National Pollutant Discharge Elimination System

General Permit Fact Sheet for

Hawaii Administrative Rules (HAR) Chapter 11-55, Appendix L

Authorizing Discharges of Circulation Water From Decorative Ponds or Tanks

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

This general permit covers facilities in the State of Hawaii that discharge circulation water from decorative ponds or tanks containing or not containing fish or other aquatic species, not including mammals.

Currently, there are three (3) general permit coverages issued for circulation water from decorative ponds or tanks covered under HAR 11-55, Appendix L.

(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.

The allowed discharge is circulation water from decorative ponds or tanks that have been treated such that, prior to discharge, any pollutant in the effluent is at or below Hawaii's waterbody-specific water quality standard for that pollutant.

(3) For a PSD permit, the degree of increment consumption expected to result from operation of the facility or activity.

Not applicable.

(4) 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);

<u>The General Permit is divided into the following sections:</u>

1. *Coverage under this General Permit*
2. *Limitations on Coverage under this General Permit [Revised]*
3. *Term of General Permit [Revised]*
4. *Notice of Intent Requirements [Revised]*
5. *Standard Conditions*
6. *Effluent Limitations and Monitoring Requirements [Revised]*
7. *Corrective Action*
8. *Reporting Requirements [Revised]*
9. *Submittal Requirements [Revised]*
10. *Additional Conditions*

11. Record Retention
12. Falsifying Report
13. Renewal [Revised]
14. Forms
Table 34.8 Effluent Limitations and Monitoring Requirements for Circulation Water from Decorative Ponds and Tanks [Revised]

Sections 1 through 5 and 7 through 13 are basic requirements necessary to the General Permit. Section 6 and Table 34.8 detail the effluent limitations and monitoring requirements for discharge of circulation water from decorative ponds and tanks.

Basis for Discharge Limitations and Monitoring Requirements

There are no effluent guidelines promulgated for discharges of circulation water from decorative ponds and tanks.

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in National Pollutant Discharge Elimination System (NPDES) permits. NPDES regulations establish two (2) principal bases for effluent limitations. At 40 CFR 122.44(a), permits are required to include applicable technology-based effluent limitations (TBELs) and standards; and at 40 CFR 122.44(d), permits are required to include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. When both TBELs and WQBELS for a parameter exist, then the more protective effluent limitation is selected.

Discharges of circulation water from decorative ponds and tanks do not have any federally established TBELs and therefore, only WQBELs would apply. Accordingly, the bases for the proposed effluent limitations are HAR Chapter 11-54, Water Quality Standards.

Flow: The monitoring for flow is for quantification of the discharge.

Total Nitrogen, Ammonia Nitrogen, Total Phosphorus, Turbidity, and pH: The total nitrogen, ammonia nitrogen, total phosphorus, turbidity and pH limitations are based on the specific criteria for each parameter listed in HAR Chapter 11-54 for the classification of the receiving water.

Fecal Coliform or Enterococcus: The fecal coliform or enterococcus limit is based on the statistical threshold value listed in HAR 11-54-8(c).

The discharges covered by the general permit shall comply with the Standard General Permit Conditions of HAR Chapter 11-55, Appendix A.

The permittee shall collect representative discharge samples at the nearest accessible point after final treatment and prior to actual discharge of missing with the receiving state waters.

Requirements for Discharge into Class 1 or Class AA Waters

Discharges to Class 1 and Class AA waters are allowed coverage under the general permit. The conditions and provisions of the general permit are protective of the uses for these classes of waters. For discharges to Class 1 and Class AA waters, the treatment system plan shall be submitted with the notice of intent.

Chapter 11-55, Appendix L Revisions

Section 2(a)(3) [New]

Original: *(NEW)*

Revised: *Discharges of decorative ponds with toxic parameter concentrations above the applicable water quality criteria in chapter 11-54.*

Rationale:
This limitation was added to prevent decorative pond water discharges that contain toxic constituents in exceedance of the water quality standards listed in HAR Chapter 11-54, Appendix E.

Section 2(c)(1) – (5) [New]

Original: *(NEW)*

Revised: *(c) Permittees authorized by this general permit are required to comply with the following requirements.*

(1) Treat decorative pond discharges with controls to minimize discharges of pollutants. Appropriate controls to use downstream of decorative pond controls to minimize erosion include vegetated buffers, check dams, riprap, and grouted riprap at outlets.

(2) Prohibit visible plumes from the discharge and prohibit the discharge of visible floating solids or foam.

(3) To the extent feasible, use vegetated, upland areas to infiltrate decorative pond water before discharge. State waters are prohibited from being used as part of the treatment area.

(4) At all points where decorative pond water is discharged, dissipate velocity to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. Control measures that can be used to comply

with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps), within and along the length of the conveyance and at the outfall to slow down the discharge. These devices shall not be placed within receiving waters.

(5) Replace or clean the filter media used in decorative pond devices when the pressure differential equals or exceeds the manufacturer's specifications.

Rationale:
Discharges associated with this permit, if not treated, have the potential to cause receiving waters to exceed water quality standards.

To better protect water quality and improve the permit effectiveness, the following changes are proposed:

- *Require treatment which targets the reduction of settleable and suspended solids to reduce the potential for discharges causing exceedances of the turbidity water quality standards. Adding an explicit prohibition for visible plumes increases the protection of receiving waters from visual impacts, creates an intuitive compliance requirement, and is far more enforceable than a simple numeric turbidity limit. A prohibition of the visible plumes also accounts for potential variability in discharge quality throughout the discharge period as well as potential short-term variability in background receiving water quality.*
- *Add a treatment requirement such as particulate (e.g. "bag") filtration to reduce the potential for the discharge of pollutants associated with the hydrotesting activity. This requirement for treatment is also expected to reduce the presence of other pollutants that may be bound to the sediment particles removed through filtration. Permittees are also required to treat their discharge to remove any pollutants (such as sediments) that may be present in the tank being hydrotested. Proper dechlorination is also required to meet effluent limitations.*
- *Add an explicit narrative prohibition for visible plumes and a requirement for treatment while removing the numeric requirement for the following reasons:*
    - *Achieves results similar in nature to numeric requirements.*
    - *Ensures that the receiving water isn't visually degraded by the authorized discharge.*
    - *Reflects recognized variability in receiving water criteria.*

- *Provides a qualitative limit that can continuously be monitored by discharger personnel.*
- *Strengthens enforceability including enforcement associated with complaints.*
- *Reduces the complexity and cost of discharge monitoring.*
- *Simplifies permit data tracking and compliance with EPA's E-Reporting Rule.*

Section 3(a)

Original: *This general permit becomes effective ten days after filing with the office of the lieutenant governor.*

Revised: *This general permit becomes effective ten days after filing with the office of the lieutenant governor and shall expire five years after the effective date, unless amended earlier.*

Rationale:
This revision is to make this subsection consistent with the general permit term specified at the beginning of the general permit. The previous language only specified when the general permit term began, and not when it expired. This is a minor change for completeness and consistency and has no functional impact on any permit requirements.

Section 3(b)

Original: *A notice of general permit coverage under this general permit expires:*

(1) Five years after the effective date of this general permit;
(2) When the notice of general permit coverage specifies; or
(3) When amendments to section 11-55-34.02(b)(11) are adopted, whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

Revised: *Unless otherwise specified on the notice of general permit coverage, a notice of general permit coverage granted under this general permit prior to the expiration of this general permit shall expire five years after the effective date of this general permit, unless it is administratively extended in accordance with section 3(c) of this general permit.*

Rationale:
Previously, to maintain coverage under this general permit in instances where the general permit is going to expire prior to its reissuance, permittees would need to submit a renewal NOI prior to the general permit's expiration date.

The previous section 3(b) specified that the Notice of General Permit Coverage (NGPC) expires in the identified 3 scenarios in accordance with this renewal procedure. The Clean Water Branch is now revising the renewal procedures for general permits to no longer require a renewal NOI and administrative extension prior to the expiration of the general permit. Under the new procedure, unless otherwise specified on the NGPC, the NGPC expires five years after the effective date of the general permit, unless it is administratively extended under the new section 3(c). This revision is necessary to be consistent with the new renewal process. More information explaining this change in the renewal process is provided in the rationale for the new section 3(c).

Section 3(c) [New]

Original: *(NEW)*

Revised: *If the department is unable to reissue this general permit prior to its expiration, a notice of general permit coverage granted under this general permit shall be automatically administratively extended, unless otherwise specified on the notice of general permit coverage. This administrative extension shall expire sixty days after the effective date of the new general permit unless:*

(1) A notice of intent for coverage under the new general permit is submitted within sixty days after the effective date of the new general permit. The administrative extension shall thus expire on the effective date of the notice of general permit coverage authorizing the existing discharge under the new general permit;

(2) An application for an individual NPDES permit coverage is submitted within sixty days after the effective date of the new general permit. The administrative extension shall thus expire on the effective date of the individual NPDES permit authorizing the existing discharge; or

(3) A notice of cessation is submitted where the administrative extension shall expire on the date that the discharge ceased.

Rationale:
Previously, to maintain coverage under this general permit in instances where the general permit is going to expire prior to its reissuance, permittees would need to submit a renewal NOI prior to the general permit's expiration date. This procedure created a situation where a permittee is required to submit an NOI to request coverage under the reissued general permit prior to the reissued permit being finalized and adopted. In essence, permittees would be required to submit an NOI to apply for coverage under a general permit that has not been finalized, or at worst, has not had a draft public noticed yet,

and therefore, permittees would not even be aware of what the new general permit's requirements would potentially be. To avoid this situation, the renewal process for general permit coverage has been revised. This new section now specifies that when the department is unable to reissue the general permit prior to its expiration, NGPCs granted under the general permit prior to its expiration are administratively extended until 60 days after effective date of the reissued general permit, unless one of 3 actions are taken by the permittee. In the new process, permittees would have 60 days to submit an NOI to request coverage under the reissued general permit, before their administrative extension expires. This will allow permittees to determine if they are able to comply with the new general permit and provide any newly required information in the NOI to request coverage under the reissued general permit.

Section 4(a)

Original: *The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge.*

Revised: *<u>The owner or operator shall submit a complete notice of intent thirty days before the proposed starting date of the discharge, and at least thirty days before the expiration date of this general permit.</u>*

Rationale:
The previous text specified that the owner or its authorized representative shall submit the NOI no later than thirty days prior to discharge for new dischargers. The added language requires dischargers intending to be covered under the general permit to also submit their NOI thirty days before the expiration date of the general permit to receive coverage as NGPCs cannot be issued under expired general permits. The thirty-day deadline is the same timeframe as that for a new proposed discharge.

As an NPDES permittee may be either the owner or operator of a facility or activity, the term "operator" was also added to this section. Further, while the owner or operator's certifying person or duly authorized representative must sign the notice of intent as applicable, the requirement to submit the notice of intent is still the owner or operator's responsibility and is separate from notice of intent signatory requirements. To provide clarity, the duly authorized representative language is removed from this section.

Section 4(b)

Original: *The owner or its authorized representative shall include the following information in the notice of intent:*

Revised: *The owner or operator shall include the following information in the notice of intent:*

Rationale:
The previous text specified that the owner or its authorized representative shall provide information for the notice of intent. As an NPDES permittee may be either the owner or operator of a facility or activity, the term "operator" was added to this section. Further, while the owner or operator's certifying person or duly authorized representative must sign the notice of intent as applicable, the requirement to provide information in the notice of intent is still the owner or operator's responsibility and is separate from notice of intent signatory requirements. To provide clarity, the duly authorized representative language is removed from this section.

Section 4(d)

Original: *The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:*

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Revised: *The initial notice of intent shall be signed by the certifying person as described in section 11-55-07(a). A revised notice of intent (a notice of intent that the department has required to be revised and resubmitted) shall be signed by either the certifying person or duly authorized representative as described in section 11-55-07(b).*

Rationale:
The original text has been moved and modified to the new section 4(e). The revised section 4(d) was revised to clarify the signatory requirements of the notice of intent. Previously, the DOH would receive questions on who must sign the notice of intent and revised notice of intent (as applicable). The intent of this revision is to clarify the signatory abilities of the certifying person and authorized representative. These signatory requirements are already in practice in current notice of intent processing procedures.

Section 4(e) [New]

Original: *[From the previous section 4(d)] The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:*

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Revised: *The owner or operator shall submit a complete notice of intent to the director at the following address or as otherwise specified:*

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Rationale:
Most of the original text comes from the previous section 4(d). The previous text specified that the owner or its authorized representative shall submit a complete notice of intent to the DOH address listed. As an NPDES permittee may be either the owner or operator of a facility or activity, the term "operator" was added to this section. Further, while the owner or operator's certifying person or duly authorized representative must sign the notice of intent as applicable, the requirement to submit the NOI is still the owner or operator's responsibility and is separate from notice of intent signatory requirements. To provide clarity, the duly authorized representative language is removed from this section.

Section 6(a)(3)(B)

Original: *"Composite sample" means a combination of a least eight samples aliquots, collected at periodic intervals during the operating hours of the facility over a 24-hour period. The composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot shall be proportional to the total effluent flow since the collection of the previous aliquot. The permittee may collect aliquots manually or automatically, unless otherwise stated.*

Revised: *"Composite sample" means a combination of at least eight sample aliquots, collected at periodic intervals during the operating hours of the facility over a 24-hour period. The composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot shall be proportional to the total effluent flow since the collection of the previous aliquot. The permittee may collect aliquots manually or automatically, unless otherwise stated.*

Rationale:
The paragraph was modified to correct grammatical errors.

Section 6(a)(4)(C)

Original: *The permittee shall use test methods with detection limits that reflect the applicable numerical limitations as specified in chapter 11-54 and must be sufficiently sensitive as defined at 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv). If the test result is not detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.*

Revised: *The permittee shall use test methods with detection limits that reflect the applicable numerical limitations as specified in chapter 11-54 and must be sufficiently sensitive as defined at 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv).*

Rationale:
The previous language provided directions on how to report non-detects that are not currently used in practice, and therefore the language has been removed. Section 8(a)(3) was added to describe the reporting of the method detection limit (MDL), minimum level (ML), and reporting of results below the MDL.

Section 6(b)(2)

Original: *The permittee shall [~~timely~~] inspect the receiving state waters, effluent, and control measures and best management practices at least once per discharge or once daily, if discharge is continuous and duration is longer than one day to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-4. (e.g., the permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)*

Revised: *The permittee shall inspect the receiving state waters, effluent, and control measures and best management practices at least once per discharge or once daily, if discharge is continuous and duration is longer than one day to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-4. (e.g., the permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)*

Rationale:
The [~~timely~~] is an edit from the previous Ramseyer version that was not removed in the final standard version of the current general permit. It is being noted here as to not confuse that the word "timely" is being removed from the general permit.

Section 8(a)(2)

Original: *The permittee shall submit monitoring results obtained during the previous calendar month, postmarked or received by the department no later than the twenty-eighth day of the month following the completed reporting period.*

Revised: *The permittee shall submit monitoring results obtained during the previous calendar month, postmarked or received by the department no later than the twenty-eighth day of the month following the completed reporting period. The first reporting period begins on the effective date of the issued notice of general permit coverage (e.g., if the notice of general permit coverage effective date is January 16th, monitoring results shall be reported no later than February 28th).*

Rationale:
Previously, the general permit did not include language that explicitly stated when the first reporting period began. This caused confusion among permittees, as the due date for their first DMR was left up to interpretation. Some may interpret the general permit requirements as being required to begin submissions from the issue date of the NGPC, while others may interpret it as beginning when discharge activities begin. Regulatorily, once the NGPC is issued, the permittee is required to comply with the general permit as applicable. The renumbered section 8(a)(5) specifies that permittees must submit a DMR specifying "no discharge" when no discharge activities occur in a calendar month. Based on this, the intent of these reporting requirements is to have permittees regularly report to the Clean Water Branch monthly regardless of whether there was a discharge in the calendar month reporting period. Therefore, this revision was made to explicitly state that reporting begins as soon as the NGPC is issued in accordance with the intent of the general permit's reporting requirements.

Section 8(a)(3)

Original: *The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data; effluent*

flow calculations; and any additional treatment strategies to be implemented based on monitoring results.

Revised: *For the purposes of reporting, the permittee shall use the reporting threshold equivalent to the laboratory's method detection limit (MDL) and must utilize a standard calibration where the lowest standard point is equal or less than the concentration of the minimum level (ML).*

(A) The permittee shall report sample results and calculations at or above the laboratory's ML on DMRs as the measured concentration or calculation.

(B) The permittee shall report sample results and calculations below the laboratory's MDL as NODI(B) on the DMR. NODI(B) means that the concentration of the pollutant in the sample is not detected.

(C) The permittee shall report sample results and calculations between the ML and MDL as NODI(Q) on the DMR. NODI(Q) means that the concentration of the pollutant in a sample is detected, but not quantified.

(D) For purposes of calculating averages, zero shall be assigned for values less than the MDL and the numeric value of the MDL shall be assigned for values between the MDL and the ML. The resulting average value must be compared to the effluent limitation or the ML, whichever is greater, in assessing compliance.

*(E) For purposes of calculated geometric means, 0.25*MDL shall be assigned for values less than the MDL and the numeric value of the MDL shall be assigned for values between the MDL and the ML. The resulting geometric mean must be compared to the effluent limitation or the ML, whichever is greater, in assessing compliance.*

(F) When NODI(Q) or NODI(B) is reported for a parameter, the laboratory's numeric ML and MDL for that parameter shall also be noted on the DMR or on an attachment.

Rationale:
The original text has been moved to section 8(a)(4). This language specifies how to report quantifiable, non-quantifiable, and non-detected results, as well as how to calculate averages and geomeans that include these results. This new language is to update the general permit to be in accordance with current compliance practices and procedures.

Sections 8(a)(3) through (5)

Original: *(3) The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data; effluent flow calculations; and any additional treatment strategies to be implemented based on monitoring results.*

(4) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.

(5) Discharge Monitoring Reports shall be submitted in compliance with Federal eReporting Rule requirements. Permittees shall switch from traditional paper Discharge Monitoring Reporting to electronic reporting upon written notification by the director.

Revised: *(4) The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data; effluent flow calculations; and any additional treatment strategies to be implemented based on monitoring results.*

(5) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.

(6) Discharge Monitoring Reports shall be submitted in compliance with Federal eReporting Rule requirements. Permittees shall switch from traditional paper Discharge Monitoring Reporting to electronic reporting upon written notification by the director.

Rationale:
Sections renumbered due to the insertion of new section 8(a)(3).

Section 8(c)(2)

Original: *The permittee shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.*

Revised: *The permittee or its duly authorized representative shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.*

Rationale:
Section 8(c)(1) specifies that the permittee or its duly authorized representative shall orally report certain noncompliances to the Clean Water Branch. Section 8(c)(2) was revised to be consistent with section 8(c)(1) and also specify that the permittee or its duly authorized representative shall make oral reports at the identified phone numbers.

Section 8(c)(3)

Original: *The permittee shall provide a written report within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:*

Revised: *The permittee <u>or its duly authorized representative</u> shall provide a written report within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:*

Rationale:
Section 8(c)(1) specifies that the permittee or its duly authorized representative shall orally report certain noncompliances to the Clean Water Branch. Section 8(c)(3) was revised to be consistent with section 8(c)(1) and also specify that the permittee or its duly authorized representative shall make written reports.

Section 9(a)

Original: *The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:*

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Revised: *The <u>permittee</u> or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:*

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Rationale:
Previously, the term "owner" was used interchangeably with "permittee", which potentially caused confusion as the owner is not always the permittee (the permittee may also be the operator of the project/facility). This section was revised to provide clarity and avoid confusion.

Section 9(b)

Original: *The owner or its duly authorized representative shall include the following certification statement and an original signature on each submittal in accordance with section 11-55-34.08(e) or (f):*

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine [~~or~~]and imprisonment for knowing violations."

Revised: *The permittee or its duly authorized representative shall include the following certification statement and an original signature on each submittal in accordance with section 11-55-34.08(e) or (f):*

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Rationale:
Previously, the term "owner" was used interchangeably with "permittee", which potentially caused confusion as the owner is not always the permittee (the permittee may also be the operator of the project/facility). This section was revised to provide clarity and avoid confusion. The "[~~or~~]and" is an edit from the previous Ramseyer version that was not removed and corrected in the final standard version of the current general permit.

Section 9(c)

Original: *The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned notice of general permit coverage file number for this facility on future correspondence may be a basis for delay of the processing of the document(s).*

Revised: *The permittee or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned notice of general permit coverage file number for this facility on future correspondence may be a basis for delay of the processing of the document(s).*

Rationale:
Previously, the term "owner" was used interchangeably with "permittee", which potentially caused confusion as the owner is not always the permittee (the permittee may also be the operator of the project/facility). This section was revised to provide clarity and avoid confusion.

Section 13

Original: *Renewal*

Requests for renewal of general permit coverage must be received no later than 30 calendar days before the expiration of the general permit coverage.

Revised: *Administrative Extension*

Any notice of general permit coverage issued under the general permit dated February 9, 2019, shall be automatically administratively extended. This administrative extension shall expire sixty days after the effective date of this general permit unless:

(a) A notice of intent for coverage under this general permit is submitted within sixty days after the effective date of this general permit. The administrative extension shall thus expire on the effective date of the notice of general permit coverage authorizing the existing discharge under this general permit; or

(b) An application for an individual NPDES permit coverage is submitted within sixty days after the effective date of this general permit. The administrative extension shall thus expire on the effective date of the individual NPDES permit authorizing the existing discharge.

Rationale:
Requests for renewals require the permittee to certify in the NOI that they will comply with the new general permit. Requests for renewals should not be submitted before the new general permit is issued. The permittee will not know of the new general permit requirements if the new general permit cannot be issued before the existing general permit expires. Section 3(c) has been revised to require the renewal NOI be submitted within 60 days after the effective date of the reissued general permit. See the rationale for Section 3(c) above.

Table 34.8

Original: *EFFLUENT LIMITATION AND MONITORING REQUIREMENTS FOR CIRCULATION WATER FROM DECORATIVE PONDS AND TANKS*

Effluent Parameter	Effluent Limitation {1}	Minimum Monitoring Frequency	Type of Sample
Flow (GPD)	{2}	Once/Quarter {11}	Estimate
Total Nitrogen (mg/l)	{2}	Once/Quarter {11}	Grab
Nitrate + Nitrite Nitrogen (mg/l)	{2}	Once/Quarter {11}	Grab
Ammonia Nitrogen (mg/l)	{2}	Once/Quarter {11}	Grab
Total Phosphorus (mg/l)	{2}	Once/Quarter {11}	Grab
Chlorophyl a (µg/l)	{2}	Once/Quarter {11}	Grab
Total Suspended Solids (mg/l)	10	Once/Quarter {11}	Grab
Turbidity (NTU)	{3}	Once/Quarter {11}	Grab
pH (standard units)	{4}	Once/Quarter {11}	Grab {5}
Fecal coliform or Enterococcus (no./100 ml) {6}	{7}	Once/Quarter {11}	Grab
Toxic Pollutants {8}	{9}	Once/Quarter {11}	{10}

GPD = gallons per day
mg/l = milligrams per liter
µg/l = micrograms per liter
NTU = Nephelometric Turbidity Units
no./100 ml = number per 100 milliliters

Revised: *EFFLUENT LIMITATION AND MONITORING REQUIREMENTS FOR CIRCULATION WATER FROM DECORATIVE PONDS AND TANKS*

Effluent Parameter	Effluent Limitation {1}	Minimum Monitoring Frequency {2}	Type of Sample
Flow (GPD)	Report	Once/Quarter	Estimate
Total Nitrogen (µg/l)	{3}	Once/Quarter	Grab
Ammonia Nitrogen (µg/l)	{3}	Once/Quarter	Grab
Total Phosphorus (µg/l)	{3}	Once/Quarter	Grab
Total Suspended Solids (mg/l)	{3}	Once/Quarter	Grab
pH (standard units)	{4}	Once/Quarter	Grab {5}
Enterococcus (no./100 ml) {6}	130	Once/Quarter	Grab

GPD = gallons per day
mg/l = milligrams per liter
µg/l = micrograms per liter
NTU = Nephelometric Turbidity Units
no./100 ml = number per 100 milliliters

Rationale:
40 CFR 122.44(d)(1)(i) requires all NPDES permits, including general permits, to contain limitations on all pollutant parameters that may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above the State's Water Quality Standards.

Effluent limitations for total nitrogen, ammonia nitrogen, total phosphorus, and pH are based upon the specific criteria for the classification of the receiving water. The limit for total suspended solids is based on the lowest concentration listed in HAR Chapter 11-54.

The enterococcus limit is based on the statistical threshold value listed in HAR 11-54-8(c). It is the recreational area criterion for all State waters.

Table 34.8 Footnote 1

Original: *Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which*

exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 8(c) of this general permit.

Revised: *Pollutant concentration levels shall not exceed the single sample maximum effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 8(c) of this general permit*

Rationale:
The previous language did not specify the type of effluent limitation that was established for pollutants. To clarify, the term "single sample maximum" was added to footnote 1. As the permittee is required to sample once per quarter, it is appropriate to clarify that the effluent limitation is a single sample maximum (i.e., each discharge must comply with effluent limitations).

Table 34.8 Footnote 2

Original: *The value shall not exceed the applicable limit as specified in chapter 11-54 for the applicable classification of the receiving state waters. If no limitation is specified in chapter 11-54, then only monitoring and reporting is required.*

Revised: *The permittee shall take a minimum of one sample per quarter that is representative of the discharge. If the permittee collects more than one sample during the quarter, the maximum value for each pollutant parameter for the quarter shall be reported. For pH, only report the minimum and maximum for the quarter. Laboratory results of all sampling shall be included with the discharge monitoring report.*

Rationale:
The previous language only applied to flow, total nitrogen, ammonia nitrogen, and total phosphorus limits. For flow, the term "Report" was substituted for footnote 2.

The new language in footnote 2 provides directions and requirements for reporting when more than one sample is taken in a quarter. This language replaces the previous language in footnote 11.

Table 34.8 Footnote 3

Original: *Effluent limitation is the specific criteria established in section 11-54-5 and 11-54-6 for the classification of the receiving state waters, as applicable.*

Revised: *The value shall not exceed the applicable limit as specified in chapter 11-54 for the applicable classification of the receiving state waters. If*

no limitation is specified in chapter 11-54, then the permittee shall monitor and report the analytical result.

Rationale:
This language was previously footnote 2 and has been renumbered to footnote 3 due to the insertion of a new footnote 2.

Table 34.8 Footnote 3 [Removed]

Original: *Effluent limitation is the specific criteria established in section 11-54-5 and 11-54-6 for the classification of the receiving state waters, as applicable.*

Revised: *(REMOVED)*

Rationale:
The previous footnote 3 has been removed due to the removal of turbidity limits.

Table 34.8 Footnote 7 [Removed]

Original: *Effluent limitation is the specific criteria established in section 11-54-8 for the classification of the receiving state waters, as applicable.*

Revised: *(REMOVED)*

Rationale:
The footnote in the table has been replaced with the statistical threshold value of 130 colony forming units per 100 ml.

Table 34.8 Footnote 8 [Removed]

Original: *The permittee shall measure for toxic pollutants, as identified in Appendix D of 40 CFR Part 122 or in section 11-54-4 only if they are identified as potential pollutants requiring monitoring in the notice of intent. The permittee shall measure for the total recoverable portion of all metals.*

Revised: *(REMOVED)*

Rationale:
As the toxics effluent limitations have been removed in the proposed permit, this language is no longer applicable. Therefore, footnote 8 was removed.

Table 34.8 Footnote 9 [Removed]

Original: *Effluent limitations are the acute water quality standards established in section 11-54-4, for either fresh or saline waters and specific*

criteria established in section 11-54-5 and 11-54-6 for the classification of the receiving state waters, as applicable. For pollutants which do not have established acute water quality standards or specific criteria, the permittee shall report any detected concentration greater than 0.01 µg/l.

Revised: *(REMOVED)*

Rationale:
As the toxics effluent limitations have been removed in the proposed permit, this language is no longer applicable. Therefore, footnote 9 was removed.

Table 34.8 Footnote 10 [Removed]

Original: *The permittee shall measure for cyanide and the volatile fraction of the toxic organic compounds using a grab sample. The permittee shall measure for all other pollutants, as identified in Appendix D of 40 CFR Part 122 or in section 11-54-4 using a composite sample.*

Revised: *(REMOVED)*

Rationale:
As the toxics effluent limitations have been removed in the proposed permit, language is no longer applicable. Therefore, footnote 10 was removed.

Table 34.8 Footnote 11

Original: *If there is more than one sample analysis per quarter in a single monitoring location, report for each parameter the quarterly maximum, quarterly minimum, and quarterly average values on the discharge monitoring report. For pH, only report quarterly minimum and quarterly maximum.*

Revised: *(REMOVED)*

Rationale:
As the effluent limitations in the proposed permit are single sample maximums, monthly minimums and monthly averages are not relevant (except monthly minimum for pH). Requirements for reporting results when there is additional sampling in the month are now in footnote 2. Therefore, footnote 11 was removed, with the remaining relevant language moved to footnote 2.

(5) Reasons why any requested variances or alternatives to required standards do or do not appear justified;

Not applicable.

(6) 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 § 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 Subchapter 3 for procedures for adopting rules. The proposed NPDES General Permit is issued as Appendix L within HAR Chapter 11-55, Water Pollution Control.

(7) Name and telephone number of a person to contact for additional information.

Mr. Darryl Lum
Engineering Section Supervisor
Clean Water Branch
Department of Health
Ph. (808) 586-4309

(8) For NPDES permits, provisions satisfying the requirements of § 124.56.

The CWA requires that discharges from existing facilities, at a minimum, must meet technology-based effluent limitations (TBELs) reflecting, among other things, the technological capability of permittees to control pollutants in their discharges. Water quality-based effluent limitations (WQBELs) are required by CWA Section 301(b)(1)(C). Both technology-based and water quality-based effluent limitations are implemented through NPDES permits.

For this permit, the limits are based on Best Professional Judgement (BPJ) decision-making and Hawaii's water quality standards because no effluent limitation guidelines (ELG) applies.

(9) Justification for waiver of any application requirements under § 122.21(j) or (q) of this chapter

Not applicable.