

What's New in the NPDES?

ACECH Hawaii State Agencies Workshop (*Topic Code I*)
Thursday, February 28, 2008
Hilton Waikiki Prince Kuhio Hotel

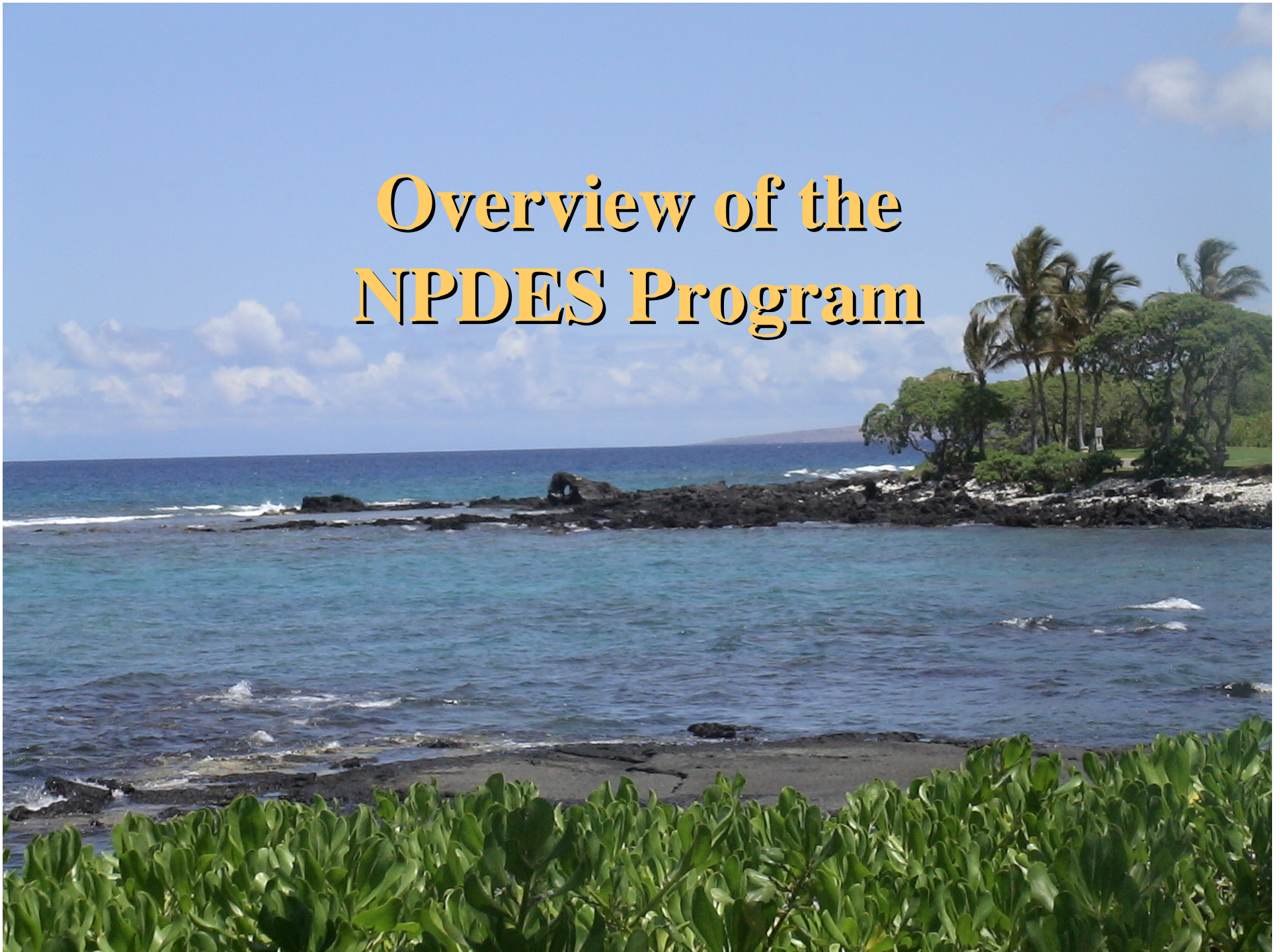


Presented by:
Alec Wong and Joanna L. Seto

NPDES

- **Overview of the NPDES Program**
- **NPDES Permit Requirements**
- **Compliance with Regulations**
- **Questions?**

Overview of the NPDES Program



Overview of the NPDES Program

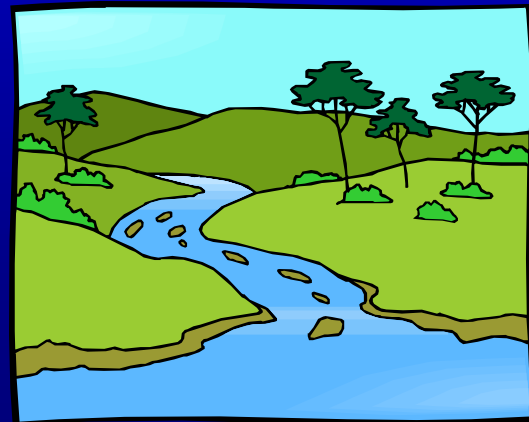
The mission of the Clean Water Branch is to protect the public health of residents and tourists who recreate in and on Hawaii's coastal and inland water resources, and to also protect and restore inland and coastal waters for marine life and wildlife.



Overview of the NPDES Program

National Pollutant Discharge Elimination System Permit Program

In 1974, the EPA delegated
permitting authority to the
Hawaii Department of Health
Clean Water Branch



Overview of the NPDES Program

- **NPDES Federal Law and Regulation**
 - **Clean Water Act (CWA)**
 - <http://www.epa.gov/region5/water/cwa.htm>
 - **Code of Federal Regulations, Title 40 (40 CFR)**
Protection of Environment
 - <http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=200640>
(revised July 1, 2006)

Overview of the NPDES Program

- **NPDES State Statutes and Rules**
 - **Hawaii Revised Statutes, Chapter 342D - Water Pollution**
 - http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0342D
 - **Hawaii Administrative Rules (HAR), Chapter 11-55 - Water Pollution Control**
 - **HAR, Chapter 11-54 – Water Quality Standards**
 - <http://www.hawaii.gov/health/about/rules/admrules.html>

Overview of the NPDES Program

Beginning of the NPDES Permit Program

40 CFR Part 122

Regulates the discharges of wastewaters from municipal, industrial and federal facilities, such as:

- Wastewater treatment plant effluent
- Power plant process wastewater
- Concentrated animal feeding operation
- Concentrated aquatic animal production
- Sugar mill operation
- Mineral mining
- And more



Overview of the NPDES Program

Storm Water Phase I - 1990 and Phase II - 1999

40 CFR §122.26

Regulates the discharges of storm water from certain municipal and industrial facilities and construction activities, such as:

- Industrial activities at ground transportation facilities
- Construction of a housing subdivision
- Federal, State, and City Municipal Separate Storm Sewer Systems (MS4s)
- And more



Overview of the NPDES Program

Construction Storm Water

- Coverage under an NPDES storm water permit is required for construction activities, including clearing, grading and excavation, that result in the disturbance of one (1) or more acres of total land area.

Note: The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale.

Overview of the NPDES Program

Types of NPDES Permit

- **General permit**
- **Individual permit**

Overview of the NPDES Program

General Permit

- Adopted as rules (HAR, Chapter 11-55)
- Similar nature of discharge
- Minor and Non-controversial
- Discharge initially enters either Class 2, Inland water or Class A, Marine water
- 30 days to process (with complete Notice of Intent)
- \$500 Filing Fee
- Good for up to five (5) years

**The current General Permits will expire on
October 21, 2012.**

Overview of the NPDES Program

Individual NPDES Permit

- Discharge does not qualify for general permit coverage
- Discharge initially enters either Class 1, Inland Water, or Class AA, Marine Water
- Custom made (site-specific)
- 180 days or more to process (with complete application)
- \$1,000 Filing Fee
- Applicant responsible for publication fee
- Good for up to five (5) years

Overview of the NPDES Program

**How to Obtain the Latest NPDES Regulations,
Applications, Forms and Guidelines?**

Clean Water Branch Website

<http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>

Permit Requirements



Permit Requirements

**Certain discharges into
Class 2 or Class A Waters**

**May obtain coverage under one of 11 General Permits
in HAR, Chapter 11-55, Appendices B – L
(no new General Permits in 2007 Rules)
Submit Notice of Intent (NOI)**

**Discharges into Class 1 or Class AA Waters
May obtain coverage under NPDES Individual Permit
Submit NPDES Application**

Permit Requirements

Certain discharges into Class 2 or Class A Waters

The following activities may obtain coverage under a General Permit:

- Construction Projects
- Operation of Industrial Facilities
- Discharge of Hydrotesting Effluent
- Discharge of Dewatering Effluent
- Discharge of Storm Water and Certain Non-Storm Waters into Small Municipal Separate Storm Sewer System
- and others

Permit Requirements

To obtain coverage under a General Permit, submit the following:

- **CWB NOI General Form** (pdf format) – hard copy and electronic xml file
- **As applicable to specific discharge:**
 - **CWB NOI Form B – C** (pdf format) – hard copy and electronic xml file
 - **CWB NOI Form D – L** (MSWord format) – hard copy only
- **\$500 Filing Fee**

Permit Requirements

The following may cause the NOI to be incomplete:

- **No electronic submittal of CWB NOI General Form, CWB NOI Form B and/or C**
- **No hard copy submittal of forms and attachments**
- **No \$500 Filing Fee**
- **Missing certification signature (original) and/or date certified**
- **Incorrect facility street address (indicate actual cross streets) or mailing address (can be “c/o owner’s mailing address”)**

Permit Requirements

The following may cause the NOI to be incomplete (con't):

- **Receiving State waters name, coordinates, and/or classification incorrect**
- **General BMPs not provided** (need construction details for installation)
- **Non-storm water discharges not addressed** (i.e., how will the non-storm water be prevented from entering State waters?)
- **State Historic Preservation Division (SHPD) has not been notified** (provide copy of transmittal to SHPD)

Permit Requirements

Discharges into Class AA or Class 1 Waters

To obtain coverage under NPDES Individual Permit, submit the following:

- CWB-NPDES Signatory and Certification Statement to NPDES Permit Applications
- EPA Form 1
- For an Existing Facility – EPA Form 2C
- For a New Facility – EPA Form 2D
- \$1,000 Filing Fee

Permit Requirements

Upcoming Changes to Hawaii's NPDES Program

- **Web-based forms**
- **Electronic Signatures**
- **Searchable online database**
- **Total Maximum Daily Loads and Waste Load Allocations**
- **Chargeable Filing Fee through ehawaii.gov**

A photograph of a tropical landscape. In the foreground, there is a body of water with small ripples. The middle ground shows a grassy shoreline with many palm trees. In the background, a multi-story building is visible among the trees. The sky is blue with some white clouds. The word "Compliance" is written in a stylized, yellow, serif font with a black outline, centered over the water.

Compliance

Compliance

Helpful EPA Website Links

- *Developing Your Stormwater Pollution Prevention Plan: A guide for construction sites* (05/01/2007)
<http://www.epa.gov/npdes/swpppguide>
- *National Menu of Best Management Practices (BMPs) for NPDES Stormwater Phase II* (10/27/2000)
<http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>
- *Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices* (01/08/2008) <http://www.epa.gov/owow/nps/lid/costs07/>
- *EPA NPDES Website* <http://cfpub.epa.gov/npdes/index.cfm>

Compliance

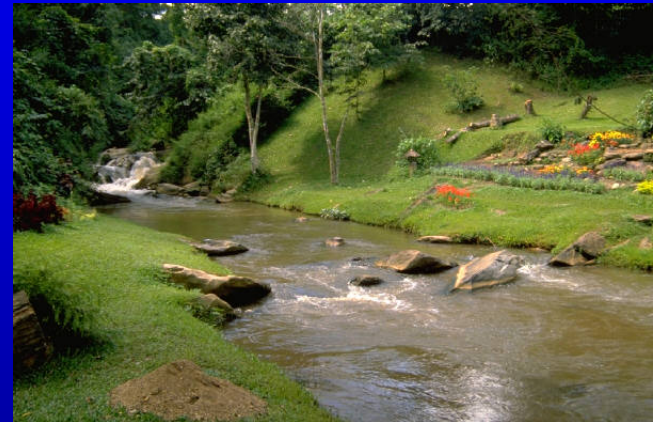
Consequences of Non-Compliance

- **Warning Letter - Notice of Apparent Violation (NAV) or Notice of Potential Violation (NPV) letter**
- **Administrative / Civil Penalties - Notice and Finding of Violation and Order (NFVO) - monetary penalties up to \$25,000 per day per violation.**
- **Criminal Enforcement - monetary penalties up to \$50,000 per day per violation and jail time possible**

The Clean Water Branch Goal



Keeping Hawaii's water clean for “Beneficial uses” which include...



recreation...



**...and the protection and
propagation of fish and aquatic life.**



For More Information, Contact:

Clean Water Branch

919 Ala Moana Blvd., Rm. 301

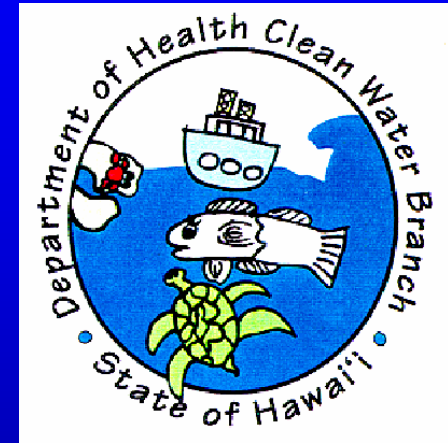
Honolulu, Hawaii 96814-4920

Phone: 808-586-4309

Fax: 808-586-4352

Email: cleanwaterbranch@doh.hawaii.gov

<http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>



A photograph of a tropical beach. In the foreground, there's a rocky shore with white and grey stones and some dark driftwood. A tree with thick, green, oval-shaped leaves and a gnarled trunk leans over the beach from the left. The ocean is a deep blue with gentle waves. The sky is clear and blue. The word "Questions?" is written in a white, serif font with a black outline in the center of the image.

Questions?

Thank you!

