Construction BMPs Workshop

Tuesday, March 8, 2011
8:00 am – 12:30 pm
Kaua`i Beach Resort
Jasmine Ballroom

Presented by the State of Hawaii,
Department of Health, Clean Water Branch
in Partnership with the
Contractors Association of Kauai

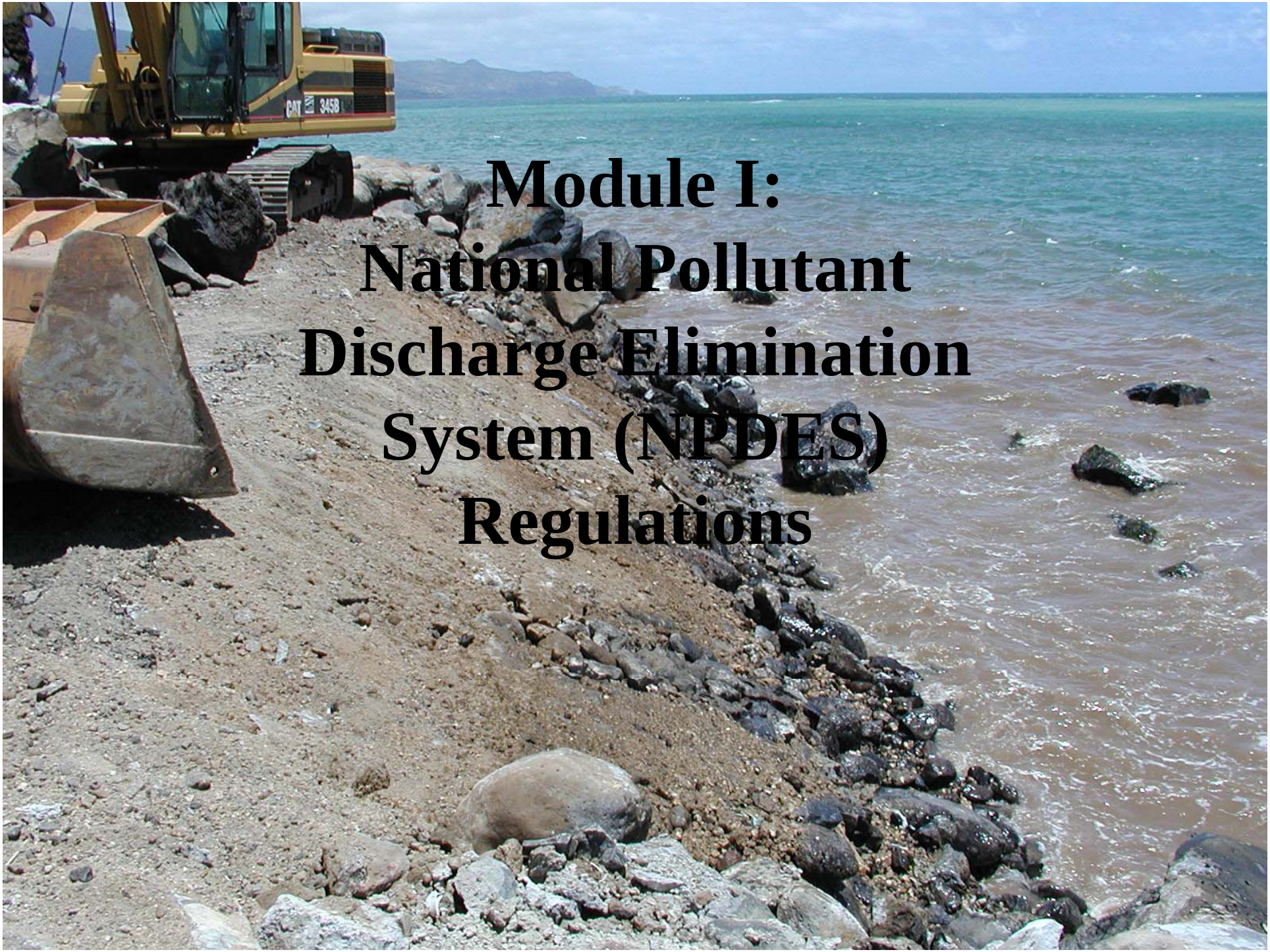
Presented by: Alec Wong, P.E.
Joanna L. Seto
Matthew Kurano

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.

Agenda

8:00 am	Welcome Remarks
8:05 am	Module I: Introduction to CWB Site-Specific Construction Best Management Practice (SSCBMP) Plan Template
9:45 am	Break
10:00 am	Module II: Introductions to Site Inspections and Samples of BMPs
11:00 am	Module III: MS4 for State DOT on Kaua`i and BMP products
12:00 pm	Wrap-up, Question & Answer, Table Top Displays Closing



Module I: National Pollutant Discharge Elimination System (NPDES) Regulations

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)

State Law and Regulation 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

Future changes to HAR, Chapter 11-55

- Include Hawaii Pesticide General Permit
- Update Concentrated Animal Feeding Operation Rules
- Construction Effluent Limitation Guidelines numeric limit and associated monitoring requirements applicable to large sites disturbing 10 & 20 acres or more at one time is delayed.

NPDES Permits for Construction Projects

- **Required if the project disturbs one (1) acre or more of land**
- **Individual NPDES Permit**
  - For construction projects which discharge to Class 1 or Class AA waters
  - Different procedures and fees apply – please contact CWB for additional details
- **NPDES General Permit**
  - For construction projects which discharge to Class 2 or Class A waters
  - Procedures will be presented during this workshop
  - *No changes to HAR, Chapter 11-55, Appendix A or C as of October 21, 2007 or June 15, 2009*

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

Notice of Intent Procedures for Construction Projects

NOI Procedures

To obtain coverage under the Construction Storm Water General Permit, submit the following:

1. CWB NOI General Form (Eff. 08/01/2007)
2. CWB Site-Specific Construction Best Management Practice (SSCBMP) Plan Template (Rev. ##/##/2011)
3. $500 Filing Fee

NOI Procedures

Do not submit the hard copy of:

- **CWB NOI General Form (pages 1 – 3)**
- **CWB SSCBMP Plan**

For projects on ALL islands, submit only one (1) set which includes the original certification signature (see next slide).

NOI Procedures

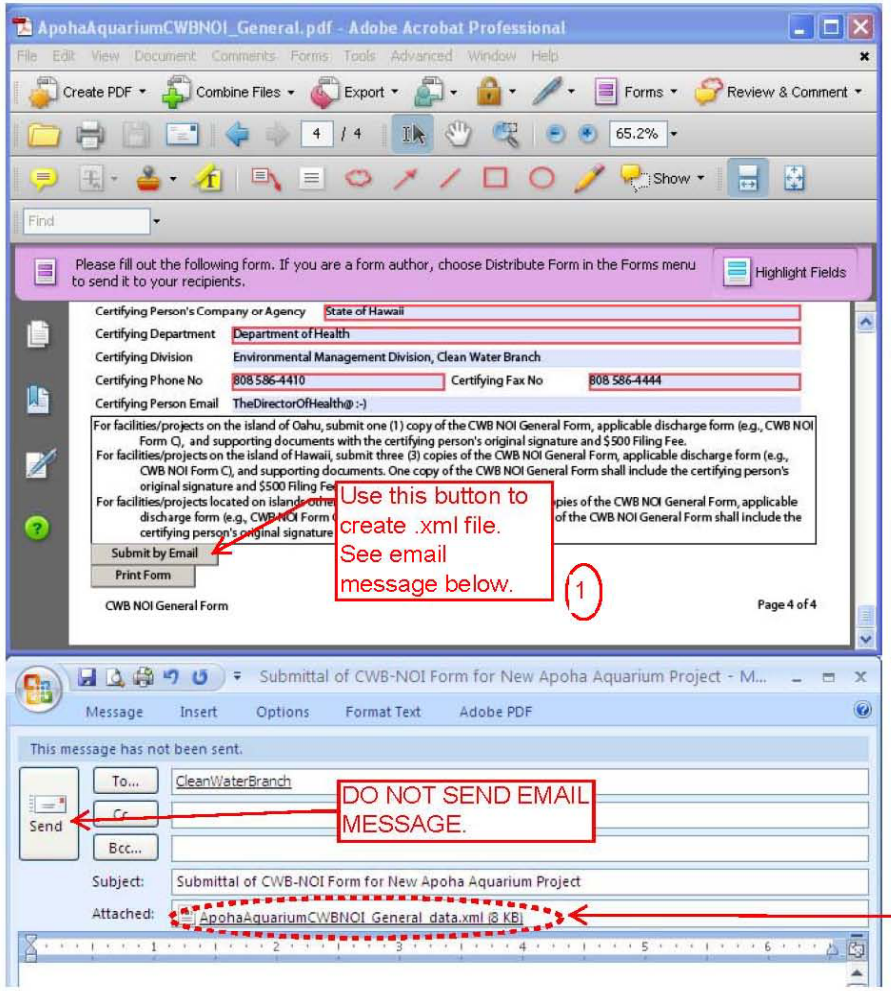
For ALL islands, submit one (1) set of the following to CWB:

1. Transmittal or cover letter (hard copy)
2. Original Certification signature (hard copy of CWB NOI General Form page 4 only)
3. $500 Filing Fee
4. CD or DVD containing the following:
   - CWB NOI General Form (pdf and xml format)
   - CWB SSCBMP Plan (pdf format)

Do not submit hard copies of the entire Form or Plan.

NOI Procedures

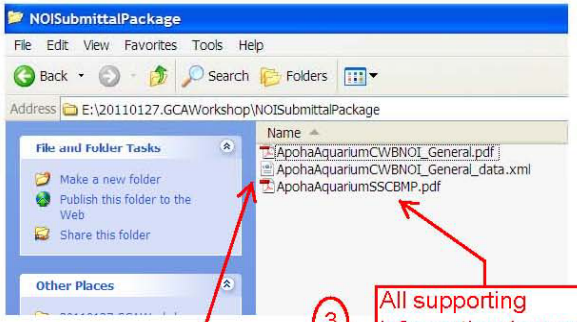
Initial NOI Submittal
via CD/DVD with Original Signed/Dated Item No. 7 of CWB NOI General Form (page 4) and $500 Filing Fee



For projects on ALL islands, submit the following in the NOI package:
1. Transmittal or cover letter (hard copy)
2. Original Certification signature (hard copy of CWB NOI General Form page 4 only)
3. $500 Filing Fee
4. CD or DVD containing the following:
   - CWB NOI General Form (pdf and xml format)
   - Hawaii SSCBMP Plan Template (pdf format)

Do not submit hard copies of the Form or Plan.

4



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All supporting information (maps, plans, approvals, etc.) should be included in the SSCBMP pdf file. DO NOT SUBMIT HARD COPIES OF THE SSCBMP Plan.

Copy .xml file from message to CD/DVD. Do not use the "save as xml" option.

2

NOI Procedures

NOI and SSCBMPs review priorities:

- American Recovery and Reinvestment Act (ARRA) Projects
- Clean Energy Projects
- All other projects by date received

Indicate in your transmittal that your project meets one of the above criteria to ensure the priority review.

NOI Procedures

The following may cause the NOI to be incomplete:

- No electronic submittal of CWB NOI General Form
- Minimum required information not provided in CWB SSCBMP Plan
- No $500 Filing Fee
- CWB NOI General Form not signed by correct certifying person

NOI Procedures

Who is the correct certifying person? The Person who meets the criteria listed in 40 CFR §122.22 (Eff. 07/01/2010) or HAR, Section 11-55-07.

For example from 40 CFR §122.22(a)(3):

> "For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA)."

NOI Procedures

Who is the correct authorized representative? The named person or named position who meets the criteria listed in 40 CFR §122.22 (Eff. 07/01/2010) or HAR, Section 11-55-07.

For example from 40 CFR §122.22(b)(2):

> "The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company,. . ."

NOI Procedures

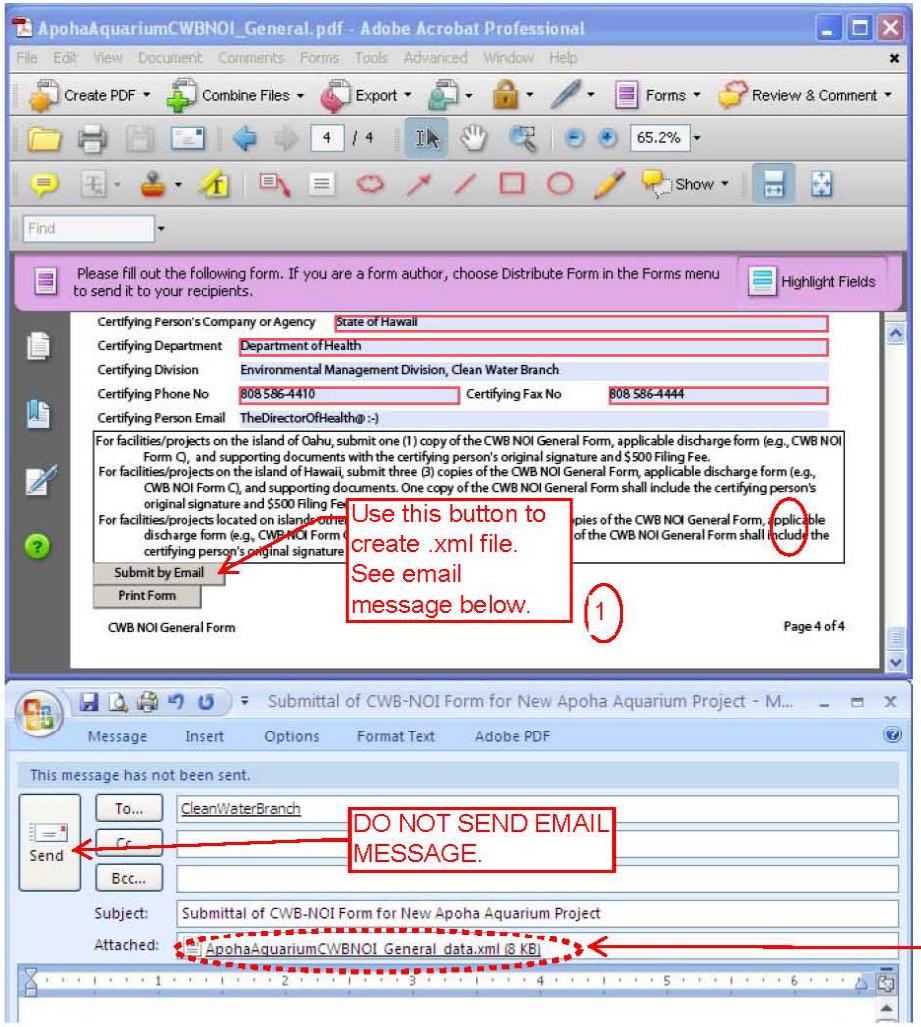
The following may cause the additional information for the NOI to be incomplete.

- Does not reference correct NGPC File No.
- Transmittal does not include certification statement
- Transmittal is not from duly authorized representative or certifying person (need original signature)
- Responses do not address the CWB comments

The response should refer to the applicable CWB comment number and identify the page or sheet where the change was made.

NOI Procedures

Additional Information and/or Compliance Submittal
via CD/DVD with Original Signed/Dated Transmittal Cover Sheet only

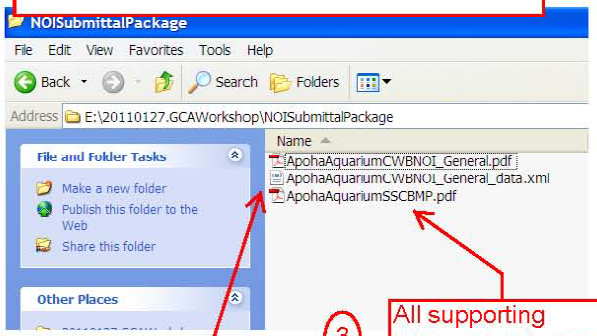


For projects on ALL islands, submit the following in the additional information and/or compliance submittal:

1. Transmittal or cover letter (hard copy)
2. Original Certification signature (hard copy of CWB NOI General Form page 4 only if change to authorized representative)
4. CD or DVD containing the following:
   - CWB NOI General Form (pdf and xml format)
   - Hawaii SSCBMP Plan Template (pdf format)

Do not submit hard copies of the Form or Plan.

4



3

All supporting information (maps, plans, approvals, etc.) should be included in the SSCBMP pdf file. DO NOT SUBMIT HARD COPIES OF THE SSCBMP Plan.

Copy .xml file from message to CD/DVD. Do not use the "save as xml" option.

2

NOI Procedure Change

CWB SSCBMP Plan Template (Rev. 03/01/2011)

Construction Best Management Practice Plan

Notice of General Permit Coverage (NGPC) File No. HIR10__ __ __ __
(if known)
Preparation Date __ __ / __ __ /__ __

All sections of this template MUST be completed for National Pollutant Discharge Elimination System (NPDES) General Permit compliance.

If Section 3.0 - Best Management Practice Specifications/Details is not submitted with the initial submittal, **a complete Site-Specific Construction Best Management Practice (SSCBMP) Plan must be submitted to the CWB for comment no less than 30 calendar days prior to starting construction activities**. Your entire SSCBMP Plan (including Sections 2.0 and 3.0) will be reviewed in the order received and will not be expedited to accommodate your schedule. Written acceptance of a COMPLETED SSCBMP plan from the Clean Water Branch (CWB) must be received before the start of construction activities.

It is highly recommended that all sections of this template are completed in the initial submittal with the CWB Notice of Intent (NOI) General Form. Please refer to the DOH-CWB Procedure for Changing Construction Site-Specific BMPs, dated July 20, 2010.

As of April 1, 2011, all applicants shall submit the plan using this template instead of the CWB-NOI Form C (Rev. 08/01/2007).

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NOI Procedure Change

- **The CWB-NOI Form C has been replaced with the requirement to submit a completed CWB SSCBMP Plan Template.**
- **As of April 1, 2011, all applicants shall submit the plan using this template instead of the CWB-NOI Form C (Rev. 08/01/2007).**

- **See handout for blank SSCBMP template.**
- Blank template will be available on the CWB website at http://hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html.

NOI Procedure Change

Site-Specific Construction Best Management Practice Plan
(Insert Project Name and Preparation Date)

Construction Best Management Practice Plan

Notice of General Permit Coverage (NGPC) File No. HIR10__ __ __ __
(if known)
Preparation Date __ __ / __ __ /__ __

All sections of this template MUST be completed for National Pollutant Discharge Elimination System (NPDES) General Permit compliance.

If Section 3.0 - Best Management Practice Specifications/Details is not submitted with the initial submittal, **a complete Site-Specific Construction Best Management Practice (SSCBMP) Plan must be submitted to the CWB for comment no less than 30 calendar days prior to starting construction activities**. Your entire SSCBMP Plan (including Sections 2.0 and 3.0) will be reviewed in the order received and will not be expedited to accommodate your schedule. Written acceptance of a COMPLETED SSCBMP plan from the Clean Water Branch (CWB) must be received before the start of construction activities.

It is highly recommended that all sections of this template are completed in the initial submittal with the CWB Notice of Intent (NOI) General Form. Please refer to the DOH-CWB Procedure for Changing Construction Site-Specific BMPs, dated July 20, 2010.

As of April 1, 2011, all applicants shall submit the plan using this template instead of the CWB-NOI Form C (Rev. 08/01/2007).

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Completion and submission of Section 3.0 with the initial NOI submittal will reduce the review period for compliance with the NGPC.

Individual NPDES Procedures

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

1. Transmittal or cover letter
2. CWB-NPDES Signatory and Certification Statement to NPDES Permit Applications (Rev. 11/20/2002)
3. CWB-Individual NPDES Form C (Rev. 09/30/2004) with responses for Item Nos. 1, 2, 3, 4, 5, and 16 only

Individual NPDES Procedures

To obtain coverage under an Individual NPDES Permit, submit the following (continued):

4. CWB SSCBMP Plan Template instead of responding to CWB-Individual NPDES Form C (Rev. 09/30/2004), Item Nos. 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15
5. $1,000 Filing Fee

Individual NPDES Procedures

(new slide 3/10/11)

For ALL islands, submit the following to CWB:

1. Transmittal or cover letter (hard copy)
2. Original signed CWB-NPDES Signatory and Certification Statement to NPDES Permit Applications (hard copy)
3. $1000 Filing Fee
4. CD or DVD containing the following (pdf format):
   - CWB-NPDES Signatory and Certification Statement to NPDES Permit Applications
   - CWB-Individual NPDES Form C
   - CWB SSCBMP Plan

Individual NPDES Procedures

(revised slide 3/10/11)

5. The specified number of hard copies <u>of all submitted documents</u>:
   - For projects on the Island of Hawaii, submit two (2) sets
   - For projects on the Island of Kauai and Maui, submit one (1) set
   - For projects on all other islands, no additional sets

Individual NPDES Procedures

- CWB SSCBMP Plan Template for NPDES Applications to be developed.
- Replace “NGPC File No. HIR10 _ _ _ _” on page 1 with “NPDES Permit No. HIS000_ _ _”

NGPC Compliance Changes

- If not already done with NOI, submit entire updated CWB SSCBMP Plan with site-specific information in Section 3. Do not submit only updated portions of plan.
- eDMR (electronic submittal of Discharge Monitoring Report Form) – not yet applicable to construction stormwater NGPC

Upcoming Changes

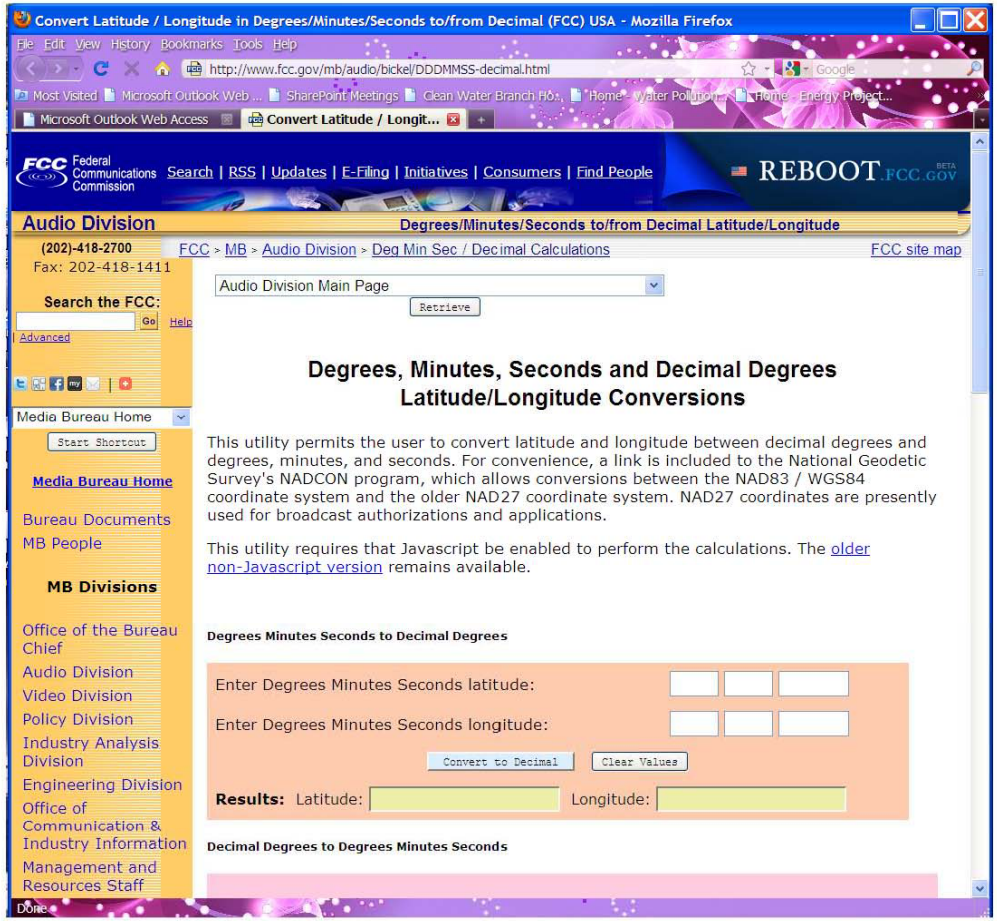
Upcoming Changes to Hawaii's NPDES Program

- Web-based forms in e-Permitting
  - Latitude & Longitude in Decimal Degrees
- Chargeable Filing Fee
- Electronic Signatures
- Searchable online database
- Total Maximum Daily Loads and Waste Load Allocations

Upcoming Changes

Latitude & Longitude in Decimal Degrees

http://www.fcc.gov/mb/audio/bickel/DDDMMSS-decimal.html



NOI Issues from Attendees

- “Submit By Email” Issues
- Who signs certification of CWB SSCBMP Plan?
- I don’t have Site-Specific information yet. What do I do?
- What do I submit when the contractor is hired?
- Section 1.2 – why not person as listed in 6.a?

Contact Us:

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Clean Water Branch
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Honolulu, HI 96814-4920
Phone: (808) 586-4309
Fax: (808) 586-4352
cleanwaterbranch@doh.hawaii.gov

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