

Department of Health (DOH), Clean Water Branch (CWB) NPDES Permit and Other Requirements for Water System Operations

State of Hawaii, Department of Health
Clean Water Branch

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Summary

- Department of Health (DOH), Clean Water Branch (CWB) Background.
- DOH-CWB requirements for water system operations:
 - NPDES permit;
 - Section 401 WQC; and
 - State Water Quality Standards (HAR 11-54).
- 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, investigations of complaints, and ambient water quality monitoring.



DOH-CWB Background

- Hawaii Water Pollution Law:
 - Hawaii Revised Statutes (HRS), Chapters 342D and 342E.
 - HRS 342D-50(a) – “No person, including any public body, shall discharge any water pollutant into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director.”
- Hawaii Water Pollution Rules:
 - Hawaii Administrative Rules (HAR), Chapter 11-54 (Water Quality Standards).
 - HAR, Chapter 11-55 (Water Pollution Control). NPDES permit program for the State of Hawaii.
 - Operating principles created by DOH under authority granted by Legislature. These rules have force and effect of law.



DOH-CWB Requirements for Water System Operations

- Discharges from water system operations:
 - May require NPDES permit coverage;
 - May require a Section 401 WQC; and
 - Always must comply with State Water Quality Standards (HAR 11-54).



NPDES Permit



DOH-CWB Requirements for Water System Operations - NPDES Permit

- National Pollutant Discharge Elimination System (NPDES).
- Permit system required by Section 402 of Clean Water Act.
- NPDES permits required for all point source pollutant discharges to State waters and for certain situations involving storm water.
 - Point source is any discernible, confined, and discrete conveyance from which pollutants may be discharged.



DOH-CWB Requirements for Water System Operations - NPDES Permit

- Two (2) types of NPDES permits.
 - General permit – NPDES permit issued as a rule in HAR, Chapter 11-55.
 - Individual permit – NPDES permit, other than a general permit.



DOH-CWB Requirements for Water System Operations - NPDES Permit

- 11 NPDES General Permits (HAR 11-55, Appendices B through L) expired on October 21, 2012.
- Anyone needing NPDES permit coverage for any activity or discharge covered by the 11 expired NPDES General Permits needs to submit an NPDES individual permit application at least 180 calendar days before commencement of discharge.
- To request NPDES permit coverage, submit CWB Individual NPDES Form through e-Permitting Portal website located at:
<https://eha-cloud.doh.hawaii.gov/epermit/View/home.aspx>.



DOH-CWB Requirements for Water System Operations - NPDES Permit

- Storm water associated with construction activities.
 - Construction activities disturbing one (1) or more acres of total land area.
 - DOH-CWB issued approximately 220 NPDES permits for water system projects disturbing one (1) or more acres.



DOH-CWB Requirements for Water System Operations - NPDES Permit

- Hydrotesting effluent discharges to State waters.
 - Hydrotesting effluent used to test the integrity, disinfect, and/or flush a tank or pipeline.
 - NPDES permit required only if effluent discharged to State water.
 - DOH-CWB issued approximately 430 NPDES permits for hydrotesting effluent discharges from water system operations.



DOH-CWB Requirements for Water System Operations - NPDES Permit

- Dewatering effluent discharges to State waters.
 - Effluent from dewatering process of construction activities.
 - NPDES permit required only if effluent discharged to State water.
 - DOH-CWB issued approximately 80 NPDES permits for dewatering effluent discharges for water system operations.



DOH-CWB Requirements for Water System Operations - NPDES Permit

- Operational effluent discharges to State waters from water treatment facilities
 - Examples:
 - Discharge of dewatering and disinfection water associated with removal of spent granular activated carbon (GAC).
 - Discharges of reject water from membrane filtration maintenance operations.
 - NPDES permit required only if effluent discharged to State water.
 - DOH-CWB issued approximately 7 NPDES permits for effluent discharges from water treatment facilities.



DOH-CWB Requirements for Water System Operations - NPDES Permit

- Process wastewater effluent associated with well drilling activities.
 - Examples: well drilling slurry, lubricating fluids, and well purge wastewater.
 - NPDES permit required only if effluent discharged to State water.
 - DOH-CWB issued approximately 6 NPDES permits for well drilling effluent discharges.



DOH-CWB Requirements for Water System Operations - NPDES Permit

- NPDES permit coverage not required for well pump testing.
 - Discharger shall take all measures to prevent pollutants from entering State waters.
 - Discharger shall contain initial discharge until discharge is free of pollutants.
 - If discharge will enter State water, BMPs must be implemented to prevent discharge from disturbing clarity of receiving State water.
 - If discharge will enter a storm drain, discharger must obtain written permission from owner of storm drain prior to discharge.
 - BMPs shall be implemented to prevent discharge from collecting sediment and other pollutants prior to entering storm drain.



DOH-CWB Requirements for Water System Operations - NPDES Permit

- Pesticide discharges to surface drinking water sources and their upstream tributaries.
 - New NPDES General Permit for application of pesticides into State waters (HAR 11-55, Appendix M) adopted on October 21, 2012.
 - Pesticide application consistent with FIFRA label, including distance restriction from drinking water source and intended use;
 - Discharger adheres to Safe Drinking Water Act and safe drinking water regulations;
 - Discharger coordinates with owner of surface drinking water source to prevent pesticide-treated water from entering drinking water intake and distribution system (e.g. shut valve to drinking water source or diversion).



Section 401 WQC



DOH-CWB Requirements for Water System Operations - Section 401 WQC

- Section 401 Water Quality Certification (WQC).
- Required by Section 401 of Clean Water Act.
- Required for all projects/activities that need a federal license or permit that may result in a discharge of pollutants to State waters. Pollutant defined in Section 502(6) of the Clean Water Act.
- Section 401 WQC is a statement from the DOH that the project/activity covered under the federal license or permit will not violate Hawaii's Water Quality Standards (HAR 11-54) based on the information contained in the Section 401 WQC application.



DOH-CWB Requirements for Water System Operations - Section 401 WQC

- Department of the Army (DA) Permit most common federal permit that triggers Section 401 WQC.
 - Contact the Army Corps of Engineers, Regulatory Branch (Tel: 835-4303) if your project involves work in, under, or above State waters. Ask if a DA Permit is required.
 - If a DA Permit is required for your project/activity that may result in a discharge of pollutants to State waters, you will need to obtain a Section 401 WQC from DOH-CWB.
 - DOH-CWB has issued approximately 70 Section 401 WQCs for water system projects.
- Section 401 WQC application form available on the DOH-CWB website at: <http://hawaii.gov/health/environmental/water/cleanwater/forms/wqc-index.html>.



Water Quality Standards

HAR, Chapter 11-54



DOH-CWB Requirements for Water System Operations – WQS (HAR 11-54)

- With or without an NPDES permit or Section 401 WQC, everyone must comply with State Water Quality Standards (WQS), HAR 11-54. **It is State law.**
- State WQS contains three (3) categories of requirements:
 1. Anti-degradation Policy (HAR 11-54-1.1) – Rules to protect and maintain existing uses and to prevent degradation of water quality.
 2. Designated uses (HAR 11-54-3) – Each State water has a designated use.
 3. Water quality criteria
 - a. Basic criteria (HAR 11-54-4) applicable to all State waters.
 - b. Specific criteria (HAR 11-54-5 inland waters; HAR 11-54-6 marine waters; HAR 11-54-7 marine bottom).
 - c. Recreational criteria (HAR 11-54-8)
- Before undertaking any project or activity, you must read HAR 11-54 and ensure you are complying with all applicable requirements.



Summary

- Discharges from water system operations:
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Questions?

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