

## HAR, Chapter 11-55, Appendix B, Multi-Sector General Permit (MSGP) Fact Sheet

In accordance with NPDES regulations at 40 CFR 124.8(a) and 124.8(b) the following information is provided for HAR, Chapter 11-55, Appendix B.

1. A brief description of the type of facility or activity which is the subject of the draft permit;

The proposed Appendix B, MSGP covers storm water discharges from industrial activities. Industrial activities regulated under 40 CFR 122.26(b)(14) that meet the eligibility provisions described in Part 1.1 of the permit are subject to the proposed HAR, Chapter 11-55, Appendix B, Multi-Sector General Permit (MSGP), except construction activities at 40 CFR 122.26(b)(14)(x).

The proposed Appendix B, MSGP is available for the following 29 sectors of industrial activities, as well as any discharges not covered under the 29 sectors (Sector AD) that has been identified by the Department of Health (DOH) as appropriate for coverage. The sector descriptions are based on Standard Industrial Classification (SIC) codes and Industrial Activity Codes consistent with the definition of storm water discharge associated with industrial activity at 40 CFR 122.26(b)(14)(i-ix, xi). The sectors are listed below:

<b>Sector A</b> – Timber Products	<b>Sector P</b> – Land Transportation
<b>Sector B</b> – Paper and Allied Products Manufacturing	<b>Sector Q</b> – Water Transportation
<b>Sector C</b> – Chemical and Allied Products Manufacturing	<b>Sector R</b> – Ship and Boat Building or Repairing Yards
<b>Sector D</b> – Asphalt Paving and Roofing Materials Manufactures and Lubricant	<b>Sector S</b> – Air Transportation Facilities
<b>Sector E</b> – Glass, Clay, Cement, Concrete, and Gypsum Product	<b>Sector T</b> – Treatment Works
<b>Sector F</b> – Primary Metals	<b>Sector U</b> – Food and Kindred Products
<b>Sector G</b> – Metal Mining (Ore Mining and Dressing)	<b>Sector V</b> – Textile Mills, Apparel, and other Fabric Products Manufacturing
<b>Sector H</b> – Coal Mines and Coal Mining-Related Facilities	<b>Sector W</b> – Furniture and Fixtures
<b>Sector I</b> – Oil and Gas Extraction and Refining	<b>Sector X</b> – Printing and Publishing
<b>Sector J</b> – Mineral Mining and Dressing	<b>Sector Y</b> – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries
<b>Sector K</b> – Hazardous Waste Treatment Storage or Disposal	<b>Sector Z</b> – Leather Tanning and Finishing

<b>Sector L</b> – Landfills and Land Application Sites	<b>Sector AA</b> – Fabricated Metal Products
<b>Sector M</b> – Automobile Salvage Yards	<b>Sector AB</b> – Transportation Equipment, Industrial or Commercial Machinery
<b>Sector N</b> – Scrap Recycling Facilities	<b>Sector AC</b> – Electronic, Electrical, Photographic and Optical Goods
<b>Sector O</b> – Steam Electric Generating Facilities	<b>Sector AD</b> – Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director

Currently, an estimated 170 industrial facilities are authorized to discharge (or are “covered”) by the existing Appendix B.

2. The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged.

Storm water discharge associated with industrial activity, including certain allowable non-storm water.

3. A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by 40 CFR 124.9 (for EPA-issued permits);

**Basis for Draft Permit Conditions**

The Clean Water Act (“CWA”) establishes a comprehensive program “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” 33 U.S.C. 1251(a). The CWA also includes the objective of attaining “water quality which provides for the protection and propagation of fish, shellfish and wildlife and... recreation in and on the water.” 33 U.S.C. 1251(a)(2)). To achieve these goals, the CWA requires EPA to control discharges of pollutants from point sources through the issuance of National Pollutant Discharge Elimination System (“NPDES”) permits.

Section 405 of the Water Quality Act of 1987 (WQA) added section 402(p) of the CWA, which directed the Environmental Protection Agency (EPA) to develop a phased approach to regulate storm water discharges under the NPDES program. EPA published a final regulation on the first phase of this program on November 16, 1990, establishing permit application requirements for “stormwater discharges associated with industrial activity.” See 55 FR 47990. EPA defined the term “stormwater discharge associated with industrial activity” in a comprehensive manner to cover a wide variety of facilities. See 40 CFR 122.26(b)(14). In November of 1974, EPA authorized DOH to administer the

NPDES permit program in Hawaii. DOH's proposal is to issue Appendix B, MSGP under this statutory and regulatory authority.

In accordance with HAR 11-55-02(c), 11-55-19(a)(4)(B), and 40 CFR 123.25(a), the proposed revisions were meant to be consistent with the EPA's 2015 MSGP, which the DOH also believes is appropriate for Hawaii. Requirements from EPA's 2015 MSGP that were included in this proposed Appendix B, MSGP include eligibility requirements; allowable non-storm water discharges; control measures; non-numeric technology-based effluent limitations; Effluent Limitations Guidelines; benchmark and other monitoring requirements; requirements for discharges to impaired waters; inspection requirements; escalating actions for benchmark exceedances; Storm Water Pollution Prevention Plan requirements; reporting and record keeping requirements; and sector specific requirements.

The EPA's 2015 MSGP became effective on August 12, 2015 and all documents related to it, including the Fact Sheet are available at: <https://www.epa.gov/npdes/final-2015-msgp-documents>. DOH's intent was to develop a permit modelled after the EPA's 2015 MSGP. Thus, the DOH recommends those interested in this Fact Sheet to refer to the EPA's 2015 MSGP Fact Sheet as the primary resource. Please also refer to the previous versions of the EPA's MSGP available at: <https://www.epa.gov/npdes/previous-versions-epas-msgp-documents> for information about how the EPA's MSGP has evolved to the 2015 version.

A majority of the requirements within this proposed Appendix B are the same as in the EPA's 2015 MSGP, however, the proposed Appendix B, MSGP was revised in consideration of the State's Administrative Rules and for situations not applicable to Hawaii (e.g., deicing, salt storage, Tier waters, etc.). Additionally, the proposed Appendix B, MSGP was revised from the previous version to allow certain sectors (refer to Table 1-1 of the permit) with Effluent Limitation Guidelines (ELGs) to be covered under this general permit, allow discharges to all State waters, except for discharges in or to natural freshwater lakes, saline lakes, or anchialine pools, and implement benchmark monitoring (if applicable) in lieu of previously required compliance with water quality-based numeric effluent limitations. If a sector has both benchmark and ELGs, both shall apply, however only the exceedance of the ELG would be a violation of the permit. For an exceedance of a benchmark, a violation would occur upon the Permittee's failure to implement corrective actions, which includes escalating levels of corrective actions. The proposed revision aims to require Permittees to implement corrective actions by making the facility's failure to implement corrective actions a violation of the permit, unless a sector specific ELG has already been promulgated. For the development of ELGs, please refer to the Federal Notice and Fact Sheets for EPA's previous versions at the website address provided above.

**On Page 55-B-26, in Table 1-2, under “NOI Submission Deadline”, “No later than 90 days after permit issuance, unless DOH notifies you that your deadline is extended” was increased to 180 days so that facilities, such as airports, can develop a more comprehensive SWPPP in coordination with their tenants.**

In the previous permit, exceedance of a numeric effluent limitation was a violation of the permit. However, the permit wasn't clear if a facility's failure to implement corrective actions to address the exceedance was also a violation (which made enforcement difficult). The DOH believes that the implementation of corrective actions, and if necessary numerous escalating actions, by the Permittee to be more important and a more effective method of removing pollutants prior to discharge from the facility. This is conceptually consistent with the approach taken by EPA's 2015 MSGP. The intent is to place greater emphasis on having the Permittee implement corrective actions to minimize further pollutant discharges. The permit violation occurs upon the Permittee's failure to take corrective actions when an exceedance of a benchmark occurs, since the implementation of corrective actions serves as the mechanism for the reduction of the pollutants in regulated discharge.

Also, DOH is modifying the permit compliance evaluation to focus on the Permittee's failure to take corrective action as a response to comments received regarding whether it is reasonable to assign numeric effluent limits for industrial storm water discharges based on the State's Water Quality Standards. The DOH has held multiple stakeholder meetings with various Permittees, including Federal, State, and County government agencies, who have all expressed concerns about the practicality of numeric Water Quality-Based Effluent Limitation (WQBELs) for industrial storm water discharges. After considering the concerns of the Permittees and evaluating the previous permit, the DOH has determined that it is no longer feasible to establish numeric WQBELs for industrial storm water discharges; BMPs shall be utilized when numeric effluent limits are infeasible per 40 CFR 122.44(k); and the benchmark monitoring and BMPs in the proposed Appendix B MSGP are appropriate WQBELs. Below are the reasons why the DOH believes the numeric WQBELs from the previous permit are no longer practicable:

- Storm events are variable in nature and the pollutants in the storm water that may or may not originate from the facility.
- It is challenging to objectively determine if a facility is in compliance with its permit requirements. The DOH acknowledges that requiring industrial storm water Permittees to comply with numeric WQBELs is viewed as an easier way to measure compliance, but it is not as simple as selecting a number directly from our WQS due to the unique nature of storm events and storm water discharges.
- There are pollutants in storm water discharges that did not originate from the facility (e.g., neighbor facility's run on, atmospheric deposition, etc.) or the

Permittee may not have the means to control the pollutant, and therefore, must be given special consideration.

- Monitoring for enforcement of numeric effluent limits is challenging. While spot checks can be made at some of the outfalls, there is a wide variation in storm water quality from area to area, facility to facility, and storm to storm. Geographical location and land use are important factors affecting storm water quality for most constituents. Since the storm-to-storm variation at any outfall can be high, it is unreasonable to expect all runoff levels to be below a numeric value. Also, there could be a number of storm events each year that are large in volume and/or intensity that can exceed the design capacity volume or flow rates of most BMPs. Assessing compliance during these larger events represents another challenge for DOH and the Permittee.
- There is no single protocol that enables an engineer to design with certainty a BMP that will produce a desired outflow concentration for a constituent of concern. Even if DOH uses % removal, it will vary directly with the inflow concentration. It will take substantial research to develop design criteria for the removal of pollutants with confidence intervals that enable DOH to make reliable estimates of the median and variance of the effluent concentrations expected from the various types of BMPs. Until this is done, it is infeasible and impracticable at this time to develop applicable numeric effluent limits for a particular type of BMP.
- Many facilities rely on non-structural control measures, which have a high degree of variability and accordingly performance; thus, creating a challenge to set numeric effluent limits because little is known about performance levels of non-structural controls.
- DOH considers the optimum balance between economic development of businesses subject to storm water regulations and environmental quality to satisfy public interest concerns.

The State has adopted its own WQS in HAR, Chapter 11-54, Water Quality Standards. The proposed Appendix B includes non-numeric WQBELs to ensure the authorized discharges will be controlled as necessary to meet applicable water quality standards. The provisions of Part 2.2 constitute the WQBELs of the proposed Appendix B, and supplement the permit's technology-based effluent limits in Part 2.1.

The WQBELS ensure that MSGP-authorized discharges will be controlled as necessary to meet applicable water quality standards, pursuant to CWA section 301(b)(1)(C) and 40 CFR 122.44(d)(1). The provisions of Part 2.2 constitute the WQBELs of the 2015 MSGP and supplement the permit's technology-based effluent limits in Part 2.1. The following is a list of the permit's WQBEL requirements:

- Use control measures to treat discharges as necessary to meet applicable water quality standards (i.e., discharges must not cause or contribute to a violation of applicable water quality standards) (See Part 2.2.1);

- Implement additional control measures that are necessary to be consistent with the assumptions and requirements of the applicable Total Maximum Daily Load (TMDL) and its Waste Load Allocation (WLA) [See Part 2.2.2.1]. For discharges to impaired waters without a TMDL, conduct impaired waters monitoring (See Part 2.2.2.2). Additionally, Permittees of new discharges to impaired waters must implement any measures required per the Part 1.1.4.8 eligibility requirements;

Prior to or after initial discharge authorization, DOH may require Permittees to implement additional measures on a facility-specific basis (i.e. conduct additional monitoring for pollutants of concern), or require Permittees to obtain coverage under an individual permit, if information in the NOI, required reports, or other sources indicate that, after complying with the technology-based limits in Part 2.1 and the WQBELs in Part 2.2, discharges will not be controlled as necessary to meet water quality standards.

Facilities that achieve the permit's technology-based limits through the careful selection, design, installation, and implementation of effective control measures are likely to be controlling their storm water discharges to a degree that would make additional water quality-based measures unnecessary. However, to ensure that this is so, the permit contains additional provisions in Part 2.2, which, along with the BAT/BPT/BCT limits in the permit, are as stringent as necessary to achieve water quality standards.

The WQBELs included in the permit are non-numeric. DOH, consistent with the EPA's 2015 MSGP, relies on narrative water quality-based effluent limits to ensure discharges are controlled as necessary to meet applicable water quality standards, to ensure that additional measures are employed where necessary to meet the narrative WQBELs, and to be consistent with the assumptions and requirements of an applicable TMDL and its WLAs. This is a reasonable approach for the proposed Appendix B, MSGP, based on the following considerations:

- Receiving waterbody information is not available for individual Permittees. Receiving waterbody information is necessary for DOH to determine what, if any, special protections apply to that waterbody.
- The EPA, along with the DOH, realizes there are greater cost burdens associated with analytical monitoring in comparison to visual examinations.
- If the Permittee is unwilling or unable to implement the required control measures, then the facility is not eligible for MSGP coverage and must instead apply for an individual permit.

The proposed Appendix B, MSGP maintains its regulatory authority under the CWA even as it shifts from numeric to narrative based water quality-based requirements. Importantly, the permittee shall not cause or contribute to a

violation of the basic water quality criteria specified in HAR 11-54-4(a) and (b) - refer to HAR 11-55, Appendix A, Department of Health Standard General Permit Conditions.

DOH has removed monitoring requirements for the parameters listed in the existing Appendix B, Table 34.1 (as discussed below), unless a parameter has been identified as having a benchmark or effluent limitation in the EPA's 2015 MSGP or if the discharge is to an impaired waterbody. In its place, the proposed Appendix B, MSGP has added detailed language to better describe the requirements necessary to meet the DOH expectations and thereby comply with the water quality-based permit conditions. Specifically, the language has been expanded within the Control Measures (Part 2), Inspections (Part 3), and Corrective Action (Part 4) parts of the proposed permit and as a result, DOH expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards in all receiving water classifications.

In addition, the proposed Appendix B, MSGP follows the EPA's 2015 MSGP in covering certain allowable sources of non-storm water which have been both the EPA's and DOH's long standing practice of allowing those discharges from Municipal Separate Storm Sewer Systems (MS4s).

Currently in the existing Appendix B, Table 34.1, monitoring is required for Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Total Phosphorus (TP), Total Nitrogen (TN), Nitrate+Nitrite Nitrogen, Oil and Grease, pH and toxic parameters. DOH has determined that since WQBELs do not exist for BOD and COD, this requirement would be removed, unless a benchmark or effluent limit exists in the EPA's 2015 MSGP, as it only increased the cost for permittees to comply without any reported direct benefit to water quality or enforcement action. For TSS, TP, Nitrate+Nitrite Nitrogen, Oil and Grease, and pH, monitoring was also removed because if a sector didn't already require that pollutant to be monitored in the EPA's 2015 MSGP, then the EPA had already ruled out that pollutant to be a pollutant of concern. **However, it should be noted that to be consistent with EPA's 2015 MSGP, a facility may be required to monitor for these pollutants if the receiving waterbody is impaired for these pollutants. Although we had removed TSS, TP, Nitrate + Nitrite Nitrogen, Oil and Grease, and pH monitoring requirements applicable to all facilities (not including ELGs, or benchmarks established in EPA's 2015 MSGP), they are still considered pollutants of concern if the receiving waterbody is impaired for that pollutant.**

Toxics monitoring has been removed in the proposed Appendix B because, as discussed in the 2015 EPA's MSGP Fact Sheet, page 21 of 80: "EPA has determined that the technology-based numeric and non-numeric effluent limits in the 2015 MSGP, taken as a whole, constitute BPT for all pollutants, BCT for

conventional pollutants, and BAT for toxic and nonconventional pollutants that may be discharged in industrial storm water.” The DOH has incorporated the same technology-based numeric and non-numeric effluent limits in its proposed Appendix B. Besides those modifications to the EPA’s 2015 MSGP required to make the permit appropriate for the State (e.g., formatting, revising references to the EPA/Agency, workflow, etc.), the only substantive changes to the concepts within EPA’s 2015 MSGP were:

- 1) Deleting coverage to those facilities that use polymers and/or chemical treatments as part of their controls. Consistent with DOH’s HAR Chapter 11-55 Appendix C, coverage is not eligible if polymers are used, and
- 2) Deleting those requirements found in the EPA’s 2015 MSGP that are not currently applicable. Those not applicable to the State include requirements for: Endangered and Threatened Species and Critical Habitat as part of the Endangered Species Act Consultation or ESA Section 10 permit as required for the Federal Government; Historical Properties Preservation; Tribal areas; rail lines, salt storage piles or piles containing salt; areas subject to snow, snowmelt, and other requirements intended for other States/Regions.

### **Satisfaction of Anti-Backsliding Requirements**

The CWA specifies that a revised permit may not include effluent limitations that are less stringent than the current permit unless a less stringent limitation is justified based on exceptions to the anti-backsliding provisions contained in CWA Sections 402(o) or 303(d)(4), or, where applicable, 40 CFR 122.44(l). The effluent limitations established in the proposed Appendix B, MSGP are consistent with State and federal anti-backsliding regulations because they are at least as stringent as those in the previous permit and are consistent with both State and federal anti-backsliding regulations [CWA Section 303(d)(4)(B) exception to the anti-backsliding provisions].

The previous permit contained monitoring requirements, numeric effluent limitations, inspection requirements, and requirements to comply with any applicable TMDL, WLA. The proposed Appendix B, MSGP is based on the EPA’s 2015 MSGP and contains additional and more prescriptive monitoring and inspection requirements, and also requires compliance with any applicable TMDL WLA. Requirements from EPA’s 2015 MSGP that were included in this proposed Appendix B, MSGP include eligibility requirements; allowable non-storm water discharges; control measures; non-numeric technology-based effluent limitations; Effluent Limitations Guidelines; benchmark and other monitoring requirements; requirements for discharges to impaired waters; inspections; escalating actions for benchmark exceedances; Storm Water Pollution Prevention Plan requirements; reporting and record keeping requirements; and sector specific requirements. The storm water requirements in the proposed Appendix B,



MSGP, in lieu of numeric effluent limitations, establishes non-numeric effluent limitations for storm water, including control measures, inspections, benchmarks, corrective actions, etc.) which when used in combination, are as, or more stringent than the numeric limitations. Additionally, Part 4 of the proposed Appendix B, MSGP contains an escalating corrective action requirement for repeated or excessive storm water results above benchmark levels. These escalating actions provide additional requirements so that Permittees will be more attentive, thoughtful, and complete in their initial responses/actions to reduce storm water pollutants from discharging and entering receiving water bodies and degrading water quality.

Additional requirements were added to the proposed Appendix B, MSGP that makes it more stringent than the previous permit:

- Part 1.1.4.5 of the proposed Appendix B, MSGP - Specifies that discharges that fail to comply with the narrative and numeric permit requirements are not authorized and may be subject to enforcement and applicable penalties.
- Parts 2.1 and 2.11 of the proposed Appendix B, MSGP – Requires control measures to be selected, designed, installed, and implemented in accordance with good engineering practice, manufacturers specifications, and the DOH direction.
- Part 2.2.1 of the proposed Appendix B, MSGP – Contains a narrative WQBEL from HAR 11-54-4 and specifies that the DOH can require a Permittee to undertake additional control measures (to meet the narrative water quality-based effluent limit) on a site-specific basis.

Consistent with HAR 11-54-4, Basic Water Quality Criteria Applicable to All Waters, this permit establishes a narrative WQBEL that prohibits discharges which cause or contribute to a State water exceeding or otherwise not complying with basic water quality criteria. Discharges authorized by this permit shall not include: 1) materials or substances that will settle to form sludge or bottom deposits; 2) floating debris, grease, oil, scum or other floating materials; 3) substances in amounts sufficient to produce taste in the water or detectable off-flavor in the flesh of fish, or in amounts sufficient to produce objectionable color, turbidity or other conditions in the receiving waters; 4) high or low temperature effluent, biocides, pathogenic organisms, toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water; 5) substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life; and, 6) soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways;

subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands.

Storm water discharges authorized by this permit shall be of the quality necessary to comply with the basic water quality criteria identified above. Permittees shall achieve this by either isolating industrial activities from contact with industrial or other pollution generating activities or by treatment, implementation of best management practices, control measures, or other methods. Discharges which fail to meet the WQBEL above are in non-compliance with this permit and may be subject to enforcement actions as authorized by law.

- Parts 1.2.3 and 2.2.1 of the proposed Appendix B – Specifies that the DOH can require a Permittee under the proposed Appendix B to obtain coverage under an individual NPDES permit if there is information from any source indicating that the Permittee’s discharge is not being controlled as necessary to meet applicable water quality standards.
- Parts 4.1 and 4.2 of the proposed Appendix B, MSGP – Specifies that SWPPP review and revision must be done when specified by the DOH and so that DOH has no further technical comments or requirements.
- Parts 6, 6.2, and 6.3 of the proposed Appendix B, MSGP - Requires the Permittee to provide and submit photo documentation of the control measures and SWPPP implementation.

As authorized by HRS 342d-55(d), this permit requires monitoring of storm water discharges as well as photographic documentation of control measure implementation. This permit relies on multiple methods of monitoring, including, visual inspections as well as discharge sampling. To correlate effectiveness and implementation of control measures with the quality of discharge when discharge sampling is required, this permit requires the Permittee to take and retain photographic documentation of control measure/SWPPP implementation when storm water discharge sampling is required. Photograph documentation of control measure/SWPPP implementation coupled with chemical analysis of discharge samples ensures Permittees and the DOH have adequate information to determine effectiveness of control measures/SWPPPs and whether the Permittee is complying with the terms of the permit. The photographic documentation is to be treated consistent with other data associated with analytical storm water monitoring and both maintained and submitted by the Permittee. Given that monitoring information is to be electronically submitted, along with the prevalence of digital cameras, requiring photographic documentation is not expected to be a significant compliance burden but provides a strong incentive to ensure control

measures are in place and maintained prior to and during a storm even which results in storm water discharge.

### **Satisfaction of Antidegradation Policy Requirements**

The DOH established the State antidegradation policy in HAR 11-54-1.1, which incorporates the federal antidegradation policy at 40 CFR 131.12. HAR 11-54-1.1 requires that the existing quality of waters be maintained unless degradation is justified based on specific findings demonstrating that allowing lower water quality is necessary to accommodate economic or social development in the area in which the waters are located.

The conditions in the proposed Appendix B, MSGP are no less stringent than in the previous permit. As explained above, the proposed Appendix B, MSGP is utilizing a different approach which follows EPA's 2015 MSGP and places greater emphasis on taking corrective actions to minimize further pollutant discharges than on exceeding a numeric limit DOH determined to be infeasible per 40 CFR 122.44(k). Therefore, the proposed Appendix B, MSGP is consistent with antidegradation provisions of 40 CFR 131.12 and HAR 11-54-1.1. The impact on existing water quality will be insignificant and the level of water quality necessary to protect the existing uses will be maintained and protected.

4. Reasons why any requested variances or alternatives to required standards do or do not appear justified;

Not applicable.

5. A description of the procedures for reaching a final decision on the draft permit including:

- (i) The beginning and ending dates of the comment period under 40 CFR 124.10 and the address where comments will be received;
- (ii) Procedures for requesting a hearing and the nature of that hearing; and
- (iii) Any other procedures by which the public may participate in the final decision.

Refer to HAR 11-1-51 procedures for adopting rules. The proposed NPDES General Permit is issued as Appendix B within HAR Chapter 11-55, Water Pollution Control.

6. Name and telephone number of a person to contact for additional information.

Mr. Darryl Lum  
Engineering Section Supervisor  
Clean Water Branch

Department of Health  
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7. For NPDES permits, provisions satisfying the requirements of 40 CFR 124.56. The CWA requires that discharges from existing facilities, at a minimum, meet technology-based effluent limitations considering, among other things, the technological capability of permittees to control pollutants in their discharges. WQBELs are required by CWA Section 301(b)(1)(C). Both technology-based and WQBELs are implemented through NPDES permits.

Both technology-based limits using the federally promulgated ELGs and State WQS have been applied.

8. Justification for waiver of any application requirements under 40 CFR 122.21(j) or (q) of this chapter.

Not applicable.