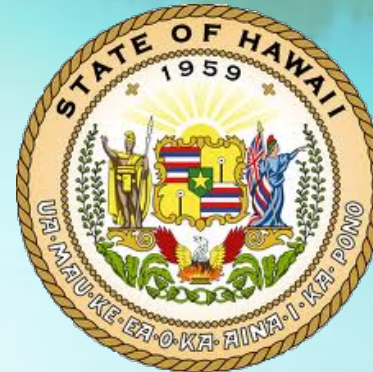


Department of Health Clean Water Branch Updates

GCA Environment Committee
February 2023



Department of Health, Clean Water Branch (DOH-CWB) Updates

- DOH 2023 Legislative bill proposals.
- General Permits in HAR 11-55 Appendices A, D, H, I, and M
- Early stakeholder outreach for General Permits in HAR 11-55 Appendices C, J, and L.
- Electronic signature e-Permitting forms.
- Nonpoint source rules.
- In-water work.
- Subsurface discharges.
- DOH-CWB updated website.
- Vacancies.

DOH 2023 Legislative Bill Proposals

- Two DOH admin bills. Please support if you agree 😊
- HB1079 (companion SB1377)
 - Proposal to revise HRS 342D to add/update definitions for consistency with federal regulations; consolidate WQC requirements and existing exemptions for beach restoration and traditional Hawaiian fishponds; increase maximum statutory civil penalty for consistency with federal amount; and increase penalty for obstructing a DOH inspector to match air statutes.
 - See Capitol website:
https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1079&year=2023.
- HB1078 (companion SB1376)
 - Proposal to create special fund to use NPDES permit and WQC application fees for water quality management activities (e.g. monitoring, TMDLs, etc.).
 - See Capitol website:
https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1078&year=2023.

General Permits in HAR 11-55 Appendices A, D, H, I, and M

- Readoption of NPDES General Permits in HAR 11-55 Appendices A (standard conditions), D (leaking underground storage tanks), H (petroleum bulk stations and terminals), I (well drilling), and M (pesticides).
- Public hearing held on November 18, 2022.
- General Permits expire July 12, 2023.

Early Stakeholder Outreach for General Permits in HAR 11-55 Appendices C, J, and L

- Readoption of NPDES General Permits in HAR 11-55 Appendices C (construction storm water), J (unintentional discharges from recycled water systems), and L (decorative ponds).
 - Appendix C – Including requirements from EPA’s CGP (snowmelt runoff, streamlining corrective action documentation, clarifying renewal process, etc.)
- Early stakeholder outreach February 8, 2023 to March 1, 2023.
- Announcement and instructions on DOH-CWB website:
<https://health.hawaii.gov/cwb/announcements/cwb-begins-early-stakeholder-outreach-for-draft-amendments-to-har-11-55-and-har-11-55-appendices-cjl/>.
- Courtesy email sent to over 1600 email addresses.
- Please let us know if you have comments.
- General Permits expire February 8, 2024.

Electronic Signature e-Permitting Forms

- As of January 31, 2023, DOH-CWB is only utilizing electronic signature e-Permitting forms. Hard copy certification signature forms have been discontinued.
- No more ink signatures. No more CD/DVD/flash drives.
- Requires individuals who will be electronically signing the form (Certifying Person and Authorized Representative) to obtain a one-time electronic signature approval.
- See DOH-CWB for instructions, FAQs, and a tutorial video:

<https://health.hawaii.gov/cwb/announcements/cwb-announces-new-requirement-for-electronic-signature-approval-for-all-submissions-beginning-january-31-2023/>.

Nonpoint Source Rules

- DOH has non-point source rules in HAR 11-56:
<https://health.hawaii.gov/cwb/hawaii-administrative-rules-har/har-11-56/>.
- Provides regulatory framework for the prevention, abatement, and control of nonpoint source pollution.
- Administered by DOH, Surface Water Protection Branch.

In-Water Work

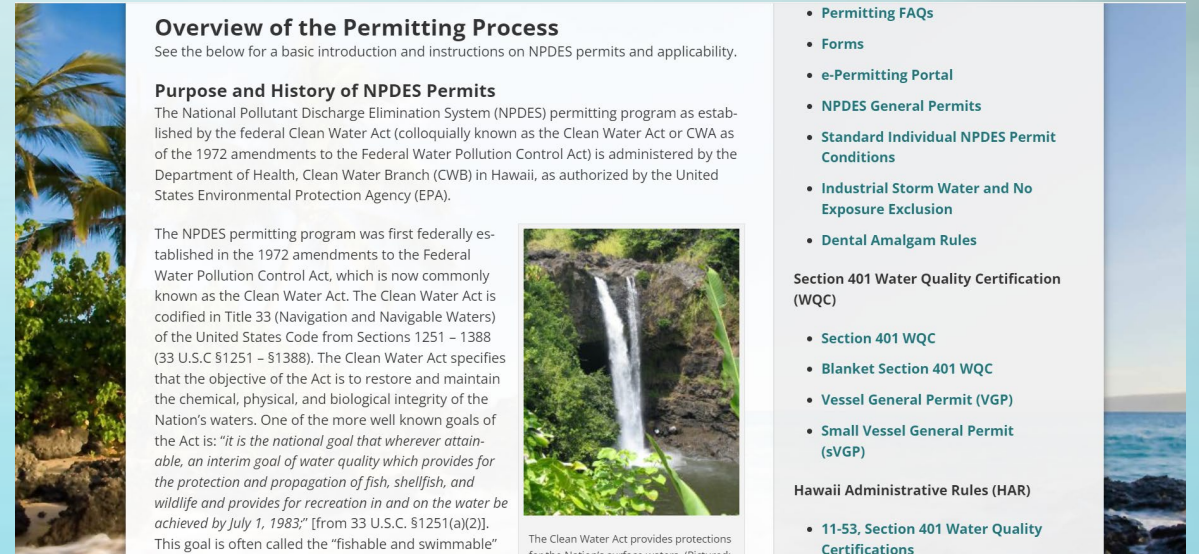
- If you have a project that may involve work in, under, or over Waters of the United States, contact the USACE Regulatory Branch at 808-835-4303. Do not call the DOH-CWB.
 - The USACE determines which projects will be covered under the Blanket WQC. If your project is covered under the Blanket WQC, you do not submit any applications, documents, or reports to the DOH-CWB.
 - If the USACE cannot cover your project under the Blanket WQC, you must apply for an individual WQC and complete a pre-filing meeting request (required in federal regulations).
- See DOH-CWB website for the Blanket WQC and more information on WQCs: <https://health.hawaii.gov/cwb/permitting/section-401-wqc/blanket-section-401-wqc/>.

Subsurface Discharges

- Supreme Court decided that treated wastewater disposal from Lahaina Wastewater Treatment Plant to underground injection control wells was a functional equivalent of a direct discharge and a NPDES permit is required.
- DOH-CWB has been coordinating with EPA on subsurface discharge regulations in light of the Supreme Court decision.
- For the time being, if you have a subsurface disposal process, do not submit a NPDES application.
- When DOH determines the designating factors for a functional equivalent of a direct discharge, affected facilities will be notified that NPDES permit coverage is required.

Updated DOH-CWB Website

- DOH-CWB recently updated our website to hopefully be more user friendly and informative:
<https://health.hawaii.gov/cwb/>.
- Updates include:
 - Post of all recent announcements (e.g. mass notifications, early stakeholder outreach, public hearings, permit public notices, etc.).
 - Overview and Information on NPDES Permits and WQCs.
 - NPDES and WQC FAQs.
- Please check out the updated website since we worked hard on it.



Overview of the Permitting Process
See the below for a basic introduction and instructions on NPDES permits and applicability.

Purpose and History of NPDES Permits
The National Pollutant Discharge Elimination System (NPDES) permitting program as established by the federal Clean Water Act (colloquially known as the Clean Water Act or CWA as of the 1972 amendments to the Federal Water Pollution Control Act) is administered by the Department of Health, Clean Water Branch (CWB) in Hawaii, as authorized by the United States Environmental Protection Agency (EPA).

The NPDES permitting program was first federally established in the 1972 amendments to the Federal Water Pollution Control Act, which is now commonly known as the Clean Water Act. The Clean Water Act is codified in Title 33 (Navigation and Navigable Waters) of the United States Code from Sections 1251 – 1388 (33 U.S.C §1251 – §1388). The Clean Water Act specifies that the objective of the Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. One of the more well known goals of the Act is: "it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983" [from 33 U.S.C. §1251(a)(2)]. This goal is often called the "fishable and swimmable"

The Clean Water Act provides protections for the Nation's surface waters. (Picture: [Waterfall])

- Permitting FAQs
- Forms
- e-Permitting Portal
- NPDES General Permits
- Standard Individual NPDES Permit Conditions
- Industrial Storm Water and No Exposure Exclusion
- Dental Amalgam Rules

Section 401 Water Quality Certification (WQC)

- Section 401 WQC
- Blanket Section 401 WQC
- Vessel General Permit (VGP)
- Small Vessel General Permit (sVGP)

Hawaii Administrative Rules (HAR)

- 11-53, Section 401 Water Quality Certifications

Vacancies

- Do you want to work in the exciting world of water quality and human health protection?
- Great news! DOH-CWB has vacancies for office assistants, an information technology specialist, a water quality standards coordinator, and a contracts specialist.
- If you or someone you know are interested, please call the DOH-CWB at 808-586-4309.
- Work at the DOH-CWB is not just a job, but a calling.

QUESTIONS?

State of Hawaii
Clean Water Branch
2827 Waimano Home Road #225
Pearl City, HI 96782
Phone: (808) 586-4309
Email: cleanwaterbranch@doh.hawaii.gov

