

National Pollutant Discharge Elimination System

General Permit Fact Sheet for

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

Authorizing Discharges of Treated Effluent from Leaking Underground Storage Tank Remedial Activities

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

This general permit covers facilities or activities in the State of Hawaii where petroleum hydrocarbons have been released from leaking underground storage tanks and the cleanup (or remedial action) involves a release or discharge of treated ground water to state waters.

- (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 of treated ground water which is not commingled with other process water or stormwater.

- (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);

The General Permit is divided into the following sections:

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. Whole Effluent Toxicity Limitations and Monitoring Requirements [Revised]
8. Corrective Action
9. Reporting Requirements [Revised]
10. Submittal Requirements [Revised]
11. Additional Conditions
12. Record Retention
13. Falsifying Report
14. Renewal [Revised]

15. Forms

Table 34.2 Effluent Limitations and Monitoring Requirements for Discharge of Treated Effluent from Leaking Underground Storage Tank Remedial Activities [Revised]

Sections 1 through 5 and 8 through 15 are basic requirements necessary to the General Permit. Sections 6 and 7, and Table 34.2 detail the effluent limitations and monitoring requirements for discharge of treated effluent from leaking underground storage tank remedial activities.

Basis for Discharge Limitations and Monitoring Requirements

There are no effluent guidelines promulgated for discharges resulting from leaking underground storage tank remedial activities.

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 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 treated effluent from leaking underground storage tank remedial activities do not have any federally established TBELs and therefore, only WQBELs would apply. Accordingly, the bases for the proposed effluent limitations are the HAR Chapter 11-54, Water Quality Standards.

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

Petroleum Hydrocarbons and Lead: Pollutants in the effluent that may have been contained in the leaking underground storage tank. Therefore, the general permit includes effluent limitations per HAR Section 11-54 for total recoverable lead, benzene, toluene, and ethylbenzene. The general permit also contains monitoring and reporting requirements for total petroleum hydrocarbons as gasoline and diesel, xylenes, and organic lead.

pH: The pH effluent limitation is based on HAR Chapter 11-54 for applicable pH criteria.

Whole Effluent Toxicity: The Whole Effluent Toxicity limit is based on HAR Chapter 11-54 for toxicity.

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. There are no specific requirements for discharges to Class 1 and Class AA waters.

Chapter 11-55, Appendix D Revisions

Section 2(a)(3) [New]

Original: (NEW)

Revised: Discharges of treated groundwater that the director finds more appropriately regulated under an individual permit.

Rationale:

Added this restriction to reflect Item 2(b) regarding a discharge that would be more appropriately regulated under an individual permit.

Section 2(c)(1) through (6) [New]

Original: (NEW)

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

- (1) Treat process wastewater discharges with controls to minimize discharges of pollutants. Appropriate controls include but are not limited to, sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, filtration systems (e.g., bag or sand filters), and passive treatment systems that are designed to remove sediment. Appropriate controls to use downstream of treated process wastewater controls to minimize erosion include, but are not limited to, 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) Use an oil-water separator or other suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if treated wastewater are expected to contain these materials;

- (4) At all points where treated process wastewaters are 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 in the receiving waters;
- (5) Dispose backwash water offsite in accordance with all governmental regulations or return it to the beginning of the treatment process; and
- (6) Replace or clean the filter media used in treatment 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. 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.*
- *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)(3) 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 Notice of Intent (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 three scenarios in accordance with this renewal procedure. The Clean Water Branch (CWB) 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 sixty days after effective date of the reissued general permit, unless one of three actions are taken by the permittee. In the new process, permittees would have sixty 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 or thirty days before the expiration date of the applicable notice of general permit coverage.*

Revised: *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.*

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, and thirty days prior to expiration of their NGPC for existing dischargers. However, dischargers intending to be covered under the general permit must also submit their NOI prior to the expiration date of the general permit to receive coverage as NGPCs cannot be issued under expired general permits. As CWB also needs time to process the NOI, a thirty-day deadline (thirty days prior to the expiration of the general permit) was added, which is the same timeframe for a new proposed discharge. The requirement for permittees to submit an NOI prior to the expiration date of their NGPC was removed, to prevent conflict with the new renewal process.

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 may submit the notice of intent as applicable, the requirement to submit the notice

of intent is still the owner or operator's responsibility. To provide clarity, the duly authorized representative language is removed from this section.

Section 4(b)

Original: *The owner or its duly 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 NOI. 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 permittee's certifying person as described in section 11-55-07(a). A revised notice of intent (a notice of intent that DOH has required to be revised and resubmitted) shall be signed by either the permittee's certifying person or duly authorized representative as described in section 11-55-07(b).*

Rationale:

The original text has been moved 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)

Original: *The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.2. (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)*

Revised: *The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.2.*

Rationale:

The effluent limits are no longer receiving water specific.

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 9(a)(6) was added to describe the reporting of the method detection limit (MDL), minimum level (ML), and reporting of results below the MDL.

Section 9(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. 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 notice of general permit coverage is effective, in accordance with the intent of the general permit’s reporting requirements.

Section 9(a)(6) [New]

Original: (NEW)

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 of 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:

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.

Section 10(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 permittee 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.

Sections 10(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 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.

Sections 10(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 14

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 July 13, 2018, 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:

Request for renewals requires the permittee to certify in the NOI that they will comply with the new general permit. Request 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 34.2

Original: TABLE 34.2

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGE
OF TREATED EFFLUENT FROM
LEAKING UNDERGROUND STORAGE TANK REMEDIAL ACTIVITIES

<i>Effluent Parameter</i>	<i>Effluent Limitations {1}</i>		<i>Monitoring Requirements</i>	
	<i>For Saline Water</i>	<i>For Fresh Water</i>	<i>Minimum Frequency</i>	<i>Type of Sample</i>
<i>Flow (GPD)</i>	{2}	{2}	<i>Continuous</i>	<i>Calculated or Estimated</i>
<i>Total Petroleum Hydrocarbons as Gasoline (mg/l) {3}</i>	{2}	{2}	<i>Weekly</i>	<i>Grab</i>
<i>Total Petroleum Hydrocarbons as Diesel (mg/l) {3}</i>	{2}	{2}	<i>Weekly</i>	<i>Grab</i>
<i>Benzene (mg/l) {4}</i>	1.7	1.8	<i>Weekly</i>	<i>Grab</i>
<i>Toluene (mg/l) {4}</i>	2.1	5.8	<i>Weekly</i>	<i>Grab</i>
<i>Xylenes (mg/l) {4}</i>	{2}	{2}	<i>Weekly</i>	<i>Grab</i>
<i>Ethylbenzene (mg/l) {4}</i>	0.14	11	<i>Weekly</i>	<i>Grab</i>
<i>Lead (mg/l) {5}</i>	0.14	0.029	<i>Weekly</i>	<i>Grab</i>
<i>Organic Lead (mg/l) {6}</i>	{2}	{2}	<i>Weekly</i>	<i>Grab</i>
<i>pH (standard units)</i>	{7}		<i>Weekly</i>	<i>Grab {8}</i>
<i>Whole Effluent Toxicity</i>	<i>Pass {9}</i>		<i>Monthly</i>	<i>Composite</i>
<i>Toxic Pollutants mg/l {10}</i>	{11}		<i>Annually</i>	{12}

GPD = gallons per day
mg/l = milligrams per liter

Revised: Table 34.2

**EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGE
OF TREATED EFFLUENT FROM
LEAKING UNDERGROUND STORAGE TANK REMEDIAL ACTIVITIES**

<i>Effluent Parameter</i>	<i>Effluent Limitations {1}</i>	<i>Monitoring Requirements</i>	
		<i>Minimum Frequency</i>	<i>Type of Sample</i>
<i>Flow (GPD)</i>	{2}	<i>Continuous</i>	<i>Calculated or Estimated</i>
<i>Total Petroleum Hydrocarbons as Gasolines (mg/l) {3}</i>	{2}	<i>Weekly</i>	<i>Grab</i>
<i>Total Petroleum Hydrocarbons as Diesel (mg/l) {3}</i>	{2}	<i>Weekly</i>	<i>Grab</i>
<i>Benzene (mg/l) {4}</i>	1.7	<i>Weekly</i>	<i>Grab</i>
<i>Toluene (mg/l) {4}</i>	2.1	<i>Weekly</i>	<i>Grab</i>
<i>Xylenes (mg/l) {4}</i>	{2}	<i>Weekly</i>	<i>Grab</i>
<i>Ethylbenzene (mg/l) {4}</i>	0.14	<i>Weekly</i>	<i>Grab</i>
<i>Lead (mg/l) {5}</i>	0.029	<i>Weekly</i>	<i>Grab</i>
<i>Organic Lead (mg/l) {6}</i>	{2}	<i>Weekly</i>	<i>Grab</i>
<i>pH (standard units)</i>	6.0 to 8.0	<i>Weekly</i>	<i>Grab {7}</i>
<i>Whole Effluent Toxicity</i>	<i>Pass {8}</i>	<i>Monthly</i>	<i>Composite</i>

GPD = gallons per day
mg/l = milligrams per liter

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 pH were revised to apply one standard pH range to all discharges. As discharges are infrequent, changes in pH in the waterbody are expected to be relatively short and localized. Thus, the proposed range is expected to be protective of all types of waterbodies while still prohibiting discharge of extreme pH values from leaking underground storage tank

remedial activities that may potentially have immediate impacts at the location of discharge. Therefore, the limits are at least as stringent as the previous permit.

Effluent limitations for benzene, ethylbenzene, toluene, and lead were also revised to apply to all discharges. The more stringent limits from the previous general permit were retained, therefore, the limits are at least as stringent as the previous permit.

Table 34.2 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 the permittee shall monitor and report the analytical result. The department may include discharge limitations specified in section 11-55-19.*

Revised: *The permittee shall monitor and report the analytical result.*

Rationale:

The effluent parameters that use footnote {2} in the “Effluent Limitations” column do not have standards listed in chapter 11-54 at this time so the reference is not applicable.

Table 34.2 Footnote {7}

Original: *The pH value shall not be outside the range as specified in chapter 11-54 for the applicable classification of the receiving state waters.*

Revised: *[REMOVED]*

Rationale:

The pH range is specified as “6.0 to 8.0” for all discharges, regardless of receiving water.

Table 34.2 Footnote {8}

Original: *{8} The pH shall be measured within fifteen minutes of obtaining the grab sample.*

Revised: *{7} The pH shall be measured within fifteen minutes of obtaining the grab sample.*

Rationale:

Renumbered due to the deletion of the previous footnote {7}.

Table 34.2 Footnote {9}

Original: *{9} Whole Effluent Toxicity measuring shall be performed in accordance with the provisions of section 7 of this general permit.*

Revised: {8} *Whole Effluent Toxicity measuring shall be performed in accordance with the provisions of section 7 of this general permit.*

Rationale:

Renumbered due to the deletion of the previous footnote {7}.

Table 34.2 Footnotes {10}, {11}, and {12}

Original: {10} *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 or as identified by the director. If monitoring results indicate that the discharge limitation was equaled or exceeded, the treatment system operations plan shall be amended to include additional best management practices targeted to reduce the parameter which was in excess of the discharge limitation.*

{11} *Storm water discharge limitations are the chronic water quality standards established in section 11-54-4, for either fresh or saline waters. For pollutants which do not have established chronic water quality standards, the permittee shall report any detected concentration greater than 0.01 µg/l.*

{12} *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:

Toxic parameters not listed in the table are not allowed to be discharged, therefore, footnotes {10}, {11}, and {12} are no longer applicable.

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

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

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- (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 WQBELs because no effluent limitation guidelines (ELG) and TBELs apply.

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

Not applicable.