National Pollutant Discharge Elimination System

General Permit Fact Sheet for

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

Authorizing Discharges of Treated Process Wastewater Associated with Petroleum Bulk Stations and Terminals

(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 that discharge treated process wastewater associated with petroleum bulk stations and terminals to State receiving waters.

This revision defines "Process Wastewater Effluent" to include tank water draws; product displacement process wastewater; wash down and fire hydrant system test waters; service station tank draws; recovered groundwater; and contaminated storm water runoff from the product storage and handling areas. "Treated Process Wastewater Effluent" is defined as process wastewater effluent that has been captured and undergone treatment (i.e., subject to wastewater pollution controls to remove pollutants) prior to discharge in compliance with the general permit.

(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 process wastewater associated with petroleum bulk stations and terminals 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. The process wastewater may include tank water draws, product displacement process wastewater, wash down and fire hydrant system test waters, service station tank draws, recovered groundwater and contaminated stormwater runoff from the product storage and handling areas.

The most notable pollutants in the discharge are petroleum hydrocarbons, however, additional pollutants may be present in the discharge dependent upon the source of the process water and groundwater.

(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 [Revised]*
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, Renamed]*
14. *Forms [Revised]*

Sections 1 through 5 and 7 through 14 are basic requirements necessary to the General Permit. Section 6 and Table 34.6 detail the effluent limitations and monitoring requirements for discharges of treated process wastewater associated with petroleum bulk stations and terminals.

Basis for Discharge Limitations and Monitoring Requirements

The effluent limitations and monitoring requirements are based on the determinations established for the individual NPDES permits that had been issued for discharges of treated process wastewater associated with petroleum bulk stations and terminals.

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 process wastewater associated with petroleum bulk stations and terminals 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.

Quantity of Discharge: The monitoring for flow is for quantification of the discharge.

Oil and Grease: The effluent limitations for oil and grease were based on the individual NPDES permits that were issued for this type of discharge. The limitation for oil and grease are to ensure that pumps and other mechanical equipment are being properly operated and maintained in regards to oily discharges. In addition, the general permit includes a narrative prohibition that there shall be no visible oil sheen in the effluent.

Total Recoverable Lead, Petroleum Hydrocarbons, and Ammonia Nitrogen: Pollutants in the process wastewater or stormwater that indicate presence of petroleum or byproducts or waste products generated from petroleum product manufacture. Therefore, the general permit includes effluent limitations per HAR Chapter 11-54 for total recoverable lead, benzene, toluene, xylenes, and ethyl benzene. The general permit also now contains monitoring and reporting requirements for total petroleum hydrocarbons as gasoline and diesel. The requirements and monitoring procedures for these hydrocarbons are similar to those contained in HAR 11-55 Appendix D, which is the general permit for discharges from leaking underground storage tank remedial activities. Effluent limitations for ammonia nitrogen are the applicable criteria established in HAR Chapter 11-54.

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

Dissolved Oxygen (DO): The DO effluent limitation is based on HAR Chapter 11-54 for applicable DO criteria. It is protective of aquatic life that require DO.

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

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.

Chapter 11-55, Appendix H Revisions

Section 1(a)

> ***Original:*** *This general permit covers only discharges of treated process wastewater effluent from petroleum bulk stations and terminals upon compliance with the applicable general permit requirements. Treated process wastewater effluent covered by this general permit includes tank water draws; product displacement process wastewater; wash down and fire hydrant*

system test waters; service station tank draws; recovered groundwater; and contaminated storm water runoff from the product storage and handling areas.

Revised: *This general permit covers only discharges of treated process wastewater effluent from petroleum bulk stations and terminals upon compliance with the applicable general permit requirements. Process wastewater effluent includes tank water draws; product displacement process wastewater; wash down and fire hydrant system test waters; service station tank draws; recovered groundwater; and storm water runoff from the product storage and handling areas that have been commingled with other process wastewater effluent prior to discharge. Treated process wastewater effluent covered by this general permit is process wastewater effluent that has been captured and undergone treatment (i.e., subject to wastewater pollution controls to remove pollutants) prior to discharge in compliance with this general permit including effluent limitations in this general permit.*

Rationale:
This revision is to clarify what types of discharges are covered under the general permit. The intent of this general permit is to cover only treated process wastewater discharges that are generated by the facility that are then discharged. Notably, under the previous general permit contaminated storm water runoff was considered to be a treated process wastewater. The previous description of treated process wastewater did not explicitly state that such runoff needed to be captured and treated prior to discharge. Storm water runoff is typically permitted differently under the NPDES program, as managing runoff from a site is different from managing wastewater from industrial activities that can be fully captured and treated. This revision makes this distinction explicit that the permit is not authorizing runoff from the site, but runoff that is generated, fully captured, and treated like other process wastewater. This revision also explicitly specifies that treated process wastewater is wastewater that has undergone treatment to remove pollutants.

Section 2(c)(1) – (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)(5) 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 notice of general permit coverage, the notice of general permit coverage 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 or thirty days before the expiration date of the applicable notice of general permit coverage.*

Revised:

(a) 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 notice of intent 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 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 of 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 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 6(a)

Original: *The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.6. (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 34.6.*

Rationale:
As discussed later in this rationale for changes to effluent limitations in Table 34.6, there will no longer be separate effluent limitations for saline waters and fresh waters. Therefore, this language is removed in this section as it is unnecessary due to the aforementioned revision to effluent limitations in Table 34.6.

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. Directions on current procedures are now provided in the revised section 8(a)(3).

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. 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 8(a)(3)

Original: *If there is more than one discharge in a single month, report the monthly maximum, monthly minimum, and monthly average values for each parameter on the discharge monitoring report.*

Revised: *(3) 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:
Requirements on reporting when collecting additional data are now solely identified in Table 34.6 in the proposed revision, and therefore, the previous language has been replaced. To reduce the need for re-numbering sections, new language regarding reporting of monitoring results have been added to replace the previous section 8(a)(3) language. 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 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 or its duly authorized representative 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 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.

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 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.

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: *Request 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:
As discussed in the rationale for the revisions for section 3(c), the renewal process for notices of general permit coverage has been revised, and no longer requires permittees to submit renewal NOIs prior to the expiration of the general permit. The new renewal process also now gives 60 from adoption of the new general permit for permittees who want to retain coverage under the new general permit to submit an NOI to maintain coverage. Section 13 was revised in accordance with this new process.

Table 34.6

Original:

TABLE 34.6

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS
FOR DISCHARGES OF TREATED EFFLUENT FROM
PETROLEUM BULK STATIONS AND TERMINALS

Effluent Parameter	Effluent Limitations {1}		Monitoring Requirements {2}	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
Quantity of Discharge (gallons)	{3}	{3}	Once/Batch Discharge {10}	Calculated or Estimated
Oil and Grease (mg/l)	15	15	Once/Batch Discharge {10}	Grab {4}
Total Recoverable Lead (mg/l) {5}	0.14	0.029	Once/Batch Discharge {10}	Grab
Benzene (mg/l) {6}	1.7	1.8	Once/Batch Discharge {10}	Grab
Toluene (mg/l) {6}	2.1	5.8	Once/Batch Discharge {10}	Grab
Xylenes (mg/l) {6}	{3}	{3}	Once/Batch Discharge {10}	Grab
Ethyl benzene (mg/l) {6}	0.14	11	Once/Batch Discharge {10}	Grab

Effluent Parameter	Effluent Limitations {1}		Monitoring Requirements {2}	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
Turbidity (NTU)	{7}	{7}	Once/Batch Discharge {10}	Grab
Ammonia Nitrogen (NH_4-N mg/l)	{7}	{7}	Once/Batch Discharge {10}	Grab
pH (standard units) {8}	{7}	{7}	Once/Batch Discharge {10}	Grab {9}
Dissolved Oxygen (%saturation)	{7}	{7}	Once/Batch Discharge {10}	Grab

mg/l = milligrams per liter
NTU = nephelometric turbidity units

Revised:

Effluent Parameter	Effluent Limitations {1}		Monitoring Requirements	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
Quantity of Discharge (gallons)	{2}	{2}	Once/Batch Discharge {3}	Calculated or Estimated
Oil and Grease (mg/l)	15	15	Once/Batch Discharge {3}	Grab {4}
Total Recoverable Lead (µg/l) {5}	140	29	Once/Batch Discharge {3}	Grab
Total Petroleum Hydrocarbons as Gasoline (µg/l) {6}	{2}	{2}	Once/Batch Discharge {3}	Grab

Effluent Parameter	Effluent Limitations {1}		Monitoring Requirements	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
Total Petroleum Hydrocarbons as Diesel (µg/l) {6}	{2}	{2}	Once/Batch Discharge {3}	Grab
Benzene (µg/l) {7}	1700	1800	Once/Batch Discharge {3}	Grab
Toluene (µg/l) {7}	2100	5800	Once/Batch Discharge {3}	Grab
Xylenes (µg/l) {7}	{2}	{2}	Once/Batch Discharge {3}	Grab
Ethyl benzene (µg/l) {7}	140	11,000	Once/Batch Discharge {3}	Grab
Ammonia Nitrogen (NH_4-N µg/l)	15	20	Once/Batch Discharge {3}	Grab
pH (standard units) {8}	7.0 – 8.6	7.0 – 8.0	Once/Batch Discharge {3}	Grab {9}
Dissolved Oxygen (%saturation)	>75	>80	Once/Batch Discharge {3}	Grab

mg/l = milligrams per liter

µg/l = micrograms per liter

Rationale:

(Note: Revisions to each footnote shall be discussed later in this fact sheet)

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.

Turbidity limits have been removed as the proposed imposition of treatment requirements under section 2(c)(1) and prohibition of visible plumes in 2(c)(2) remove the potential for a compliant discharge to cause an exceedance of a

water quality standard within a water body. Since there is no longer a turbidity limit, the unit explanation for NTU (nephelometric turbidity units) was removed.

New monitoring requirements for total petroleum hydrocarbons as gasoline and diesel were added. As stated earlier, total petroleum hydrocarbons are a potential pollutant that may be discharged from these facilities. While there are currently no established water quality standards for these specific forms of total petroleum hydrocarbons, monitoring is necessary to assess whether the facility is effectively removing these pollutants prior to discharge. The monitoring requirements are similar to those contained in HAR 11-55 Appendix D, which is the general permit for discharges from leaking underground storage tank remedial activities.

The effluent limitations for total recoverable lead, benzene, toluene, xylenes, and ethyl benzene were retained for saline and fresh water discharges.

For ammonia nitrogen, the revised saline water effluent limitation is based on the 2% not to exceed criteria for wet open coastal waters. The general permit currently covers two facilities, both of which discharge to wet open coastal waters and have an effluent limit based on the 2% not to exceed criteria for open coastal waters. As the CWB does not expect there to be new facilities to be covered under this general permit, the effluent limitations were revised to establish the saline water ammonia nitrogen effluent limitation to be what is established for current facilities. The revised fresh water effluent limitation is based on the 2% not to exceed criteria for estuaries. For fresh waters, only estuary and Pearl Harbor estuary have water quality criteria for ammonia nitrogen. The estuary criteria was selected for the revised effluent limitation over the Pearl Harbor estuary criteria as it is the more stringent of the two.

For pH, the revised saline water effluent limitation is based on the criteria for open coastal waters. The general permit currently covers two facilities, both of which discharge to wet open coastal waters and have effluent limitations based on the criteria for open coastal waters. As the CWB does not expect there to be new facilities to be covered under this general permit, the effluent limitations were revised to establish the saline water pH effluent limitation to be what is established for current facilities. The revised fresh water effluent limitation is based on the most stringent pH range among the fresh water types.

For dissolved oxygen, the revised saline water effluent limitation is consistent with criteria for all saline waters as they all have a criteria of

greater than 75% saturation. The revised fresh water effluent limitation is based on the stream criteria as it is the most stringent (i.e., highest minimum saturation) criteria between all fresh water criteria.

Effluent limitations were also converted to be expressed in micrograms per liter (except for oil and grease and as applicable) to be consistent with how the water quality criteria are expressed in HAR 11-54 (i.e., criteria are in micrograms per liter).

Table 34.6 Footnote 2

Original: *No monitoring of storm water discharge is required if the associated storm event occurs less than seventy-two hours from a previous storm event or provided that the preceding storm event generates storm water which is discharged and monitored for all effluent characteristics specified in accordance with Table 34.6 or both.*

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

Rationale:
As discussed in the revisions to Section 1(a), this permit does not authorize any storm water discharges that are not collected, treated, and discharged with any other treated process wastewater, therefore monitoring of storm water discharges should not be required. To account for renumbering, the text for footnote 2 is revised to be the previous footnote 3.

Table 34.6 Footnote 3

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

Revised: *If there is more than one sample analysis per month in a single monitoring location, report for each parameter the monthly maximum, monthly minimum, and monthly average values on the discharge monitoring report.*

Rationale:
To account for renumbering, the text for footnote 3 is revised to be the previous footnote 10.

Table 34.6 Footnote 6

Original: *The permittee shall use "Test Methods for Evaluating Solid Wastes" (EPA-SW-846-03-03B, November 2004), or "Standard Methods for the Examination of Water and Wastewater" (ISBN 0-87553-047-8, 2005;), or EPA method 5030/8015, or 5030/8021B, or 5030/8260B, or 602, or 624, for the*

measurement of benzene, ethylbenzene, and toluene. EPA method 8260B, or an equivalent method, shall be used for the measurement of xylenes.

Revised: *The permittee shall use "Test Methods for Evaluating Solid Wastes" (EPA-SW-846-03-03B, November 2004) method 5030/8015 for the measurement of Total Petroleum Hydrocarbons as Gasoline and EPA method 3550/8015 shall be used for the measurement of Total Petroleum Hydrocarbons as Diesel.*

Rationale:
This footnote was added to provide monitoring instructions for sampling total petroleum hydrocarbons as gasoline and diesel, which is a new requirement. The methods specified are the same as used in HAR 11-55 Appendix D, which is the general permit for discharges from leaking underground storage tanks, which also monitors for gasoline and diesel. The previous footnote 6 has been renumbered as footnote 7.

Table 34.6 Footnote 7

Original: *Effluent limitations are the specific criteria established in sections 11-54-5 and 11-54-6 for the classification of the receiving state waters, as applicable. For pollutants which do not have established specific criteria, the permittee shall report any detected concentration greater than 0.01 µg/l.*

Revised: *The permittee shall use "Test Methods for Evaluating Solid Wastes" (EPA-SW-846-03-03B, November 2004), or "Standard Methods for the Examination of Water and Wastewater" (ISBN 0-87553-047-8, 2005;), or EPA method 5030/8015, or 5030/8021B, or 5030/8260B, or 602, or 624, for the measurement of benzene, ethylbenzene, and toluene. EPA method 8260B, or an equivalent method, shall be used for the measurement of xylenes.*

Rationale:
As discussed in the revisions to Table 34.6, there are no longer waterbody-specific effluent limitations in this general permit, therefore the previous footnote 7 language is not necessary. To account for renumbering, the text for footnote 7 is revised to be the previous footnote 6.

Table 34.6 Footnote 8 [Removed]

Original: *The permittee may determine compliance for pH by either monitoring the effluent or the receiving state water. Receiving state water monitoring shall be performed at a minimum of two stations. One sample station shall be monitored at the point where the discharge initially mixes with the receiving state water. One control station shall be monitored at a point where impacts from the discharge would not be expected. The monitoring*

specification shall be set forth in a monitoring program as approved by the director.

Revised: [Removed]

Rationale:
This footnote was removed to be consistent with compliance monitoring requirements in all other general permits. Current general permits do not allow for compliance to be assessed by sampling the receiving water(s). As most receiving water bodies are or can be influenced by a variety of other external inputs (such as runoff from neighboring facilities or land) receiving water monitoring may not be representative of the quality of the discharge from the regulated facility. Therefore, the allowance for an alternative compliance determination based on receiving water sampling has been removed.

Table 34.6 Footnote 9

Original: *{9} the pH shall be measured within fifteen minutes of obtaining the grab sample.*

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

Rationale:
To account for the deletion of the previous footnote 8, footnote 9 has been renumbered to footnote 8.

Table 34.6 Footnote 10 [Removed]

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

Revised: [Removed]

Rationale:
To account for renumbering and changes to effluent limitations, footnote 10 was removed, as it was not necessary.

(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 40 CFR §124.10 and the address where comments will be received;
(ii) Procedures for requesting a hearing and the nature of that hearing; and
(iii) Any other procedures by which the public may participate in the final decision.

Refer to HAR Section 11-1-51 procedures for adopting rules. The proposed NPDES General Permit is issued as Appendix H 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 40 CFR §124.56.

The CWA requires that discharges from existing facilities, at a minimum, must meet technology-based effluent limitations reflecting, among other things, the technological capability of permittees to control pollutants in their discharges. Water quality-based effluent limitations 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 effluent limits are based on Hawaii's water quality standards because no effluent limitation guidelines apply.

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

Not applicable.