NPDES

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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)
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](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](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
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

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
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/menuofbmtps/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:

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Questions?
Thank you!