accordance with the BEACH ACT. Sewage Spill Advisories pertain to sewage discharges into coastal waters.

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Questions?



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Thank you!



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