DEPARTMENT OF HEALTH

Amendment and Compilation of Chapter 11-55
Hawaii Administrative Rules

JUN 26 2023

SUMMARY

1. Title amended.

2. §11-55-01 is amended.

3. §11-55-03 is amended.

4. §11-55-04 is amended.

5. §11-55-05 is amended.

6. §11-55-06 is amended.

7. §11-55-07 is amended.

8. §11-55-15 is amended.

9. §11-55-19 is amended.

10. §11-55-25 is amended.

11. §11-55-32 is amended.

12. §11-55-34.02 is amended.

13. §11-55-34.08 is amended.

14. §11-55-40 is amended.

15. §11-55-41 is amended.

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 11-55

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Historical Note: Chapter 55 of Title 11 is based substantially on Public Health Regulations, Chapter 37, Water Pollution Control, Department of Health, State of Hawaii. [Eff 5/25/74, am 1/20/75, 8/19/75, 1/31/81; R 11/27/81]

§11-55-01 Definitions.

"13 CFR" means the Code of Federal Regulations, Title 13, Business Credit and Assistance, revised as of January 1, 2013 unless otherwise specified.

"40 CFR" means the Code of Federal Regulations, Title 40, Protection of Environment, revised as of July 1, 2018 unless otherwise specified.

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-

217, Public Law 95-483 and Public Law 97-117, 33 U.S.C. 1251 et. seq.

"Action threshold" means the point at which pest populations or environmental conditions necessitate that pest control action be taken based on economic, human health, aesthetic, or other effects. An action threshold may be based on current and/or past environmental factors that are or have been demonstrated to be conducive to pest emergence and/or growth, as well as past and/or current pest presence. Action thresholds are those conditions that indicate both the need for control actions and the proper timing of such actions.

"Active ingredient" means any substance (or group of structurally similar substances if specified by the United States Environmental Protection Agency) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 2(a). (See 40 CFR 152.3). Active ingredient also means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for the production of such a pesticidal substance. (See 40 CFR 174.3).

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or an authorized agent.

"Adverse incident" means an unusual or unexpected incident that an operator has observed upon inspection or of which the operator otherwise becomes aware, in which:

(1) There is evidence that a person or non-target organism has likely been exposed to a pesticide residue; and

(2) The person or non-target organism suffered a toxic or adverse effect.

The phrase "toxic or adverse effects" includes effects that occur within State waters on non-target plants, fish or wildlife that are unusual or unexpected (e.g.,

effects are to organisms not otherwise described on the pesticide product label or otherwise not expected to be present) as a result of exposure to a pesticide residue, and may include: distressed or dead juvenile and small fishes; washed up or floating fish; fish swimming abnormally or erratically; fish lying lethargically at water surface or in shallow water; fish that are listless or nonresponsive to disturbance; stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants; other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.).

The phrase "toxic or adverse effects" also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals that occur either from direct contact with or as a secondary effect from a discharge (e.g., sickness from consumption of plants or animals containing pesticides) to State waters that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).

"Animal feeding operation" or "AFO" means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

(1) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and

(2) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

"Annual treatment area threshold" means the additive area (in acres) or linear distance (in miles) in a calendar year to which a decision-maker is authorizing and/or performing pesticide applications in that area for activities covered under Appendix M.

For calculating annual treatment areas for mosquitoes and other flying insect pest control and forest canopy pest for comparing with any threshold in table 1 of Appendix M, count each pesticide application activity

to a treatment area (i.e., that area where a pesticide application is intended to provide pesticidal benefits within the pest management area) as a separate area treated. For example, applying pesticides three times a year to the same three-thousand-acre site should be counted as nine thousand acres of treatment area for purposes of determining if such an application exceeds an annual treatment area threshold. Similarly, for calculating annual treatment areas for weed and algae control and animal pest control for comparing with any threshold in table 1 of Appendix M, calculations should include either the linear extent of or the surface area of waters for each application made to State waters or at water's edge adjacent to State waters. For calculating the annual treatment area, count each treatment area as a separate area treated. Also, for linear features (e.g., a canal or ditch), count the length of the linear feature each time an application is made to that feature during the calendar year, including counting separately applications made to each bank of the water feature if pesticides are applied to both banks. For example, applications four times a year to both banks of a three-mile-long reach of stream will count as a total of twenty-four linear miles (three miles * two banks * four applications per year = twenty-four miles to which pesticides are applied in a calendar year).

"Applicable effluent standards and limitations" means all state and federal effluent standards and limitations to which a discharge is subject under the Act; chapter 342D, HRS; and rules of the department including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.

"Applicable water quality standards" means all water quality standards to which a discharge is subject under the Act; chapter 342D, HRS; rules of the department; and which have been:

(1) Approved or permitted to remain in effect by the Administrator under Section 303(a) or

Section 303(c) of the Act, 33 U.S.C. §1313(a) or §1313(c); or

(2) Promulgated by the Administrator under Section 303(b) of the Act, 33 U.S.C. §1313(b).

"Applicator" means any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities) that results in a discharge to State waters.

"Authorized Representative" means an individual who has been duly authorized by the certifying person and given the express, implied, and apparent authority to act on behalf of the certifying person as a signatory for legally binding documents such as reports or other information submitted to the department in accordance with section 11-55-07(b).

"Best management practices" or "BMPs" means schedules of activities, prohibitions or designations of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of State waters. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Biological control agents" are organisms that can be introduced to your sites, such as herbivores, predators, parasites, and hyperparasites. (Source: US Fish and Wildlife Service (FWS) Integrated Pest Management (IPM) Guidance, 2004)

"Biological pesticides" (also called biopesticides) include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). "Microbial pesticide" means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, that is a:

(1) Eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi;
(2) Procaryotic microorganism, including, but not limited to, eubacteria and archaebacteria; or
(3) Parasitically replicating microscopic element, including but not limited to, viruses. (See 40 CFR 158.2100(b)).

"Biochemical pesticide" means a pesticide that is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and has a non-toxic mode of action to the target pest(s). (See 40 CFR 158.2000(a)(1)). "Plant-incorporated protectant" means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. (See 40 CFR 174.3).

"Bypass" means the same thing as defined in 40 CFR §122.41(m).

"Certifying Person" means an individual who meets the signatory requirements in section 11-55-07(a).

"Chemical Pesticides" means all pesticides not otherwise classified as biological pesticides.

"Concentrated animal feeding operation" or "CAFO" means an animal feeding operation that is defined as a large CAFO or as a medium CAFO under 40 CFR §122.23(b)(4) or (6), or that is designated as an AFO in accordance with 40 CFR §122.23(c). Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

"Continuous discharge" means a "discharge" which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

"Cooling water" means water used for contact or noncontact cooling, including water used for equipment cooling, evaporative cooling tower makeup, and dilution of effluent heat content. The intended use of the cooling water is to absorb waste heat rejected from the process or processes used, or from auxiliary operations on the facility's premises. Cooling water that is used in a manufacturing process either before or after it is used for cooling is considered process water for the purposes of calculating the percentage of a facility's intake flow that is used for cooling purposes in 40 CFR §125.81(c).

"Cooling water intake structure" means the total physical structure and any associated constructed waterways used to withdraw cooling water from State waters. The cooling water intake structure extends from the point at which water is withdrawn from the surface water source up to, and including, the intake pumps.

"Cultural methods" means manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.

"Decision-maker" means any entity with control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to State waters.

"Decision-maker who is or will be required to submit an NOI" means any decision-maker covered under Appendix M who knows or should have known that an NOI will be required for those discharges beginning 60 calendar days from when section 11-55-34.02(b)(12) becomes effective ten days after filing with the office of the lieutenant governor. Excluded from this definition are those activities for which an NOI is

required based solely on that decision-maker exceeding an annual treatment area threshold.

"Declared pest emergency situation" means the same thing as defined in section 11-54-4(f)(1).

"Department" means the state department of health.

"Director" means the director of the department or an authorized agent.

"Discharge" when used without qualification, means the "discharge of a pollutant". (See 40 CFR 122.2).

"Discharge of a pollutant" means any addition of any pollutant or combination of pollutants to State waters from any point source, or any addition of any pollutant or combination of pollutants to the water of the contiguous zone or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. This includes additions of pollutants into State waters from: surface runoff that is collected or channeled by man; or discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. (Excerpted from 40 CFR 122.2).

"Draft permit" means a document prepared under 40 CFR §124.6 indicating the director's tentative decision to issue or modify, revoke and reissue, terminate, or reissue a "permit." A notice of intent to terminate a permit as discussed in 40 CFR §124.5(d) and defined in 40 CFR §124.2, and a notice of intent to deny a permit as defined in 40 CFR §124.2 are types of "draft permit." A denial of a request for modification, revocation and reissuance, or termination, as discussed in 40 CFR §124.5(b), is not a "draft permit."

"Effluent" means any substance discharged into State waters or publicly owned treatment works or sewerage systems, including but not limited to, sewage, waste, garbage, feculent matter, offal, filth, refuse, any animal, mineral, or vegetable matter or

substance, and any liquid, gaseous, or solid substances.

"EPA" means the U.S. Environmental Protection Agency.

"EPA approved or established total maximum daily loads (TMDLs)" (EPA Approved TMDLs) means those that are developed by a state and approved by EPA.

"EPA established TMDLs" are those that are issued by EPA.

"Facility" or "activity" means any NPDES "point source" or any facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

"Federal facility" means any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned, operated, or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act.

"General permit" means an NPDES permit issued as a rule or document that authorizes a category of discharges into State waters from a category of sources within a geographical area.

"HRS" means the Hawaii Revised Statutes.

"Hawaiian fishponds" means the same thing as defined in section 183B-1, HRS.

"Impaired water" (or "water quality impaired water" or "water quality limited segment") means waters that have been identified by the state pursuant to Section 303(d) of the Clean Water Act as not meeting applicable state water quality standards (these waters are called "water quality limited segments" under 40 CFR 130.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

"Indirect discharge" means the introduction of pollutants into a publicly owned treatment works from

any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

"Individual permit" means an NPDES permit, other than a general permit, issued under this chapter to a specified person to conduct a discharge at a specified location.

"Industrial user" means a source of indirect discharge.

"Inert ingredient" means any substance (or group of structurally similar substances if designated by the EPA), other than an active ingredient, that is intentionally included in a pesticide product, (see 40 CFR 152.3). Inert ingredient also means any substance, such as a selectable marker, other than the active ingredient, where the substance is used to confirm or ensure the presence of the active ingredient, and includes the genetic material necessary for the production of the substance, provided that the genetic material is intentionally introduced into a living plant in addition to the active ingredient (see 40 CFR 174.3).

"Large Entity" means any entity that is not a "small entity".

"Large municipal separate storm sewer system" means the same thing as defined in 40 CFR §122.26(b)(4).

"Major facility" means any NPDES facility or activity classified by the regional administrator in conjunction with the director.

"Mechanical/physical methods" means mechanical tools or physical alterations of the environment for pest prevention or removal.

"Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes and potentially contaminated laboratory wastes, dialysis wastes, and additional medical items as the Administrator shall prescribe by regulation.

"Medium municipal separate storm sewer system" means the same thing as defined in 40 CFR §122.26(b)(7).

"Minimize" means to reduce and/or eliminate pollutant discharges to State waters through the use of pest management measures to the extent technologically available and economically practicable and achievable.

"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains as defined in 40 CFR §122.26(b)(8)).

"Municipal separate storm sewer system" or "MS4" means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems under 40 CFR §122.26(b)(4), (b)(7), and (b)(16) or that the director designates consistently with 40 CFR §122.26(a)(1)(v). A "municipal separate storm sewer system" is also known as a "municipal separate storm water drainage system."

"National Pollutant Discharge Elimination System" or "NPDES" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Act.

"New discharger" means any building, structure, facility, activity, or installation:

(1) From which there is or may be a discharge of pollutants;

(2) That did not begin the discharge of pollutants at a particular site before August 13, 1979;

(3) Which is not a new source; and

(4) Which has never received a finally effective NPDES permit for discharges at the site.

"New source" means any building, structure, facility, activity, or installation from which there

is or may be a "discharge of pollutants," the construction of which began:

(1) After the adoption, by the director, of rules prescribing a standard of performance which will be applicable to the source; or

(2) After the publication by the Administrator of regulations prescribing a standard of performance which will be applicable to the source, if the standard is thereafter promulgated by the administrator, whichever occurs first.

"No exposure" means that all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff or any combination of the above. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

"Non-target Organisms" includes the plant and animal hosts of the target species, the natural enemies of the target species living in the community, and other plants and animals, including vertebrates, living in or near the community that are not the target of the pesticide.

"Notice of cessation" or "NOC" means a form used to notify the director, within a specified time, that a discharge or activity, or phase of discharge or activity has ceased. Submission of this form means that the permittee is no longer authorized to discharge from the facility or project under the NPDES program.

"Notice of general permit coverage" or "NGPC" means a notice to the owner/operator by the department that they are authorized to discharge and are covered under and must comply with the general permit.

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"Notice of intent" or "NOI" means a form used to notify the director, within a specified time, that a person seeks coverage under a general permit.

"NPDES form" means any form provided by the Administrator or director for use in obtaining or complying with the individual permit, notice of general permit coverage, or conditional "no exposure" exclusion. These forms include the NPDES permit applications, notice of intent forms, "no exposure" certification form, NPDES discharge monitoring report form, notice of cessation form, and other forms as specified by the director.

"NPDES permit" means an authorization, license, or equivalent control document issued by the EPA or the director to implement the requirements of 40 CFR Parts 122, 123, and 124. NPDES permit includes an NPDES general permit according to 40 CFR §122.28 and a notice of general permit coverage or NGPC, as the context requires. NPDES permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit.

"NPDES permit application" means a form used to apply for an individual permit.

"Once-through cooling water system" means a system designed to withdraw water from a natural or other water source, use it at the facility to support contact or noncontact or both cooling uses, and then discharge it to a waterbody without recirculation. Once-through cooling systems sometimes employ canals, channels, ponds, or nonrecirculating cooling towers to dissipate waste heat from the water before it is discharged.

"Operator" for the purpose of Appendix M, means any entity associated with the application of pesticides which results in a discharge to State waters that meets either of the following two criteria:

(1) Any entity who performs the application of a pesticide or who has day-to-day control of the

application (i.e., they are authorized to direct workers to carry out those activities; or

(2) Any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.

"Owner" or "operator" means the person who owns or operates any "facility" or "activity" subject to regulation under the NPDES program.

"Person" means the same thing as defined in section 342D-1, HRS.

"Permittee" means the person to whom the individual permit or notice of general permit coverage is issued or the person who obtains automatic general permit coverage under section 11-55-34.09(e)(2).

"Pest" means the same thing as defined in section 11-54-4(f)(1).

"Pest management area" means the area of land, including any water, for which an operator has responsibility and is authorized to conduct pest management activities as covered by Appendix M (e.g., for an operator who is a mosquito control district, the pest management area is the total area of the district).

"Pest management measure" means any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements and other provisions that a prudent Operator would implement to reduce and/or eliminate pesticide discharges to State waters from pesticide application.

"Pesticide" means the same thing as defined in section 11-54-4(f)(1).

"Pesticide discharges to State waters from pesticide application" means the discharges that result from the application of biological pesticides or chemical pesticides that leave a residue from point sources to State waters. In the context of this definition of pesticide discharges to State waters from pesticide application, this does not include

agricultural storm water discharges and return flows from irrigated agriculture, which are excluded by law.

"Pesticide product" means a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.

"Pesticide residue" for the purpose of determining whether an NPDES permit is needed for pesticide discharges to State waters from pesticide application, means that portion of a pesticide application that is discharged from a point source to State waters and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

"Point source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff, except return flows from agriculture irrigated with reclaimed water. (See 40 CFR §122.2).

"Publicly owned treatment works" or "POTW" means any device or system used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature which is owned by a state or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.

"R-1 water" means recycled water that has been oxidized, filtered, and disinfected to meet the corresponding standards set in chapter 11-62.

"Recycled water" or "reclaimed water" means treated wastewater that by design is intended or used for a beneficial purpose.

"Regional Administrator" means the regional administrator of the U.S. Environmental Protection Agency Region 9 or an authorized agent.

"Representative storm" means a rainfall that accumulates more than 0.1 inch of rain and occurs at least seventy-two hours after the previous measurable (greater than 0.1 inch) rainfall event.

"Sewage sludge" means the same thing as defined in section 342D-1, HRS.

"Silvicultural point source" means the same thing as defined in 40 CFR §122.27.

"Site" means the land or water area where any "facility" or "activity" is physically located or conducted, including adjacent land used in connection with the "facility" or "activity."

"Small entity" means any:

(1) private enterprise that does not exceed the Small Business Administration size standard as identified at 13 CFR 121.201, or

(2) local government that serves a population of 10,000 or less.

"Small municipal separate storm sewer system" or "small MS4" means all separate storm sewers that are:

(1) Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or under state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Act that discharges to State waters;

(2) Not defined as "large" or "medium" municipal separate storm sewer systems under 40 CFR

§122.2(b)(4) and (b)(7), or designated under section 11-55-04(a)(4) or 11-55-34.08(k)(2) or 40 CFR §122.26(a)(1)(v); and

(3) This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

"Standard of performance" means a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the director determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants; provided that the standard shall not be less stringent than required under Section 306 of the Act, 33 U.S.C. §1316.

"State waters" means the same thing as defined in section 11-54-1.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm water discharge associated with industrial activity" means the same thing as defined in 40 CFR §122.26(b)(14).

"Target pest" means the organism(s) toward which pest management measures are being directed.

"Total maximum daily loads (TMDLs)" is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section

303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

"Treatment area" means the entire area, whether over land or water, where a pesticide application is intended to provide pesticidal benefits within the pest management area. In some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drip treatment into a canal includes the entire width and length of the canal over which the pesticide is intended to control weeds. Similarly, the treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits.

"Treatment works" means the plant or other facility and the various devices used in the treatment of wastes including the necessary intercepting sewers, outfall sewers or outlets, pumping, power, and other equipment.

"Treatment works treating domestic sewage" or "TWTDS" means a POTW or any other sewage sludge or waste water treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices. For purposes of this definition, "domestic sewage" includes waste and waste water from humans or household operations that are discharged to or otherwise enter a treatment works.

"Upset" means the same thing as defined in 40 CFR §122.41(n).

"Waste" means sewage, industrial and agricultural matter, and all other liquid, gaseous, or solid substance, including radioactive substance, whether treated or not, which may pollute or tend to pollute State waters.

"Water pollution" means the same thing as defined in section 342D-1, HRS.

"Water quality impaired" see "Impaired Water".

"Wetlands" means the same thing as defined in section 11-54-1.

The definitions of the following terms contained in Section 502 of the Act, 33 U.S.C. §1362, shall be applicable to the terms as used in this part unless the context otherwise requires: "biological monitoring," "contiguous zone," "discharge," "discharge of a pollutant," "effluent limitations," "municipality," "navigable waters," "ocean," "pollutant," "schedule of compliance," "territorial seas," and "toxic pollutant." [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; am and comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp 10/22/07; comp 06/15/09; am and comp 10/21/12; am and comp 12/06/13; am and comp 11/15/14; am and comp 02/09/19; am and comp 10/22/21; comp 01/15/22; am and comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§6E-42(a), 183B-1, 342D-1, 342D-2, 342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subpart A and D; Part 125; §122.2)

§11-55-02 General policy of water pollution control. (a) It is the public policy of this State:

(1) To conserve State waters;

(2) To protect, maintain, and improve the quality of State waters:

(A) For drinking water supply, and food processing;

(B) For the growth, support, and propagation of shellfish, fish, and other desirable species of marine and aquatic life;

(C) For oceanographic research;

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(D) For the conservation of coral reefs and wilderness areas; and

(E) For domestic, agricultural, industrial, and other legitimate uses;

(3) To provide that no waste be discharged into any State waters without first being given the degree of treatment necessary to protect the legitimate beneficial uses of the waters;

(4) To provide for the prevention, abatement, and control of new and existing water pollution; and

(5) To cooperate with the federal government in carrying out the objectives listed in paragraphs (1) through (4).

(b) Any industrial, public, or private project or development which could be considered a new source of pollution or an increased source of pollution shall, in its initial project design and subsequent construction, provide the highest and best degree of waste treatment practicable under existing technology.

(c) Permits issued under this chapter, and the related applications, processing, issuance, and post-issuance procedures and requirements, shall be at least as stringent as those required by 40 CFR §123.25(a). [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; am and comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1251, 1288, 1311, 1312, 1316, 1317, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §123.25(a))

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§11-55-03 General prohibition. (a) No person shall violate any provision of section 342D-50, HRS.

(b) No person, including any public body, shall discharge any water pollutant into State waters, or cause or allow any water pollutant to enter State waters except in compliance with this chapter 342D, HRS, rules adopted pursuant to chapter 342D, HRS, a permit or variance issued by the director. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; am and comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 603-23; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50, 603-23; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125)

§11-55-04 Application for NPDES permit, notice of intent, or conditional "no exposure" exclusion. (a) A person shall submit a complete NPDES permit application (which shall include whole effluent toxicity testing data as specified in 40 CFR §122.21(j)(5)), complete notice of intent (except for the point source discharges from the application of pesticides, if not required under Appendix M) or "no exposure" certification for certain storm water discharges which meet all requirements for a conditional "no exposure" exclusion:

(1) Before discharging any pollutant;

(2) Before substantially altering the quality of any discharges;

(3) Before substantially increasing the quantity of any discharges;

(4) Before beginning construction activities that disturb one or more acres of land or construction activities that disturb less

than one acre of total land that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more of total land area;

(5) Before beginning discharge from sources or activities identified and described in 40 CFR §122.23 through §122.27;

(6) For small regulated municipal storm sewer systems, unless the director waives NPDES permit coverage in accordance with 40 CFR §122.32(d) or (e).

Submittal of a notice of intent for coverage under a general permit shall comply with and be regulated by sections 11-55-34.08 through 11-55-34.10. Conditional "no exposure" exclusions shall comply with and be regulated by subsection (f).

(b) An NPDES permit application shall be submitted:

(1) At least one hundred eighty days before the discharge or construction begins or, for renewals, at least three hundred sixty days before the expiration date of the existing permit. The director may waive this three-hundred-sixty-day requirement by issuing the permit with an effective date before the three hundred sixty days expire;

(2) In sufficient time prior to the beginning of the discharge of pollutants to ensure compliance with the requirements of new source performance standards under Section 306 of the Act, 33 U.S.C. §1316, or with any applicable zoning or site requirements established under Section 208(b)(2)(C) of the Act, 33 U.S.C. §1288(b)(2)(C), and any other applicable water quality standards and applicable effluent standards and limitations;

(3) For any storm water discharge associated with industrial activity from an existing facility that is owned or operated by a

municipality with a population of less than 100,000 that is not authorized by a general or individual permit, other than an airport, power-plant, or uncontrolled sanitary landfill;

(4) For any discharge from an existing regulated small municipal separate storm sewer system which is not qualified to obtain coverage under the general permit. The permit application shall be made under 40 CFR §122.33 if the small municipal separate storm sewer system is designated under 40 CFR §122.32(a)(1). A small municipal separate storm sewer system, including but not limited to systems operated by federal, state, and local governments, including state departments of transportation, is regulated when it is located in an urbanized area as determined by the latest decennial census by the Bureau of the Census. (If the small municipal separate storm sewer system is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated.) Small municipal separate storm sewer systems located outside of urbanized areas shall submit an NPDES permit application if the department determines that the system's storm water discharge results in or has the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts. The department shall evaluate the small municipal separate storm sewer system with the following elements, at a minimum: discharge to sensitive waters, high growth or growth potential, high population density, contiguity to an urbanized area, significant contributor of

pollutants to State waters, and ineffective protection of water quality by other programs. The NPDES permit application shall be submitted within one hundred eighty days of notice from the department;

(5) For any discharge from a regulated concentrated animal feeding operation. The permit application shall be made under 40 CFR §122.21;

(6) (Reserved); or

(7) At least one hundred eighty days before the construction activity as identified in 40 CFR §122.26 (b)(14)(x) or small construction activity as defined in 40 CFR §122.26(b)(15)(i) begins and is not qualified to obtain coverage under the general permit.

(c) Application for an individual permit shall be made by the owner or operator on an NPDES permit application provided by the director. The NPDES permit application shall be submitted with complete data, site information, plan description, specifications, drawings, and other detailed information. The information submitted shall comply with 40 CFR §§122.21(f) through (l) and (r) to determine in what manner the new or existing treatment works or wastes outlet, including a facility described in 40 CFR §§122.23, 122.24, 122.25, 122.26, or 122.27, will be constructed or modified, operated, and controlled. When a facility or activity is owned by one person, but is operated by another person, it is the operator's duty to obtain a permit on behalf of the owner. The operator shall provide written evidence that the owner authorizes the operator to apply on behalf of the owner and that the owner agrees to comply with all permit conditions. Only one permit is required for a single facility or activity.

(d) The director may require the submission of additional information after an NPDES permit application has been submitted, and shall ensure that,

if an NPDES permit application is incomplete or otherwise deficient, processing of the application shall not be completed until the owner or its duly authorized representative has supplied the missing information or otherwise corrected the deficiency.

(e) Every owner or operator applying for an individual permit or renewal of an individual permit shall pay a filing fee of $1,000. This filing fee shall be submitted with the NPDES permit application and shall not be refunded nor applied to any subsequent NPDES permit application following final action of denial of the NPDES permit application.

(1) When an NPDES permit application is submitted for an individual permit for a substantial alteration or addition to a treatment works or waste outlet and where an individual permit had previously been granted for the treatment works or waste outlet, the owner or operator shall pay a $1,000 filing fee which shall be submitted with the NPDES permit application;

(2) A new owner of a discharge facility covered by an individual permit shall submit a new NPDES permit application for a new individual permit unless the new owner submits a notice of automatic transfer that meets 40 CFR §122.61(b). The owner or operator shall pay a $500 filing fee which shall be submitted with the NPDES permit application or notice of automatic transfer that meets 40 CFR §122.61(b);

(3) An NPDES individual permittee shall submit a new NPDES permit application for the transfer of discharge from one permanent location to another permanent location. The owner or operator shall pay the $1,000 filing fee which shall be submitted with the NPDES permit application; and

(4) Fees shall be made payable to the "State of Hawaii" in the form of a pre-printed check,

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cashier's check, money order, or as otherwise specified by the director.

(f) Discharges composed entirely of storm water are not storm water discharges associated with industrial activity, and do not require an individual permit or general permit coverage, if there is "no exposure" of industrial materials and activities to rain, snow, snowmelt or runoff or any combination of the above, and the owner or operator of the discharge:

(1) Meets the conditions of 40 CFR §§122.26(g)(1) through 122.26(g)(4), except 40 CFR §122.26(g)(1)(iii);

(2) Submits a properly completed and signed "no exposure" certification on a form provided by the director;

(3) Submits a properly completed and signed "no exposure" certification form at least once every five years, or earlier if specified by the director or upon the change of ownership, operator, or location; and

(4) Provides any additional information requested by the director after a "no exposure" certification has been submitted.

The conditional "no exposure" exclusion is effective upon receipt by the department of the certification, assuming all other conditions are met, and the director may specify the term of a conditional "no exposure" exclusion, or any renewal, for any period not to exceed five years. There is no filing fee for submittal of a "no exposure" certification.

(g) (Reserved)

(h) Industrial activities, except construction activities under 40 CFR §122.26(b)(14)(x) and 40 CFR §122.26(b)(15), which provide calculations and certify that they do not discharge storm water to State waters are not required to obtain an individual permit or general permit coverage.

(i) (Reserved)

(j) Exclusions:

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(1) An NPDES permit may not be required provided that the discharges are consistent with the exclusions identified in 40 CFR §122.3 or have a de minimus impact on water quality due to the quantity or quality of the discharge as determined by the director.

(2) The discharge shall not be reasonably expected (based on information available to the department) to be significant sources of pollutants to State waters.

(3) Discharges which may not require an NPDES permit include, but are not limited to, the following:

(A) Water line flushing (using potable water);

(B) Landscape irrigation (using potable water);

(C) Diverted stream flows;

(D) <Reserved>

(E) Uncontaminated pumped ground water infiltration (as defined in 40 CFR §35.2005[20]) to separate storm sewers;

(F) Uncontaminated pumped groundwater;

(G) Discharges from potable water sources;

(H) Discharges from foundation drains;

(I) Air conditioning condensate;

(J) Irrigation water (using potable water);

(K) Springs;

(L) Uncontaminated water from crawl space pumps and footing drains;

(M) Lawn watering (using potable water);

(N) Individual residential car washing (using potable water);

(O) Flows from riparian habitats and wetlands;

(P) Dechlorinated freshwater swimming pool discharges to non-marine environments;

(Q) Low pressure rinsing of sidewalks without chemical additives (using potable water); and

(R) Discharges or flows from firefighting activities.

Exclusions for agriculture are limited to discharges identified in 40 CFR §122.3, or agricultural land that implements practices consistent with section 11-54-4(d), or section 11-56), but do not include storm water or wastewater discharges from construction or industrial activities associated with agricultural facilities. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/23/96; am and comp 09/22/97; am and comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp 10/22/07; am and comp 06/15/09; am and comp 10/21/12; am and comp 12/06/13; am and comp 11/15/14; am and comp 02/09/19; am and comp 10/22/21; comp 01/15/22; am and comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§6E-42(a), 342D-2, 342D-4, 342D-5, 342D-6, 342D-13; 33 U.S.C. §§1251, 1288(b)(2)(C), 1316, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.21, 122.23, 122.24, 122.25, 122.26, 122.27, 122.61, 123.25(a), 124.3)

§11-55-05 Receipt of federal information. (a) The director shall receive any relevant information collected by the regional administrator prior to participation in the NPDES in a manner as the director and the regional administrator shall agree.

(b) Any agreement between the director and the regional administrator shall provide for at least the following:

(1) Prompt transmittal to the director from the regional administrator of copies of any NPDES permit applications, or other relevant information collected by the regional administrator prior to the state or interstate agency's participation in the NPDES; and

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(2) A procedure to ensure that the director will not issue an individual permit on the basis of any NPDES permit application received from the regional administrator which the regional administrator has identified as incomplete or otherwise deficient until the director has received information sufficient to correct the deficiency to the satisfaction of the regional administrator.

[Eff 11/27/81; comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; am and comp JUN 26 2023]

(Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §123.42)

§11-55-06 Transmission of information to regional administrator. (a) The director shall transmit to the regional administrator copies of NPDES forms received by the State in a manner as the director and regional administrator shall agree.

(b) Any agreement between the State and the regional administrator shall provide for at least the following:

(1) Prompt transmittal to the regional administrator of a complete copy of any NPDES form received by the State;

(2) Procedures for the transmittal to the national data bank of a complete copy, or relevant portions thereof, of any appropriate NPDES forms received by the State;

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(3) Procedures for acting on the regional administrator's written waiver, if any, of the regional administrator's rights to receive copies of NPDES forms with respect to classes, types, and sizes within any category of point sources and with respect to minor discharges or discharges to particular State waters or parts thereof subject to the limits in 40 CFR §123.24(d);

(4) An opportunity for the regional administrator to object in writing to deficiencies in any NPDES permit application or reporting form received by the regional administrator and to have the deficiency corrected. If the regional administrator's objection relates to an NPDES permit application, the director shall send the regional administrator any information necessary to correct the deficiency and shall, if the regional administrator so requests, not issue the individual permit until the department receives notice from the regional administrator that the deficiency has been corrected;

(5) Procedures for the transmittal, if requested by the regional administrator, of copies of any notice received by the director from publicly owned treatment works under section 11-55-23(7) and 11-55-23(8); and

(6) Variance applications shall be processed in accordance with the procedures set forth in section 342D-7, HRS, and 40 CFR §§122.21(m) through (o), 124.62, and 403.13. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; am and comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; am and comp

JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6, 342D-14; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-14; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.21(m), 122.21(n), 122.21(o), 123.25(a), 123.43, 123.44, 124.62, 403.13)

§11-55-07 Identity of signatories to NPDES forms. (a) Any NPDES form and its certification, as stated in 40 CFR §122.22(d), submitted to the director shall be signed as follows:

(1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(B) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure

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that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

(3) For a municipality, state, federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(A) The chief executive officer of the agency, or

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrators of EPA);

(4) For a trust. By a trustee; or

(5) For a limited liability company (LLC). By a manager or a member authorized to make management decisions for the LLC and who is in charge of a principal business function, or who performs similar policy- or decision-making functions for the LLC.

(b) All other reports or information required to complete the application or information to comply with the conditions of the individual permit or notice of general permit coverage or responses to requests for information required by the director shall be signed by a person designated in subsection (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position);

(2) The authorization is made in writing by a person designated under subsection (a); and

(3) The written authorization is submitted to the director.

(c) If the certifying person changes, the new certifying person shall notify the department and provide their contact information on a form as specified by the director.

(d) If an authorization under subsection (b) is no longer accurate because the certifying person changed or a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (b) must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(e) Any person signing a document under subsections (a), (b), or (c) shall make the following certification: "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."

(f) Electronic reporting. If documents described in subsections (a) or (b) are submitted electronically by or on behalf of the NPDES-regulated facility, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR Part 3 (including, in all cases, subpart D to Part 3)(Cross-Media Electronic Reporting) and 40 CFR Part 127 (NPDES Electronic Reporting Requirements) are met for that submission. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; am and comp 10/22/21; comp 01/15/22; am and comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 3; 122; 123; 124, Subparts A and D; 125; §§122.22, 123.25(a))

§11-55-08 Formulation of tentative determinations and draft permit. (a) The director shall formulate and prepare tentative staff determinations with respect to an NPDES permit application in advance of public notice of the proposed issuance or denial of an individual permit. Tentative determinations shall include at least the following:

(1) A proposed determination, including those contained in 40 CFR §122.44(m) if

applicable, to issue or deny an individual permit for the discharge described in the NPDES permit application; and

(2) If the determination is to issue the individual permit, the following additional tentative determinations:

(A) Proposed effluent limitations, identified under sections 11-55-19 and 11-55-20 for those pollutants proposed to be limited;

(B) A proposed schedule of compliance, if required, including interim dates and requirements, for meeting the proposed effluent limitations, identified under sections 11-55-21 and 11-55-22;

(C) Monitoring requirements identified under sections 11-55-28, 11-55-29, and 11-55-30; and

(D) A brief description of any other proposed special conditions (other than those required in section 11-55-23) which will have a significant impact upon the discharge described in the NPDES permit application.

(b) If a tentative determination is to issue an individual permit, the director shall organize the tentative determination under subsection (a) into a draft permit.

(c) The director shall prepare draft permits when required by 40 CFR §124.5(c) or (d). [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4,342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124,

Subparts A and D; 125; §§122.44(m), 123.25(a), 124.5, 124.6)

§11-55-09 Public notice of applications. (a) The director shall notify the public of every complete application for an individual permit in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the proposed determination to issue an individual permit for the proposed discharge. Public notification of an application for a variance from an individual permit, under Section 316(a) of the Act, 33 U.S.C. §1326(a), and section 342D-7, HRS, shall also comply with the requirements contained in 40 CFR §124.57(a). Public notice procedures shall include at least the following:

(1) Notice shall comply with section 1-28.5, HRS;

(2) Notice shall be mailed or emailed to any person or group upon request and the persons listed in 40 CFR §§124.10(c)(1)(i) through (v); and

(3) The director shall add the name of any person, including those specified in 40 CFR §§124.10(c)(1)(ix) and (x), or group upon request to a mailing list to receive copies of notices for all NPDES permit applications within the State or within a certain geographical area.

(b) The director shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the NPDES permit application. All written comments submitted during the thirty-day comment period shall be retained by the director and considered in the formulation of the director's final determination with respect to the NPDES permit

application. The director shall respond to comments, at a minimum, when and as required by 40 CFR §§124.17(a) and (c). The comment period may be extended at the discretion of the director.

(c) The public notice shall include at least the following:

(1) Name and address of the agency issuing the public notice;

(2) Name and address of each owner or operator or both and the name and address of the facility or activity;

(3) A brief description of the activities or operations which result in the discharge described in the NPDES permit application;

(4) Name of the state water to which each discharge is made, a short description of the location of each discharge, and whether the discharge is a new or an existing discharge;

(5) A statement of the tentative determination to issue or deny an individual permit for the discharge described in the NPDES permit application;

(6) A brief description of the procedures for the formulation of final determinations, including the procedures for public comment, requesting a public hearing, and any other means of public participation offered;

(7) Name, address, and telephone number of a person at the state or interstate agency where interested persons may:

(A) Obtain further information;

(B) Request a copy of the draft permit prepared under section 11-55-08(b);

(C) Request a copy of the fact sheet prepared under section 11-55-10 (if prepared); and

(D) Inspect and copy NPDES forms and related documents; and

(8) Requirements applicable to cooling water intake structures under section 316(b) of the Act, in accordance with Part 125, Subparts I and J.

(d) All publication and mailing costs associated with the public notification of the director's tentative determinations with respect to the NPDES permit application shall be paid by the owner or operator to the appropriate publishing agency or agencies determined by the director. The owner or operator shall submit the original signed affidavit of publication to the department within four weeks of the publication date. Failure to provide and pay for public notification, as deemed appropriate by the director, is a basis to delay issuance of an individual permit. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; am and comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4,342D-5, 342D-6, 342D-13; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4,342D-5, 342D-6; 33 U.S.C. §§1251, 1326(a), 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§123.25(a), 124.10, 124.13, 124.17, 124.57)

§11-55-10 Fact sheet. (a) The director shall prepare a fact sheet for every draft permit for a major facility or activity, for every class I sludge management facility, for every draft permit that incorporates a variance or requires an explanation under 40 CFR §124.56(b), and for every draft permit which the director finds is the subject of widespread public interest or raises major issues. The director shall send the fact sheet to the owner or operator,

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its authorized representative, and, upon request, to any other person.

(b) Fact sheets shall include at least the following information:

(1) A sketch or detailed description of the location of the discharge described in the NPDES permit application; a brief description of the type of facility or activity which is the subject of the draft permit;

(2) A quantitative description of the discharge described in the NPDES permit application which includes at least the following:

(A) The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow in gallons per day or million gallons per day or cubic feet per second;

(B) For thermal discharges subject to limitation under the Act, the average summer and winter temperatures in degrees Fahrenheit or Celsius; and

(C) The average daily discharge in pounds per day of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under Sections 301, 302, 306, or 307 of the Act, 33 U.S.C. §§1311, 1312, 1316 or 1317, and regulations published under those sections;

(3) The tentative determinations required under section 11-55-08;

(4) A brief citation, including a brief identification of the uses for which the receiving State waters have been classified, of the water quality standards, and effluent standards and limitations applied to the proposed discharge;

(5) A more detailed description of the procedures for the formulation of final determinations than that given in the public notice including:
  (A) The thirty-day comment period required by section 11-55-09(b);
  (B) Procedures for requesting a public hearing and the nature thereof; and
  (C) Any other procedures by which the public may participate in the formulation of the final determinations;
(6) The name and telephone number of a person to contact for additional information; and
(7) The information required by 40 CFR §§124.8(b)(5), 124.56(a), 124.56(b), 124.56(c), 124.56(e), and Part 125, subpart M.

(c) The director shall add the name of any person or group upon request to a mailing list to receive copies of fact sheets. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; am and comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4,342D-5, 342D-6; 33 U.S.C. §§1251, 1311, 1312, 1316, 1317, 1342, 1370, 1252-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 501; §§123.25(a), 124.8, 124.56, 501.15(d)(4))

§11-55-11 Notice to other government agencies. (a) The director shall notify other appropriate government agencies of each complete NPDES permit application for an individual permit and shall provide the agencies an opportunity to submit their written views and recommendations.

(b) When notifying the public under section 11-55-09, a fact sheet shall be transmitted to the appropriate District Engineer of the Army Corps of Engineers of NPDES permit applications for discharges into State waters.

(c) The director and the District Engineer for each Corps of Engineers district within the State or interested area may arrange for:

(1) Waiver by the District Engineer of the District Engineer's right to receive fact sheets with respect to classes, types, and sizes within any category of point sources and with respect to discharges to particular State waters or parts thereof; and

(2) Any procedures for the transmission of forms, period for comment by the District Engineer (e.g., thirty days), and for objections of the District Engineer.

(d) A copy of any written agreement between the director and the District Engineer shall be forwarded to the regional administrator and shall be made available to the public for inspection and copying.

(e) The director shall mail copies of public notice (or, upon specific request, copies of fact sheets) of applications for individual permits to any federal, state, or local agency, upon request, and shall provide the agencies an opportunity to respond, comment, or request a public hearing. The notice and opportunity shall extend to at least the following:

(1) The agency responsible for the preparation of an approved plan under Section 208(b) of the Act, 33 U.S.C. §1288(b); and

(2) The state agency responsible for the preparation of a plan under an approved continuous planning process under Section 303(e) of the Act, 33 U.S.C. §1313(e), unless the agency is under the supervision of the director.

(f) The director shall notify and coordinate with appropriate public health agencies for the

purpose of assisting the owner or its duly authorized representative in coordinating the applicable requirements of the Act with any applicable requirements of the public health agencies. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; am and comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1288(b), 1313(e), 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§123.25(a), 124.10)

§11-55-12 Public access to information. (a) In accordance with chapter 2-71, the director shall ensure that any NPDES forms (including the draft permit prepared under section 11-55-08(b)), any public comment upon those forms under section 11-55-09(b), or information required, kept, or submitted under section 11-55-24 shall be available to the public for inspection and copying during established office hours. The director, at the director's discretion, may also make available to the public any other records, reports, plans, or information obtained by the state agency under its participation in NPDES.

(b) The director shall protect any information (other than effluent data) as confidential upon a request and showing by any person at the time of submission that the information, if made public, would divulge methods or processes entitled to protection as trade secrets of a person. Any information obtained from a state and subject to a claim of confidentiality shall be treated in accordance with the regulations in 40 CFR Part 2 and section 92F-13, HRS. Claims of confidentiality shall be denied regarding the

following: name and address of any owner or operator or permittee applying for an individual permit, notice of general permit coverage, or "no exposure" certification; NPDES permits; and effluent data. Information required by NPDES permit application forms may not be claimed confidential. This includes information supplied in attachments to the NPDES permit application forms. If, however, the information being considered for confidential treatment is contained in an NPDES form, the director shall forward the information to the regional administrator for the regional administrator's concurrence in any determination of confidentiality. If the regional administrator advises the director that the regional administrator does not concur in the withholding of the information, the director shall then make available to the public, upon request, that information determined by the regional administrator not to constitute trade secrets.

(c) Any information accorded confidential status, whether or not contained in an NPDES form, shall be disclosed, upon request, to the regional administrator, who shall maintain the disclosed information as confidential.

(d) The director shall provide facilities for the inspection of information relating to NPDES forms and shall ensure that state employees honor requests for inspection with due regard for the dispatch of other public duties. The director shall either:

(1) Ensure that a machine or device for the copying of papers and documents is available for a reasonable fee; or

(2) Otherwise provide for or coordinate with copying facilities or services so that requests for copies of nonconfidential documents may be honored promptly. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp

06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-14; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-14, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 2; 122; 123; 124, Subparts A and D; 125; §§122.7, 123.25(a), 123.41)

§11-55-13 Public hearings. (a) The owner or operator, regional administrator, any interested agency, person, or group of persons may request or petition for a public hearing with respect to NPDES permit applications. Any request or petition for public hearing shall be submitted within the thirty-day period prescribed in section 11-55-09(b) and shall indicate the interest of the party submitting the request and the reasons why a hearing is warranted.

(b) The director shall provide the public notice of public hearing to the owner or operator or its duly authorized representative for publication according to section 11-55-14. The public notice shall include the information required by 40 CFR §§124.10(d)(1) and (d)(2).

(c) The director shall hold a hearing if the director determines that there is a significant public interest (including the submitting of requests or petitions for a hearing) in holding a hearing. Instances of doubt should be resolved in favor of holding the hearing. Any hearing brought under this subsection shall be held in the geographical area of the proposed discharge or other appropriate area, at the director's discretion, and may, as appropriate, consider related groups of NPDES permit applications.

(d) Any person may submit oral or written statements and data concerning the draft permit, provided that persons submitting oral statements also

submit a written copy of their oral statements prior to the end of the public comment period. The public comment period under section 11-55-09 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; am and comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-57; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§123.25(a), 124.10, 124.11, 124.12)

§11-55-14 Public notice of public hearings. (a) Public notice of any hearing held under section 11-55-13 shall be circulated as widely as the notice of the draft permit. Public notice for hearings held under section 11-55-13 shall be:

(1) Published in accordance with section 1-28.5, HRS;

(2) Sent to all persons and government agencies which received a copy of the notice or the fact sheet for the NPDES permit application;

(3) Mailed or emailed to any person or group upon request and the persons listed in 40 CFR §§124.10(c)(1)(i) through (v), (ix), and (x); and

(4) Effected under paragraphs (1) and (3) at least thirty days in advance of the hearing.

(b) The public notice of any hearing held under section 11-55-13 shall include at least the following information:

(1) Name and address of the agency holding the public hearing;
(2) Name and address of each owner or operator or both whose NPDES permit application will be considered at the hearing and the name and address of the facility or activity;
(3) Name of the state water to which each discharge is made, a short description of the location of each discharge, and whether the discharge is a new or an existing discharge;
(4) A brief reference to the public notice for proposed action issued for each NPDES permit application, including identification number and date of issuance, if applicable;
(5) Information regarding the date, time, and location of the hearing;
(6) The purpose of the hearing, including a concise statement of the issues raised by the persons requesting the hearing, as applicable:
(7) A brief description of the nature of the hearing, including the rules and procedures to be followed; and
(8) Name, address, and telephone number of a person at the state or interstate agency where interested persons may:
    (A) Obtain further information;
    (B) Request a copy of each draft permit prepared under section 11-55-08(b);
    (C) Request a copy of the fact sheet prepared under section 11-55-10 (if prepared); and
    (D) Inspect and copy NPDES forms and related documents.

(c) All publication and mailing costs associated with the public notification of the director's determinations to hold public hearing with respect to the NPDES permit application shall be paid by the owner or operator to the appropriate publishing agency

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or agencies determined by the director. The owner or operator shall submit the original signed affidavit of publication to the department within four weeks of the publication date. Failure to provide and pay for public notification, as deemed appropriate by the director, is a basis to delay issuance of an individual permit. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; am and comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6, 342D-13; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§123.25(a), 124.10)

§11-55-15 Issuance of NPDES permits. (a) The director may issue an NPDES permit for any period not exceeding five years and may renew a permit for any additional periods not exceeding five years. The director may administratively extend the permit until the effective date of the new permit for discharges that the permit covered prior to expiration. If the director administratively extends the permit, all permit limitations and conditions remain in force and effect. Projects that do not submit a renewal NPDES application prior to the expiration date may not be administratively extended.

(b) The director shall issue or renew an NPDES permit on the following basis:

(1) The existing treatment works or waste outlet is designed, built, and equipped in accordance with:

(A) The best practicable control technology currently available or the best available technology economically

achievable or the best conventional pollutant control technology for point sources other than publicly owned treatment works; and

(B) For publicly owned treatment works, secondary treatment or the best practicable waste treatment technology, so as to reduce wastes to a minimum;

(2) New treatment works or waste outlets are designed and built in compliance with the applicable standards of performance;

(3) The new or existing treatment works or waste outlet is designed and will be constructed or modified to operate without causing a violation of applicable rules of the department;

(4) The new or existing treatment works or waste outlet will not endanger the maintenance or attainment of applicable water quality standards;

(5) The facility shall comply with effluent standards and limitations, water quality standards and other requirements, as applicable in sections 11-55-19, 11-55-20, and 11-55-22; and

(6) The facility shall comply with sections 11-55-27 through 11-55-32.

(c) NPDES permits at a minimum shall include conditions and requirements at least as stringent as:

(1) Those conditions contained in sections 11-55-16, 11-55-17, 11-55-23, and 40 CFR §122.41;

(2) The requirement that the owner or operator provide the facilities as necessary for monitoring of the authorized waste discharge into State waters and the effects of the wastes on the receiving State waters. The monitoring program shall comply with sections 11-55-28 through 11-55-32;

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(3) The requirement of compliance with any applicable effluent standards and limitations, water quality standards, and other requirements imposed by the director under sections 11-55-19, 11-55-20, and 11-55-22; and

(4) Conditions requested by the Corps of Engineers and other government agencies as described in 40 CFR §124.59.

(d) In permits where more stringent effluent limitations are included, compliance schedules may be provided in the permits if the requirements of 11-55-21 and 40 CFR 122.2 and 122.47 are met.

(e) In acting upon an NPDES permit application for an individual permit the director shall deny the application unless the information submitted shows that the new or existing treatment works or waste outlet described in the NPDES permit application can, conditionally or otherwise, meet the conditions of subsection (b) or (c).

(f) Notwithstanding the provisions of subsections (a) through (e), the director shall not issue a permit or grant a modification or variance for any of the following:

(1) Discharge of any radiological or biological warfare agent, or high-level radioactive waste into State waters;

(2) Discharge which the Secretary of the Army, acting through the Chief of Engineers, finds would substantially impair anchorage and navigation;

(3) Discharge to which the regional administrator has objected in writing under any right to object provided the Administrator in Section 402(d) of the Act, 33 U.S.C. §1342(d);

(4) Discharge from a point source which is in conflict with a plan or amendment thereto approved under Section 208(b) of the Act, 33 U.S.C. §1288(b); or

(5) When prohibited by 40 CFR §122.4.

(g) The issuance of a permit does not convey any property rights of any sort or any exclusive privilege. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

(h) Within 30 days from the date of issuance of the NPDES final permit, any interested party who submitted comments during the public notice period described by 40 CFR §25.5(b) or submitted testimony in the public hearing may appeal the NPDES final permit decision issued under this chapter by filing a request for a contested case hearing, in accordance with HRS Chapter 91. "Interested" means any person with "standing" as defined by the Hawaii Constitution, statutes, rules, and Court decisions. The appeal shall be limited to specific issues raised during the public comment period or public hearing for the NPDES permit being appealed.

(1) All publication and mailing costs associated with any public notification of any permit modification during the appeal shall be paid by the appellant to the appropriate publishing agency or agencies determined by the director. The appellant shall submit the original signed affidavit of publication to the department within four weeks of the publication date. Failure to provide and pay for public notification, as deemed appropriate by the director, is a basis to deny an appeal.

(2) Any revisions made to the permit during the appeals process shall comply with section 11-55-16.

(i) The director may deny applications for a permit from persons who are respondents in department issued open enforcement actions associated with water pollution, who fail to make payments as required by law for permit fees or penalties, or who have a

history of violating water pollution laws such as failing to comply with permit requirements, effluent limits, or enforcement orders. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; am and comp 12/06/13; am and comp 11/15/14; am and comp 02/09/19; am and comp 10/22/21; comp 01/15/22; am and comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50; 33 U.S.C. §§1251, 1288(b), 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.4, 122.5, 122.41, 122.43, 122.44, 122.45, 122.46, 123.25(a), 124.5, 124.59)

§11-55-16 Modification or revocation and reissuance of NPDES permits. (a) Each NPDES permit shall be subject to modification or revocation and reissuance by the director after notice and opportunity for a contested case hearing.

(b) Permits may be modified for the reasons and under the procedures specified in 40 CFR §§122.62 and 122.63.

(c) Permits may be revoked and reissued for the reasons and under the procedures specified in 40 CFR §122.62.

(d) The procedures and criteria for minor permit modifications are those specified in 40 CFR §122.63.

(e) All applications made under section 342D-7, HRS, for a variance from the terms and conditions of an NPDES permit shall also be deemed as applications for a modification under this section. Any variances, if granted, shall be for a period not to exceed five years.

(f) Changes from paper to electronic reporting requirements including those specified in 40 CFR Part 3 (Cross-Media Electronic Reporting Regulation) and 40

CFR Part 127 (Electronic Reporting Requirements for the NPDES Program) may be incorporated by minor modification as defined in 40 CFR 122.63. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; am and comp 02/09/19; comp 10/22/21; comp 01/15/22; comp] (Auth: HRS §§342D-4, 342D-5, 342D-6, 342D-7; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-7, 342D-50; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.5, 122.62, 122.63, 123.25(a), 124.5)

§11-55-17 Termination of permits and denial of renewal. (a) On the expiration date specified in the NPDES permit, the NPDES permit shall automatically terminate and the permittee shall be divested of all rights therein.

(b) Each NPDES permit renewal application shall be subject to denial and each issued NPDES permit shall be subject to termination by the director after notice and opportunity for a contested case hearing.

(c) The following are causes for terminating a permit during its term or for denying a permit renewal application:

(1) Noncompliance by the permittee with any condition of the permit;

(2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

(3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable

levels by permit modification or termination; or

(4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a publicly owned treatment works).

(5) The permittee's failure to comply with enforcement orders associated with the applicable NPDES permit.

(6) The permittee's failure to pay penalties or fees, as required by law.

(d) The director shall follow the applicable state procedures in terminating any NPDES permit under this section, except that if the entire discharge is permanently terminated by elimination of the flow or by connection to a publicly owned treatment works (but not by land application or disposal into a well), the director may terminate the permit by notice to the permittee. Termination by notice shall be effective thirty days after notice is sent ("expedited termination"), unless the permittee objects in writing during that time. If the permittee objects during that period, the director shall follow applicable state procedures for termination. Expedited termination is not available to permittees who are subject to pending state or federal or both enforcement actions including citizen suits brought under state or federal law. If requesting expedited termination, a permittee shall certify that it is not subject to any pending state or federal enforcement actions including citizen suits brought under state or federal law. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under 40 CFR §124.6. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09;

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comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; am and comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.5, 122.64, 122.64(b), 123.25(a), 124.5, 124.5(d), 124.15(a))

§11-55-18 Reporting discontinuance or dismantlement. An NPDES permittee shall report within thirty days after the permanent discontinuance or dismantlement of that treatment works or waste outlet for which the NPDES permit had been issued by submitting a notice of cessation. [Eff 11/27/81; comp 10/29/92; comp 09/23/96; comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50; 33 U.S.C. §§1252, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §122.64, 124.5)

§11-55-19 Application of effluent standards and limitations, water quality standards, and other requirements. (a) NPDES permits shall apply and ensure compliance with the following whenever applicable:

(1) Effluent limitations under Sections 301 and 302 of the Act, 33 U.S.C. §§1311 and 1312;
(2) Standards of performance for new sources;
(3) Effluent standards, effluent prohibitions, and pretreatment standards under Section 307 of the Act, 33 U.S.C. §1317;

(4) More stringent limitation, including those:

(A) Necessary to meet water quality standards, treatment standards, or schedules of compliance, established under any state law or rules (under authority preserved by Section 510 of the Act, 33 U.S.C. §1370); or

(B) Necessary to meet any other federal law or regulations including, but not limited to:

(i) Toxic pollutant effluent standards in 40 CFR Part 129;

(ii) Secondary treatment regulation in 40 CFR Part 133;

(iii) Effluent guidelines and standards in 40 CFR Chapter I, subchapter N, Parts 400 to 471;

(iv) Criteria and standards in 40 CFR Part 125, Subparts A, B, C, D, H, I, J, K, and M;

(v) Standards for sludge handling in 40 CFR §122.44(b)(2), 40 CFR Part 503 and state rules; and

(vi) Nutrient management requirements and technical standards for concentrated animal feeding operations in 40 CFR §123.36, 40 CFR §122.42, and 40 CFR Part 412; or

(C) Required to implement any applicable water quality standards; the limitations to include any legally applicable requirements necessary to implement total maximum daily loads established under Section 303(d) of the Act, 33 U.S.C. §1313(d), or incorporated in the continuing planning process approved under Section 303(e) of the Act, 33 U.S.C. §1313(e), and any

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regulations and guidelines issued pursuant thereto;

(5) More stringent legally applicable requirements necessary to comply with a plan approved under Section 208(b) of the Act, 33 U.S.C. §1288(b);

(6) Prior to promulgation by the Administrator of applicable effluent standards and limitations under Sections 301, 302, 306, and 307 of the Act, 33 U.S.C. §§1311, 1312, 1316, and 1317, the conditions, as the director determines are necessary to carry out the provisions of the Act; and

(7) If the NPDES permit is for the discharge of pollutants into the State waters from a vessel or other floating craft, any applicable regulations promulgated by the secretary of the department in which the Coast Guard is operating, establishing specifications for safe transportation, handling, carriage, storage, and stowage of pollutants;

(8) Other requirements developed under the continuing planning process under Section 303(e) of the Act and any regulations and guidelines issued under it;

(9) Intake credits in accordance with 40 CFR §122.45(g) and section 11-54-12; and

(10) Recreational criteria for all State waters in section 11-54-8. To comply with HAR sections 11-54-8(b) and (c) requirements, at least one sample shall be collected on every fifth day of the thirty-day sampling period. Each sample shall be collected and analyzed pursuant to 40 CFR Part 136. The director may require samples to be collected more frequently within the thirty-day period.

(b) In any case where an issued NPDES permit applies the effluent standards and limitations described in subsection (a)(1), (2), and (3), the

director shall state that the discharge authorized by the permit shall not violate applicable water quality standards and shall have prepared some explicit verification of that statement. In any case where an issued NPDES permit applies any more stringent effluent limitation based upon applicable water quality standards, a waste load allocation shall be prepared to ensure that the discharge authorized by the permit is consistent with applicable water quality standards. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp 10/22/07; comp 06/15/09; am and comp 10/21/12; comp 12/06/13; am and comp 11/15/14; comp 02/09/19; am and comp 10/22/21; comp 01/15/22; am and comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50; 33 U.S.C. §§1251, 1288(b), 1311, 1312, 1313, 1316, 1317, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125, Subparts A, B, C, D, H, I, J, K, L, M; 129; 133; 136; 401; 403; 405-432; 434-436; 439-440; 443; 446-447; 454-455; 457-460; 503; 400-471, Subparts N; §§122.42, 122.43, 122.44, 122.45(g), 123.25(a))

§11-55-20 Effluent limitations in issued NPDES permits. In the application of effluent standards and limitations, water quality standards, and other legally applicable requirements under section 11-55-19, each issued NPDES permit shall specify average and maximum daily quantitative limitations for the level of pollutants in the authorized discharge in terms of weight (except pH, temperature, radiation, and any other pollutants not appropriately expressed by weight). The director, at the director's discretion, in addition to the specification of daily quantitative limitations by weight, may specify other

limitations, such as average or maximum concentration limits. [Eff 11/27/81; comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §122.45(f), 123.25(a))

§11-55-21 Schedule of compliance in issued NPDES permits. (a) With respect to any discharge which is not in compliance with applicable effluent standards and limitations, applicable water quality standards, or other legally applicable requirements listed in section 11-55-19, the permit shall require the permittee to take specific steps to achieve compliance with the following:

(1) In accordance with any legally applicable schedule of compliance contained in:
   (A) Applicable effluent standards and limitations;
   (B) If more stringent, effluent standards and limitations needed to meet water quality standards; or
   (C) If more stringent, effluent standards and limitations needed to meet legally applicable requirements listed in section 11-55-19; or

(2) In the absence of any legally applicable schedule of compliance, in the shortest, reasonable period of time, which shall be consistent with the guidelines and requirements of the Act.

(b) When a schedule specifies compliance longer than one year after permit issuance, the schedule of

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compliance shall specify interim requirements and the dates for their achievement and in no event shall more than one year elapse between interim dates. If the time necessary for completion of the interim requirement (such as the construction of a treatment facility) exceeds one year and is not readily divided into stages for completion, the schedule shall specify interim dates for the submission of reports of progress towards completion of the interim requirements. For each NPDES permit schedule of compliance, interim dates, reporting dates, and the final date for compliance shall, to the extent practicable, fall on the last day of the month of March, June, September, and December. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50; 33 U.S.C. §§1251, 1342, 1370, 1251-1387 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.43, 122.47, 123.25(a))

§11-55-22 Compliance schedule reports. (a) Either before or up to fourteen days following each interim date and the final date of compliance, the permittee shall provide the director with written notice of the permittee's compliance or noncompliance with the interim or final requirement.

(b) On the last day of the months of February, May, August, and November, the director shall transmit to the regional administrator a Quarterly Noncompliance Report (QNCR) which is a list of all instances, as of thirty days prior to the date of the report, of failure or refusal of a permittee to comply with an interim or final requirement or to notify the

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director of compliance or noncompliance with each interim or final requirement (as required under subsection (a). The list shall be available to the public for inspection and copying and shall contain at least the following information with respect to each instance of noncompliance:

(1) Name, address, and permit number of each noncomplying permittee;

(2) A short description of each instance of noncompliance for which 40 CFR §123.45(a)(2) requires reporting (e.g., failure to submit preliminary plans; two weeks delay in beginning construction of treatment facility; failure to notify director of compliance with interim requirement to complete construction by June 30th, etc.);

(3) The date(s) and a short description of any actions or proposed actions by the permittee or the director to comply or enforce compliance with the interim or final requirement; and

(4) Any details which tend to explain or mitigate an instance of noncompliance with an interim or final requirement (e.g., construction delayed due to materials shortage, plan approval delayed by objection from state fish and wildlife agency, etc.).

(c) The first NPDES permit issued to a new source shall contain a schedule of compliance only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised after beginning construction but less than three years before beginning the relevant discharge. For permit renewals, a schedule of compliance shall be available only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised less than three years before beginning the discharge again.

(d) If a permittee fails or refuses to comply with an interim or final requirement in an NPDES

permit, noncompliance shall constitute a violation of the permit for which the director may modify, revoke and reissue, or terminate the permit under sections 11-55-16 and 11-55-17 or may take direct enforcement action. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.43, 122.47, 123.25(a), 123.45)

§11-55-23 Other terms and conditions of issued NPDES permits. In addition to the requirements previously specified, each permit shall be subject to the following terms and conditions:

(1) All discharges authorized by the NPDES permit shall be consistent with the terms and conditions of the NPDES permit;

(2) The permittee shall report at least as required by 40 CFR §122.41(l), and where applicable, 40 CFR §122.42(a), (b), (c), (d), and (e);

(3) Facility expansions, production increase, or process modifications which result in new or increased discharges of pollutants shall be reported by submission of a new NPDES permit application, or, if the discharge does not violate effluent limitations specified in the NPDES permit, by submission to the director of notice of the new or increased discharges of pollutants under 40 CFR §122.42(a);

(4) The discharge of any pollutant more frequently than or at a level in excess of

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that identified and authorized by the NPDES permit shall constitute a violation of the terms and conditions of the NPDES permit;

(5) The permittee shall allow the director or an authorized agent, including a contractor of the Administrator, upon the presentation of credentials to:

(A) Enter the permittee's premises in which an effluent source is located or in which any records are kept under terms and conditions of the NPDES permit;

(B) Have access to and copy any records kept under terms and conditions of the NPDES permit;

(C) Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the NPDES permit; or

(D) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location;

(6) Any treatment facility treating domestic sewage and also receiving industrial waste from one or more indirect dischargers may be required to develop for the director's approval a pretreatment program in accordance with applicable requirements in 40 CFR Part 403. The pretreatment program approved by the director may then be incorporated into the NPDES permit as a permit condition;

(7) If the NPDES permit is for a discharge from a publicly or privately owned treatment works, the permittee shall notify the director in writing of the following:

(A) Any new introduction of pollutants into a publicly or privately owned treatment

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works from an indirect discharger which would be subject to Sections 301 and 306 of the Act, 33 U.S.C. §1311 and §1316, if the indirect discharger were directly discharging those pollutants;

(B) Any substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit;

(C) The quality and quantity of effluent to be introduced into a treatment works; and

(D) Any anticipated impact caused by a change in the quality or quantity of effluent to be discharged from a publicly or privately owned treatment works;

(8) If the NPDES permit is for a discharge from a publicly owned treatment works with an approved pretreatment program under section 11-55-24, the director shall incorporate the approved pretreatment program into the NPDES permit as a permit condition. The permittee shall require any industrial user of the treatment works to comply with the requirements contained in the approved pretreatment program and the requirements of Sections 204(b), 307, and 308 of the Act, 33 U.S.C. §§1284, 1317, and 1318. The permittee shall also require each industrial user subject to the requirements of Section 307 of the Act, 33 U.S.C. §1317, to forward copies of periodic reports (over intervals not to exceed nine months) of progress towards full compliance with Section 307 of the Act, 33 U.S.C. §1317 requirements, to the permittee and the director;

(9) The permittee at all times shall maintain in good working order and operate as efficiently as possible any facility or system of control installed by the permittee to achieve compliance with the terms and conditions of the NPDES permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit;

(10) If a toxic effluent standard or prohibition (including any schedule of compliance specified in the effluent standards or prohibition) is promulgated under Section 307(a) of the Act, 33 U.S.C. §1317(a), for a toxic pollutant which is present in the permittee's discharge and the standard or prohibition is more stringent than any limitation upon the pollutant in the NPDES permit, the director shall revise or modify the permit in accordance with the toxic effluent standard or prohibition and notify the permittee; and

(11) A copy of the NPDES permit application, notice of intent, "no exposure" certification, individual permit, notice of general permit coverage, and conditional "no exposure" exclusion, as applicable, shall be retained on-site or at a nearby office or field office. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; am

and comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-8, 342D-50, 342D-55; 33 U.S.C. §§1251, 1284, 1311, 1316, 1317, 1318, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 403; §§122.41, 122.42, 122.44, 123.25(a))

§11-55-24 National pretreatment standards and users of publicly owned treatment works. (a) Any county desiring to administer its own publicly owned treatment works pretreatment program shall submit to the director for approval a program description which shall at a minimum include the information set forth in 40 CFR §403.9(a) or 403.9(c).

(b) The director, upon receipt of the request for an approval of a pretreatment program, shall review and decide on the request in accordance with procedures described in 40 CFR §403.11.

(c) Any person discharging any pollutant or effluent into a publicly owned treatment works shall permit the director, upon presentation of credentials, to:

(1) Enter the premises of a person subject to pretreatment requirements in which an effluent source is located or in which any records are kept under terms and conditions of a pretreatment requirement;

(2) Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations required by a pretreatment requirement; and

(3) Sample any discharge of pollutants or effluent.

(d) No person shall introduce into any publicly owned treatment works any pollutant or effluent in violation of 40 CFR §403.5.

(e) The director may require any person discharging any pollutant or effluent into a publicly owned treatment works to:

(1) Establish and maintain records;
(2) Make reports;
(3) Install, use, and maintain monitoring equipment or methods;
(4) Sample effluent and State waters;
(5) Provide access to and copying of any records which are maintained; and
(6) Provide other information as the department may require. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; am and comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-8, 342D-50, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 403, §§122.41(i))

§11-55-25 Transmission to regional administrator of proposed NPDES permits. (a) The director shall transmit to the regional administrator copies of NPDES permits proposed to be issued by the agency in a manner as the director and regional administrator shall agree upon or as stated in 40 CFR §123.44(j).

(b) Any agreement between the State and regional administrator shall provide for at least the following:

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(1) Except as waived under paragraph (4), the transmission by the director of any and all terms, conditions, requirements, or documents which are a part of the proposed NPDES permit or which affect the authorization by the proposed NPDES permit of the discharge of pollutants;

(2) A period of time (up to ninety days) in which the regional administrator, under any right to object provided in Section 402(d) of the Act, 33 U.S.C. §1342(d), may comment upon, object to, or make recommendations with respect to the proposed NPDES permit;

(3) Procedures for state acceptance or rejection of a written objection by the regional administrator; and

(4) Any written waiver by the regional administrator of the regional administrator's rights to receive, review, object to, or comment upon proposed NPDES permits for classes, types, or sizes within any category of point sources. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; am and comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§123.24(d), 123.43, 123.44)

§11-55-26 Transmission to regional administrator of issued NPDES permits. The director shall transmit

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to the regional administrator a copy of every issued NPDES permit, immediately following issuance, along with any and all terms, conditions, requirements, or documents which are a part of the NPDES permit or which affect the authorization by the NPDES permit of the discharge of pollutants. [Eff 11/27/81; comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 123.43(a)(3))

§11-55-27 Renewal of NPDES permits. (a) The director shall review applications for reissuance of NPDES permits. Any permittee who wishes to continue to discharge after the expiration date of the permittee's NPDES permit shall submit for renewal of the permit at least three hundred sixty days prior to its expiration.

(b) The scope and manner of any review of an application for renewal of an NPDES permit shall be within the discretion of the director and shall be sufficiently detailed as to ensure the following:

(1) The permittee is in compliance with or has substantially complied with all the terms, conditions, requirements, and schedules of compliance of the current or expired NPDES permit;

(2) That the director has current information on the permittee's production levels; permittee's waste treatment practices; nature, contents, and frequency of permittee's discharge through the submission of new forms and applications or from

monitoring records and reports submitted to the director by the permittee; and

(3) That the discharge is consistent with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements, including any additions to, revisions, or modifications of the effluent standards and limitations, water quality standards, or other legally applicable requirements during the term of the permit.

(c) The director shall follow the notice and public participation procedures specified in this chapter in connection with each request for reissuance of an NPDES permit.

(d) Notwithstanding any other provision in this section, any point source, the construction of which began after October 18, 1972 and which is constructed to meet all applicable new source performance standards, shall not be subject to any more stringent new source performance standard, except as specified in 40 CFR §122.29(d)(2), for the earliest ending of the following period:

(1) A ten-year period beginning on the date of completion of the construction;

(2) A ten-year period from the date the source begins to discharge process or other non-construction related wastewater; or

(3) During the period of depreciation or amortization of the facility for the purposes of Section 167 or 169 or both of the Internal Revenue Code of 1954, whichever period ends first.

(e) Application for renewal of an NPDES permit shall comply with section 11-55-04. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; am and comp 10/22/21; comp 01/15/22; comp JUN 26 2023]

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(Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.21(d), 122.29, 122.41(b), 122.41(l), 122.44, 123.25(a))

§11-55-28 Monitoring. (a) Any discharge authorized by an NPDES permit may be subject to monitoring requirements as may be reasonably required by the director, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods).

(b) Any discharge authorized by an NPDES permit which:

(1) Is not a minor discharge;

(2) The regional administrator requests, in writing, be monitored; or

(3) Contains toxic pollutants for which an effluent standard has been established by the Administrator under Section 307(a) of the Act, 33 U.S.C. §1317, shall be monitored by the permittee for at least the items listed in subsection (c).

(c) Monitored items:

(1) Flow (in gallons per day or cubic feet per second); and

(2) All of the following pollutants:

(A) Pollutants (either directly or indirectly through the use of accepted correlation coefficient or equivalent measurements) which are subject to reduction or elimination under the terms and conditions of the NPDES permit;

(B) Pollutants which the director finds, on the basis of available information,

could have a significant impact on the quality of State waters;

(C) Pollutants specified by the Administrator in regulations issued under the Act, as subject to monitoring; and

(D) Any pollutants in addition to the above which the regional administrator requests, in writing, to be monitored.

(d) Each effluent flow or pollutant required to be monitored under subsection (c) shall be monitored at intervals sufficiently frequent to yield data which reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant. Variable effluent flows and pollutant levels shall be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; am and comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-55; 33 U.S.C. §§1251, 1317, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.41, 122.43, 122.48, 123.25(a))

§11-55-29 Recording of monitoring activities and results. When any NPDES permit requires monitoring of the authorized discharge:

(1) The permittee shall maintain records of all information resulting from any monitoring activities required by the NPDES permit;

(2) Any records of monitoring activities and results shall include for all samples:

(A) The date, exact place, and time of sampling or measurements;

(B) The individual(s) who performed the sampling or measurements;
(C) The date(s) the analyses were performed;
(D) The individual(s) who performed the analyses;
(E) The analytical techniques or methods used; and
(F) The results of the analyses; and

(3) The permittee shall retain for a minimum of five years any records of monitoring activities and results including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or regional administrator. [Eff 11/27/81; comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 122.41(j))

§11-55-30 Reporting of monitoring results. The director shall require periodic reporting (at a frequency of not less than once per year) on the proper NPDES discharge monitoring report form, or other form as specified by the director, of monitoring

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results obtained by a permittee under monitoring requirements in an NPDES permit. In addition to the NPDES discharge monitoring report form, or other form as specified by the director, the director may require submission of any other information regarding monitoring results as determined to be necessary. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp JUN 26 2025] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 122.41(l)(4), 122.44(i))

§11-55-31 Sampling and testing methods. (a) All sampling and testing shall be done in accordance with test procedures approved under 40 CFR Part 136 unless other test procedures have been specified in the permit or approved by the director and, when applicable, with guidelines establishing test procedures for the analysis of pollutants published by the Administrator in accordance with Section 304(h) of the Act, 33 U.S.C. §1314(h). All tests shall be made under the direction of persons knowledgeable in the field of water pollution control.

(b) The director may conduct tests of waste discharges from any source. Upon request of the director, the person responsible for the source to be tested shall provide necessary sampling stations and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the waste discharge. [Eff 11/27/81; comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp

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06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-55; 33 U.S.C. §§1251, 1314, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.41(j)(4), 136)

§11-55-32 Malfunction, maintenance, and repair of equipment. (a) There shall be no shutdown of water pollution treatment facilities for purposes of maintenance unless a schedule or plan for the maintenance has been submitted to and approved by the director prior to the shutdown.

(b) In the case of a shutdown of water pollution control equipment for necessary maintenance, the intent to shut down the equipment shall be reported to and approved by the director at least twenty-four hours prior to the planned shutdown. The prior notice shall include, but is not limited to, the following:

(1) Identification of the specific facility to be taken out of service, as well as its location and NPDES permit number;
(2) The expected length of time that the water pollution control equipment will be out of service;
(3) The nature and quantity of discharge of water pollutants likely to be emitted during the shutdown period;
(4) Measures that will be taken to minimize the length of the shutdown period, such as the use of off-shift labor and equipment;
(5) Identification of any adverse impacts to the receiving State waters which could be caused by the wastes which are to be bypassed; and
(6) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

(c) In the event that any water pollution control equipment or related facility breaks down in a manner causing the discharge of water pollutants in violation of applicable rules, the person responsible for the equipment shall immediately notify the director of the failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The director shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; am and comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; am and comp JUN 26] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125)

§11-55-33 Agency board membership. (a) Any board or body which approves NPDES permit applications, notices of intent, or "no exposure" certifications, or portions thereof shall not include as a member any person who receives, or has during the previous two years received, a significant portion of the person's income directly or indirectly from permittees or persons applying for an NPDES permit.

(b) For the purposes of this section, the term "board or body" includes any individual, including the director, who has or shares authority to approve permit applications or portions thereof either in the first instance or on appeal.

(c) For the purposes of this section, the term "significant portion of the person's income" shall mean ten per cent or more of gross personal income for a calendar year, except that it shall mean fifty per

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cent or more of gross personal income for a calendar year if the recipient is over sixty years of age and is receiving that portion under retirement, pension, or similar arrangement.

(d) For the purposes of this section, the term "permittees or persons applying for an NPDES permit" shall not include any state department or agency.

(e) For the purposes of this section, the term "income" includes retirement benefits, consultant fees, and stock dividends.

(f) For the purposes of this section, income is not received "directly or indirectly from permittees or persons applying for an NPDES permit" where it is derived from mutual fund payments or from other diversified investments over which the recipient does not know the identity of the primary sources of income. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-3, 342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-3, 342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 123.25(c))

§11-55-34 General permit definitions. As used in sections 11-55-34.01 through 11-55-34.12:

"Category of sources" means either:

(1) Storm water point sources; or

(2) A group of point sources other than storm water point sources if all sources in the group:

(A) Involve the same or substantially similar types of operations;

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(B) Discharge the same types of wastes or engage in the same types of sludge use or disposal practices;

(C) Require the same effluent limitations, operating conditions, or standards for sewage sludge use or disposal;

(D) Require the same or similar monitoring; and

(E) In the opinion of the director, are more appropriately controlled under a general permit than under an individual permit.

"Geographical area" means existing geographical or political boundaries such as:

(1) Designated planning areas under Sections 208 and 303 of the Act;

(2) Sewer districts or sewer authorities;

(3) City, county, or state political boundaries;

(4) State highway systems;

(5) Standard metropolitan statistical areas as defined by the Office of Management and Budget;

(6) Urbanized areas as designated by the Bureau of the Census according to criteria in 30 Federal Register 15202 (May 1, 1974); or

(7) Any other appropriate division or combination of boundaries. [Eff and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp JUN 26] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §§122.2, 122.28, 123.25(a)(11))

§11-55-34.01 General permit policy. It is the policy of the State that general permits shall comply, at a minimum, with federal requirements for general permits, especially 40 CFR §122.28. [Eff and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28, 123.25(a)(11))

§11-55-34.02 General permit authority and adoption. (a) The director may adopt general permits.

(b) The appendices located at the end of this chapter are adopted and incorporated by reference as general permits for the following applicable categories of sources:

(1) Appendix B, titled "NPDES General Permit Authorizing Discharges of Storm Water Associated with Industrial Activities" for discharges composed entirely of storm water associated with certain industrial activities as identified in 40 CFR §§122.26(b)(14)(i) through 122.26(b)(14)(ix) and §122.26(b)(14)(xi), dated January 15, 2022;

(2) Appendix C, titled "NPDES General Permit Authorizing Discharges of Storm Water Associated with Construction Activity" for storm water discharges from construction activities which result in the disturbance of five acres or more of total land area or small construction activities which result in the disturbance of one to less than five

acres of total land area or construction activities that disturb less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more of total land area, dated February 9, 2019;

(3) Appendix D, titled "NPDES General Permit Authorizing Discharges of Treated Effluent from Leaking Underground Storage Tank Remedial Activities" for the discharge of treated effluent from the leaking underground storage tank remedial activities, dated JUN 26 2023 ;

(4) Appendix E, titled "NPDES General Permit Authorizing Discharges of Once Through Cooling Water Less Than One (1) Million Gallons Per Day" for the discharge of once-through, non-contact cooling water for one million gallons per day or less, dated January 15, 2022;

(5) Appendix F, titled "NPDES General Permit Authorizing Discharges of Hydrotesting Waters" for the discharge of non-polluted hydrotesting water, dated January 15, 2022;

(6) Appendix G, titled "NPDES General Permit Authorizing Discharges Associated with Construction Activity Dewatering" for the discharge of dewatering effluent from a construction activity, dated January 15, 2022;

(7) Appendix H, titled "NPDES General Permit Authorizing Discharges of Treated Process Wastewater Associated with Petroleum Bulk Stations and Terminals" for the discharge of treated process wastewater effluent from petroleum bulk stations and terminals, dated JUN 26 2023 ;

(8) Appendix I, titled "NPDES General Permit Authorizing Discharges of Treated Process

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Wastewater Associated with Well Drilling Activities" for the discharge of treated process wastewater effluent associated with well drilling activities, dated JUN 26 2023 ;

(9) Appendix J, titled "NPDES General Permit Authorizing Occasional or Unintentional Discharges from Recycled Water Systems" for the discharge of treated process wastewater effluent from recycled water distribution systems, dated February 9, 2019;

(10) Appendix K, titled "NPDES General Permit Authorizing Discharges of Storm Water and Certain Non-Storm Water Discharges from Small Municipal Separate Storm Sewer Systems" for the discharge of storm water and certain non-storm water discharges from a small municipal separate storm sewer system as defined in 40 CFR §122.26(b)(16), dated January 15, 2022;

(11) Appendix L, titled "NPDES General Permit Authorizing Discharges of Circulation Water from Decorative Ponds or Tanks" for the discharge of circulation water from decorative ponds or tanks, dated February 9, 2019; and

(12) Appendix M, titled "NPDES General Permit Authorizing Point Source Discharges from the Application of Pesticides", dated JUN 26 2023 . [Eff and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; am and comp 10/21/12; am and comp 12/06/13; comp 11/15/14; am and comp 02/09/19; am and comp 10/22/21; am and comp 01/15/22; am and comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5,

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342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §§122.26, 122.28, 123.25(a)(11))

§11-55-34.03 General permit terms. General permits shall be for terms of not more than five years. [Eff and comp 10/29/92; comp 09/23/96; comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §§122.26, 122.28, 122.46, 123.25(a)(11))

§11-55-34.04 General permit conditions. (a) Discharges covered by general permits shall comply with the applicable sections of state water quality standards in chapter 11-54, and the applicable provisions of this chapter, including, but not limited to, sections 11-55-18, 11-55-19, 11-55-20, 11-55-21, 11-55-22, 11-55-23, 11-55-28, 11-55-29, 11-55-30, 11-55-31, 11-55-32, and 11-55-34.07.

(b) Appendix A, titled "Department of Health Standard General Permit Conditions" and located at the end of this chapter is adopted, incorporated by reference, and applies to each general permit.

(c) Special conditions apply as specified in each general permit, e.g., appendices B through M, respectively. [Eff and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; am and comp 10/21/12; am and comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp

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01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1318, 1319, 1321, 1323, 1342, 1345, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §§122.26, 122.28, 122.41, 122.42, 123.25(a)(11))

§11-55-34.05 Requiring an individual permit. (a) Notwithstanding the provisions of a general permit, the director may require any person covered by a general permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

(1) The discharger or "treatment works treating domestic sewage" is not in compliance with the conditions of the general permit;

(2) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source or treatment works treating domestic sewage;

(3) Effluent limitation guidelines are promulgated for point sources covered by the general permit;

(4) A water quality management plan containing requirements applicable to the point sources is approved;

(5) Circumstances have changed since the time of the request to be covered so that the permittee is no longer appropriately controlled under the general permit or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;

(6) Standards for sewage sludge use or disposal have been promulgated for the sludge use and

disposal practice covered by the general permit; or

(7) The discharge(s) is a significant contributor of pollutants to State waters. In making this determination, the director may consider the following factors:

(A) The location of the discharge with respect to State waters;

(B) The size of the discharge;

(C) The quantity and nature of the pollutants discharged to the State waters; and

(D) Other relevant factors.

(b) The director may require any owner or operator authorized by a general permit to apply for an individual NPDES permit as provided in section 11-55-34.05(a), only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, application information, a statement setting a time for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES the general permit as it applies to the individual permittee shall automatically terminate, unless coverage under a general permit had already been terminated by the director in accordance with 11-55-34.11. The director may grant additional time upon request of the applicant.

(c) Any owner or operator covered by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application with reasons supporting the request to the director.

(d) When an individual permit is issued to an owner or operator otherwise covered by a general permit, the coverage of the general permit to the individual permittee is automatically terminated on the effective date of the individual permit.

(e) A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked and that it be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply to the source.

(f) The director may require any activity and/or discharge that has commenced prior to obtaining the required coverage under a general permit to apply for an individual NPDES permit. For construction activities which have commenced prior to obtaining general permit coverage, restoration of the site to preconstruction conditions may re-qualify it for coverage under the general permit. [Eff and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; am and comp 12/06/13; am and comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28(b)(3), 123.25(a)(11))

§11-55-34.06 (Reserved)

§11-55-34.07 Degree of waste treatment. All discharges covered by a general permit shall receive treatment or corrective action to ensure compliance with the terms and conditions of the issued permit and with the following, whenever applicable:

(1) Effluent limitations established by the EPA under Sections 301, 302, 306, 307, 318, and 405 of the Act;

(2) Criteria and standards for best management practices established by the EPA under Section 304(e) of the Act;

(3) Notwithstanding paragraphs (1) and (2), more stringent effluent limitations may be required as deemed necessary by the director:

(A) To meet any existing federal laws or regulations; or

(B) To ensure compliance with any applicable state water quality standards, effluent limitations, treatment standards, or schedule of compliance; and

(4) Calculations and specifications of effluent limits and standards shall be made in accordance with the provisions of federal regulations, 40 CFR §122.45. [Eff and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1312, 1314, 1316, 1317, 1318, 1342, 1345, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28, 123.25(a)(11))

§11-55-34.08 Notice of intent. (a) Persons seeking coverage under a general permit shall submit a notice of intent, except for the point source discharges from the application of pesticides, if not required (refer to Appendix M).

(b) A notice of intent shall:

(1) Be submitted on forms provided by the director;

(2) Comply with the notice of intent requirements of the respective general permit; and

(3) Be accompanied by all pertinent information which the director may require in order to establish effluent limitations or best management practices, including, but not limited to, complete engineering reports, schedule of progress, plans, specifications, maps, measurements, quantitative and qualitative determinations, records, and all related materials.

(c) The director may require that all reports, plans, specifications, and other material submitted to the director be prepared by a licensed professional engineer.

(d) Material submitted shall be complete and accurate.

(e) Any notice of intent form submitted to the director shall be signed by the certifying person.

(f) All other reports or responses to requests for information required by the director shall be signed by either the certifying person or authorized representative.

(g) Any change of the certifying person or authorized representative which occurs after the issuance of a permit shall be reported to the director. A change in authorized representative shall be reported to the director by submitting a copy of a new written authorization which meets the requirements of section 11-55-07(b).

(h) Any person signing a document under subsections (e) and (f) shall make the following certification: "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

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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."

(i) Each owner or operator who submits a notice of intent to be covered under the general permit provisions or for renewal of general permit coverage shall pay a filing fee of $500. This filing fee shall be submitted with the notice of intent and shall not be refunded nor applied to any subsequent NPDES individual permit application following final action denying coverage under the general permit provisions.

(1) When a notice of intent is submitted to the director for a substantial alteration or addition to the treatment works or waste outlet and where a general permit authorization has previously been granted for the treatment works or waste outlet, the owner or operator shall be assessed the fee of $500;

(2) A new owner or operator or both of a discharge facility covered by the general permit provisions shall submit a new notice of intent unless the new owner submits a notice of automatic transfer that meets 40 CFR §122.61(b). The new owner or operator shall be assessed the fee of $500; and

(3) Fees shall be made payable to the "State of Hawaii" in the form of a pre-printed check, cashier's check, money order, or as otherwise specified by the director.

(j) A notice of intent shall be submitted to the director at least thirty days before the earlier of:

(1) The beginning of any discharge, which is not covered under Appendix C or except for coverage under Appendix M for a declared pest emergency situation where the notice of intent shall be submitted no later than thirty days after beginning the pesticide discharge;

(2) The beginning of any construction activity which is covered under Appendix C, unless coverage is required for an emergency-related construction activity where an NOI shall be submitted no later than thirty calendar days after the start of construction activities;

(3) The expiration date of the existing general permit; or

(4) The expiration date of the existing notice of general permit coverage.

(k) (Reserved).

(l) (Reserved).

(m) A notice of intent shall be submitted to the director for:

(1) Any storm water discharge associated with industrial activity from an existing facility that is owned or operated by a municipality with a population of less than 100,000 that is not authorized by a general or individual permit, other than an airport, powerplant, or uncontrolled sanitary landfill; or

(2) Any discharge from an existing regulated small municipal separate storm sewer system which is qualified to obtain coverage under the general permit. A small municipal separate storm sewer system, including but not limited to systems operated by federal, state, and local governments, including state departments of transportation, is regulated when it is located in an urbanized area as determined by the latest decennial

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census by the Bureau of the Census. (If the small municipal separate storm sewer system is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated.) Small municipal separate storm sewer systems located outside of urbanized areas are designated to submit a notice of intent if the department determines that the storm water discharge results in or has the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts. The notice of intent shall be submitted within thirty days of notice from the department.

(n) (Reserved).

(o) The submittal date is the date the department receives the notice of intent. The thirty-day period includes weekends and holidays. If the director notifies the owner or operator or its duly authorized representative that the notice of intent is incomplete, the thirty-day period shall start over upon receipt of the revised notice of intent. The director may waive this thirty-day requirement by notifying the owner or operator in writing of a notice of general permit coverage before the thirty days expire.

(p) Electronic reporting. If documents described in subsections (e) or (f) are submitted electronically by or on behalf of the NPDES-regulated facility, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR Part 3 (including, in all cases, subpart D to Part 3)(Cross-Media Electronic Reporting) and 40 CFR Part 127 (NPDES Electronic Reporting Requirements) are met for that submission. [Eff and comp 10/29/92; am and comp

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09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; am and comp 06/15/09; am and comp 10/21/12; am and comp 12/06/13; comp 11/15/14; comp 02/09/19; am and comp 10/22/21; comp 01/15/22; am and comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§6E-42(a), 342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §§122.22, 122.26, 122.28(b)(2)(ii) and (iii), 123.25(a)(11))

§11-55-34.09 Notice of intent review, notice of general permit coverage, additional conditions, terms, renewals, effective dates, and automatic coverage. (a) After receipt of a notice of intent, the director may notify the owner or operator or its duly authorized representative in writing that the notice of intent is complete or incomplete, whether the proposed activity or discharge(s) is covered under a general permit, or whether an individual permit application is required. The director may deny without prejudice the notice of intent to be covered by a general permit if the owner or operator or its duly authorized representative does not respond or failed to respond in writing within thirty days of the date of the director's written notification that the notice of intent is incomplete.

(b) After receipt of the complete notice of intent, the director may notify the owner or operator in writing of a notice of general permit coverage. This includes issuing a notice of general permit coverage after automatic coverage applies under subsection (e)(2) even if the owner or operator has not waived automatic coverage. The director may impose conditions in a notice of general permit coverage or add conditions to an issued notice of general permit coverage to ensure that the activity or

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discharge(s) complies with the terms and conditions of the general permit and to ensure that state water quality standards will not be violated.

(c) A notice of general permit coverage may limit coverage under the general permit to a term of less than five years.

(d) The director may, automatically or by notification, administratively extend a notice of general permit coverage. A notice of general permit coverage shall be considered to have been automatically extended unless the department informs the permittee otherwise. The department shall inform the permittee of any deadlines to submit a complete NOI to request authorization to discharge under the new general permit. Any permittee granted coverage under the general permit that receives an administrative extension for coverage, shall remain covered by the general permit until the earlier of:

- Authorization for coverage under reissuance or replacement of the general permit;
- The permittee's submittal of a notice of cessation;
- The issuance of an individual NPDES permit;
- A formal permit decision by the director not to reissue this general permit, at which time the permittee must seek coverage under an alternative general or individual permit; or
- A formal permit decision by the director to terminate the administrative extension due to the Permittee failing to submit by the deadline specified by the director, a complete NOI to request authorization to discharge under the new general permit.

The department shall notify the permittee in writing that its administrative extension is being terminated and the reason(s) why. An administrative extension of an NGPC granted, automatically or by notification, for a project which later is found to be in non-compliance may be terminated and may be

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required to apply for individual NPDES permit coverage.

The permittee who submits a notice of intent for renewal of the notice of general permit coverage shall be treated as an owner or operator applying for permit renewal under section 342D-6(h), HRS.

(e) Authorization to discharge under the general permit is effective upon the earlier of:

(1) Notification by the department of general permit coverage under subsection (b); or

(2) The thirtieth day after receipt at the clean water branch of the department of a complete notice of intent for a new notice of general permit coverage and the applicable filing fee, unless before the thirtieth day the director notifies the owner or its duly authorized representative that the notice of intent is incomplete. This paragraph does not apply to a notice of intent for renewal of a notice of general permit coverage. This paragraph does not apply to a notice of intent for small municipal separate storm sewer systems.

(f) A person claiming coverage in writing under the automatic provision of subsection (e)(2), instead of under an issued notice of general permit coverage under subsections (a) through (d), assumes the risks that:

(1) The notice of intent may later be found to be incomplete by the director or by a court;

(2) The person may not be covered under the terms of the general permit, even if the notice of intent is complete;

(3) The person may be acting in noncompliance with the general permit or this chapter, even if the person is complying with its notice of intent; and

(4) The director may modify, revoke and reissue, or terminate a notice of general permit coverage under section 11-55-34.11. The

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director may revoke automatic coverage and issue a notice of general permit coverage or terminate an automatic coverage under section 11-55-34.11.

The person claiming automatic coverage on the notice of intent shall submit all site-specific plans, general contractor information, and all necessary permits and approvals (i.e., county-approved erosion and sediment control plan or approved substitute, approval to connect or discharge to a separate storm sewer system, etc.). Nothing in or with the notice of intent shall be submitted less than thirty days before the start of construction activities.

(g) A person may waive automatic coverage under subsection (e)(2) by notifying the director in writing that the person will wait for a notice of general permit coverage before starting the activity or discharge.

(h) Written notification by the department under this section is complete upon mailing or sending a facsimile transmission or electronic mailing of the document or actual receipt of the document by the owner or its duly authorized representative.

(i) All submittals in compliance with a condition of the notice of general permit coverage shall be signed in accordance with section 11-55-34.08(e), (f), or (g) and include a certification in accordance with 40 CFR §122.22(d). [Eff and comp 10/29/92; am and comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; am and comp 12/06/13; comp 11/15/14; comp 02/09/19; am and comp 10/22/21; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28, 123.25(a)(11))

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§11-55-34.10 Review of coverage issues and notice of intent and notice of general permit coverage decisions. Any interested person may petition the director under section 91-8, HRS, for a declaratory ruling on whether an individual permit is required for, or a general permit covers, a discharge. The director's decision requiring a person to apply for an individual permit or excluding a person from general permit coverage shall remain effective pending the outcome of the petition. [Eff and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; §11-55-34.1; am, ren §11-55-34.10, and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28, 123.25(a)(11))

§11-55-34.11 Notice of general permit coverage revocation and/or termination. A notice of general permit coverage and automatic coverage under section 11-55-34.09(e)(2) may be revoked and/or terminated in accordance with section 11-55-34.05 or as determined by the director. [Eff and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; am and comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28, 123.25(a)(11))

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§11-55-34.12 General permit compliance. Any person who discharges under a general permit shall comply with section 11-55-34.04, all general permit standard conditions, all applicable special conditions, and all applicable additional notice of general permit coverage conditions. [Eff and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28, 123.25(a)(11)

§11-55-35 Penalties and remedies. Any person who violates any provision of this chapter or the terms or conditions of any permit issued under this chapter shall be subject to the penalties and remedies provided in chapter 342D, HRS. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp] (Auth: HRS §§342D-4, 342D-5, 342D-30, 342D-31, 342D-32, 342D-33, 342D-34, 342D-35; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-9, 342D-11, 342D-17, 342D-30, 342D-31, 342D-32, 342D-33, 342D-34, 342D-35; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125)

§11-55-36 Hearing and appeals. Hearings before the director on any violations of these rules and appeals from any of the director's decisions shall

comply with chapters 91 and 342D, HRS. [Eff 11/27/81; am and comp 10/29/92; comp 09/23/96; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; am and comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5, 342D-12, 342D-56, 342D-57; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS Ch. 91 and §§342D-2, 342D-4, 342D-5, 342D-6, 342D-9, 342D-11, 342D-12, 342D-31; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125)

§11-55-37 Severability clause. If any provision of this chapter, or its application to any person or circumstance, is held invalid, the application of the provision to other persons or circumstances, and the remainder of this chapter, shall not be affected. [Eff 11/27/81; comp 10/29/92; comp 09/23/96; comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125)

§11-55-38 Repealed. [R 6/15/09]

§11-55-39 Public interest. (a) A person submitting an NPDES permit application shall explain in writing why the proposed action meets the public interest as defined in section 342D-6(g), HRS. The explanation shall address:

(1) The environmental impact of the proposed action beside the water quality effects already covered in the application and supporting materials;
(2) Any adverse environmental effects which cannot be avoided should the action be implemented;
(3) The alternatives to the proposed action;
(4) The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity;
(5) Any irreversible and irretrievable commitment of resources which would be involved in the proposed action should it be implemented; and
(6) The optimum balance between economic development and environmental quality.

(b) The person submitting an NPDES permit application may submit a document prepared for another permit, license, or approval, including an environmental assessment or environmental impact statement prepared under chapter 343, HRS, or other similar document. The person submitting the NPDES permit application may also submit supplementary documents to meet this section. In either case, the department shall review the document(s) submitted for compliance with this section. The department shall seek to avoid redundant work.

(c) The department may consider other information relevant to the public interest, including information in an environmental assessment; environmental impact statement; other document prepared for another permit, license, or approval; or elsewhere. If the department considers information unknown to the applicant, the department shall notify the applicant and allow the applicant to respond in a timely manner. [Eff and comp 11/07/02; comp 08/01/05; comp 10/22/07; comp 06/15/09; comp 10/21/12; comp 12/06/13; comp 11/15/14; comp 02/09/19; comp 10/22/21; comp 01/15/22; comp JUN 26 2023] (Auth: HRS

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§§342D-4, 342D-5, 342D-6) (Imp: HRS §§342D-4, 342D-5, 342D-6)

§11-55-40 Field citations; non-compliance with NPDES requirements. (a) This section authorizes citations to effectively and quickly settle easily verifiable violations of chapter 342D, HRS, and this chapter. Settlements under this section are an additional remedy and do not supplant the director's authority to issue orders under section 342D-9, HRS.

(b) Offer to settle.

(1) A field citation is an offer to settle an administrative case against a specific violation on a specific day. Instead of issuing a formal notice and finding of violation and order, the director may, in the director's sole discretion, through any authorized employee, issue a field citation by personal service or certified mail to:

(A) Any person who discharges or causes or allows a discharge of pollutants into State waters or municipal separate storm sewer systems without coverage under an NPDES permit, or in non-compliance of an NPDES permit;

(B) Any person who begins an activity or discharge prior to obtaining the required individual NPDES permit, coverage under a general permit, and/or authorization from the director;

(C) Any person who fails to correctly install, implement, maintain, or repair site best management practices, treatment system, pollution control device or who fails to provide and/or receive training as called for by the applicable NPDES permit, in whole or in part;

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(D) Any person who fails to conduct monitoring, including visual monitoring or inspections, as required by the applicable NPDES permit, in whole or in part;

(E) Any person who fails to retain on-site or at a nearby office or field office:

(i) a copy of the NPDES permit application or notice of intent or "no exposure" certification,

(ii) storm water pollution control plan, storm water pollution prevention plan, storm water management plan, best management practices plan or all other plans required in the NPDES permit or NGPC and all subsequent revisions,

(iii) individual NPDES permit, notice of general permit coverage, or conditional "no exposure" exclusion, or

(iv) discharge monitoring reports;

(F) Any person who fails to submit documents, reports, and/or submittals as required by the applicable NPDES permit, in whole or in part, including but not limited to notices of start, discharge monitoring reports, reports of non-compliance, monthly compliance information, pollution prevention plans, notification to the director, and/or notices of cessation;

(G) Any person who fails to update their storm water pollution control plan, storm water pollution prevention plan, best management practices plan, or other plan as required by the applicable NPDES permit, in whole or in part;

(H) Any person who submits a document without the appropriate signature or certification statement.

(2) A field citation shall indicate the following amounts:

(A) $1,000 for any person who violates paragraphs (b)(1)(A), (B), (C), or (D) for the first violation, and $4,000 for a subsequent violation;

(B) $200 for any person who violates paragraph (b)(1)(E) for the first violation, and $400 for a subsequent violation;

(C) $1,000 for any person who violates paragraph (b)(1)(F), (G), or (H) for the first violation, and $2,000 for a subsequent violation.

(c) Resolution of field citation.

(1) A person issued a field citation may accept the citation by:

(A) Signing the field citation;

(B) Paying the full amount indicated on the field citation. Payment shall be made payable to the "State of Hawaii" in the form of a pre-printed check, cashier's check, money order, or as otherwise specified by the director;

(C) Mailing or delivering the signed citation and full payment to the clean water branch in Honolulu or to the district health office for the county where the violation occurred. The department must receive the signed field citation and full payment within twenty days after the person receives the field citation; and

(D) Correction within seven days, or unless otherwise specified on the field citation, of any violation of section 11-55-03;

(2) By signing the field citation, the person to whom it was issued agrees to:
(A) Give up the right to a contested case hearing under chapter 91 or 342D, HRS, or otherwise challenge the field citation;
(B) Pay the amount indicated; and
(C) Correct the violation;
(3) If the field citation is not accepted in compliance with paragraph (c)(1), the director may seek for that cited violation any remedies available under this chapter; chapter 342D, HRS; or any other law. For all other violations the director retains authority to seek any available remedies.

(d) Form of citation. The department shall prescribe a field citation form. [Eff and comp 10/22/07; comp 06/15/09; comp 10/21/12; am and comp 12/06/13; am and comp 11/15/14; am and comp 02/09/19; comp 10/22/21; comp 01/15/22; am and comp JUN 26 2023] (Auth: HRS §§321-11, 342D-1, 342D-4, 342D-5) (Imp: HRS §§321-11, 342D-2, 342D-4, 342D-5, 342D-9, 342D-18, 342D-30, 342D-31, 342D-50, 603-23)

§11-55-41 Zones of mixing. (a) Zones of mixing are defined and authorized for use in NPDES permits in section 11-54-1. This only applies to NPDES individual permits. Zones of mixing allow for dilution of wastes before compliance with the applicable water quality criteria must be met. Zones of initial dilution are a subset of zones of mixing that are applied to toxic pollutants.

(b) Application for a zone of mixing.
(1) Application for establishment of a zone of mixing shall be made concurrently with any applications for an NPDES individual permit whenever applicable.

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(2) Every application for a zone of mixing shall be made on forms furnished by the director and shall be accompanied by a complete and detailed description of present conditions, how present conditions do not conform to standards, and other information as the director may prescribe.

(3) Each application for a zone of mixing shall be reviewed in light of the descriptions, statements, plans, histories, and other supporting information as may be submitted upon the request of the director, and in light of the effect or probable effect upon water quality standards established pursuant to chapter 11-54.

(c) Approval and establishment of a zone of mixing.

(1) Approval of a zone of mixing shall be made after the public participation process in sections 11-55-09 and 11-55-13 for the NPDES individual permit and associated zone of mixing.

(2) No zone of mixing shall be established or approved by the director unless the application and the supporting information clearly show that:

(A) The continuation of the function or operation involved in the discharge by the granting of the zone of mixing is in the public interest;

(B) The discharge occurring or proposed to occur does not substantially endanger human health or safety;

(C) Compliance with the existing water quality standards from which a zone of mixing is sought would produce serious hardships without equal or greater benefits to the public;

(D) The discharge occurring or proposed to occur does not violate applicable water

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quality standards contained in chapter 11-54 (except for pollutants for which dilution is being requested and only within the boundary of the zone of mixing or initial dilution), will not unreasonably interfere with any actual or probable use of the water areas for which it is classified, and has received (or in the case of a proposed discharge will receive) the best degree of treatment or control; and

(E) The capacity of the receiving water to dilute a pollutant or assimilative capacity is available in the receiving water for the pollutant in which a zone of mixing is being requested.

(3) Whenever an application is approved, the director shall establish the zone of mixing, taking into account the environmental impact, including but not limited to factors such as the protected uses of the body of water, existing natural conditions of the receiving water, character of the effluent, and the adequacy of the design of the outfall and diffuser system to achieve maximum dispersion and assimilation of the treated or controlled waste with a minimum of undesirable or noticeable effect on the receiving water.

(4) Conditions of a zone of mixing shall be incorporated as conditions of the NPDES individual permit for the facility that has been granted a zone of mixing.

(5) Any zone of mixing or renewal thereof shall be established within the requirements of this section and for time periods and under conditions consistent with the reasons within the following limitations:

(A) If the zone of mixing is established on the grounds that there is no reasonable

means known or available for the adequate prevention, control, or abatement of the discharge involved, it shall be allowed only until the necessary means for prevention, control or abatement become practicable, and subject to the taking of any substitute or alternative measures that the director may prescribe;

(B) The director may issue a zone of mixing for a period not exceeding five years;

(C) Every zone of mixing established under this section shall include conditions requiring the applicant to perform effluent monitoring, at a minimum, for pollutants with effluent limitations established in the permit, and receiving water quality monitoring, at a minimum, for pollutants for which a zone of mixing is established. Additional effluent and receiving water monitoring, including monitoring of bottom biological communities, may be required as appropriate. The results of all required monitoring shall be reported to the director. A program of research to develop reasonable alternatives to the methods of treatment or control in use by the applicant may be required if research is deemed prudent by the director; and

(D) In order to prevent high temperature discharges from violating section 11-54-04(a)(4), no new or increased domestic, industrial, or other controllable source shall discharge at a maximum temperature which will cause temperatures to exceed three degrees Celsius above ambient, or thirty degrees Celsius, whichever is less,

within one meter of the bottom within a zone of mixing. For discharges with or without submerged outfalls, the director may make a limited allowance for higher discharge temperatures if there is satisfactory demonstration that the elevated temperature will not cause damage to the local aquatic community.

(6) Any new zones of mixing or requests for zone of mixing renewals for wastewater treatment plants performing primary treatment shall comply with section 301(h) of the Federal Water Pollution Control Act of 1972 (33 U.S.C. §1251).

(7) When establishing numeric effluent limitations for pollutants for which a zone of mixing or zone of initial dilution has been granted, the director shall account for dilution applicable to that pollutant when determining final numeric effluent limitation values.

(d) Renewal of a zone of mixing.

(1) Any zone of mixing established pursuant to this section may be renewed from time to time on terms and conditions and for periods not exceeding five years which would be appropriate on initial establishment of a zone of mixing, provided that the applicant for renewal meets the requirements in section 11-55-41.

(2) The renewal shall provide for the discharge not greater in quantity of mass emissions than that attained pursuant to the terms of the immediately preceding zone of mixing at its expiration, unless such an increase is in accordance with state and federal anti-degradation and anti-backsliding regulations as applicable.

(3) No renewal shall be allowed except upon application.

(4) Any renewal application shall be made at least three hundred and sixty days prior to the expiration of the zone of mixing.

(5) No renewal of a zone of mixing established under this section shall be allowed without a thorough review of known and available means of preventing, controlling, or abating the discharge involved.

(e) Revocation, suspension, or modification of a zone of mixing.

(1) Each mixing zone may be subject to revocation, suspension, or modification if, after notice and opportunity for a hearing pursuant to chapter 91, HRS, and the rules of practice and procedures of the department, the director determines that the terms specified in section 342D-6, HRS, have been violated.

(2) In taking any action, the director may consider operating records, compliance investigations, or other information regarding discharge quality or impact on receiving waters.

(3) The action shall be effected by giving written notice to the permittee, which shall contain the reasons for the action.

(f) Termination of a zone of mixing.

(1) The director shall be notified within thirty days of the permanent discontinuance of a discharge. The zone of mixing shall terminate thirty days after such notification has been received.

(2) Upon expiration of the period stated in the designation, the zone of mixing shall automatically terminate and no rights shall become vested in the designee, unless the NPDES individual permit for the facility

which has been granted the zone of mixing has been administratively extended.

(g) No zone of mixing established pursuant to this part shall be construed to prevent or limit the application of any emergency provisions and procedures provided by law. [Eff and comp 10/22/21; comp 01/15/22; am and comp JAN 26 2023] (Auth: HRS §§342D-1, 342D-4, 342D-5) (Imp: HRS §§342D-4, 342D-5)

§11-55-42 Intake credits. (a) An intake credit is an NPDES implementation tool that applies to the implementation of water quality standards through NPDES permits only.

(b) As used in this section:

"Background pollutant concentration" means the water body concentration, regardless of whether those pollutants are natural or result from anthropogenic upstream activity.

"Intake pollutant" means the background pollutant that is present in the intake water body.

"Same body of water" means an intake pollutant is considered to be from the "same body of water" as the discharge if the department finds that the intake pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period of time had it not been removed by the permittee. This finding may be deemed established if:

(1) The background pollutant concentration in the receiving water (excluding any amount of the pollutant in the facility's discharge) is similar to that in the intake water; and

(2) There is a direct hydrologic connection between the intake and discharge points; and

(3) Water quality characteristics (e.g. temperature, pH, hardness) are similar in the intake and receiving waters.

The department may consider other site-specific factors relevant to the transport and fate of the pollutant in deciding whether a pollutant would or would not have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee.

(c) The director may, upon request of the discharger, adjust water quality-based effluent limitations or standards to reflect credit for intake pollutants in the discharger's intake water only:

(1) To the extent necessary to meet the applicable limitation or standard, up to a maximum value equal to the intake pollutant value; and

(2) If there is no net increase in the mass of the intake pollutant for which the credit is given. A discharger may increase the concentration of the intake pollutant if an equal or greater mass is removed prior to discharge, so there is no net addition of the pollutant in the discharge compared to the intake water, and the higher concentration discharge is demonstrated to not cause acute toxicity or detrimental effects.

(d) Intake credit is not applicable to any pollutant for which a Total Maximum Daily Load (TMDL) and waste load allocation (WLA) have been developed and have been approved by the U.S. Environmental Protection Agency unless the TMDL and WLA provide for such an intake credit.

(e) The director shall grant credit for water quality-based effluent limits only if:

(1) The intake water containing the intake pollutant is withdrawn from the same body of water into which the discharge is made, or the director may waive this requirement if the director finds that no environmental degradation will result;

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(2) The facility does not chemically or physically alter the intake pollutant in a manner that would cause adverse water quality impacts to occur;

(3) The timing and location of the discharge of the intake pollutant would not cause adverse water quality impacts to occur; and,

(4) The director finds that the discharge of intake pollutants into the receiving water will not adversely impact narrative or numeric water quality criteria specified in this chapter.

(f) Effluent limitations must be established so that they comply with all other applicable state and federal laws and regulations including water quality-based requirements and anti-degradation policies.

(g) All requests for the establishment of credit for intake pollutants shall be made on forms furnished by the department and shall be accompanied by:

(1) Documentation showing a complete and detailed description of present conditions and how present conditions do not conform to standards; and

(2) Documentation showing that the intake and discharge waterbodies are the "same body of water" or request a waiver and demonstrate that no additional environmental degradation will occur in the receiving water; and

(3) Documentation showing that pollutant(s) for which credits are being requested actually come(s) from the intake water.

(h) Credit for intake pollutants shall be specified in the discharger's NPDES permit and shall become effective with the department's issuance of the permit for the specified permittee:

(1) All permits that include intake credits issued by the department shall include monitoring of all influent, effluent, and ambient water to demonstrate that the

conditions in this section are maintained during the permit term; and

(2) All credit for intake pollutants developed under this section shall be re-evaluated upon permit renewal.

(i) Credit for intake pollutants established under this section apply in the vicinity of the discharge for purposes of establishing permit limits for a specified pollutant for the specified permittee.

(j) All other water quality criteria established under this chapter continue to apply. [Eff and comp 10/22/21; comp 01/15/22; comp JUN 26 2022] (Auth: HRS §§342D-4, 342D-5, 342D-53, Ch. 342E) (Imp: HRS §§342D-4, 342D-5, 342D-6, Ch. 342E)

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DEPARTMENT OF HEALTH

Amendments to and compilation of chapter 11-55, Hawaii Administrative Rules, on the Summary Page dated JUN 15, were adopted on following a public hearing held on November 18, 2022, after public notice was given in the Honolulu Star-Advertiser, West Hawaii Today, Hawaii Tribune-Herald, The Maui News, and The Garden Island on October 17, 2022.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

KENNETH S. FINK, MD, MGA, MPH
Director
Department of Health

JOSH GREEN, M.D.
Governor
State of Hawaii

APPROVED AS TO FORM:

Dated: 6/15/2023

Dale K. Sakata

Deputy Attorney General

JUN 16

Filed

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CHAPTER 11-55 APPENDIX A

DEPARTMENT OF HEALTH
STANDARD GENERAL PERMIT CONDITIONS

JUN 2 6 2023

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Note: All references to Title 40 of the Code of Federal Regulations (40 CFR) are to regulations that are in effect on July 1, 2021 unless otherwise specified. The Clean Water Act (Act) is also known as the Federal Water Pollution Control Act, as amended by the Clean Water Act, and appears at 33 U.S.C. §§1251 to 1387.

The permittee shall comply with the following standard conditions.

1. Basic water quality criteria (comply with section 11-54-4)

   a. The permittee shall not cause or contribute to a violation of the basic water quality criteria specified in section 11-54-4(a) which states:

      "(a) All waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants, including:

         (1) Materials that will settle to form objectionable sludge or bottom deposits;

         (2) Floating debris, oil, grease, scum, or other floating materials;

         (3) Substances in amounts sufficient to produce taste in the water or

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detectable off-flavor in the flesh of fish, or in amounts sufficient to produce objectionable color, turbidity or other conditions in the receiving waters;

(4) High or low temperatures; biocides; pathogenic organisms; toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water;

(5) Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life; and

(6) Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways; subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands."

b. The Permittee shall not cause or contribute to a violation of the basic numeric water quality requirements of Section 11-54-4(c).

2. Onshore or offshore construction (Hawaii Revised Statutes, Section 342D-4)

The applicable general permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any state waters.

3. Sampling requirements and definitions (Hawaii Revised Statutes, Section 342D-4)

(a) Sampling Points

All samples shall be taken at the monitoring points specified in the applicable general permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the director. No discharge is authorized which does not totally pass through the final monitoring point.

(b) Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than plus or minus ten per cent from the true discharge rates throughout the range of expected discharge volumes. Once-through condenser cooling water flow which is monitored by pump logs or pump hour meters as specified in the applicable

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general permit based on the manufacturer's pump curves shall not be subject to this requirement. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references:

(1) "A Guide of Methods and Standards for the Measurement of Water Flow," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD catalog No. C13.10:421.) (Also available from National Technical Information Service (NTIS). Order by NTIS No. COM-7510683.)

(2) "Water Measurement Manual," U.S. Department of Interior, Bureau of Reclamation, Third Edition, Revised Reprint, 2001 (Available at: https://www.usbr.gov/tsc/techreferences/mands/wmm.html.)

(3) "Flow Measurement in Open Channels and Closed Conduits," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS No. PB-273 535/5ST.)

(4) "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-77, September 1981, 147

pp. (Available from the General Services Administration (8BRC), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225.)

(c) Calibration

The permittee shall periodically calibrate and perform maintenance on all monitoring and analytical equipment used to monitor the pollutants discharged under the applicable general permit, at intervals which will ensure the accuracy of measurements, but no less than the manufacturer's recommended intervals or six-month intervals (whichever comes first). Records of calibration shall be kept under section 14.

(d) pH Effluent Limitations Under Continuous Monitoring

If the permittee continuously measures the pH of the effluent under a requirement or option in the applicable general permit, excursions from the range provided in the general permit or as specified in chapter 11-54 are permitted, provided:

(1) The pH limitation in the general permit is based upon a requirement imposed under 40 CFR Subchapter N, Effluent Guidelines and Standards;

(2) The total time during which the pH values are outside the required range of pH values shall not exceed four hundred forty-six minutes in any calendar month;

(3) No individual excursions from the range of pH values shall exceed sixty minutes; and

(4) For purposes of this section, an "excursion" is an unintentional and temporary incident in which the pH value of the effluent exceeds the range set forth in the applicable general permit. The number of individual excursions exceeding sixty minutes and the total accumulated excursion time in minutes occurring in any calendar month shall be reported in accordance with the applicable general permit.

(e) Average

As used in the applicable general permit, unless otherwise stated, the term "average" means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For fecal coliform, enterococcus, or *clostridium perfringens*, the "average" shall be the geometric mean. For total coliform, the "average" shall be the median.

(f) Mass/Day Measurements

(1) The "daily discharge" is the total mass (weight) of a pollutant discharged during a calendar day. The daily discharge shall be determined by using the following equations:

Daily Discharge(lbs/day) = 8.34 x Q x C;

Daily Discharge(kg/day) = 3.785 x Q x C; and

where "C" (in mg/l) is the measured daily concentration of the pollutant and "Q" (in million gallons per day) is the measured effluent flow rate for the same calendar day.

If only one sample is taken during any calendar day, the mass (weight) of pollutant discharged that is calculated from it is the "daily discharge."

(2) The "average monthly discharge" is defined as the total mass of all daily discharges sampled or measured or both during a calendar month on which daily discharges are sampled and measured, divided by the number of daily discharges sampled or measured or both during such month. It is, therefore, an arithmetic mean found by adding the weights of the pollutant found each day of the month and then dividing this sum by the number of days. This limitation is identified as "Monthly Average" in the applicable general permit and the average monthly discharge value is reported in the "Average" column under "Quantity" on the discharge monitoring report form.

(3) The "average weekly discharge" is defined as the total mass of all daily discharges sampled or measured or both during the calendar week in which daily discharges are sampled or measured or both. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the week and then dividing this sum by the

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number of days. This limitation is identified as "Weekly Average" in the applicable general permit and the average weekly discharge value is reported in the "Maximum" column under "Quantity" on the discharge monitoring report form.

(4) The "maximum daily discharge" is the highest daily discharge value recorded, sampled, or measured during the reporting period. This limitation is identified as "Daily Maximum" in the applicable general permit and the maximum daily discharge value is reported in the "Maximum" column under "Quantity" on the discharge monitoring report form.

(g) Concentration Measurements

(1) The "daily concentration" is the concentration of a pollutant discharged during a calendar day. It is equal to the concentration of a composite sample or in the case of grab samples, it is the arithmetic mean (weighted by flow value) of all samples collected during that calendar day. If only one sample is taken during any calendar day, it represents the "daily concentration."

(2) The "average monthly concentration," other than for fecal coliform, enterococcus, *clostridium perfringens,* or total coliform, is the sum of the daily concentrations sampled or measured or both divided by the number of daily discharges sampled or measured or both during such month (arithmetic

mean of the daily concentration values). The average monthly count for fecal coliform, enterococcus, or *clostridium perfringens* is the geometric mean of the counts for samples collected during a calendar month. The average monthly count for total coliform is the median of the counts for samples collected (not less than five discrete samples) during a calendar month. This limitation is identified as "Monthly Average" or "Daily Average" under "Other Limits" in the applicable general permit and the average monthly concentration value is reported under the "Average" column under "Quality" on the discharge monitoring report form.

(3) The "average weekly concentration," other than for fecal coliform, enterococcus, or *clostridium perfringens*, or total coliform, is the sum of the concentrations of all daily discharges sampled or measured or both during a calendar week on which daily discharges are sampled and measured divided by the number of daily discharges sampled or measured or both during such week (arithmetic mean of the daily concentration values). The average weekly count for fecal coliform, enterococcus, or *clostridium perfringens* is the geometric mean of the counts for samples collected during a calendar week. The average weekly count for total coliform is the median of the counts for samples collected during a calendar week. This limitation is identified as "Weekly

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Average" under "Other Limits" in the applicable general permit and the average weekly concentration value is reported under the "Maximum" column under "Quality" on the discharge monitoring report form.

(4) The "maximum daily concentration" is the highest daily concentration value recorded, sampled, or measured during the reporting period. This limitation identified as "Daily Maximum" under "Other Limits" in the applicable general permit and the maximum daily concentration is reported under the "Maximum" column under "Quality" on the discharge monitoring report form.

(h) The effluent flow expressed as cubic meters per day or million gallons per day (MGD), is the twenty-four-hour average flow averaged monthly. It is the arithmetic mean of the total daily flows recorded during the calendar month. Where monitoring requirements for flow are specified in the applicable general permit, the flow rate values are reported in the "Average" column under "Quantity" on the discharge monitoring report form.

(1) An "instantaneous flow measurement" is a measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.

(2) Where monitoring requirements for pH, dissolved oxygen or fecal coliform, enterococcus, or *clostridium perfringens* are specified in the

applicable general permit, the values are generally reported in the "Quality or Concentration" column on the discharge monitoring report form.

(i) The "arithmetic mean" of any set of values is the summation of the individual values divided by the number of individual values.

(j) The "geometric mean" of any set of values is the Nth root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero shall be considered to be one. For purposes of calculating the geometric mean, non-detect values shall be substituted with one-fourth the method detection limit.

(k) "Weighted by flow value" means the summation of each concentration times its respective flow divided by the summation of the respective flows.

(l) The "median" of any set of ordered values is the value below and above which there is an equal number of values or which is the arithmetic mean of the two middle values if there is no one middle number.

(m) A calendar day is defined as the period from midnight of one day until midnight of the next day. However, for the purposes of the applicable general permit, any consecutive twenty-four-hour period that reasonably represents the calendar day may be used for sampling.

(n) "Removal efficiency" is the ratio of pollutants removed by the treatment unit to pollutants entering the treatment unit. Removal efficiencies of a treatment plant shall be determined using the average monthly concentrations (C, in mg/l) of influent and effluent samples collected about the same time and the following equation (or its equivalent):

$$\text{Removal Efficiency (per cent)} = 100 \times \left(1 - \frac{C_{effluent}}{C_{influent}}\right)$$

4. Duty to reapply (comply with 40 CFR §122.41(b) and Sections 11-55-04, 11-55-34.08 and 11-55-34.09)

If the permittee wishes to continue an activity regulated by the applicable general permit after the expiration of the notice of general permit coverage or in the case of automatic coverage, the expiration of the general permit itself, the permittee shall follow the procedures as specified in sections 11-55-34.08 and 11-55-34.09.

5. Signatories to permit applications and reports (based in part on 40 CFR §122.22 and Section 11-55-07)

a. Applications. All permit applications shall be signed as follows:

(1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

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(A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(B) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

(3) For a municipality, state, federal, or other public agency. By either a principal executive officer or ranking

elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(A) The chief executive officer of the agency, or

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrators of EPA);

(4) For a trust. By a trustee; or

(5) For a limited liability company (LLC). By a manager or a member authorized to make management decisions for the LLC and who is in charge of a principal business function, or who performs similar policy- or decision-making functions for the LLC.

(b) All other reports or information required to complete the application or information to comply with the conditions of the individual permit or notice of general permit coverage or responses to requests for information required by the director shall be signed by a person designated in subsection (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

8. Duty to mitigate (based in part on 40 CFR §122.41(d) and Hawaii Revised Statutes, Section 342D-4)

   The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of the applicable general permit or applicable law.

9. Proper operation and maintenance (comply with 40 CFR §122.41(e) and Section 11-55-23(9))

   The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

10. Permit actions (comply with 40 CFR §122.41(f) and Sections 11-55-16 and 11-55-17)

    This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes

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or anticipated noncompliance does not stay any permit condition.

11. Property rights (comply with 40 CFR §122.41(g) and Section 11-55-15(g))

This permit does not convey any property rights of any sort or any exclusive privilege.

12. Duty to provide information (comply with 40 CFR §122.41(h) and based in part on Hawaii Revised Statutes, Section 342D-4)

The Permittee shall furnish to the Director of Health, within a reasonable time, any information which the Director of Health may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish to the Director of Health upon request, copies of records required to be kept by this permit.

13. Inspection and entry (comply with 40 CFR §122.41(i)(3) and Section 11-55-23(5))

The Permittee shall allow the Director of Health, or a duly authorized agent (including an authorized contractor acting as a duly authorized agent of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

14. Monitoring and records (based in part on 40 CFR §122.41(j) and Sections 11-55-29 and 11-55-31)

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

As used in this section, a representative sample means that the content of the sample shall:

(1) Be identical to the content of the substance sampled at the time of the sampling;

(2) Accurately represent the monitored item (for example, sampling to monitor final effluent quality shall accurately represent that quality, even though the sampling is done upstream of the discharge point); and

(3) Accurately represent the monitored item for the monitored time period (for example, sampling to represent monthly average effluent flows shall be taken

at times and on days that cover significant variations). Representative sampling may include weekends and storm events and may mean taking more samples than the minimum number specified elsewhere in the applicable general permit. The burden of proving that sampling or monitoring is representative is on the permittee.

(b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the applicable general permit, and records of all data used to complete the application for the applicable general permit, for a period of at least five years from the date of the sample, measurement, report or application. Any records required by 40 CFR 503 shall be retained for at least five (5) years or longer. This period may be extended by request of the director at any time.

(c) Records of monitoring information shall include:

(1) The date, exact place, and time of sampling or measurements;

(2) The individual(s) who performed the sampling or measurements;

(3) The date(s) the analyses were performed;

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(4) The individual(s) who performed the analyses;

(5) The analytical techniques or methods used; and

(6) The results of the analyses.

(d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the applicable general permit.

(e) The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained by the applicable general permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both for a first conviction. For a second conviction, the person is subject to a fine of not more than $20,000 per day of violation, or by imprisonment for not more than four years, or both. (Updated under the Water Quality Act of 1987)

15. Signatory requirement (comply with 40 CFR §§122.22 and 122.41(k) and Section 11-55-07)

a. All applications, reports, or information submitted to the Director of Health shall be signed and certified. (See section 5 or 40 CFR §122.22)

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b. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six (6) months per violation, or by both.

16. Reporting requirements (comply with 40 CFR §122.41(l) and Hawaii Revised Statutes, Section 342D-4)

a. Planned changes. The Permittee shall give notice to the Director of Health as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when: (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b); or (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR §122.42(a)(1) or section 19. (3) The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and the alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during

the permit application process or not reported pursuant to an approved land application plan.

b. Anticipated noncompliance. The Permittee shall give advance notice to the Director of Health of any planned changes in the permitted facility or activity which may result in noncompliance with this permit's requirements.

c. Transfers. This permit is not transferable to any person except after notice to the Director of Health. The Director of Health may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate other requirements as may be necessary under the Act or Chapter STANDARD NPDES PERMIT CONDITIONS (Version 16) Page 15 of 27 v.16 342D, HRS. (See 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory.)

c. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(1) All monitoring results, including intake monitoring results, effluent, and receiving water, must be reported on a Discharge Monitoring Report Form or forms submitted electronically using NetDMR, or as otherwise specified by the Director for reporting results of monitoring of sludge use or disposal practices. NetDMR is accessed from: http://www.epa.gov/netdmr. DMRs shall be submitted electronically no later than the 28th day of the month

following the completed reporting period, unless otherwise specified in the permit.

(2) If the Permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report Form or sludge reporting form specified by the Director.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director of Health in this permit.

(4) 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 to or less than the concentration of the minimum level (ML).

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

(ii) 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 a sample is below detection limit/no detection.

(iii) The Permittee shall report sample results and calculations between the ML and MDL as NODI(Q). NODI(Q) means that the concentration of the pollutant in a sample is detected but not quantifiable.

(iv) 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.

(v) 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.

(vi) 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.

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

e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

f. Immediate reports of non-compliance. The Permittee shall report any noncompliance which may endanger human health or the environment as soon as practical. Any information shall be provided orally within 24 hours from the time the Permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit. See 40 CFR §122.41(g).

(2) Any upset which exceeds any effluent limitation in the permit.

(3) Violations of a maximum daily discharge limitation for any of the pollutants listed by the Director of Health in the permit to be reported within 24 hours. See 40 CFR §122.44(g)

The Director of Health may waive the written report on a case-by-case basis for reports under Section 16.f if the oral report has been received within 24 hours.

g. Other noncompliance. The Permittee shall report all instances of noncompliance not reported under subsections d., e., and f. at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

h. Other information. Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director of Health, the Permittee shall promptly submit the facts or information.

17. Bypass (based in part on 40 CFR §122.41(m) and Hawaii Revised Statutes, Section 342D-4)

(a) Definitions

(1) "Bypass" means the intentional diversion of any waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Prohibition of bypass. Every bypass is prohibited, and the director may take enforcement action against a permittee for bypass, except as provided in section 17(c).

(c) Exceptions to bypass prohibition

(1) Bypass not exceeding limitations. A bypass is allowable under this paragraph only if it does not cause any effluent limitation to be exceeded, and only if the bypass is necessary for essential maintenance to assure efficient operation.

(2) Bypass unavoidable to prevent specified harm. A bypass is allowable under this paragraph if:

(A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(C) The permittee submitted notices as required under section 17(d).

(3) Approved anticipated bypass. An anticipated bypass is allowable if the director approves it. The director shall approve the anticipated bypass only if the director receives information sufficient to show compliance with section 17(c)(2), including information on the potential adverse effects with and without the bypass, and information on the search for and the availability of alternatives, whether the permittee ultimately considers the alternatives feasible or not.

(d) Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall submit

prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall report unanticipated bypasses.

(A) Reports required by the reporting requirements of the applicable general permit shall be made in accordance with that section. If the permittee questions whether the reporting requirements of the applicable general permit applies, it shall follow the reporting requirements of the applicable general permit;

(B) For all other bypasses, reports shall be made orally within twenty-four hours from the time the permittee becomes aware of the bypass. Written reports may be required on a case-by-case basis.

(e) Burden of proof. In any enforcement proceeding the party seeking to establish that any exception to the bypass prohibition applies has the burden of proof. Proof that effluent limitations were met requires effluent monitoring during the bypass.

18. Upset (based in part on 40 CFR §122.41(n) and Hawaii Revised Statutes, Section 342D-4)

(a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the

permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with the technology-based permit effluent limitations if the requirements of section 18(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted within twenty-four hours a notice of any upset which exceeded any effluent limitation in the applicable general permit; and

(4) The permittee complied with any remedial measures required under 40 CFR §122.41(d).

d. Burden of proof. In any enforcement proceeding, any person seeking to establish the occurrence of an upset has the burden of proof.

19. Existing manufacturing, commercial, mining, and silvicultural dischargers (comply with 40 CFR §122.42(a) and Hawaii Revised Statutes, Section 342D-4)

In addition to the reporting requirements under 40 CFR §122.41(l), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director of Health as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 µg/l);

(2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4- dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or

(4) The level established by the Director of Health in accordance with 40 CFR §122.44(f).

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 µg/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or

(4) The level established by the Director of Health in accordance with 40 CFR §122.44(f).

20. Publicly owned treatment works (comply with 40 CFR §122.42(b) and Hawaii Revised Statutes, Section 342D-4)

This section applies only to publicly owned treatment works as defined in 40 CFR §122.2.

a. All publicly owned treatment works must provide adequate notice to the Director of Health of the following:

(1) Any new introduction of pollutants into the publicly owned treatment works from an indirect discharger which would be subject to Section 301 or 306 of the Act if it were directly discharging those pollutants; and

(2) Any substantial change in the volume or character of pollutants being introduced into that publicly owned treatment works by a source introducing pollutants into the publicly owned treatment works at the time of issuance of the permit; and

(3) For purposes of this paragraph, adequate notice shall include information on paragraph (1), the quality and quantity of effluent introduced into the publicly owned treatment works, and paragraph (2), any anticipated impact of the change on the quantity or quality of effluent to be discharged from the publicly owned treatment works.

b. (The following condition has been established by EPA Region 9 to enforce applicable requirements of the Resource Conservation and Recovery Act.) Publicly owned treatment works may not receive hazardous waste by truck, rail, or dedicated pipe except as provided under 40 CFR Part 270. Hazardous wastes are defined in 40 CFR Part 261 and include any mixture containing any waste listed under 40 CFR §§261.31-261.33. The Domestic Sewage Exclusion (40 CFR §261.4) applies only to wastes mixed with domestic sewage in a sewer leading to a publicly owned treatment works and not to

mixtures of hazardous wastes and sewage or septage delivered to the treatment plant by truck.

21. Reopener clause (comply with 40 CFR §122.44(c), 40 CFR §122.46(d), and 40 CFR §125.123(d)(4) and Hawaii Revised Statutes, Section 342D-4)

a. For any discharger within a primary industry category (see 40 CFR Part 122, Appendix A), requirements under Section 307(a)(2) of the Act as follows:

(1) On or before June 30, 1981:

(A) If applicable standards or limitations have not yet been promulgated, this permit shall include a condition stating that, if an applicable standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Act and that effluent standard or limitation is more stringent than any effluent limitation in this permit or controls a pollutant not limited in this permit, this permit shall be promptly modified or revoked and reissued to conform to that effluent standard or limitation.

(B) If applicable standards or limitations have been promulgated or approved, this permit shall include those standards or limitations. (If EPA approves existing effluent limitations or decides not to develop new

effluent limitations, it will publish a notice in the Federal Register that the limitations are "approved" or the purpose of this regulation.)

(2) On or after the statutory deadline set forth in Sections 301(b)(2)(A), (C), and (E) of the Act, any permit issued shall include effluent limitations to meet the requirements of Sections 301(b)(2)(A), (C), (D), (E), and (F) of the Act, whether or not applicable effluent limitations guidelines have been promulgated or approved. These permits need not incorporate the clause required by this section.

(3) The Director of Health shall promptly modify or revoke and reissue any permit containing the clause required under this section to incorporate an applicable effluent standard or limitation under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Act which is promulgated or approved after this permit is issued if that effluent standard or limitation is more stringent than any effluent limitation in this permit, or controls a pollutant not limited in this permit.

(4) For any permit issued to a treatment works treating domestic sewage, including "sludge-only facilities," the Director of Health shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Act. The

Director of Health may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in this permit, or controls a pollutant or practice not limited in this permit.

b. All permits which authorize the discharge of pollutants pursuant to 40 CFR §125.123(c) shall contain the following clause: In addition to any other grounds specified herein, this permit shall be modified or revoked at any time if, on the basis of any new data, the Director of Health determines that continued discharge may cause unreasonable degradation of the marine environment.

22. Privately owned treatment works (The following conditions were established by EPA Region 9 to enforce applicable requirements of the Resource Conservation and Recovery Act and 40 CFR §122.44(m), and Hawaii Revised Statutes, Section 342D-4)

This section applies only to privately owned treatment works as defined at 40 CFR §122.2.

(a) Materials authorized to be disposed of into the privately owned treatment works and collection system are typical domestic sewage. Unauthorized materials are hazardous waste (as defined at 40 CFR Part 261), motor oil, gasoline, paints, varnishes, solvents, pesticides, fertilizers, industrial wastes, or other materials not generally associated with

toilet flushing or personal hygiene, laundry, or food preparation, unless specifically listed under "Authorized Non-domestic Sewer Dischargers" elsewhere in the applicable general permit. The Domestic Sewage Exclusion (40 CFR §261.4) does not apply to hazardous wastes mixed with domestic sewage in a sewer leading to a privately owned treatment works.

(b) It is the permittee's responsibility to inform users of the privately owned treatment works and collection system of the prohibition against unauthorized materials and to ensure compliance with the prohibition. The permittee must have the authority and capability to sample all discharges to the collection system, including any from septic haulers or other unsewered dischargers, and shall take and analyze such samples for conventional, toxic, or hazardous pollutants when instructed by the permitting authority or by an EPA or state inspector. The permittee must provide adequate security to prevent unauthorized discharges to the collection system.

(c) Should a user of the privately owned treatment works desire authorization to discharge non-domestic wastes, the permittee shall submit a request for permit modification and an application, under 40 CFR §122.44(m), describing the proposed discharge. The application shall, to the extent possible, be submitted using forms provided by the Administrator, unless another format is requested by the permitting authority. If the privately owned treatment works or collection system

user is different from the permittee, and the permittee agrees to allow the non-domestic discharge, the user shall submit the application and the permittee shall submit the applicable general permit modification request. The application and request for modification shall be submitted at least six months before authorization to discharge non-domestic wastes to the privately owned treatment works or collection system is desired.

23. Transfers by modification (comply with 40 CFR §122.61(a) and Section 11-55-34.08(i)(2))

Except as provided in section 24, a permit may be transferred by the Permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR §122.62(b)(2)), or a minor modification made (under 40 CFR §122.63(d)), to identify the new Permittee and incorporate other requirements as may be necessary under the Act.

24. Automatic transfers (comply with 40 CFR §122.61(b) and Section 11-55-34.08(i)(2))

As an alternative to transfers under section 23, any NPDES permit may be automatically transferred to a new Permittee if:

a. The current Permittee notifies the Director of Health at least 30 days in advance of the proposed transfer date in subsection b;

b. The notice includes a written agreement between the existing and new Permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The Director of Health does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify or revoke and reissue the permit. A modification under this paragraph may also be a minor modification under 40 CFR §122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in subsection b.

25. Minor modification of permits (comply with 40 CFR §122.63 and Section 11-55-16)

Upon the consent of the Permittee, the Director of Health may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 40 CFR Part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR Part 124 draft permit and public notice as required in 40 CFR §122.62. Minor modifications may only:

a. Correct typographical errors;

b. Require more frequent monitoring or reporting by the Permittee;

c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

d. Allow for a change in ownership or operational control of a facility where the Director of Health determines that no other

change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new Permittees has been submitted to the Director of Health:

e. (1) Change the construction schedule for a discharger which is a new source. No change shall affect a discharger's obligation prior to discharge under 40 CFR §122.29.

(2) Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with the permit limits.

f. (Reserved.)

g. Incorporate conditions of a publicly owned treatment works pretreatment program that has been approved in accordance with the procedures in 40 CFR §403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR §403.18) as enforceable conditions of the publicly owned treatment works' permit.

26. Termination of permits (comply with 40 CFR §122.64, 40 CFR §124.5(d), and Section 11-55-18)

a. The following are causes for terminating a permit during its term, or for denying a permit renewal application:

(1) Noncompliance by the Permittee with any condition of the permit;

(2) The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts or the Permittee's misrepresentation of any relevant facts at any time;

(3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

(4) A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a publicly owned treatment works).

b. An NPDES Permittee shall report within 30 days after the permanent discontinuance or dismantlement of that treatment works or waste outlet for which the NPDES permit had been issued. The NPDES permit shall then be surrendered to the Director of Health within 30 days from the date of the report.

c. The Director of Health shall follow the applicable State procedures equivalent to 40 CFR Part 124 in terminating any NPDES permit under this section, except that if the entire discharge is permanently terminated by elimination of the flow or by connection to a publicly owned treatment works (but not by land application or disposal into a well), the Director of Health may terminate the permit by notice to the Permittee.

Termination by notice shall be effective 30 days after notice is sent, unless the Permittee objects within that time. If the Permittee objects during that period, the Director of Health shall follow 40 CFR Part 124 of this chapter or applicable State procedures for termination. Expedited permit termination procedures are not available to Permittees that are subject to pending State or Federal of both enforcement actions including citizen suits brought under State or Federal law. If requesting expedited permit termination procedures, a Permittee must certify that it is not subject to any pending State or Federal enforcement actions including citizen suits brought under State or Federal law. State-authorized NPDES programs are not required to use 40 CFR Part 22 procedures for NPDES permit terminations.

d. If the Director of Health tentatively decides to terminate a permit under 40 CFR §122.64 where the Permittee objects, the Director of Health shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under 40 CFR §124.6.

27. Removed substances (under Sections 301 and 405 of the Act, 40 CFR §125.3(g), and Hawaii Revised Statutes, Section 342D-4)

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner which prevents any pollutant from the materials from entering state waters.

28. Availability of reports (under Section 308 of the Act and Section 11-55-12)

    Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of the applicable general permit shall be available for public inspection at the offices of the director. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

29. Civil and criminal liability (under Section 309 of the Act and Hawaii Revised Statutes, Chapter 342D)

    Except as provided in the applicable general permit conditions on "Bypass" (section 17) and "Upset" (section 18), nothing in the applicable general permit shall be construed to relieve the permittee from civil or criminal penalties or remedies for noncompliance.

30. Oil and hazardous substance liability (under Section 311 of the Act and Hawaii Revised Statutes, Section 342D-4)

    Nothing in the applicable general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

31. Federal facility construction (under Section 313(b) of the Act and Hawaii Revised Statutes, Section 342D-4)

    Construction shall not be initiated for facilities for treatment of wastewater at any

Federal property or facility if alternative methods for wastewater treatment at the property or facility utilizing innovative treatment processes and techniques, including, but not limited to, methods utilizing recycle and reuse techniques and land treatment are not utilized, unless the life cycle cost of the alternative treatment works exceeds the life cycle cost of the most cost effective alternative by more than fifteen per cent.

32. State law (under Section 510 of the Act and Hawaii Revised Statutes, Chapter 342D)

Nothing in the applicable general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established under any applicable state law or regulation.

33. Severability (under Section 512 of the Act and Section 11-55-37)

The provisions of the applicable general permit are severable and if any provision of the applicable general permit, or the application of any provision of the applicable general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of the applicable general permit, shall not be affected thereby.

34. Notice of Intent Requirements (comply with section 11-55-34.08)

The owner or its duly authorized representative shall include the following information in the notice of intent (NOI):

(a) Legal name(s), street address, contact person's name and position title, and telephone and email address of the owner, operator, except for Appendix C and duly authorized representative, if applicable;

Note: For a construction activity, the operator is usually the general contractor.

(b) Ownership status as federal, state, private, public or other entity;

(c) Name, street address, island, tax map key number(s), contact person's name and position title, and telephone and email address of the facility or project for which the notice of intent is submitted;

(d) Name(s) of the receiving state water(s) that the effluent enters or will enter, the latitude and longitude of each outfall or discharge point to the nearest receiving state water(s), and the classification of the receiving state water(s).

If the effluent initially enters a separate storm water drainage system, the owner or its duly authorized representative shall provide the following information:

(1) Name of the owner of the drainage system; and

(2) Copy of the permit, license, or equivalent written approval granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s).

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(e) Type of general permit required for the proposed discharge;

(f) Quantity of discharge; the source of the discharge; and the period of discharge, i.e., continuous, seasonal, occasional, or emergency;

(g) Topographic map or maps of the area extending at least one mile beyond the property boundaries of the site which clearly show the following:

(1) Legal boundaries of the site;

(2) Location and an identification number for each of the site's existing and proposed intake and discharge structures; and

(3) Receiving state water(s) or receiving storm water drainage system(s) identified and labeled. If the receiving state water is a wetland, submit a map showing the delineated wetland.

(h) Flow chart or line drawing showing the general route taken by the discharge from the intake or source to the discharge point, except for Appendices B, C, and K. The owner or its duly authorized representative shall show any treatment system(s) or erosion control(s) used or to be used for new discharges. The flow contributed by each source may be estimated if no data is available;

(i) List of existing or pending permits, licenses, or approvals and corresponding file numbers; and

(j) Certifying person's name and position title, company name, and telephone number.

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CHAPTER 11-55 APPENDIX B

NPDES MULTI-SECTOR GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY (MSGP)

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. 1251 et seq.), operators of storm water discharges associated with industrial activity are authorized to discharge to state waters, except for discharges in or to natural freshwater lakes, saline lakes, or anchialine pools, in accordance with the eligibility and Notice of Intent (NOI) requirements, effluent limitations, inspection requirements, and other conditions set forth in this permit. This permit is structured as follows:

- General requirements that apply to all facilities are found in Parts 1 through 7;
- Industry sector-specific requirements are found in Part 8; and
- Additional permit conditions, including supplemental information are found in Part 9 thru Part 13.

This permit becomes effective on January 15, 2022 and expires five years from this date unless amended earlier.

CHAPTER 11-55 APPENDIX B

NPDES MULTI-SECTOR GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

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1. Coverage Under this Permit.

1.1 Eligibility.

1.1.1 Facilities Covered.

To be eligible to discharge under this permit, you must (1) have an allowable storm water discharge or an allowable non-storm water discharge associated with industrial activity from your primary industrial activity, as defined below, provided your primary industrial activity is included in Part 9, or (2) be notified by DOH that you are eligible for coverage under Sector AD of this permit.

Primary industrial activity - includes any activities performed on-site which are (1) identified by the facility's primary SIC code and included in the descriptions of 122.26(b)(14)(ii), (iii), (vi), (viii) or (xi); or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), (vii), or (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including

those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

Effluent Limitations Guideline (ELG) - defined in 40 CFR § 122.2 as a regulation published by the EPA Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

New Source Performance Standards (NSPS) - technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

1.1.2 Allowable Storm water Discharges.

Unless otherwise made ineligible under Part 1.1.4, the following discharges are eligible for coverage under this permit:

1.1.2.1 Storm water discharges associated with industrial activity for any primary industrial activities, as defined in Part 1.1.1 and co-located industrial activities, as defined below, except for any storm water discharges specifically prohibited in Part 8;

Co-located industrial activity - any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the storm water regulations at 122.26(b)(14)(i)-(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the

description of a category of industrial activity covered by the storm water regulations or identified by the SIC code list in Part 9.

1.1.2.2 Discharges designated by DOH as needing a storm water permit as provided in Sector AD;

1.1.2.3 Discharges that are not otherwise required to obtain NPDES permit authorization but are mixed with discharges that are authorized under this permit; and

1.1.2.4 Storm water discharges from facilities subject to any of the national storm water-specific effluent limitations guidelines listed in Table 1-1.

Table 1-1. Storm water-Specific Effluent Limitations Guidelines

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C	Yes	4/8/74
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K, L	Yes	2/2/00
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82 (10/8/74)[1]

[1] NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore wastewaters generated by Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

1.1.3 Allowable Non-Storm Water Discharges.

Below in Part 1.1.3.1 are the only non-storm water discharges authorized under this permit for all sectors provided that all discharges comply with the effluent limits set forth in Parts 2 and 8. In addition to the authorized non-storm water discharges in Part 1.1.3.1 applicable to all sectors, for Sector A, there is an additional non-storm water discharge in Part 1.1.3.2 below, and for the mining sectors (Sectors G, H, and J), there are additional authorized non-storm water discharges in Part 1.1.3.3 below. The additional allowable non-storm water discharges for Sectors G, H, and J apply only to discharges from earth-disturbing activities conducted prior to active mining activities as defined in Part 8.G.3.2, 8.H.3.2, and 8.J.3.2 provided that, with the exception of water used to control dust and to irrigate areas to be vegetatively stabilized, these discharges are not routed to areas of exposed soil and all discharges comply with the permit's effluent limits.

Also allowed for all sectors are discharges of storm water listed above in Parts 1.1.2 or authorized non-storm water discharges in Part 1.1.3, mixed with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization. All other non-storm water discharges requiring NPDES permit coverage except those specifically listed in Part 1.1.3 are not authorized by this permit. If non-storm water discharges requiring NPDES permit coverage other than those specifically authorized in Part 1.1.3, including sector-specific non-storm water discharges that are listed in Part 8 as prohibited (a non-exclusive list provided to raise awareness of contaminants or sources of contaminants characteristic of certain sectors),

will be discharged, such non-storm water discharges are not authorized by this permit and must either be eliminated or covered under another NPDES permit.

1.1.3.1 Allowable Non-Storm Water Discharges for all Sectors of Industrial Activity:

- Discharges from emergency/unplanned fire-fighting activities;
- Fire hydrant flushings;
- Potable water, including water line flushings;
- Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
- Pavement wash waters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part 5.2.3), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods

(e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);

Hazardous Materials or Hazardous Substances or Toxic Materials - for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

Control Measures - refers to any storm water control or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to state waters.

Minimize - for the purposes of this permit, minimize means to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.

- Routine external building washdown / power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);

- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown, drains).

1.1.3.2 Additional Allowable Non-Storm Water Discharge for Sector A: Discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage (applicable only to Sector A facilities provided the non-storm water component of the discharge is in compliance with the non-numeric effluent limits requirements in Part 2.1.2).

1.1.3.3 Additional Allowable Non-Storm Water Discharges for Earth-Disturbing Activities Conducted Prior to Active Mining Activities for Sectors G, H and J:

- Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- Water used to control dust; and

- Dewatering water that has been treated by an appropriate control under Parts 8.G.4.2.9, 8.H.4.2.9, or 8.J.4.2.9.

Note: These non-storm water discharges are only authorized for earth-disturbing activities conducted prior to active mining activities, as defined in Part 8.G.3.2, 8.H.3.2, and 8.J.3.2. Once the earth-disturbing activities conducted prior to active mining activities have ceased, the only allowable non-storm water discharges for Sectors G, H, and J are those listed in Part 1.1.3.1.

1.1.4 Limitations on Coverage.

Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under Clean Water Act (CWA) section 402(k) by disclosure to DOH after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Storm water Pollution Prevention Plan (SWPPP), or during an inspection. The SWPPP was formerly known as the Storm Water Pollution Control Plan (SWPCP).

1.1.4.1 For Discharges Mixed with Non-Storm water. Storm water discharges that are mixed with non-storm water discharges, other than those mixed with allowable non-storm water discharges listed in Part 1.1.3 and/or those mixed with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES authorization, are not eligible for coverage under this permit.

1.1.4.2 For Storm water Discharges Associated with Construction Activity. Storm water discharges associated with construction activity disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, are not eligible for coverage under this permit, unless in conjunction with mining activities or certain oil and gas extraction activities as specified in Sectors G, H, I, and J of this permit.

1.1.4.3 For Discharges Currently or Previously Covered by Another Permit. Unless you have received written notification from DOH specifically allowing these discharges to be covered under this permit, you are not eligible for coverage under this permit for any of the following:

- Storm water discharges associated with industrial activity that are currently covered under an individual NPDES permit or an alternative NPDES general permit; or
- Storm water discharges from facilities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by DOH (this does not apply to the routine reissuance of permits every five years).

1.1.4.4 For Storm Water Discharges Subject to Effluent Limitations Guidelines. For discharges from facilities subject to storm

water effluent limitation guidelines under 40 CFR, Subchapter N, only those storm water discharges identified in Table 1-1 are eligible for coverage under this permit.

1.1.4.5 This permit does not authorize discharges that fail to comply with the narrative and numeric effluent limits set forth in this permit. Discharges which fail to comply with requirements of this permit are not authorized and may be considered violations subject to enforcement and any applicable penalties.

1.1.4.6 Reserved.

1.1.4.7 Eligibility for New Dischargers and New Sources: Based on Water Quality Standards. If you are a new discharger or a new source, as defined below, you are ineligible for coverage under this permit if DOH determines prior to your authorization to discharge that your discharges will not meet an applicable water quality standard (i.e., your discharges will cause or contribute to an exceedance of a water quality standard). In such case, DOH may notify you that an individual permit application is necessary per Part 1.2.3, or, alternatively, DOH may authorize your coverage under this permit after you implement additional control measures so that your discharges will meet water quality standards.

New Discharger - a facility from which there is or may be a discharge, that did not commence the discharge of pollutants at a particular site prior to August 13, 1979,

which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

New Source - any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

- after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.

1.1.4.8 Eligibility for New Dischargers and New Sources to Water-Quality Impaired Waters. If you are a new discharger or a new source, you are ineligible for coverage under this permit to discharge to an "impaired water," as defined below, unless you do one of the following:

a. Prevent all exposure to storm water of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP;

b. Prior to submitting your NOI, provide to DOH technical information or other documentation to support your claim that the pollutant(s) for which the waterbody is impaired is not present at your site, and retain such documentation with your SWPPP; or

c. Prior to submitting your NOI, provide information to DOH, either data or other technical documentation, to support a conclusion that the discharge is expected to meet applicable water quality standards (i.e., that pollutants of concern will not be discharged at levels that will cause or contribute to an exceedance of a water quality standard), and retain such information with your SWPPP. The information to be submitted must be sufficient to demonstrate:

   i. For discharges to waters without a DOH established and EPA approved total maximum daily load (TMDL), that the discharge of the pollutant for which the water is impaired will meet water quality standards at the point of discharge to the waterbody; or

   ii. For discharges to waters with an applicable DOH established and EPA approved TMDL, that there are, in accordance with 40 CFR 122.4(i), sufficient remaining wasteload allocations in the TMDL to allow

your discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards (e.g., a reserve allocation for future growth).

Existing Discharger - an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

You are eligible under Part 1.1.4.8.c if you receive a determination from the DOH that your discharge will meet applicable water quality standards (i.e., will not cause or contribute to an exceedance of a water quality standard), and you document DOH's determination in your SWPPP. If the DOH fails to respond to you within 30 days after submission of data, you are considered to be eligible for coverage.

Impaired Water (or "Water Quality Impaired Water" or "Water Quality Limited Segment") - for the purposes of this permit, waters identified by a state or EPA as not meeting an applicable water quality standard, and require development of a total maximum daily load (TMDL) (pursuant to Section 303(d) of the CWA), or are addressed by a DOH established and EPA approved TMDL, or are covered by pollution controls requirements that meet the requirements of 40 CFR

130.7(b)(1). For discharges that enter a separate storm sewer system prior to discharge, the first state water to which you discharge is the waterbody that receives the storm water discharge from the storm sewer system

Note: For the purposes of this permit, your project is considered to discharge to an impaired water if the first state water to which you discharge is identified by DOH as not meeting an applicable water quality standard, and:

- Requires development of a TMDL (pursuant to section 303(d) of the CWA);
- Is addressed by a DOH established and EPA Approved TMDL; or
- Is not in either of the above categories but the waterbody is covered by pollution control requirements that meet the requirements of 40 CFR 130.7(b)(1).

For discharges that enter a separate storm sewer system prior to discharge, the first state water to which you discharge is the waterbody that receives the storm water discharge from the storm sewer system.

1.2 Authorization Under this Permit.

1.2.1 How to Obtain Authorization.

To obtain authorization under this permit, you must:

- Be an operator of a primary industrial activity in a sector covered by this permit (see Part 9);
- Meet the Part 1.1 eligibility requirements;
- Select, design, install, and implement control measures in accordance with Part 2.1 and Part 8 to meet numeric and non-numeric effluent limits;
- Develop a SWPPP per Part 5 of this permit or update your existing SWPPP consistent with Part 5 prior to submitting your NOI for coverage under this permit; and
- Submit a complete and accurate NOI in accordance with this Part and Part 10.

1.2.1.1 Submitting Your NOI. To be covered under this permit, you must submit to DOH a complete and accurate NOI by the deadline applicable to your facility presented in Table 1-2. The NOI certifies to DOH that you are eligible for coverage according to Part 1.1, and provides information on your industrial activities and related discharges.

You must complete the development of a SWPPP or update your existing SWPPP consistent with Part 5 prior to submitting your NOI for coverage under this permit. If you choose to post your SWPPP on the Internet per Part 5.4.1, you must include the URL on your NOI form and this URL must directly link to the SWPPP (not just the corporate or facility homepage). If you do not post your SWPPP online, you must enter additional facility information from your SWPPP, per Part 5.4.2.

1.2.1.2 How to Submit Your NOI. You must submit your NOI electronically per Part 7.1.

1.2.1.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage. Table 1-2 provides the deadlines for submitting your NOI and your official start date of permit coverage.

Table 1-2. NOI Submittal Deadlines and Discharge Authorization Dates

Category	**NOI Submission Deadline**	**Discharge Authorization Date**[1, 2]
Operators of industrial activities that were authorized for coverage under the 2013 Appendix B.	No later than 180 days after permit issuance, unless DOH notifies you that your deadline is extended.	After DOH issues the Operator a Notice of General Permit Coverage (NGPC), unless DOH notifies you that your authorization has been denied or delayed. Note: You must review and update your SWPPP to ensure that this permit's requirements are addressed prior to submitting your NOI. Provided you submit your NOI in accordance with the deadline, your

Category	NOI Submission Deadline	Discharge Authorization Date[1, 2]
		Administrative Extension for coverage under the 2013 Appendix B shall be continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
Operators of industrial activities that commence discharging 90 calendar days after the MSGP issuance date, or operators seeking coverage for discharges previously covered under an individual permit or an alternative general permit.	A minimum of 30 days prior to commencing discharge in accordance with the terms of this Permit.	After DOH issues the Operator an NGPC.

Category	NOI Submission Deadline	Discharge Authorization Date[1, 2]
New operators of existing industrial activities with discharges previously authorized under the 2013 Appendix B.	A minimum of 30 days prior to the date of transfer of control to the new operator.	After DOH issues the Operator an NGPC.
Other eligible operators – Operators of industrial activities that commenced discharging prior to the date 90 days after MSGP issuance, but not covered under the 2013 Appendix B or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.	After DOH issues the Operator an NGPC.

[1] If you have missed the deadline to submit your NOI, any and all discharges from your industrial activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. DOH may take enforcement action for any unpermitted discharges that occur between the commencement of discharging and discharge authorization.

[2] Discharges are not authorized if your NOI is incomplete or inaccurate or if you are ineligible for permit coverage.

1.2.2 Continuation of Coverage for Existing Permittees After the Permit Expires.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively extended in accordance with HAR, Chapter §11-55-34.09(d) and remain in force and effect for discharges that were covered prior to expiration. If you obtain authorization to discharge under this permit prior to the expiration date and this permit is administratively extended, any discharges authorized under this permit will automatically remain covered by this permit after its expiration date until the earliest of:

- Your authorization for coverage under a reissued permit or a replacement version of this permit following your timely submittal of a complete and accurate NOI for coverage under the new permit; or

Note: If you fail to submit a timely NOI for coverage under the reissued or replacement permit, your coverage will terminate on the date that the NOI was due.

- Your submittal of a Notice of Cessation (NOC); or
- Issuance of an individual permit for the facility's discharges; or
- A formal permit decision by DOH not to reissue this general permit, at which time DOH will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

DOH reserves the right to modify or revoke and reissue this permit under 40 CFR 122.62 and 63, in which case you will be notified of any relevant changes or procedures to which you may be subject.

1.2.3 Coverage Under an Individual Permit.

DOH may require you to apply for and/or obtain authorization to discharge under an individual NPDES permit, in accordance with HAR §11-55-34.05 and §11-55-34.10. If DOH requires you to apply for an individual permit, the DOH will notify you in writing that a permit application or NOI is required. This notification will include a brief statement of the reasons for this decision, including deadlines for completing your application.

1.2.3.1 Denial of Coverage for New or Previously Unpermitted Facilities. For new or previously unpermitted facilities, following the submittal of your NOI, you may be denied coverage under this permit and must apply for and/or obtain authorization to discharge under an individual permit, per Part 1.2.3.

1.2.3.2 Loss of Authorization Under this Permit for Existing Permitted Facilities. If your storm water discharges are covered under this permit, you may receive a written notification that you must either apply for coverage under an individual NPDES permit or submit an NOI for coverage under an alternative general NPDES permit, per Part 1.2.3. In addition to the reasons for the decision and alternative permit application or NOI deadlines, the notice will include a statement that on the effective date of your alternative permit coverage, your coverage

under this permit will terminate. DOH may grant additional time to submit the application or NOI if you request it. If you fail to submit an individual permit application as required by DOH, then your authorization to discharge under this permit is terminated at the end of the day DOH required you to submit your individual permit application. DOH may take appropriate enforcement action for any unpermitted discharge.

1.2.3.3 Operator Requesting Coverage Under an Individual Permit. You may request to be covered under an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 40 CFR 122.28(b)(3)(iii), with reasons supporting the request, to the DOH. The request may be granted by issuance of an individual permit if your reasons are adequate to support the request. When you are authorized to discharge under an individual permit, your authorization to discharge under this permit is terminated on the effective date of the individual permit.

1.3 Terminating Coverage.

1.3.1 Submitting a Notice of Cessation.

To terminate permit coverage, you must submit a complete and accurate NOC. Your authorization to discharge under this permit terminates at midnight of the day that you specify on the NOC. If you submit a NOC without meeting one or more of the conditions identified in Part 1.3.3, then your NOC is not valid.

You are responsible for meeting the terms of this permit until your authorization is terminated.

1.3.2 How to Submit Your NOC.

You must submit your NOC electronically per Part 7.2. NOCs shall be submitted in compliance with Federal eReporting Rule requirements, if applicable.

1.3.3 When to Submit Your NOC.

You must submit a NOC within 30 days after one or more of the following conditions have been met:

- A new owner or operator has taken over responsibility for the facility; or
- You have ceased operations at the facility, there are not or no longer will be discharges of storm water associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls per Part 2.1.2.5; or
- You are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- You obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

1.4 Conditional Exclusion for No Exposure.

If you are covered by this permit, and become eligible for a conditional "no exposure" exclusion from permitting under 40 CFR 122.26(g), you may file a No Exposure Certification (NOE). You are no longer required to have a permit upon submission of a complete and accurate NOE to DOH. If you are no longer required to have permit coverage because of a

conditional no exposure exclusion and have submitted a NOE form to DOH, you are not required to submit a NOC. You must submit a NOE form to DOH once every five years.

You must submit your NOE electronically per Part 7.2. NOEs shall be submitted in compliance with Federal eReporting Rule requirements, if applicable.

1.5 Permit Compliance.

Any noncompliance with any of the requirements of this permit constitutes a violation of this permit, and thus is a violation of the CWA and State law. As detailed in Part 4 (Corrective Actions) of this permit, failure to take any required corrective actions constitutes an independent, additional violation of this permit, in addition to any original violation that triggered the need for corrective action. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance.

Corrective Action - for the purposes of the permit, any action taken, or required to be taken, to (1) repair, modify, or replace any storm water control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a permit violation.

Spill - for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

Where corrective action is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation provided you

take the required corrective action within the relevant deadlines established in Part 4.3.

1.6 Severability.

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. DOH's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, DOH will advise the regulated community as to the effect of such invalidation.

2. Control Measures and Effluent Limits.

In the technology-based limits included in Parts 2.1 and 8, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice. The term "infeasible" means not technologically possible or not economically practicable and achievable in light of best industry practices.

2.1 Control Measures.

You must select, design, install, and implement control measures (including best management practices) to minimize pollutant discharges that address the selection and design considerations in Part 2.1.1, meet the non-numeric effluent limits in Part 2.1.2, meet limits contained in applicable effluent limitations guidelines in Part 2.1.3, and meet the water quality-based effluent limitations in Part 2.2. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and

manufacturer's specifications and consistent with direction by the DOH. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part 5.2.4. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges to meet applicable water quality standards or any of the other non-numeric effluent limits in this permit, you must modify these control measures per the corrective action requirements in Part 4. Regulated storm water discharges from your facility include storm water run-on that commingles with storm water discharges associated with industrial activity at your facility.

Effluent limit requirements in Part 2.1.2 that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., "Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe") are marked with an asterisk (*). When documenting in your SWPPP, per Part 5, how you will comply with the requirements marked with an asterisk, you have the option of including additional information or you may just "cut-and-paste" those effluent limits verbatim into your SWPPP without providing additional documentation (see Part 5.2.4).

2.1.1 Control Measure Selection and Design Considerations.

You must consider the following when selecting and designing control measures:

- Preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;
- Using control measures in combination may be more effective than using control measures in isolation for minimizing pollutants in your storm water discharge;
- Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- Minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve ground water recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- Conserving and/or restoring riparian buffers will help protect streams from storm water runoff and improve water quality; and
- Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

- Direction for a control measure upon notice of a pollution source by the DOH.

2.1.2 Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT).

You must comply with the following non-numeric effluent limits (except where otherwise specified in Part 8) as well as any sector-specific non-numeric effluent limits in Part 8:

2.1.2.1 Minimize Exposure. You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain and runoff in order to minimize pollutant discharges by either locating these industrial materials and activities inside or protecting them with storm resistant coverings. Unless infeasible, you must also:

- Use grading, berming or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge;
- Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;

- Use spill/overflow protection equipment;
- Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- Drain fluids from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks.

2.1.2.2 Good Housekeeping. You must keep clean all exposed areas that are potential sources of pollutants. You must perform good housekeeping measures in order to minimize pollutant discharges, including but not limited to, the following:

- Sweep or vacuum at regular intervals or, alternatively, wash down the area and collect and/or treat, and properly dispose of the washdown water;
- Store materials in appropriate containers;
- Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). Consistent with Part 1.1.3 above, this permit does not authorize

dry weather discharges from dumpsters or roll off boxes;*

- Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.

Plastic Materials Requirements: Facilities that handle pre-production plastic must implement best management practices to eliminate discharges of plastic in storm water. Examples of plastic material required to be addressed as storm water pollutants include plastic resin pellets, powders, flakes, additives, regrind, scrap, waste and recycling.

2.1.2.3 Maintenance. You must maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges. This includes:

- Performing inspections and preventive maintenance of storm water drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in contamination of storm water.
- Diligently maintaining non-structural control measures (e.g., keep spill

response supplies available, personnel appropriately trained).

- Inspecting and maintaining baghouses at least quarterly to prevent the escape of dust from the system and immediately removing any accumulated dust at the base of the exterior baghouse.*
- Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe.*

Effective Operating Condition - for the purposes of this permit, a storm water control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

If you find that your control measures are in need of routine maintenance, you must conduct the necessary maintenance immediately in order to minimize pollutant discharges. If you find that your control measures need to be repaired or replaced, you must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of storm water controls should be completed as soon as feasible but

must be no later than the timeframe established in Part 4.3 for corrective actions, i.e., within 14 days or, if that is infeasible, within 45 days. If the completion of storm water control repairs/replacement will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the maintenance, provided that you notify the DOH of your intention to exceed 45 days, and document in your SWPPP your rationale for your modified maintenance timeframe. If a control measure was never installed, was installed incorrectly or not in accordance with Parts 2 and/or 8, or is not being properly operated or maintained, you must conduct corrective action as specified in Part 4.

Note: In this context, the term "immediately" requires you to, on the same day you identify that a control measure needs to be maintained, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the work day when it is too late to take action, the initiation of action must begin no later than the following work day. "All reasonable steps" means that the permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping,

vacuuming) or making arrangements (i.e., scheduling) for a new best management practice (BMP) to be installed at a later date. "All reasonable steps" for purposes of complying with Part 4.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary, when you conclude a corrective action is, in fact, not necessary, could include documenting why a corrective action is unnecessary.

2.1.2.4 Spill Prevention and Response. You must minimize the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. You must conduct spill prevention and response measures, including but not limited to, the following:

- Plainly label containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides") that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;*
- Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;

- Develop training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
- Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made; and
- Notify appropriate facility personnel when a leak, spill, or other release occurs.

Where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify 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. Contact information must be in locations that are readily accessible and available.

2.1.2.5 Erosion and Sediment Controls. You must minimize erosion by stabilizing exposed soils at your facility in order to minimize pollutant discharges and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. You must also use structural and non-structural control

measures to minimize the discharge of sediment. The use of polymers and/or other chemical treatments as part of your controls is not covered under this general permit. There are many resources available to help you select appropriate BMPs for erosion and sediment control, including from the EPA.

2.1.2.6 Management of Runoff. You must divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's Internet-based resources relating to runoff management, including the sector-specific Industrial Storm water Fact Sheet Series, National Menu of Storm water BMPs, and National Management Measures to Control Nonpoint Source Pollution from Urban Areas, and any similar resources.

2.1.2.7 Reserved.

2.1.2.8 Employee Training. You must train all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your storm water pollution prevention team. You must ensure the following personnel understand the requirements of this permit and their

specific responsibilities with respect to those requirements:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);
- Personnel responsible for the storage and handling of chemicals and materials that could become contaminants in storm water discharges;
- Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts 3 and 6; and
- Personnel who are responsible for taking and documenting corrective actions as required in Part 4.

Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- An overview of what is in the SWPPP;
- Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
- The location of all controls on the site required by this permit, and how they are to be maintained;

- The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- When and how to conduct inspections, record applicable findings, and take corrective actions.

2.1.2.9 Non-Storm water Discharges. You must evaluate for the presence of non-storm water discharges. Any non-storm water discharges not explicitly authorized in Part 1.1.3 or covered by another NPDES permit must be eliminated. This includes vehicle and equipment/tank wash water (except for those authorized in Part 1.1.3.3 for Sectors G, H, and J). If not covered under a separate NPDES permit, wastewater, wash water and any other unauthorized non-storm water must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately.

2.1.2.10 Dust Generation and Vehicle Tracking of Industrial Materials. You must minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutant discharges.

2.1.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines.

If you are in an industrial category subject to one of the effluent limitations guidelines identified in Table 6-1 (see Part 6.2.2.1), you must meet the effluent limits referenced in Table 2-1 below:

Table 2-1. Applicable Effluent Limitations Guidelines

Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part 8.A.7
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	See Part 8.C.4
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part 8.D.4
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 8.E.5
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 8.J.9

Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Runoff from hazardous waste landfills	Part 445, Subpart A	See Part 8.K.6
Runoff from non-hazardous waste landfills	Part 445, Subpart B	See Part 8.L.10
Runoff from coal storage piles at steam electric generating facilities	Part 423	See Part 8.O.8

2.2 Water Quality-Based Effluent Limitations.

2.2.1 Effluent Limitation Pertaining to all Discharges Authorized by this Permit.

Discharges authorized by this permit shall not include: 1) materials or substances that will settle to form sludge or bottom deposits; 2) floating debris, grease, oil, scum or other floating materials; 3) substances in amounts sufficient to produce taste in the water or detectable off-flavor in the flesh of fish, or in amounts sufficient to produce objectionable color, turbidity or other conditions in the receiving waters; 4) temperatures that impact receiving waters, biocides, pathogenic organisms, toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water; 5) substances or conditions or combinations thereof in concentrations

which produce undesirable aquatic life; and, 6) soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways; subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands.

Your discharge must be controlled as necessary to meet applicable water quality standards (i.e., your discharge must not cause or contribute to an exceedance of applicable water quality standards) and conditions above.

DOH expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards as described in HAR §11-54-3(a) and HAR Chapter 11-55, Appendix A, Section 1. If at any time you become aware, or DOH determines, that your discharge does not meet applicable water quality standards, you must take corrective action(s) as required in Part 4.1 and document the corrective actions as required in Part 4.4.

DOH may also require that you undertake additional control measures (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI, required reports, or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. You must implement all measures necessary to be consistent with an available wasteload allocation in a DOH established and EPA approved TMDL.

2.2.2 Discharges to Water Quality-Impaired Waters.

You are considered to discharge to an impaired water if the first state water to which you discharge is identified by DOH as not meeting an applicable water quality standard, and:

- Requires development of a TMDL (pursuant to section 303(d) of the CWA);
- Is addressed by a DOH established and EPA approved TMDL; or
- Is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

Note: For discharges that enter a separate storm sewer system prior to discharge, the first state water to which you discharge is the waterbody that receives the water from the storm sewer system.

2.2.2.1 Existing Discharge to an Impaired Water with a DOH Established and EPA Approved TMDL. If you discharge to an impaired water with a DOH established and EPA approved TMDL, DOH will inform you whether any additional measures are necessary for your discharge to be consistent with the assumptions and requirements of the applicable TMDL and its wasteload allocation, or if coverage under an individual permit is necessary per Part 1.2.3.

2.2.2.2 Existing Discharger to an Impaired Water without a DOH established and EPA Approved TMDL. If you discharge to an impaired water without a DOH established and EPA approved TMDL, you are still required to comply with Part 2.2.1, and you must comply with the

monitoring requirements of Part 6.2.4.1. Note that the impaired waters monitoring requirements of Part 6.2.4.1 also apply where DOH determines that your discharge is not controlled as necessary to meet applicable water quality standards in an impaired downstream water segment, even if your discharge is to a receiving water that is not identified as impaired according to Part 2.2.2.

2.2.2.3 New Discharger or New Source to an Impaired Water. If your authorization to discharge under this permit relied on Part 1.1.4.8 for a new discharger or a new source to an impaired water, you must implement and maintain any measures that enabled you to become eligible under Part 1.1.4.8, and modify such measures as necessary pursuant to any Part 4 corrective actions. You also must comply with Part 2.2.1 and the monitoring requirements of Parts 6.2.4.1.

2.3 Reserved

3. Inspections.

3.1 Routine Facility Inspections.

During normal facility operating hours you must conduct inspections of areas of the facility covered by the requirements in this permit, including, but not limited to, the following:

- Areas where industrial materials or activities are exposed to storm water;
- Areas identified in the SWPPP and those that are potential pollutant sources (see Part 5.2.3);

- Areas where spills and leaks have occurred in the past three years;
- Discharge points; and
- Control measures used to comply with the effluent limits contained in this permit.

Inspections must be conducted at least quarterly (i.e., once each calendar quarter), or in some instances more frequently (e.g., monthly). Increased frequency may be appropriate for some types of equipment, processes and storm water control measures, or areas of the facility with significant activities and materials exposed to storm water. At least once each calendar year, the routine inspection must be conducted during a period when a storm water discharge is occurring.

Inspections must be performed by qualified personnel, as defined in below, with at least one member of your storm water pollution prevention team participating. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

Qualified Personnel - qualified personnel are those who are knowledgeable in the principles and practices of industrial storm water controls and pollution prevention, and who possess the education and ability to assess conditions at the industrial facility that could impact storm water quality, and the education and ability to assess the effectiveness of storm water controls selected and installed to meet the requirements of the permit.

During the inspection you must examine or look out for the following:

- Industrial materials, residue or trash that may have or could come into contact with storm water;
- Leaks or spills from industrial equipment, drums, tanks and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas;
- Control measures needing replacement, maintenance or repair.

During an inspection occurring during a storm water event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly. Discharge points, as defined below, must also be observed during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.

Discharge Point - for the purposes of this permit, the location(s) where storm water leaves the facility either directly or through a separate storm sewer system to a state water.

3.1.1 Routine Facility Inspection Documentation.

You must document the findings of your facility inspections and maintain this report with your SWPPP as required in Part 5.5. Do not submit your routine facility inspection report to DOH, unless specifically requested to do so. However, you must summarize your findings in the annual report per

Part 7.5. Document all findings, including but not limited to, the following information:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information;
- All observations relating to the implementation of control measures at the facility, including:
  - A description of any discharges occurring at the time of the inspection;
  - Any previously unidentified discharges from and/or pollutants at the site;
  - Any evidence of, or the potential for, pollutants entering the drainage system;
  - Observations regarding the physical condition of and around all outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
  - Any control measures needing maintenance, repairs, or replacement;
- Any additional control measures needed to comply with the permit requirements;
- Any incidents of noncompliance; and
- A statement, signed and certified in accordance with HAR Chapter 11-55, Appendix A, Subsection 15.

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part 4 of this permit.

If you performed a discharge visual assessment required in Part 3.2 during your facility inspection, you may include the results of the assessment with the report required in Part 3.1.1, as long as all components of both types of inspections are included in the report.

3.2 Quarterly Visual Assessment of Storm water Discharges.

3.2.1 Quarterly Visual Assessment Procedures.

Once each quarter for the entire permit term, you must collect a storm water sample from each outfall (except as noted in Part 3.2.3) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but must be collected in such a manner that the samples are representative of the storm water discharge.

The visual assessment must be made:

- Of a sample in a clean, colorless glass or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take the sample within the first 30 minutes; and
- For storm events, on discharges that occur at least 72 hours (three days) from the previous discharge. The 72-hour (three-day) storm interval

does not apply if you document that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period.

You must visually inspect or observe the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity (diminished);
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of storm water pollution.

Whenever the visual assessment shows evidence of storm water pollution, you must initiate the corrective action procedures in Part 4.

3.2.2 Quarterly Visual Assessment Documentation.

You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part 5.5. You are not required to submit your visual assessment findings to DOH, unless specifically requested to do so. However, you must summarize your findings in the annual report per Part 7.5. Your documentation of the visual assessment must include, but not be limited to:

- Sample location(s);
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the storm water discharge;
- Probable sources of any observed storm water contamination;
- If applicable, why it was not possible to take samples within the first 30 minutes; and
- A statement, signed and certified in accordance with HAR Chapter 11-55, Appendix A, Subsection 15.

Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part 4 of this permit.

3.2.3 Exceptions to Quarterly Visual Assessments.

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPPP records as described in Part 5.5. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or situations that otherwise make sampling impractical.

Climates with Irregular Storm water Runoff: If your facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) that prevent runoff from occurring for extended periods, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation runoff occurs.

Semi-Arid Areas - areas where annual rainfall averages from 10 to 20 inches.

Substantially Identical Outfalls: If your facility has two or more outfalls that discharge substantially identical effluents, as documented in Part 5.2.5.3, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit.

If storm water contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

3.3 Authorization to Inspect.

The DOH may conduct an inspection of any facility covered by this permit to ensure compliance with state requirements, including state water quality standards.

4. Corrective Actions.

4.1 Conditions Requiring SWPPP Review and Revision to Ensure Effluent Limits are Met.

When any of the following conditions occur or are detected during an inspection, monitoring or other means, or DOH or the operator of the MS4 through which you discharge informs you that any of the following conditions have occurred, you must review and revise, as appropriate, your SWPPP (e.g., sources of pollution; spill and leak procedures; non-storm water discharges; the selection, design, installation and implementation of your control measures) so that this permit's effluent limits are met, DOH has no further technical comments or requirements, and pollutant discharges are minimized and in compliance with the effluent limits imposed in this permit:

- An unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another NPDES permit to a state water) occurs at your facility.
- A discharge violates a numeric effluent limit listed in Table 2-1 and in your Part 8 sector-specific requirements.
- Your control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit.
- A required control measure was never installed, was installed incorrectly, or not in accordance with Parts 2 and/or 8, or is not being properly operated or maintained.

- Whenever a visual assessment shows evidence of storm water pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

4.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary.

If any of the following conditions occur, you must review your SWPPP (e.g., sources of pollution, spill and leak procedures, non-storm water discharges, selection, design, installation and implementation of your control measures) to determine if modifications are necessary to meet the effluent limits in this permit:

- Construction or a change in design, operation, or maintenance at your facility that significantly changes the nature of pollutants discharged in storm water from your facility, or significantly increases the quantity of pollutants discharged.
- The average of four quarterly sampling results exceeds an applicable benchmark (see Part 6.2.1.2). If less than four benchmark samples have been taken, but the results are such that an exceedance of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level) this is considered a benchmark exceedance, triggering this review.
- Direction by the DOH that the SWPPP fails to adequately address potential pollutant sources identified at the regulated facility.

Note: A benchmark exceedance does not trigger a corrective action if you determine that the exceedance

is solely attributable to natural background sources, or if you make a finding that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice (see Part 6.2.1.2).

Note: When run-on to your facility causes a benchmark exceedance, in addition to reviewing and revising, as appropriate, your SWPPP, you should notify the other operators contributing run-on to your discharges to abate their pollutant contribution. Where the other operators fail to take action to address the storm water run-on, you should contact the DOH.

4.3 Corrective Actions and Deadlines.

4.3.1 Immediate Actions.

If corrective action is needed, you must immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

Note: In this context, the term "immediately" requires you to, on the same day a condition requiring corrective action is found, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the work day when it is too late to initiate corrective action, the initiation of corrective action must begin no later than the following work day. "All reasonable steps" means that the permittee has undertaken initial actions to assess and address the condition causing the corrective action, including,

for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new BMP to be installed at a later date. "All reasonable steps" for purposes of complying with Part 4.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary, when you conclude a corrective action is, in fact, not necessary, could include documenting why a corrective action is unnecessary.

4.3.2 Escalating Actions.

If you determine that additional actions are necessary beyond those implemented pursuant to Part 4.3.1 or if the conditions in Part 4.1 continue to occur, you must complete the additional corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery of the corrective action condition. If it is infeasible to complete the corrective action within 14 calendar days, you must document why it is infeasible to complete the corrective action within the 14-day timeframe. You must also identify your schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the corrective action, provided that you notify the DOH of your intention to exceed 45 days, your rationale for an extension, and a completion date, which you must also include in your corrective action documentation (see Part 4.4). Where your corrective actions result in changes to any of the controls or procedures

documented in your SWPPP, you must modify your SWPPP accordingly within 14 calendar days of completing corrective action work.

These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely.

For those conditions in Part 4.1 that continue to occur, the potential that the Discharger may not have implemented appropriate and/or sufficient BMPs increases, and the Discharger is required to implement escalating levels of corrective actions.

4.4 Corrective Action Documentation.

You must document the existence of any of the conditions listed in Parts 4.1 or 4.2 within 24 hours of becoming aware of such condition. You are not required to submit your corrective action documentation to DOH, unless specifically requested to do so. However, you must summarize your findings in the annual report per Part 7.5. Include the following information in your documentation:

- Description of the condition triggering the need for corrective action review. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to state waters, through storm water or otherwise;
- Date the condition was identified;

- Description of immediate actions taken pursuant to Part 4.3.1 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases (see Part 2.1.2.4); and
- A statement, signed and certified in accordance with HAR Chapter 11-55, Appendix A, Subsection 15.

You must also document the corrective actions taken or to be taken as a result of the conditions listed in Part 4.1 or 4.2 (or, for triggering events in Part 4.2 where you determine that corrective action is not necessary, the basis for this determination) within 14 days from the time of discovery of any of those conditions. Provide the dates when each corrective action was initiated and completed (or is expected to be completed). If applicable, document why it is infeasible to complete the necessary installations or repairs within the 14-day timeframe and document your schedule for installing the controls and making them operational as soon as practicable after the 14-day timeframe. If you notified DOH regarding an extension of the 45-day timeframe, you must document your rationale for an extension.

4.5 Effect of Corrective Action.

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action, including escalating levels of

corrective actions in accordance with this section is an additional permit violation. DOH will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

4.6 Substantially Identical Outfalls.

If the event triggering corrective action is associated with an outfall that had been identified as a "substantially identical outfall" (see Parts 3.2.3 and 6.1.1), your review must assess the need for corrective action for all related substantially identical outfalls. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event. Any corrective actions must be conducted within the timeframes set forth in Part 4.3.

5. Storm water Pollution Prevention Plan (SWPPP).

You must prepare a SWPPP for your facility before submitting your NOI for permit coverage. If you prepared a SWPPP for coverage under a previous version of this NPDES permit, you must review and update the SWPPP to implement all provisions of this permit prior to submitting your NOI. The SWPPP does not contain effluent limitations; such limitations are contained in Parts 2, 8, and 9 of the permit. The SWPPP is intended to document the selection, design, and installation of control measures to meet the permit's effluent limits. As distinct from the SWPPP, the additional documentation requirements (see Part 5.5) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to DOH after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, during an inspection, etc.

5.1 Person(s) Responsible for SWPPP Preparation.

The SWPPP shall be prepared in accordance with good engineering practices and to industry standards. The SWPPP may be developed by either a person on your staff or a third party you hire, but it must be developed by a "qualified person" and must be certified per the signature requirements in Part 5.2.7. If DOH concludes that the SWPPP is not in compliance with Part 5.2 of this permit, DOH may require the SWPPP to be reviewed, amended as necessary, and certified by a Professional Engineer, or for Sector G, H or J, by a Professional Geologist, with the education and experience necessary to prepare an adequate SWPPP.

Note: A "qualified person" is a person knowledgeable in the principles and practices of industrial storm water controls and pollution prevention, and possesses the education and ability to assess conditions at the industrial facility that could impact storm water quality, and the education and ability to assess the effectiveness of storm water controls selected and installed to meet the requirements of the permit.

5.2 Contents of Your SWPPP.

For coverage under this permit, your SWPPP must contain all of the following elements:

- Storm water pollution prevention team (see Part 5.2.1);

- Site description (see Part 5.2.2);
- Summary of potential pollutant sources (see Part 5.2.3);
- Description of control measures (see Part 5.2.4);
- Schedules and procedures (see Part 5.2.5);
- Documentation to support eligibility considerations under other federal laws (see Part 5.2.6); and
- Signature requirements (see Part 5.2.7).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan, copies of the relevant portions of those documents must be kept with your SWPPP.

5.2.1 Storm water Pollution Prevention Team.

You must identify the staff members (by name or title) that comprise the facility's storm water pollution prevention team as well as their individual responsibilities (e.g., monitoring, inspections, maintenance, etc.). Your storm water pollution prevention team is responsible for, but not limited to overseeing development of the SWPPP, any modifications to it, and for implementing and maintaining control measures and taking corrective actions when required. Each member of the storm water pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

5.2.2 Site Description.

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Your SWPPP must include the following:

- Activities at the Facility. Provide a description of the nature of the industrial activities at your facility.
- General location map. Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your storm water discharges.
- Site map. Provide a map showing:
  - Boundaries of the property and the size of the property in acres;
  - Location and extent of significant structures and impervious surfaces;
  - Directions of storm water flow (use arrows);
  - Locations of all storm water control measures;
  - Locations of all receiving waters, including wetlands, in the immediate vicinity of your facility. Indicate which waterbodies are listed as impaired;
  - Locations of all storm water conveyances including ditches, pipes, and swales;
  - Locations of potential pollutant sources identified under Part 5.2.3.2;
  - Locations where significant spills or leaks identified under Part 5.2.3.3 have occurred;
  - Locations of all storm water monitoring points;

- Locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall 001, 002), indicating if you are treating one or more outfalls as "substantially identical" under Parts 3.2.3, 5.2.5.3, and 6.1.1, and an approximate outline of the areas draining to each outfall;
- If applicable, MS4s and where your storm water discharges to them;
- Locations of the following activities where such activities are exposed to precipitation:
  - ☐ fueling stations;
  - ☐ vehicle and equipment maintenance and/or cleaning areas;
  - ☐ loading/unloading areas;
  - ☐ locations used for the treatment, storage, or disposal of wastes;
  - ☐ liquid storage tanks;
  - ☐ processing and storage areas;
  - ☐ immediate access roads used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
  - ☐ transfer areas for substances in bulk;
  - ☐ machinery;

- locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

5.2.3 Summary of Potential Pollutant Sources.

You must describe areas at your facility where industrial materials or activities are exposed to storm water or from which allowable non-storm water discharges originate. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, you must be aware that the structures themselves are potential sources of pollutants. This could occur, for example, when metals such as aluminum or copper are leached from the structures as a result of acid rain.

For each area identified, the description must include:

5.2.3.1 Activities in the Area. A list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

5.2.3.2 Pollutants. A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil,

zinc, sulfuric acid, cleaning solvents) associated with each identified activity, which could be exposed to rainfall and could be discharged from your facility. The pollutant list must include all significant materials that have been handled, treated, stored or disposed, and that have been exposed to storm water in the three years prior to the date you prepare or amend your SWPPP.

Significant Materials - includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges. See 40 CFR 122.26(b)(12).

5.2.3.3 Spills and Leaks. You must document where potential spills and leaks could occur that could contribute pollutants to storm water discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous substances that actually occurred at exposed areas, or that drained to a storm water conveyance, in the three years prior to the date you prepare or amend your SWPPP.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

5.2.3.4 Unauthorized Non-Storm Water Discharges. You must document that you have evaluated for the presence of unauthorized non-storm water discharges (see Part 1.1.3 for the exclusive list of authorized non-storm water discharges under this permit).

Documentation of your evaluation must include:

- The date of the evaluation;
- A description of the evaluation criteria used;
- A list of the outfalls or onsite drainage points that were directly observed during the evaluation; and
- The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), or documentation that a separate NPDES permit was obtained. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES

permit application was submitted for an unauthorized cooling water discharge.

5.2.4 Description of Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits.

You must document the location and type of control measures you have specifically chosen and/or designed to comply with:

- Non-numeric technology-based effluent limits in Part 2.1.2;
- Applicable numeric effluent limitations guidelines-based limits in Part 2.1.3 and Part 8;
- Water quality-based effluent limits in Part 2.2;
- Applicable effluent limits in Parts 8 and 9.
- Regarding your control measures, you must also document, as appropriate:
  - How you addressed the selection and design considerations in Part 2.1.1;
  - How they address the pollutant sources identified in Part 5.2.3.

Effluent limit requirements in Part 2.1.2 that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., "cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe") are marked with an asterisk (*). For the requirements marked with an asterisk, you may include extra information, or you may just "cut-and-

paste" these effluent limits verbatim into your SWPPP without providing additional documentation.

5.2.5 Schedules and Procedures.

5.2.5.1 Pertaining to Control Measures Used to Comply with the Effluent Limits in Part 2. The following must be documented in your SWPPP:

- Good Housekeeping (See Part 2.1.2.2) - A schedule or the convention used for determining when pickup and disposal of waste materials occurs. Also provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers.
- Maintenance (See Part 2.1.2.3) - Preventative maintenance procedures, including regular inspections, testing, maintenance and repair of all control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part 2;
- Spill Prevention and Response Procedures (See Part 2.1.2.4) - Procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include in your

SWPPP the control measures for material handling and storage, and the procedures for preventing spills that can contaminate storm water. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part 5.4;

- Employee Training (Part 2.1.2.8) - The elements of your employee training plan shall include all, but not be limited to, the requirements set forth in Part 2.1.2.8, and also the following:
  - The content of the training;
  - The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit;
  - A log of the dates on which specific employees received training.

5.2.5.2 Pertaining to Inspections and Assessments. You must document in your SWPPP your procedures for performing, as appropriate, the types of inspections specified by this permit, including:

- Routine facility inspections (see Part 3.1) and;
- Quarterly visual assessment of storm water discharges (see Part 3.2).

For each type of inspection performed, your SWPPP must identify:

- Person(s) or positions of person(s) responsible for inspection;
- Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular storm water runoff discharges (see Part 3.2.3);
- Specific items to be covered by the inspection, including schedules for specific outfalls.

5.2.5.3 Pertaining to Monitoring. You must document in your SWPPP procedures for conducting the four types of analytical monitoring specified by this permit, where applicable to your facility, including:

- Benchmark monitoring (see Part 6.2.1);
- Effluent limitations guidelines monitoring (see Part 6.2.2);

- Impaired waters monitoring (see Part 6.2.4);
- Other monitoring as required by DOH (see Part 6.2.5).

For each type of monitoring, your SWPPP must document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at your facility, including schedule for alternate monitoring periods for climates with irregular storm water runoff (see Part 6.1.6);
- Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall;
- Procedures (e.g., responsible staff, logistics, laboratory to be used) for gathering storm event data, as specified in Part 6.1.

You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part 3.2.3 or your benchmark or impaired

waters monitoring requirements in Parts 6.2.1 and 6.2.4.1 (see also Part 6.1.1):

- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to storm water discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%);
- Why the outfalls are expected to discharge substantially identical effluents.

5.2.6 Reserved.

5.2.7 Signature Requirements.

You must sign and date your SWPPP in accordance with HAR Chapter 11-55, Appendix A, Subsection 15.

5.3 Required SWPPP Modifications.

You must modify your SWPPP based on the corrective actions and deadlines required under Part 4.3 and that you documented under Part 4.4. SWPPP

modifications must be signed and dated in accordance with HAR Chapter 11-55, Appendix A, Subsection 15.

5.4 SWPPP Availability.

You must retain a complete copy of your current SWPPP required by this permit at the facility in any accessible format. A complete SWPPP includes any documents incorporated by reference and all documentation supporting your permit eligibility pursuant to Part 1.1 of this permit, as well as your signed and dated certification page. Regardless of the format, the SWPPP must be immediately available to facility employees, EPA, DOH, the operator of an MS4 into which you discharge, and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an onsite inspection. The DOH may request a copy of the SWPPP and the permittee is required to submit the SWPPP to the DOH within 14 days of the request. Your current SWPPP or certain information from your current SWPPP described below must also be made available to the public (except any confidential business information (CBI) or restricted information, as defined in below), but you must clearly identify those portions of the SWPPP that are being withheld from public access; to do so, you must comply with one of the following two options:

5.4.1 SWPPP Posting on the Internet.

If you provide a URL in your NOI where your SWPPP can be found, and maintain your current SWPPP at this URL, you will have complied with the public availability requirements for the SWPPP. To remain current, you must post any SWPPP modifications, records and other reporting elements required for the previous year at the same URL as the main body of the

SWPPP. The SWPPP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1. If you did not provide a SWPPP URL in your NOI, you may submit to the DOH the URL using the "CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs" in the e-permitting portal where your current SWPPP can be found at any time subsequent to your original NOI submittal. You are not required to post any CBI or restricted information (as defined below) (such information may be redacted), but you must clearly identify those portions of the SWPPP that are being withheld from public access. CBI may not be withheld from those staff cleared for CBI review within DOH, EPA, USFWS or NMFS.

5.4.2 SWPPP Information Provided on NOI Form.

If you did not provide a SWPPP URL in your NOI, your NOI must include the information required by Part 7.3. Irrespective of this requirement, DOH may provide access to portions of your SWPPP to a member of the public upon request (except any CBI or restricted information (as defined below)). To remain current, you must report any modifications to the SWPPP information required by Part 7.3 through submittal of a "CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs" in the e-permitting portal. The SWPPP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1.

Confidential Business Information (CBI) - see 40 CFR Part 2 for relevant definitions of CBI: http://www.gpo.gov/fdsys/pkg/CFR-2013-title40-vol1/pdf/CFR-2013-title40-vol1-part2-subpartB.pdf.

Restricted Information - for the purposes of this permit, information that is privileged or that is otherwise protected from disclosure pursuant to applicable statutes, Executive Orders, or regulations. Such information includes, but is not limited to: classified national security information, protected critical infrastructure information, sensitive security information, and proprietary business information.

5.5 Additional Documentation Requirements.

You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

- A copy of the NOI submitted to DOH along with any correspondence exchanged between you and DOH specific to coverage under this permit, including a copy of the Notice of General Permit Coverage;
- A copy of the acknowledgment you receive from the DOH assigning your NPDES File No.;
- A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);

- All inspection reports, including the Routine Facility Inspection Reports (see Part 3.1.1) and Quarterly Visual Assessment Reports (see Part 3.2.2);

- Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 3.2.3 and 6.1.5);

  Measurable Storm Event - a precipitation event that results in a measurable amount of precipitation (i.e., a storm event that results in an actual discharge) and that follows the preceding storm event by at least 72 hours (3-days). The 72-hour storm interval does not apply if you document that less than a 72-hour interval is representative for local storm events.

- Corrective action documentation required per Part 4.4;

- Documentation of any benchmark exceedances and the type of response to the exceedance you employed, including:

  - the corrective action taken;
  - a finding that the exceedance was due to natural background pollutant levels;
  - a determination from DOH that benchmark monitoring can be discontinued because the exceedance was due to run-on; or
  - a finding that no further pollutant reductions were technologically available and economically practicable and achievable

in light of best industry practice consistent with Part 6.2.1.2.

- Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources (see Part 6.2.4.1).

6. Monitoring.

You must collect and analyze storm water samples and document monitoring activities consistent with the procedures described in Part 6, HAR Chapter 11-55, Appendix A, Subsections 14 and 16, must be sufficiently sensitive as defined at 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv) and any additional sector-specific requirements in Parts 8. Refer to Part 7 for reporting and recordkeeping requirements. When conducting required storm water sampling, documentation shall include photograph evidence of control measure/SWPPP implementation consistent with the requirements of this permit.

6.1 Monitoring Procedures.

6.1.1 Monitored Outfalls.

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a "substantially identical outfall." If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of

their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part 5.2.5.3, your SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations. The allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations. You are required to monitor each outfall covered by a numeric effluent limit as identified in Part 6.2.2.

6.1.2 Commingled Discharges.

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

6.1.3 Measurable Storm Events.

All required monitoring must be performed on a storm event that results in an actual discharge from your site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (three days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

For each monitoring event, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event.

6.1.4 Sample Type.

You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 6.1.3. Samples must be collected within the first 30 minutes of a discharge associated with a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes

6.1.5 Adverse Weather Conditions.

When adverse weather conditions as described in Part 3.2.3 prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to file a benchmark monitoring report in accordance with your sampling schedule. As specified in Part 7.4, you must use an electronic reporting method to report any failure to monitor using a "no data" or "NODI" code during the regular reporting period.

6.1.6 Climates with Irregular Storm water Runoff.

If your facility is located in areas where limited rainfall occurs during parts of the year (e.g., arid or semi-arid climates) that prevent runoff from occurring for extended periods, required monitoring events may be distributed during seasons when precipitation occurs. You must still collect the required number of samples. As specified in Part 7.4, you must also use an electronic reporting method to

report using a "no data" or "NODI" code for any of the regular reporting periods that there was no monitoring.

6.1.7 Monitoring Periods.

Monitoring requirements in this permit begin in the first full quarter following either 90 days after permit issuance or your date of discharge authorization, whichever date comes later. If your monitoring is required on a quarterly basis (e.g., benchmark monitoring), you must monitor at least once in each of the following 3-month intervals:

- January 1 - March 31;
- April 1 - June 30;
- July 1 - September 30;
- October 1 - December 31.

For example, if you obtain permit coverage on July 2, 2019, then your first monitoring quarter is October 1 - December 31, 2019. This monitoring schedule may be modified in accordance with Part 6.1.6 if the revised schedule is documented with your SWPPP. However, using an electronic reporting method you must report using a "no data" or "NODI" code for any 3-month interval that you did not take a sample.

6.1.8 Monitoring for Allowable Non-Storm Water Discharges.

You are only required to monitor allowable non-storm water discharges (as delineated in Part 1.1.3) when they are commingled with storm water discharges associated with industrial activity.

6.1.9 Monitoring Reports

Discharge Monitoring Reports shall be submitted in compliance with Federal eReporting Rule requirements, if applicable and monitoring data must be reported using the methods as specified by the DOH, as described in Part 7.4.

6.2 Required Monitoring.

This permit includes four types of required analytical monitoring, one or more of which may apply to your discharge, and one type of photograph monitoring which applies whenever analytical monitoring is required:

- Quarterly benchmark monitoring (see Part 6.2.1);
- Annual effluent limitations guidelines monitoring (see Part 6.2.2);
- Photographic documentation of control measure/SWPPP implementation corresponding to an analytical monitoring event (see Part 6.2.3);
- Impaired waters monitoring (see Part 6.2.4); and
- Other monitoring as required by DOH (see Part 6.2.5).

When more than one type of monitoring for the same pollutant at the same outfall applies (e.g., total suspended solids once per year for an effluent limitation and once per quarter for benchmark monitoring at a given outfall), you may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the annual effluent limitation sample and one of the four quarterly benchmark monitoring samples). When the effluent limitation is lower than the benchmark concentration for the same pollutant, your corrective action trigger is based on an exceedance of the effluent limitation,

which would subject you to the corrective action requirements of Part 4.1.

Note: Exceedance of an effluent limitation associated with the results of any analytical monitoring type required by this Part subjects you to the corrective action requirements of Part 4.1.

All required monitoring must be conducted in accordance with the procedures described in HAR Chapter 11-55, Appendix A, Subsection 14.

6.2.1 Benchmark Monitoring.

This permit specifies pollutant benchmark concentrations that are applicable to certain sectors / subsectors. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in determining when additional corrective action(s) may be necessary to comply with the effluent limitations in Part 2.

The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if corrective action is required as a result of a benchmark exceedance, failure to conduct required corrective action is a permit violation.

At your discretion, more than four samples may be taken during separate runoff events and used to determine the average benchmark parameter concentration for facility discharges.

6.2.1.1 Applicability of Benchmark Monitoring. You must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to

your discharge. Your industry-specific benchmark concentrations are listed in the sector-specific sections of Part 8. If your facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, you are required to submit to DOH with your NOI a hardness value, established consistent with the procedures in Part 12, which is representative of your receiving water.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values and must be sufficiently sensitive as defined at 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv) for all benchmark parameters for which you are required to sample.

6.2.1.2 Benchmark Monitoring Schedule. Benchmark monitoring must be conducted quarterly, as identified in Part 6.1.7, for your first four full quarters of permit coverage commencing no earlier than 90 days after permit issuance.

Facilities in climates with irregular storm water runoff, as described in Part 6.1.6, may modify this quarterly schedule provided that this revised schedule is reported directly to DOH by the due date of the first benchmark sample , and that this revised schedule is kept with the facility's SWPPP as specified in Part 5.5. When conditions prevent you from obtaining four samples in four consecutive quarters, you must continue

monitoring until you have the four samples required for calculating your benchmark monitoring average. As noted in Part 6.1.7, you must use an electronic reporting method to report using a "no data" or "NODI" code for any 3-month interval that you did not take a sample.

Data not exceeding benchmarks: After collection of four quarterly samples, if the average of the four monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term.

Data exceeding benchmarks: After collection of four quarterly samples, if the average of the four monitoring values for any parameter exceeds the benchmark, you must, in accordance with Part 4, review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- Make the necessary modifications and continue quarterly monitoring until you have completed four additional quarters of monitoring for which the average does not exceed the benchmark; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to

meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Parts 2.1 and 2.2 of this permit, in which case you must continue monitoring once per year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP.

You must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), per Part 4, without waiting for the full four quarters of monitoring data, when an exceedance of the four quarter average is mathematically certain. If after modifying your control measures and conducting four additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the four quarter average is mathematically certain prior to conducting the full four additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

Natural background pollutant levels: Following the first four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data; see above), if the average concentration of a pollutant exceeds a benchmark value, and you determine that

exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, you are not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background; and
- You document and maintain with your SWPPP, as required in Part 5.5, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your storm water discharge.

Natural background pollutants are those substances that are naturally occurring in soils or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial sites or roadways. However, the DOH may determine that you are eligible to discontinue monitoring for pollutants that occur solely from run-on sources.

6.2.2 Effluent Limitations Monitoring.

6.2.2.1 Monitoring Based on Effluent Limitations Guidelines. Table 6-1 identifies the storm water discharges subject to effluent limitation guidelines that are authorized for coverage under this permit. An exceedance of the effluent limitation is a permit violation. Beginning in the first full quarter following 90 days after permit issuance or your date of discharge authorization, whichever date comes later, you must monitor once per year at each outfall containing the discharges identified in Table 6-1 for the parameters specified in the sector-specific section of Part 8.

Table 6-1. Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines

Regulated Activity	**Effluent Limit**	**Monitoring Frequency**	**Sample Type**
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	See Part 8.A.7	1/year	Grab
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	See Part 8.C.4	1/year	Grab

Regulated Activity	Effluent Limit	Monitoring Frequency	Sample Type
Runoff from asphalt emulsion facilities	See Part 8.D.4	1/year	Grab
Runoff from material storage piles at cement manufacturing facilities	See Part 8.E.5	1/year	Grab
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 8.J.9	1/year	Grab
Runoff from hazardous waste landfills	See Part 8.K.6	1/year	Grab
Runoff from non-hazardous waste landfills	See Part 8.L.10	1/year	Grab
Runoff from coal storage piles at steam electric generating facilities	See Part 8.O.8	1/year	Grab

6.2.2.2 Substantially Identical Outfalls. You must monitor each outfall discharging runoff from any regulated activity identified in Table 6-1 . The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

6.2.2.3 Follow-up Actions if Discharge Exceeds Numeric Effluent Limitation. If any monitoring value exceeds a numeric effluent limitation contained in this permit, you must indicate the exceedance on a "CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs" in the e-permitting portal, and you must conduct follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) of implementing corrective action(s) taken per Part 4. When your follow-up monitoring exceeds the applicable effluent limitation, you must:

- Submit an Exceedance Report: You must submit an Exceedance Report no later than 30 days after you have received your laboratory result consistent with Part 7.6; and
- Continue to Monitor: You must monitor, at least quarterly, until your discharge is in compliance with the effluent limit or until DOH waives the requirement for additional monitoring. Once your discharge is back in compliance with the effluent limitation you must indicate this on a "CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs" in the e-permitting portal.

6.2.3 Photographic Documentation of Control Measure/SWPPP Implementation.

When analytical monitoring of storm water discharges are required, discharger shall record and retain photographic documentation of control measures and/or pollution control measures included in a SWPPP implemented for permit compliance purposes. The photographs shall clearly depict the presence or absence of physical control measures that are required by this permit. Photograph shall be wide angle and representative of the facility/site conditions present at the time the storm water samples are taken. Photographs taken for the purposes of this section are to be maintained and submitted consistently with the analytical data required in Part 6 of this permit.

6.2.4 Discharges to Impaired Waters Monitoring.

Note: For the purposes of this permit, your project is considered to discharge to an impaired water if the first state water to which you discharge is identified by the DOH pursuant to section 303(d) of the CWA as not meeting an applicable water quality standard, or has been removed from the 303(d) list either because the impairments are addressed by an DOH-approved or established TMDL or is covered by pollution control requirements that meet the requirements of 40 CFR 130.7(b)(1). For discharges that enter a separate storm sewer system prior to discharge, the first state water to which you discharge is the waterbody that receives the storm water discharge from the storm sewer system.

6.2.4.1 Permittees Required to Monitor Discharges to Impaired Waters.

Discharges to impaired waters without a DOH established and EPA approved TMDL: Beginning in the first full quarter following 90 days after permit issuance or your date of discharge authorization, whichever date comes later, you must monitor all pollutants for which the waterbody is impaired and for which a standard analytical method exists (see 40 CFR Part 136) once per year at each outfall (except substantially identical outfalls) discharging storm water to impaired waters without a DOH established and EPA approved TMDL.

If the pollutant of concern for the impaired waterbody is suspended solids, turbidity or sediment/sedimentation, you must monitor for Total Suspended Solids (TSS). If a pollutant of concern is expressed in the form of an indicator or surrogate pollutant, you must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or other non-pollutant.

If the pollutant of concern is not detected and not expected to be present in your discharge, or it is detected but you have determined that its presence is caused solely by natural background sources, you may discontinue monitoring for that pollutant. To support a determination that

the pollutant's presence is caused solely by natural background sources, you must document and maintain with your SWPPP, as required by Part 5.5:

- An explanation of why you believe that the presence of the pollutant of concern in your discharge is not related to the activities or materials at your facility; and
- Data and/or studies that tie the presence of the pollutant of concern in your discharge to natural background sources in the watershed.

Natural background pollutants include those that occur naturally as a result of native soils, and vegetation, wildlife, or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources that are not naturally occurring. However, you may be eligible to discontinue annual monitoring for pollutants that occur solely from these sources and should consult with DOH for guidance.

Discharges to impaired waters with a DOH established and EPA approved TMDL: For storm water discharges to waters for which there is a DOH established and EPA approved TMDL, you are not required to monitor for the pollutant(s) for which the TMDL was written unless DOH informs you, upon examination of the applicable TMDL and its wasteload allocation, that you are subject

to such a requirement consistent with the assumptions and requirements of the applicable TMDL and its wasteload allocation. DOH's notice will include specifications on monitoring parameters and frequency. Permittees must consult with DOH for guidance regarding required monitoring under this Part.

6.2.5 Additional Monitoring Required by DOH.

DOH may also notify you of additional discharge monitoring requirements that DOH determines are necessary to meet the permit's effluent limitations. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

7. Reporting and Recordkeeping.

7.1 Electronic Reporting Requirement.

You must submit all NOIs, NOCs, NOEs, Annual Reports, Discharge Monitoring Reports (DMRs), and other reporting information as appropriate electronically via the e-Permitting Portal, unless otherwise specified by DOH, and in compliance with Federal eReporting Rule requirements, if applicable.

7.2 Submitting Information to DOH.

Most information required to be submitted by this permit shall be submitted via DOH's e-permitting portal. To access the e-permitting portal, go to https://eha-cloud.doh.hawaii.gov/epermit/.

Information required to be submitted to DOH via the e-permitting portal:

- Notice of Intent (Part 1.2);
- No Exposure Certification (Part 1.4);
- Notice of Cessation (Part 1.3); and
- Annual Report (Part 7.5).

Note: Discharge Monitoring Reports (see Part 7.4) are required to be submitted using an electronic reporting method unless otherwise specified by the DOH.

7.3 Additional SWPPP Information Required in Your NOI.

If you did not provide a SWPPP URL in your NOI per Part 5.4.1, your NOI must include the additional SWPPP information as follows:

- Onsite industrial activities exposed to storm water, including potential spill and leak areas (see Parts 5.2.3.1 and 5.2.3.3);
- Pollutants or pollutant constituents associated with each industrial activity exposed to storm water that could be discharged in storm water and/or any authorized non-storm water discharges listed in Part 1.1.3 (see Part 5.2.3.2);
- Storm water control measures you employ to comply with the non-numeric technology-based effluent limits required in Part 2.1.2 and Part 8, and any other measures taken to comply with the requirements in Part 2.2 Water Quality -Based Effluent Limitations (see Part 5.2.4); and
- Schedule for good housekeeping and maintenance (see Part 5.2.5.1) and schedule for all inspections required in Part 3 (see Part 5.2.5.2).

7.4 Reporting Monitoring Data to DOH.

Reports shall be submitted in compliance with Federal eReporting Rule requirements, if applicable. All monitoring data collected pursuant to Part 6.2 must be submitted to DOH via the e-Permitting Portal and also using an electronic reporting method no later than the 28th day following the month when the samples were taken. Your monitoring requirements (i.e., parameters required to be monitored and sample frequency) will be prepopulated on your electronic Discharge Monitoring Report (DMR) form based on the sector applicable to you based on your NOI). Accordingly, the following changes to your monitoring frequency must be reported to DOH through the submittal of a "CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs" in the e-permitting portal, which will trigger changes to your monitoring requirements in an electronic reporting method:

- All benchmark monitoring requirements have been fulfilled for the permit term;
- All impaired waters monitoring requirements have been fulfilled for the permit term;
- For Sector G2 only: Discharges from waste rock and overburden piles have exceeded benchmark values;
- A numeric effluent limitation guideline has been exceeded;
- A numeric effluent limitation guideline exceedance is back in compliance.

Once monitoring requirements have been completely fulfilled, you are no longer required to

report monitoring results using an electronic reporting method. If you have only partially fulfilled your benchmark monitoring and/or impaired waters monitoring requirements (e.g., your four quarterly average is below the benchmark for some, but not all, parameters; you did not detect some, but not all, impairment pollutants), you must continue to use an electronic reporting method to report your results, but you must report a "no data" or "NODI" code for any monitoring parameters that have been fulfilled.

For benchmark monitoring, note that you are required to submit sampling results to DOH no later than the 28th day following the month when the samples were taken for all monitored outfalls for each quarter that you are required to collect benchmark samples, per Part 6.2.1.2. If you collect samples during multiple storm events in a single quarter (e.g., due to adverse weather conditions or climates with irregular storm water runoff), you are required to submit all sampling results for each storm event to DOH within 30 days of receiving all laboratory results for the event. Or, for any of your monitored outfalls that did not have a discharge within the reporting period, using an electronic reporting method you must report using a "no data" or "NODI" code for that outfall no later than 30 days after the end of the reporting period.

7.5 Annual Report.

You must submit an Annual Report to DOH electronically, per Part 7.2, by January 30th for each year of permit coverage containing information generated from the past calendar year. Also, reports shall be submitted in compliance with Federal

eReporting Rule requirements, if applicable. You must include the following information:

- A summary of your past year's routine facility inspection documentation required (Part 3.1.1). A summary of your past year's quarterly visual assessment documentation (see Part 3.2.2 of the permit);
- For any four-sample (minimum) average benchmark monitoring exceedance, if after reviewing the selection, design, installation, and implementation of your control measures and considering whether any modifications are necessary to meet the effluent limits in the permit, you determine that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice, your rationale for why you believe no further reductions are achievable (see Part 6.2.1.2 of the permit); and
- A summary of your past year's corrective action documentation (see Part 4.4). If corrective action is not yet completed at the time of submission of your annual report, you must describe the status of any outstanding corrective action(s). Also describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the permit.

Your Annual Report must also include a statement, signed and certified in accordance with HAR Chapter 11-55, Appendix A, Subsection 15.

7.6 Exceedance Report for Numeric Effluent Limitations.

If follow-up monitoring per Part 6.2.2.4 exceeds a numeric effluent limit, you must submit an Exceedance Report to DOH no later than 30 days after you have received your laboratory results. Your report must include the following:

- NPDES File No;
- Facility name, physical address and location;
- Name of receiving water;
- Monitoring data from this and the preceding monitoring event(s);
- An explanation of the situation, including what you have done and intend to do (should your corrective actions not yet be complete) to correct the violation;
- An appropriate contact name and phone number.

Send the Exceedance Report to DOH using the "CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs" form via the e-Permitting Portal, and report the monitoring data through an electronic reporting method.

7.7 Additional Reporting.

In addition to the reporting requirements stipulated in Part 7, you are also subject to the standard permit reporting provisions of HAR Chapter 11-55, Appendix A, Subsection 16. Reports shall be submitted to DOH using the "CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs" form via the e-Permitting Portal and in compliance with Federal eReporting Rule requirements, if applicable.

CHAPTER 11-55 APPENDIX B

You must submit the following reports to the DOH. If you discharge through an MS4, you must also submit these reports to the MS4 operator (identified pursuant to Part 5.2.2).

- Immediate - You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances;
- 5-day follow-up reporting to the 24 hour reporting - A written submission must also be provided within five days of the time you become aware of the circumstances;
- Reportable quantity spills - You must provide notification, as required under Part 2.1.2.4, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity;
- Planned changes - You must give notice to DOH promptly, no fewer than 30 days prior to making any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- Anticipated noncompliance - You must give advance notice to DOH of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;
- Compliance schedules - Reports of compliance or noncompliance with, or any progress reports on,

finterim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;

- Other noncompliance - You must report all instances of noncompliance not reported in your monitoring report (pursuant to Part 7.1), compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- Other information - You must promptly submit facts or information if you become aware that you failed to submit relevant facts in your NOI, or that you submitted incorrect information in your NOI or in any report.

7.8 Recordkeeping.

You must retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.5 (including documentation related to corrective actions taken pursuant to Part 4), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that your coverage under this permit expires or is terminated.

7.9 DOH Address for Reports.

State of Hawaii
Clean Water Brach
2827 Waimano Home Rd #225
Pearl City, HI 96782

Part 8 - Sector-Specific Requirements for Industrial Activity

You must comply with the requirements applicable to your industrial sector(s) in this Part, in addition to the requirements applicable to all facilities in Parts 1 through 7 and Parts 9 through 13.

Subpart A - Sector A - Timber Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.A.1 Covered Storm water Discharges.

The requirements in Subpart A apply to storm water discharges associated with industrial activity from Timber Products facilities as identified by the SIC Codes specified under Sector A in Table 9 of Part 9.

8.A.2 Limitations on Coverage.

8.A.2.1 Prohibition of Discharges. (See also Part 1.1.4) Not covered by this permit: storm water discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection. These discharges must be covered by a separate NPDES permit.

8.A.2.2 Authorized Non-Storm Water Discharges. (See also Part 1.1.3) Also authorized by this permit, provided the non-storm water

component of the discharge is in compliance with the requirements in Part 2.1.2 (Non-Numeric Effluent Limits): discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage.

8.A.3 Additional Technology-Based Effluent Limits.

8.A.3.1 Good Housekeeping. (See also Part 2.1.2.2) In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to minimize the discharge of wood debris, leachate generated from decaying wood materials, and the generation of dust.

8.A.4 Additional SWPPP Requirements.

8.A.4.1 Drainage Area Site Map. (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

8.A.4.2 Inventory of Exposed Materials. (See also Part 5.2.3.2) Where such information exists, if your facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving, document in your SWPPP the following: areas where contaminated soils,

treatment equipment, and stored materials still remain and the management practices employed to minimize the contact of these materials with storm water runoff.

8.A.4.3 Description of Storm water Management Controls. (See also Part 5.2.4) Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If your facility performs wood surface protection and preservation activities, address the specific control measures, including any BMPs, for these activities.

8.A.5 Additional Inspection Requirements. (See also Part 3.1)

If your facility performs wood surface protection and preservation activities, inspect processing areas, transport areas, and treated wood storage areas monthly to assess the usefulness of practices to minimize the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with storm water discharges.

8.A.6 Sector-Specific Benchmarks. (See also Part 6)

Table 8.A-1 identifies benchmarks that apply to the specific subsectors of Sector A. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.A-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector A1. General Sawmills and Planing Mills (SIC 2421)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L
Subsector A2. Wood Preserving (SIC 2491)	Total Arsenic (freshwater) Total Arsenic (saltwater)[1]	0.15 mg/L 0.069 mg/L
	Total Copper (freshwater)[2] Total Copper (saltwater)[1]	Hardness Dependent 0.0048 mg/L
Subsector A3. Log Storage and Handling (SIC 2411)	Total Suspended Solids (TSS)	100 mg/L
Subsector A4. Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified;	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100.0 mg/L

Table 8.A-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified (SIC 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499)		

[1]Saltwater benchmark values apply to storm water discharges into saline waters where indicated.

[2] The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Part 11, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility.

Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Copper (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.0038	0.04
25-49.99 mg/L	0.0056	0.05
50-74.99 mg/L	0.0090	0.08
75-99.99 mg/L	0.0123	0.11
100-124.99 mg/L	0.0156	0.13
125-149.99 mg/L	0.0189	0.16
150-174.99 mg/L	0.0221	0.18
175-199.99 mg/L	0.0253	0.20
200-224.99 mg/L	0.0285	0.23
225-249.99 mg/L	0.0316	0.25
250+ mg/L	0.0332	0.26

8.A.7 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 6.2.2)

Table 8.A-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.A-2[1]		
Industrial Activity	Parameter	Effluent Limitation
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	pH	6.0 - 9.0 s.u
	Debris (woody material such as bark, twigs, branches, heartwood, or sapwood)	No discharge of debris that will not pass through a 2.54-cm (1-in.) diameter round opening

[1] Monitor annually.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart B - Sector B - Paper and Allied Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.B.1 Covered Storm water Discharges.

The requirements in Subpart B apply to storm water discharges associated with industrial activity from Paper and Allied Products Manufacturing facilities, as identified by the SIC Codes specified under Sector B in Table 9 of Part 9 of the permit.

8.B.2 Sector-Specific Benchmarks. (See also Part 6)

Table 8.B-1 identifies benchmarks that apply

to the specific subsectors of Sector B. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.B-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector B1. Paperboard Mills (SIC Code 2631)	Chemical Oxygen Demand (COD)	120 mg/L

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart C - Sector C - Chemical and Allied Products Manufacturing, and Refining.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.C.1 Covered Storm water Discharges.

The requirements in Subpart C apply to storm water discharges associated with industrial activity from Chemical and Allied Products Manufacturing, and Refining facilities, as identified by the SIC Codes specified under Sector C in Table 9 of Part 9 of the permit.

8.C.2 Limitations on Coverage.

8.C.2.1 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4) The following are not covered by this permit: non-storm water discharges containing inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; wash water from material handling and processing areas; and wash water from drum, tank or container rinsing and cleaning. (DOH includes this prohibited non-storm water discharge here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3.)

8.C.3 Sector-Specific Benchmarks. (See also Part 6)

Table 8.C-1 identifies benchmarks that apply to the specific subsectors of Sector C. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.C-1.

Subsector (You may be subject to requirements for more	Parameter	Benchmark Monitoring Concentration
Subsector C1. Agricultural Chemicals (SIC 2873-2879)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Lead (freshwater)[2] Total Lead (saltwater)[1]	Hardness Dependent 0.21 mg/L
	Total Iron	1.0 mg/L

Table 8.C-1.		
Subsector (You may be subject to requirements for more	Parameter	Benchmark Monitoring Concentration
	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L
	Phosphorus	2.0 mg/L
Subsector C2. Industrial Inorganic Chemicals (SIC 2812-2819)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
Subsector C3. Soaps, Detergents, Cosmetics, and Perfumes (SIC 2841-2844)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L
Subsector C4. Plastics, Synthetics, and Resins (SIC 2821-2824)	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L

[1]Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
[2]The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Part 11, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility.

Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Lead (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.014	0.04
25-49.99 mg/L	0.023	0.05
50-74.99 mg/L	0.045	0.08
75-99.99 mg/L	0.069	0.11
100-124.99 mg/L	0.095	0.13
125-149.99 mg/L	0.122	0.16
150-174.99 mg/L	0.151	0.18
175-199.99 mg/L	0.182	0.20
200-224.99 mg/L	0.213	0.23
225-249.99 mg/L	0.246	0.25
250+ mg/L	0.262	0.26

8.C.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 6.2.2.1)

Table 8.C-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.C-2[1]

Industrial Activity	Parameter	Effluent Limitation
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials,	Total Phosphorus (as P)	105.0 mg/L, daily maximum
		35 mg/L, 30-day avg.
	Fluoride	75.0 mg/L, daily maximum

finished product, by-products or waste products (SIC 2874)		25.0 mg/L, 30-day avg.

[1] Monitor annually.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart D - Sector D - Asphalt Paving and Roofing Materials and Lubricant Manufacturing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.D.1 Covered Storm water Discharges.

The requirements in Subpart D apply to storm water discharges associated with industrial activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturing facilities, as identified by the SIC Codes specified under Sector D in Table 9 of Part 9 of the permit.

8.D.2 Limitations on Coverage.

The following storm water discharges associated with industrial activity are not authorized by this permit (see also Part 1.1.4):

8.D.2.1 Storm water discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products, that are subject to nationally established

effluent limitation guidelines found in 40 CFR Part 419 (Petroleum Refining).

The following storm water discharges associated with industrial activity are not authorized under Sector D:

8.D.2.2 Storm water discharges from oil recycling facilities, which are covered under Sector N (see Part 8.N); and

8.D.2.3 Storm water discharges associated with fats and oils rendering, which are covered under Sector U (see Part 8.U).

8.D.3 Sector-Specific Benchmarks. (See also Part 6)

Table 8.D-1 identifies benchmarks that apply to the specific subsectors of Sector D. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.D-1.

Subsector	Parameter	Benchmark Monitoring Concentration
Subsector D1. Asphalt Paving and Roofing Materials (SIC 2951, 2952)	Total Suspended Solids (TSS)	100 mg/L

8.D.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 6.2.2.1)

Table 8.D-2 identifies effluent limitations that apply to the industrial activities described

below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.D-2[1]		
Industrial Activity	Parameter	Effluent Limitation
Discharges from asphalt emulsion facilities.	Total Suspended Solids (TSS)	23.0 mg/L, daily maximum 15.0 mg/L, 30-day avg.
	pH	6.0 - 9.0 s.u.
	Oil and Grease	15.0 mg/L, daily maximum
		10 mg/L, 30-day avg.

[1]Monitor annually.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart E - Sector E - Glass, Clay, Cement, Concrete, and Gypsum Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.E.1 Covered Storm water Discharges.

The requirements in Subpart E apply to storm water discharges associated with industrial activity from Glass, Clay, Cement, Concrete, and Gypsum Products facilities, as identified by the SIC Codes specified under Sector E in Table 9 of Part 9 of the permit.

8.E.2 Additional Technology-Based Effluent Limits.

8.E.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2) As part of your good housekeeping program, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in storm water from paved portions of the site that are exposed to storm water. Sweep or vacuum paved surfaces of the site that are exposed to storm water at regular intervals or use other equivalent measures (e.g., wash down the area and collect and/or treat and properly dispose of the washdown water) to minimize the potential discharge of these materials in storm water. Indicate in your SWPPP the frequency of sweeping, vacuuming or other equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a week in areas where cement, aggregate, kiln dust, fly ash or settled dust are being handled or processed and may be discharged in storm water. You must also prevent the exposure of fine granular solids (e.g., cement, fly ash,

kiln dust) to storm water, where practicable, by storing these materials in enclosed silos, hoppers, buildings or under other covering.

8.E.3 Additional SWPPP Requirements.

8.E.3.1 Drainage Area Site Map. (See also Part 5.2.2) Document in the SWPPP the locations of the following, as applicable: bag house or other dust control device; recycle/ sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.

8.E.3.2 Discharge Testing. (See also Part 5.2.3.4) For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-storm water discharge testing a description of measures that ensure that process wastewaters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with NPDES wastewater permit requirements, to a sanitary sewer system with approval by the owner of the system, or are recycled.

8.E.4 Sector-Specific Benchmarks. (See also Part 6)

Table 8.E-1 identifies benchmarks that apply to the specific subsectors of Sector E. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.E-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector E1. Clay Product Manufacturers (SIC 3251-3259, 3261-3269)	Total Aluminum	0.75 mg/L
Subsector E2. Concrete and Gypsum Product Manufacturers (SIC 3271-3275)	Total Suspended Solids (TSS)	100 mg/L
	Total Iron	1.0 mg/L

8.E.5 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 6.2.2.1)

Table 8.E-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.E-2[1]		
Industrial Activity	Parameter	Effluent Limitation
Discharges from material storage piles at cement manufacturing facilities	Total Suspended Solids (TSS)	50 mg/L, daily maximum[2]

(SIC 3241)	pH	6.0 - 9.0 s.u. [2]

[1]Monitor annually.
[2]Any untreated overflow from facilities designed, constructed and operated to treat the volume of runoff from materials storage piles which is associated with a 10-year, 24-hour rainfall event shall not be subject to the pH and TSS limitations (40 CFR 411.32(b)).

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart F - Sector F - Primary Metals.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.F.1 Covered Storm water Discharges.

The requirements in Subpart F apply to storm water discharges associated with industrial activity from Primary Metals facilities, as identified by the SIC Codes specified under Sector F in Table 9 of Part 9 of the permit.

8.F.2 Additional Technology-Based Effluent Limits.

8.F.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2) As part of your good housekeeping program, you must implement a cleaning and

maintenance program for all impervious areas of the facility where particulate matter, dust or debris may accumulate to minimize the discharge of pollutants in storm water. The cleaning and maintenance program must encompass, as appropriate, areas where material loading and unloading, storage, handling and processing occur.

Stabilize unpaved areas using vegetation or paving where there is vehicle traffic or where material loading and unloading, storage, handling and processing occurs, unless feasible.

For paved areas of the facility where particulate matter, dust or debris may accumulate, to minimize the discharge of pollutants in storm water, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping or vacuuming at regular intervals; and washing down the area and collecting and/or treating and properly disposing of the washdown water. For unstabilized areas or for stabilized areas where sweeping, vacuuming, or washing down is not possible, to minimize the discharge of particulate matter, dust, or debris or other pollutants in storm water, implement storm water management devices such as the following, where determined to be feasible (list not exclusive): sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, and other equivalent measures that effectively trap or remove

sediment.

8.F.3 Additional SWPPP Requirements.

8.F.3.1 Drainage Area Site Map. (See also Part 5.2.2) Identify in the SWPPP where any of the following activities may be exposed to precipitation or surface runoff: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, losses from coal and coke handling operations, etc., and could result in a discharge of pollutants in storm water.

8.F.3.2 Inventory of Exposed Material. (See also Part 5.2.3) Include in the inventory of materials handled at the site that potentially may be exposed to precipitation or runoff areas where there is the potential for deposition of particulate matter from process air emissions or losses during material-handling activities.

8.F.4 Additional Inspection Requirements. (See also Part 3.1)

As part of conducting your routine facility inspections at least quarterly (Part 3.1), address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g.,

baghouses, electrostatic precipitators, scrubbers, cyclones), for any signs of degradation (e.g., leaks, corrosion, improper operation) that could limit their efficiency and lead to excessive emissions. Consider monitoring air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap or slag, as well as chemicals stored in tanks and drums) for signs of material losses due to wind or storm water runoff.

8.F.5 Sector-Specific Benchmarks. (See also Part 6)

Table 8.F-1 identifies benchmarks that apply to the specific subsectors of Sector F. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.F-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector F1. Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 3312-3317)	Total Aluminum	0.75 mg/L
	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L
Subsector F2. Iron and Steel Foundries	Total Aluminum	0.75 mg/L
	Total Suspended Solids (TSS)	100 mg/L

(SIC 3321-3325)	Total Copper (freshwater)[2] Total Copper (saltwater)[1]	Hardness Dependent 0.0048 mg/L
	Total Iron	1.0 mg/L
	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L
Subsector F3. Rolling, Drawing, and Extruding of Nonferrous Metals (SIC 3351-3357)	Total Copper (freshwater)[2] Total Copper (saltwater)[1]	Hardness Dependent 0.0048 mg/L
	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L
Subsector F4. Nonferrous Foundries (SIC 3363-3369)	Total Copper (freshwater)[2] Total Copper (saltwater)[1]	Hardness Dependent 0.0048 mg/L
	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L

[1]Saltwater benchmark values apply to storm water discharges into saline waters where indicated.

[2] The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Part 11, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility.

CHAPTER 11-55 APPENDIX B

Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Copper (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.0038	0.04
25-49.99 mg/L	0.0056	0.05
50-74.99 mg/L	0.0090	0.08
75-99.99 mg/L	0.0123	0.11
100-124.99 mg/L	0.0156	0.13
125-149.99 mg/L	0.0189	0.16
150-174.99 mg/L	0.0221	0.18
175-199.99 mg/L	0.0253	0.20
200-224.99 mg/L	0.0285	0.23
225-249.99 mg/L	0.0316	0.25
250+ mg/L	0.0332	0.26

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart G - Sector G - Metal Mining.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant

requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

8.G.1 Covered Storm water Discharges.

The requirements in Subpart G apply to storm water discharges associated with industrial activity from Metal Mining facilities, including mines abandoned on Federal lands, as identified by the SIC Codes specified under Sector G in Table 9 of Part 9. Coverage is required for metal mining facilities that discharge storm water contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation.

8.G.1.1 Covered Discharges from Inactive Facilities. All storm water discharges.

8.G.1.2 Covered Discharges from Active and Temporarily Inactive Facilities. Only the storm water discharges from the following areas are covered:

- Waste rock and overburden piles if composed entirely of storm water and not combined with mine drainage;
- Topsoil piles;
- Offsite haul and access roads;
- Onsite haul and access roads constructed of waste rock, overburden or spent ore if composed entirely of storm water and not combining with mine

drainage;

- Onsite haul and access roads not constructed of waste rock, overburden or spent ore except if mine drainage is used for dust control;
- Runoff from tailings dams or dikes when not constructed of waste rock or tailings and no process fluids are present;
- Runoff from tailings dams or dikes when constructed of waste rock or tailings and no process fluids are present, if composed entirely of storm water and not combining with mine drainage;
- Concentration building if no contact with material piles;
- Mill site if no contact with material piles;
- Office or administrative building and housing if mixed with storm water from industrial area;
- Chemical storage area;
- Docking facility if no excessive contact with waste product that would otherwise constitute mine drainage;
- Explosive storage;
- Fuel storage;
- Vehicle and equipment maintenance area and building;

- Parking areas (if necessary);
- Power plant;
- Truck wash areas if no contact with waste product that would otherwise constitute mine drainage;
- Unreclaimed, disturbed areas outside of active mining area;
- Reclaimed areas released from reclamation requirements prior to December 17, 1990;
- Partially or inadequately reclaimed areas or areas not released from reclamation requirements.

8.G.1.3 Covered Discharges from Earth-Disturbing Activities Conducted Prior to Active Mining Activities. All storm water discharges.

8.G.1.4 Covered Discharges from Facilities Undergoing Reclamation. All storm water discharges.

8.G.2 Limitations on Coverage.

8.G.2.1 Prohibition of Storm water Discharges. Storm water discharges not authorized by this permit: discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

Note: Storm water runoff from these sources are subject to 40 CFR Part 440 if they are mixed with other discharges subject to Part

440. In this case, they are not eligible for coverage under this permit. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless they: (1) drain naturally (or are intentionally diverted) to a point source; and (2) combine with ''mine drainage'' that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of storm water does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, and meets the other eligibility criteria contained in Part 1.1 of the permit. Operators bear the initial responsibility for determining if they are eligible for coverage under this permit, or must seek coverage under another NPDES permit. It is recommended that operators contact the DOH for assistance to determine the nature and scope of the ''active mining area'' on a mine-by-mine basis, as well as to determine the appropriate permitting mechanism for authorizing such discharges.

8.G.2.2 Prohibition of Non-Storm water Discharges. Not authorized by this permit: adit drainage, and contaminated springs or seeps discharging from waste rock dumps that do not directly result from precipitation events (see also the standard Limitations on Coverage in Part 1.1.4). (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator

that the only non-storm water discharges authorized by this permit are at Part 1.1.3)

8.G.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.G.3.1 Mining operations - For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities conducted prior to active mining activities); and b) active mining activities, which includes reclamation. "Mining operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.

8.G.3.2 Earth-disturbing activities conducted prior to active mining activities - Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap

leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be "construction" and have additional effluent limits in Part 8.G.4.2.

8.G.3.3 Active mining activities - Activities related to the extraction, removal or recovery, and benefication of metal ore from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the "active mining area." Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements, if any. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part 8.G.4 have been met, and a well-delineated "active mining area" has been established, all activities (including any clearing, grading,

and excavation) that occur within the active mining area are "active mining activities."

8.G.3.4 Active mining area - A place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

Note: Earth-disturbing activities described in the definition in Part 8.G.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered "earth-disturbing conducted prior to active mining activities", and must comply with the requirements in Part 8.G.4.

8.G.3.5 Inactive metal mining facility - A site or portion of a site where metal mining and/or milling occurred in the past but there are no active mining activities occurring as defined above, and if required where the inactive portion is not covered by an active mining permit issued by the applicable state or federal agency. An inactive metal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not

considered either active or inactive mining facilities and do not require an NPDES industrial storm water permit.

8.G.3.6 Temporarily inactive metal mining facility - A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable state or federal agency.

8.G.4 Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

Storm water discharges from earth-disturbing activities conducted prior to active mining activities (defined in Part 8.G.3.2) are covered under this permit. For such earth-disturbing activities, you must comply with all applicable requirements in Parts 1-9 of the MSGP except for the technology-based effluent limits in Part 8.G.5 and Part 2.1.2, the inspection requirements in Part 8.G.7 and Part 3, and the monitoring requirements in Part 8.G.8 and Part 6.

Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in Part 8.G.4.1.9 or 8.G.4.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the Part 8.G.4 requirements. At such time, authorized discharges become subject to all other applicable requirements in the MSGP, including the effluent limits in Parts 2.1.2 and 8.G.5, the inspection requirements in Parts 3 and 8.G.7, and the monitoring requirements in Parts 6 and 8.G.8.

8.G.4.1 Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities. The following technology-based effluent limits apply to authorized discharges from all earth-disturbing activities conducted prior to active mining activities defined in Part 8.G.3.2(a) and 8.G.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.G.5 of the MSGP.

8.G.4.1.1 Erosion and sediment control installation requirements.

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.
- All other storm water controls described in the SWPPP must be installed and made operational as soon as conditions on each portion of the site allows.

8.G.4.1.2 Erosion and sediment control maintenance requirements. You must:

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a storm water control needs

maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such work by the end of the next work day.

- When a storm water control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is infeasible, you must complete the installation or repair as soon practicable.

8.G.4.1.3 Perimeter controls. You must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive storm water, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

8.G.4.1.4 Sediment track-out. For construction vehicles and equipment exiting the site directly onto paved roads, you must:

- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;

- Use additional controls to remove sediment from vehicle and equipment tires prior to exit, where necessary;
- Remove sediment that is tracked out onto paved roads by end of the work day.

Note: DOH recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such "staining" is not a violation of Part 8.G.4.1.4.

8.G.4.1.5 Soil or sediment stockpiles. You must:

- Minimize erosion of stockpiles from storm water and wind via temporary cover, if feasible.
- Prevent up-slope storm water flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
- Minimize sediment from storm water that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).

8.G.4.1.6 Sediment basins. If you intend to install a sediment basin to treat storm water from your earth-disturbing activities, you must:

- Provide storage for either (1) the

2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.

- Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.

8.G.4.1.7 Minimize dust. You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.

8.G.4.1.8 Restrictions on use of treatment chemicals. If you intend to use sediment treatment chemicals at your site, you are ineligible for coverage under this permit.

8.G.4.1.9 Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in 8.G.3.2(a) (i.e., not applicable to construction of staging areas for structures and access roads as defined in 8.G.3.2(b)). You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively

control the disturbance) (although you are encouraged to do so within the active mining area, where appropriate):

- Temporary stabilization of disturbed areas. Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.G.3.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining,

temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.

- Final stabilization of disturbed areas. Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.G.3.2(a)) have permanently ceased, but in no case more than 14 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

8.G.4.2 Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads. The following technology-based effluent limits apply to authorized

discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in Part 8.G.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.G.5 of the MSGP. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.G.3.2(a)).

8.G.4.2.1 Area of disturbance. You must minimize the amount of soil exposed during construction activities.

8.G.4.2.2 Erosion and sediment control design requirements. You must:

- Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:
- The expected amount, frequency, intensity and duration of precipitation;
- The nature of storm water runoff and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
- The range of soil particle sizes expected to be present on the

site.

- Direct discharges from your storm water controls to vegetated areas of your site to increase sediment removal and maximize storm water infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing storm water to vegetated areas.
- If any storm water flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total storm water volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install storm water conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any

constructed storm water conveyance channel, and at any outlet to provide a non-erosive flow velocity.

8.G.4.2.3 Natural Buffers. For any storm water discharges from construction activities within 50 feet of a state water, you must comply with one of the following compliance alternatives:

1. Provide a 50-foot undisturbed natural buffer between construction activities and the state water; or

2. Provide an undisturbed natural buffer that is less than 50 feet supplemented by additional erosion and sediment controls, which in combination, achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer; or

3. If it is infeasible to provide an undisturbed natural buffer of any size, implement erosion and sediment controls that achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer.

There are exceptions when buffer requirements do not apply:

- There is no storm water discharge from construction disturbances to a state water;

- The natural buffer has already been eliminated by preexisting development disturbances;
- The disturbance is for the construction of a water-dependent structure or construction approved under a CWA section 404 permit;
- For linear construction projects, you are not required to comply with the requirements if there are site constraints provided that, to the extent feasible, you limit disturbances within 50 feet of astate water and/or you provide supplemental erosion and sediment controls to treat storm water discharges from any disturbances within 50 feet of a state water.

See http://water.epa.gov/polwaste/npdes/storm water/upload/cgp2012_appendixg.pdf for guidance on complying with these alternatives.

8.G.4.2.4 Soil or sediment stockpiles. In addition to the requirements in Part 8.G.4.1.5, you must locate any piles outside of any natural buffers established under Part 8.G.4.2.3.

8.G.4.2.5 Sediment basins. In addition to the requirements in Part 8.G.4.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under Part

8.G.4.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.

8.G.4.2.6 Native topsoil preservation. You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.

8.G.4.2.7 Steep slopes. You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes.

Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.

8.G.4.2.8 Soil compaction. Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/ equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.

8.G.4.2.9 Dewatering Practices. You are prohibited from discharging ground water or accumulated storm water that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
  - No discharging visible floating solids or foam;
  - Remove oil, grease and other pollutants from dewatering water via an oil-water

separator or suitable filtration device (such as a cartridge filter);

- o Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the U.S. be considered part of the treatment area;
- o Implement velocity dissipation devices at all points where dewatering water is discharged;
- o Haul backwash water away for disposal or return it to the beginning of the treatment process; and
- o Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

8.G.4.2.10 Pollution prevention requirements.

- Prohibited discharges (this non-exhaustive list of prohibited non-storm water discharges is included here as a reminder that only the only allowable non-storm water discharges are those enumerated in Part 1.1.3):

- Wastewater from washout of concrete;
- Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
- Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
- Soaps, solvents, or detergents used in vehicle or equipment washing;
- Toxic or hazardous substances from a spill or other release.

• Design and location requirements: Minimize the discharge of pollutants from pollutant sources by:

- Minimizing exposure;
- Using secondary containment, spill kits, or other equivalent measures;
- Locating pollution sources away from surface waters, storm sewer inlets, and drainageways;
- Cleaning up spills immediately (do not clean by

hosing area down).

- Pollution prevention requirements for wash waters: Prevent the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters.;
- Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes: Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to storm water. Minimization of exposure is not required in cases where the exposure to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended for outdoor use).

8.G.4.2.11 Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in 8.G.3.2(b) (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation

as defined in 8.G.3.2(a)). You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily ("temporarily" means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
  - Seed or plant the area, and provide temporary cover to protect the planted area;
  - Once established, vegetation must be uniform, perennial (if final stabilization), and cover at least 70% of stabilized area based on density of native vegetation.
- If using non-vegetative stabilization, by no later than 14

days after initiating stabilization:

- o Install or apply all non-vegetative measures;
- o Cover all areas of exposed soil.

Note: For the purposes of this permit, DOH will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in # 1 - 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

Exceptions:

- Arid, semi-arid (if construction occurs during seasonally dry period), or drought-stricken areas:
  - o Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;

- Initiate vegetative stabilization as soon as conditions on the site allow;
- Document the schedule that will be followed for initiating and completing vegetative stabilization;
- Plant the area so that within 3 years the 70% cover requirement is met.

• Sites affected by severe storm events or other unforeseen circumstances:

- Initiate vegetative stabilization as soon conditions on the site allow;
- Document the schedule that will be followed for initiating and completing vegetative stabilization;
- Plant the area so that so that within 3 years the 70% cover requirement is met.

8.G.4.3 Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in Part 8.G.3.2(a) and 8.G.3.2(b), in addition to the water quality-based limits in Part 2.2 of the MSGP.

8.G.4.4 Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

The following requirements supersede the inspection requirements in Part 3 and 8.G.7 of the MSGP for earth-disturbing activities conducted prior to active mining activities defined in Part 8.G.3.2(a) and 8.G.3.2(b).

8.G.4.4.1 Inspection frequency

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

Note:

- o Inspections only required during working hours;
- o Inspections not required during unsafe conditions; and
- o If you choose to inspect once every 14 days, you must have a method for measuring rainfall amount on site (either rain gauge or representative weather station)

Note: To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event

information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day.

Note: You are required to specify in your SWPPP which schedule you will be following.

Note: "Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

8.G.4.4.2 Reductions in inspection frequency.

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to Part 8.G.4.1.9 or 8.G.4.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-

disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce inspections to once per month and within 24 hours of a 0.25 inch storm event.

8.G.4.4.3 Areas to be inspected. You must at a minimum inspect the all of the following areas:

- Disturbed areas;
- Storm water controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;
- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where storm water flows;
- Points of discharge.

8.G.4.4.4 What to check for during inspections. At a minimum you must check:

- Whether all storm water controls are installed, operational and working as intended;
- Whether any new or modified storm water controls are needed;
- For conditions that could lead to a spill or leak;

- For visual signs of erosion/sedimentation at points of discharge.

If a discharge is occurring, check:

- The quality and characteristics of the discharge;
- Whether controls are operating effectively.

8.G.4.4.5 Inspection report. Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);
- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.

8.G.5 Technology-Based Effluent Limits for Active Mining Activities.

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted

prior to active mining as defined in 8.G.3.2(a) or 8.G.3.2(b).

8.G.5.1 Employee training. (See also Part 2.1.2.8) Conduct employee training at least annually at active and temporarily inactive facilities.

8.G.5.2 Storm water controls. Apart from the control measures you implement to meet your Part 2 technology-based effluent limits, where necessary to minimize pollutant discharges in storm water, implement the following control measures at your site. The potential pollutants identified in Part 8.G.6.3 shall determine the priority and appropriateness of the control measures selected. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.10.

Storm water diversions: Divert storm water away from potential pollutant sources through implementation of control measures such as the following, where determined to be feasible (list not exclusive): interceptor or diversion controls (e.g., dikes, swales, curbs, berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water

deflector and culverts); or their equivalents.

Capping: When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.

Treatment: If treatment of storm water (e.g., chemical or physical systems, oil - water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of storm water runoff is encouraged, where feasible. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

8.G.5.3 Discharge testing. (See also Part 5.2.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related but unauthorized non-storm water discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process water. Alternatively (if applicable), you may keep a certification with your SWPPP consistent with Part 8.G.6.6.

8.G.6 Additional SWPPP Requirements for Mining Operations.

Note: The requirements in Part 8.G.6 are not applicable to inactive metal mining facilities.

8.G.6.1 Nature of industrial activities. (See also Part 5.2.2) Briefly document in your SWPPP the mining and associated activities that can potentially affect the storm water discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

8.G.6.2 Site map. (See also Part 5.2.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual NPDES permit; outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage (where water leaves mine) or other process water; tailings piles and ponds (including proposed ones); heap leach pads; off-site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

8.G.6.3 Potential pollutant sources. (See also Part 5.2.3) For each area of the mine or mill site where storm water discharges associated with industrial activities occur, identify the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. Consider these factors: the mineralogy of the ore and waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, update your SWPPP with this information.

8.G.6.4 Documentation of control measures. Document all control measures that you implement consistent with Part 8.G.5.2. If control measures are implemented or planned but are not listed in Part 8.G.5.2 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP. If you are in compliance with dust control requirements under state or county air quality permits, you must include (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.

8.G.6.5 Employee training. All employee training(s) must be documented in the SWPPP.

8.G.6.6 Certification of permit coverage for commingled non-storm water discharges. If you are able, consistent with Part 8.G.5.3 above, to certify that a particular discharge composed of commingled storm water and non-storm water is covered under a separate NPDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, retain such certification with your SWPPP. This certification must identify the non-storm water discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.

8.G.7 Additional Inspection Requirements. (See also Part 3.1)

Except for earth-disturbing activities conducted prior to active mining activities as defined in Part 8.G.3.2(a) and 8.G.3.2(b), which are subject to Part 8.G.4.4, inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters which are impaired for sediment or nitrogen must be inspected monthly.

8.G.8 Monitoring and Reporting Requirements. (See also Part 6)

8.G.8.1 Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities. Table 8.G-1 identifies benchmarks that apply to active

copper ore mining and dressing facilities. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.G-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector G1. Active Copper Ore Mining and Dressing Facilities (SIC 1021)	Total Suspended Solids (TSS)	100 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L

8.G.8.2 Benchmark Monitoring Requirements for Discharges From Waste Rock and Overburden Piles at Active Metal Mining Facilities. For discharges from waste rock and overburden piles, perform benchmark monitoring once in the first year for the parameters listed in Table 8.G-2, and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. You are also required to conduct analytic monitoring for the parameters listed in Table 8.G-3 in accordance with the requirements in Part 8.G.8.3. The Director may also notify you that you must perform additional monitoring

to accurately characterize the quality and quantity of pollutants discharged from your waste rock and overburden piles.

Table 8.G-2.

Subsector (Discharges may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector G2. Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; and Miscellaneous Metal Ores (SIC Codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099) (Note: when analyzing hardness for a suite of metals, it is more cost effective to add analysis of calcium and magnesium, and have hardness calculated than to require hardness analysis separately)	Total Suspended Solids (TSS)	100 mg/L
	Turbidity	50 NTU
	pH	6.0-9.0 s.u.
	Hardness (as $CaCO_3$; calc. from Ca, Mg)[2]	no benchmark value
	Total Antimony	0.64 mg/L
	Total Arsenic (freshwater) Total Arsenic (saltwater)[1]	0.15 mg/L 0.069 mg/L
	Total Beryllium	0.13 mg/L
	Total Cadmium (freshwater)[2] Total Cadmium (saltwater)[1]	Hardness Dependent 0.04 mg/L
	Total Copper (freshwater)[2] Total Copper (saltwater)[1]	Hardness Dependent 0.0048 mg/L
	Total Iron	1.0 mg/L
	Total Lead (freshwater)[2] Total Lead (saltwater)[1]	Hardness Dependent 0.21 mg/L

	Total Mercury (freshwater) Total Mercury (saltwater)[1]	0.0014 mg/L 0.0018 mg/L
	Total Nickel (freshwater)[2] Total Nickel (saltwater)[1]	Hardness Dependent 0.074 mg/L
	Total Selenium (freshwater) Total Selenium (saltwater)[1]	0.005 mg/L 0.29 mg/L
	Total Silver (freshwater)[2] Total Silver (saltwater)[1]	Hardness Dependent 0.0019 mg/L
	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L

[1]Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
[2] The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Part 11, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility.

Hardness Dependent Benchmarks follow in the tables below:

Freshwater Hardness Range	Cadmium (mg/L)	Copper (mg/L)	Lead (mg/L)
0-24.99 mg/L	0.0005	0.0038	0.014
25-49.99 mg/L	0.0008	0.0056	0.023
50-74.99 mg/L	0.0013	0.0090	0.045
75-99.99 mg/L	0.0018	0.0123	0.069
100-124.99 mg/L	0.0023	0.0156	0.095
125-149.99 mg/L	0.0029	0.0189	0.122
150-174.99 mg/L	0.0034	0.0221	0.151
175-199.99 mg/L	0.0039	0.0253	0.182
200-224.99 mg/L	0.0045	0.0285	0.213
225-249.99 mg/L	0.0050	0.0316	0.246
250+ mg/L	0.0053	0.0332	0.262

Freshwater Hardness Range	Nickel (mg/L)	Silver (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.15	0.0007	0.04
25-49.99 mg/L	0.20	0.0007	0.05
50-74.99 mg/L	0.32	0.0017	0.08
75-99.99 mg/L	0.42	0.0030	0.11
100-124.99 mg/L	0.52	0.0046	0.13
125-149.99 mg/L	0.61	0.0065	0.16
150-174.99 mg/L	0.71	0.0087	0.18
175-199.99 mg/L	0.80	0.0112	0.20
200-224.99 mg/L	0.89	0.0138	0.23
225-249.99 mg/L	0.98	0.0168	0.25
250+ mg/L	1.02	0.0183	0.26

8.G.8.3 Additional Analytic Monitoring Requirements for Discharges From Waste Rock and Overburden Piles at Active Metal Mining Facilities. In addition to the monitoring

required in Part 8.G.8.2 for discharges from waste rock and overburden piles, you must also conduct monitoring for additional parameters based on the type of ore you mine at your site. Where a parameter in Table 8.G-3 is the same as a pollutant you are required to monitor for in Table 8.G-2 (i.e., for all of the metals), you must use the corresponding benchmark in Table 8.G-2 and you may use any monitoring results conducted for Part 8.G.8.2 to satisfy the monitoring requirement for that parameter for Part 8.G.8.3. For radium and uranium, which do not have corresponding benchmarks in Table 8.G-2, there are no applicable benchmarks. The frequency and schedule for monitoring for these additional parameters is the same as that specified in Part 6.2.1.2.

Table 8.G-3. Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles

Supplemental Requirements			
Type of Ore Mined	Pollutants of Concern		
	Total Suspended Solids (TSS)	pH	Metals, Total
Tungsten Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Nickel Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Aluminum Ore	X	X	Iron
Mercury Ore	X	X	Nickel (H)
Iron Ore	X	X	Iron (Dissolved)

Table 8.G-3. Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles			
Supplemental Requirements			
Type of Ore Mined	Pollutants of Concern		
	Total Suspended Solids (TSS)	pH	Metals, Total
Platinum Ore			Cadmium (H), Copper (H), Mercury, Lead (H), Zinc (H)
Titanium Ore	X	X	Iron, Nickel (H), Zinc (H)
Vanadium Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Molybdenum	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Mercury, Zinc (H)
Uranium, Radium, and Vanadium Ore	X	X	Chemical Oxygen Demand, Arsenic, Radium (Dissolved and Total), Uranium, Zinc (H)

Note: An "X" indicated for TSS and/or pH means that you are required to monitor for those parameters. (H) indicates that hardness must also be measured when this pollutant is measured.

8.G.9. Termination of Permit Coverage

8.G.9.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990. A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no

longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 8.G.3.3.

8.G.9.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990. A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in

a condition consistent with the post-mining land use.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart H - Sector H - Coal Mines and Coal Mining-Related Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

8.H.1 Covered Storm water Discharges.

The requirements in Subpart H apply to storm water discharges associated with industrial activity from Coal Mines and Coal Mining-Related facilities as identified by the SIC Codes specified under Sector H in Table 9 of Part 9.

8.H.2 Limitations on Coverage.

8.H.2.1 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4) Not covered by this permit: discharges from pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not result from precipitation events, and discharges from floor drains in maintenance buildings and other similar drains in mining and preparation plant areas. (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3).

8.H.2.2 Discharges Subject to Storm water Effluent Guidelines. (See also Part 1.1.2.4) Not authorized by this permit: storm water discharges subject to an existing effluent limitation guideline at 40 CFR Part 434.

8.H.3 Definitions

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.H.3.1 Mining operations - For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities conducted prior to active mining activities); and b) active mining activities, which includes reclamation. "Mining operations" can occur

at both inactive mining facilities and temporarily inactive mining facilities.

8.H.3.2 Earth-disturbing activities conducted prior to active mining activities - Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be "construction" and have additional effluent limits in Part 8.H.4.2.

8.H.3.3 Active mining activities - Activities related to the extraction, removal or recovery, and preparation of coal; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the "active mining area." Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state(if any) reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part 8.H.4 have been met, and a well-delineated "active mining area" has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are "active mining activities."

8.H.3.4 Active mining area - A place where work or other activity related to the extraction, removal or recovery of coal is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

Note: Earth-disturbing activities described in the definition in Part 8.H.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered "earth-disturbing conducted prior to active mining

activities", and must comply with the requirements in Part 8.H.4.

8.H.3.5 Inactive coal mining facility - A site or portion of a site where coal mining and/or milling occurred in the past but there are no active mining operations occurring as defined above, and if required where the inactive portion is not covered by an active mining permit issued by the applicable state or federal agency. An inactive coal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial storm water permit.

8.H.3.6 Temporarily inactive coal mining facility - A site or portion of a site where coal mining and/or milling occurred in the past but currently are not being actively undertaken, and if required, the facility is covered by an active mining permit issued by the applicable state or federal agency.

8.H.4 Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

Storm water discharges from earth-disturbing activities conducted prior to active mining activities (defined in Part 8.H.3.2) are covered under this

permit. For such earth-disturbing activities, you must comply with all applicable requirements in Parts 1-9 of the MSGP except for the technology-based effluent limits in Part 8.H.5 and Part 2.1.2, the inspection requirements in Part 8.H.7 and Part 3, and the monitoring requirements in Part 8.H.8 and Part 6.

Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in Part 8.H.4.19 or 8.H.4.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the Part 8.H.4 requirements. At such time, authorized discharges become subject to all other applicable requirements in the MSGP, including the effluent limits in Parts 2.1.2 and 8.H.5, the inspection requirements in Parts 3 and 8.H.7, and the monitoring requirements in Parts 6 and 8.H.8.

8.H.4.1 Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities. The following technology-based effluent limits apply to authorized discharges from all earth-disturbing activities conducted prior to active mining activities defined in Part 8.H.3.2(a) and 8.H.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.H.5 of the MSGP.

8.H.4.1.1 Erosion and sediment control installation requirements.

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this

timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.

- All other storm water controls described in the SWPPP must be installed and made operational as soon as conditions on each portion of the site allows.

8.H.4.1.2 Erosion and sediment control maintenance requirements. You must:

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a storm water control needs maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such work by the end of the next work day.
- When a storm water control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is infeasible, you must complete the installation or repair as soon practicable.

8.H.4.1.3 Perimeter controls. You must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive storm water, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

8.H.4.1.4 Sediment track-out. For construction vehicles and equipment exiting the site directly onto paved roads, you must:

- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;
- Use additional controls to remove sediment from vehicle and equipment tires prior to exit, where necessary;
- Remove sediment that is tracked out onto paved roads by end of the work day.

Note: DOH recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such "staining" is not a violation of Part 8.H.4.1.4.

8.H.4.1.5 Soil or sediment stockpiles. You must:

- Minimize erosion of stockpiles from storm water and wind via temporary cover, if feasible.
- Prevent up-slope storm water flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
- Minimize sediment from storm water that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).

8.H.4.1.6 Sediment basins. If you intend to install a sediment basin to treat storm water from your earth-disturbing activities, you must:

- Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
- Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.

8.H.4.1.7 Minimize dust. You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that

minimize pollutants being discharged into surface waters.

8.H.4.1.8 Restrictions on use of treatment chemicals. If you intend to use sediment treatment chemicals at your site, you are ineligible for coverage under this permit.

8.H.4.1.9 Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in 8.H.3.2(a) (i.e., not applicable to construction of staging areas for structures and access roads as defined in 8.H.3.2(b)). You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- Temporary stabilization of disturbed areas. Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.H.3.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and

drought-stricken areas, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.

- Final stabilization of disturbed areas. Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.H.3.2(a)) have permanently ceased, but in no case more than 14 days after the earth-disturbing activities have permanently

ceased. In arid, semi-arid, and drought-stricken areas, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

8.H.4.2 Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads. The following technology-based effluent limits apply to authorized discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in Part 8.H.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.H.5 of the MSGP. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.H.3.2(a)).

8.H.4.2.1 Area of disturbance. You must minimize the amount of soil exposed during construction activities.

8.H.4.2.2 Erosion and sediment control design requirements. You must:

- Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:
  - The expected amount, frequency, intensity and duration of precipitation;
  - The nature of storm water runoff and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
  - The range of soil particle sizes expected to be present on the site.
- Direct discharges from your storm water controls to vegetated areas of your site to increase sediment removal and maximize storm water infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing storm water to vegetated areas.

- If any storm water flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total storm water volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install storm water conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed storm water conveyance channel, and at any outlet to provide a non-erosive flow velocity.

8.H.4.2.3 Natural Buffers. For any storm water discharges from construction activities within 50 feet of a state water, you must comply with one of the following compliance alternatives:

1. Provide a 50-foot undisturbed natural buffer between

construction activities and the state water; or

2. Provide an undisturbed natural buffer that is less than 50 feet supplemented by additional erosion and sediment controls, which in combination, achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer; or

3. If it is infeasible to provide an undisturbed natural buffer of any size, implement erosion and sediment controls that achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer.

There are exceptions when buffer requirements do not apply:

- There is no storm water discharge from construction disturbances to a state water;
- The natural buffer has already been eliminated by preexisting development disturbances;
- The disturbance is for the construction of a water-dependent structure or construction approved under a CWA section 404 permit;
- For linear construction projects, you are not required to comply with the requirements if there are

site constraints provided that, to the extent feasible, you limit disturbances within 50 feet of a state water and/or you provide supplemental erosion and sediment controls to treat storm water discharges from any disturbances within 50 feet of a state water.

See http://water.epa.gov/polwaste/npdes/stormwater/upload/cgp2012_appendixg.pdf for guidance on complying with these alternatives.

8.H.4.2.4 Soil or sediment stockpiles. In addition to the requirements in Part 8.H.4.1.5, you must locate any piles outside of any natural buffers established under Part 8.H.4.2.3.

8.H.4.2.5 Sediment basins. In addition to the requirements in Part 8.H.4.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under Part 8.H.4.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.

8.H.4.2.6 Native topsoil preservation. You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the

disturbed area dictates that topsoil be disturbed or removed.

8.H.4.2.7 Steep slopes. You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes.

Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.

8.H.4.2.8 Soil compaction. Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/ equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.

8.H.4.2.9 Dewatering Practices. You are prohibited from discharging ground water or accumulated storm water that

is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
  - No discharging visible floating solids or foam;
  - Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);
  - Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the U.S. be considered part of the treatment area;
  - Implement velocity dissipation devices at all

points where dewatering water is discharged;

- o Haul backwash water away for disposal or return it to the beginning of the treatment process; and
- o Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

8.H.4.2.10 Pollution prevention requirements.

- Prohibited discharges (this non-exhaustive list of prohibited non-storm water discharges is included here as a reminder that only the only allowable non-storm water discharges are those enumerated in Part 1.1.3):
  - o Wastewater from washout of concrete;
  - o Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  - o Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;

- o Soaps, solvents, or detergents used in vehicle or equipment washing;
- o Toxic or hazardous substances from a spill or other release.

• Design and location requirements: Minimize the discharge of pollutants from pollutant sources by:

- o Minimizing exposure;
- o Using secondary containment, spill kits, or other equivalent measures;
- o Locating pollution sources away from surface waters, storm sewer inlets, and drainageways;
- o Cleaning up spills immediately (do not clean by hosing area down).

• Pollution prevention requirements for wash waters: Prevent the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;

• Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes: Minimize the exposure of building

materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to storm water. Minimization of exposure is not required in cases where the exposure to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended for outdoor use).

8.H.4.2.11 Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in 8.H.3.2(b) (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation as defined in 8.H.3.2(a)). You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily

("temporarily" means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;

- If using vegetative measures, by no later than 14 days after initiating stabilization:
  - Seed or plant the area, and provide temporary cover to protect the planted area;
  - Once established, vegetation must be uniform, perennial (if final stabilization), and cover at least 70% of stabilized area based on density of native vegetation.
- If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:
  - Install or apply all non-vegetative measures;
  - Cover all areas of exposed soil.

Note: For the purposes of this permit, DOH will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or

planting the exposed area; 4. Starting any of the activities in # 1 - 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

Exceptions:

- Arid, semi-arid (if construction occurs during seasonally dry period), or drought-stricken areas:
  - Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
  - Initiate vegetative stabilization as soon as conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Plant the area so that within 3 years the 70% cover requirement is met.
- Sites affected by severe storm events or other unforeseen circumstances:
  - Initiate vegetative stabilization as soon conditions on the site allow;

- o Document the schedule that will be followed for initiating and completing vegetative stabilization;
- o Plant the area so that so that within 3 years the 70% cover requirement is met.

8.H.4.3 Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in Part 8.H.3.2(a) and 8.H.3.2(b), in addition to the water quality-based limits in Part 2.2 of the MSGP.

8.H.4.4 Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

The following requirements supersede the inspections requirements in Part 3 and 8.H.7 of the MSGP for earth-disturbing activities conducted prior to active mining activities defined in Part 8.H.3.2(a) and 8.H.3.2(b).

8.H.4.4.1 Inspection Frequency

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

Note:

- Inspections only required during working hours;
- Inspections not required during unsafe conditions; and
- If you choose to inspect once every 14 days, you must have a method for measuring rainfall amount on site (either rain gauge or representative weather station)

Note: To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that.

Note: You are required to specify in your SWPPP which schedule you will be following.

Note: "Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly in and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

8.H.4.4.2 Reductions in Inspection Frequency

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to Part 8.H.4.1.9 or 8.H.4.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce inspections to once per month and within 24 hours of a 0.25 inch storm event.

8.H.4.4.3 Areas to be Inspected. You must at a minimum inspect the following areas:

- Disturbed areas;
- Storm water controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;
- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where storm water flows;
- Points of discharge.

8.H.4.4.4 What to Check for During Inspections. At a minimum you must check:

- Whether all storm water controls are installed, operational, and working as intended;
- Whether any new or modified storm water controls are needed;
- For conditions that could lead to a spill or leak;
- For visual signs of erosion/sedimentation at points of discharge.

If a discharge is occurring:

- The quality and characteristics of the discharge;
- Whether controls are operating effectively.

8.H.4.4.5 Inspection Report. Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);

- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.

8.H.4.5 Cessation of Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities. The requirements in 8.H.4 no longer apply for any earth-disturbing activities conducted prior to active mining activities as defined in 8.H.3.2(a) or 8.H.3.2(b) where:

1. Earth-disturbing activities have ceased; and
2. Stabilization has been met consistent with Part 8.H.4.1.9 or 8.H.4.2.11 (not required for areas where active mining activities will occur).

8.H.5 Technology-Based Effluent Limits for Active Mining Activities.

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active mining as defined in 8.H.3.2(a) or 8.H.3.2(b).

8.H.5.1 Good Housekeeping Measures. (See also Part 2.1.2.2) As part of your good housekeeping program, in order to minimize discharges of pollutants in storm water, implement control measures such as the following, where determined to be feasible (list not inclusive): using sweepers and covered storage; watering haul roads to minimize

dust generation; and conserving vegetation to minimize erosion. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.10.

8.H.5.2 Preventive Maintenance. (See also Part 2.1.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections.

8.H.6 Additional SWPPP Requirements for Mining Operations.

Note: The requirements in Part 8.H.6 are not applicable to inactive coal mining facilities.

8.H.6.1 Other Applicable Regulations. Most active coal mining-related areas (SIC Codes 1221-1241) are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has granted authority to most coal-producing states to implement SMCRA through State SMCRA regulations. All SMCRA requirements regarding control of storm water-related pollutant discharges must be addressed and then documented with the SWPPP (directly or by reference).

8.H.6.2 Site Map. (See also Part 5.2.2) Document in your SWPPP where any of the following may be

exposed to precipitation or surface runoff: haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; inactive mines and related areas; acidic spoil, refuse, or unreclaimed disturbed areas; and liquid storage tanks containing pollutants such as caustics, hydraulic fluids, and lubricants.

8.H.6.3 Potential Pollutant Sources. (See also Part 5.2.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil.

8.H.6.4 If you are in compliance with dust control requirements under state or county air quality permits, you must include (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.

8.H.7 Additional Inspection Requirements. (See also Part 3.1)

8.H.7.1 Inspections of Active Mining-Related Areas. (See also Part 3) Except for earth-disturbing activities conducted prior to

active mining activities as defined in Part 8.H.3.2(a) and 8.H.3.2(b), which are subject to Part 8.H.4.4, perform routine inspections of active mining areas covered by this permit, corresponding with the inspections as performed by SMCRA inspectors, of all mining-related areas required by SMCRA. Also maintain the records of the SMCRA authority representative.

8.H.7.2 Sediment and Erosion Control. (See also Part 2.1.2.5) As indicated in Part 8.H.6.1, SMCRA requirements regarding sediment and erosion control measures must be complied with for those areas subject to SMCRA authority, including inspection requirements.

8.H.7.3 Routine Site Inspections. (See also Part 3.1) Your inspection program must include inspections for pollutants entering the drainage system from activities located on or near coal mining-related areas. Among the areas to be inspected are haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; and inactive mines and related areas.

8.H.8 Sector-Specific Benchmarks. (See also Part 6)

Table 8.H-1 identifies benchmarks that apply to the specific subsectors of Sector H. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.H-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector H1. Coal Mines and Related Areas (SIC 1221-1241)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L

8.H.9 Termination of Permit Coverage

8.H.9.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990. A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 8.H.3.5.

8.H.9.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990. A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December

17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart I - Sector I - Oil and Gas Extraction.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.I.1 Covered Storm water Discharges.

The requirements in Subpart I apply to storm water discharges associated with industrial activity from Oil and Gas Extraction facilities as identified by the SIC Codes specified under Sector I in Table 9 of Part 9 of the permit.

8.I.1.1 Discharges of storm water runoff from field activities or operations associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities are exempt from NPDES permit coverage unless, in accordance with 40 CFR 122.26(c)(1)(iii), the facility:

- Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or
- Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- Contributes to a violation of a water quality standard.

Any storm water discharges that require permit coverage as a result of meeting one of the conditions of 122.26(c)(1)(iii) may be covered under this permit unless otherwise required to obtain coverage under an

alternative NPDES general permit or an individual NPDES permit as specified in Part 1.6.1.

8.I.2 Limitations on Coverage.

8.I.2.1 Storm water Discharges Subject to Effluent Limitation Guidelines. (See also Part 1.1.4.5) This permit does not authorize storm water discharges from petroleum drilling operations that are subject to nationally established effluent limitation guidelines found at 40 CFR Part 435, respectively.

8.I.2.2 Non-Storm water Discharges. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit. Alternatively, wash water discharges must be authorized under a separate NPDES permit, or be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements. (DOH includes this prohibited non-storm water discharge here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3).

8.I.3 Additional Technology-Based Effluent Limits.

8.I.3.1 Vegetative Controls. Implement vegetative practices designed to preserve existing vegetation, where attainable, and revegetate open areas as soon as practicable after grade drilling. Implement appropriate vegetative practices, such as the following (list not exclusive): temporary or permanent seeding, mulching, sod stabilization,

vegetative buffer strips, and tree protection practices. Begin implementing appropriate vegetative practices on all disturbed areas within 14 days following the last activity in that area.

8.I.4 Additional SWPPP Requirements.

8.I.4.1 Drainage Area Site Map. (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: Reportable Quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; chemical mixing areas; construction and drilling areas; all areas subject to the effluent guidelines requirements for "No Discharge" in accordance with 40 CFR 435.32; and the structural controls to achieve compliance with the "No Discharge" requirements.

8.I.4.2 Potential Pollutant Sources. (See also Part 5.2.3) Also document in your SWPPP the following sources and activities that have potential pollutants associated with them: chemical, cement, mud, or gel mixing activities; drilling or mining activities; and equipment cleaning and rehabilitation activities. In addition, include information about the reportable quantity (RQ) release that triggered the permit application requirements: the nature of the release (e.g., spill of oil from a drum storage area), amount of oil or hazardous substance released, amount of substance recovered,

date of the release, cause of the release (e.g., poor handling techniques and lack of containment in the area), areas affected by the release (i.e., land and water), procedures to clean up release, actions or procedures implemented to prevent or improve response to a release, and remaining potential contamination of storm water from release (taking into account human health risks, the control of drinking water intakes, and the designated uses of the receiving water).

8.I.4.3 Erosion and Sediment Controls. (See also Part 2.1.2.5) Unless covered by DOH's Construction General Permit (CGP), the additional documentation requirements for sediment and erosion controls for well drillings and sand/shale mining areas include the following:

8.I.4.3.1 Site Description. Also include a description in your SWPPP of the nature of the exploration activity, estimates of the total area of site and area disturbed due to exploration activity, an estimate of runoff coefficient of the site, a site drainage map, including approximate slopes, and the names of all receiving waters.

8.I.4.3.2 Vegetative Controls. Document vegetative practices used consistent with Part 8.I.3.1 in the SWPPP.

8.I.5 Additional Inspection Requirements.

All erosion and sediment controls must be inspected either: 1) every 7 days; or 2) once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart J - Sector J - Non-Metallic Mineral Mining and Dressing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

8.J.1 Covered Storm water Discharges.

The requirements in Subpart J apply to storm water discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining

and Dressing facilities as identified by the SIC Codes specified under Sector J in Table 9 of Part 9 of the permit.

8.J.1.1 Covered Discharges from Inactive Facilities. All storm water discharges.

8.J.1.2 Covered Discharges from Active and Temporarily Inactive Facilities. All storm water discharges, except for most storm water discharges subject to the existing effluent limitation guideline at 40 CFR Part 436. Mine dewatering discharges composed entirely of storm water or uncontaminated ground water seepage from: construction sand and gravel, industrial sand, and crushed stone mining facilities.

8.J.1.3 Covered Discharges from Earth-Disturbing Activities Conducted Prior to Active Mining Activities. All storm water discharges.

8.J.1.4 Covered Discharges from Sites Undergoing Reclamation. All storm water discharges.

8.J.2 Limitations on Coverage.

Most storm water discharges subject to an existing effluent limitation guideline at 40 CFR Part 436 are not authorized by this permit. The exceptions to this limitation, which are covered by this permit, are mine dewatering discharges composed entirely of storm water or uncontaminated ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities.

8.J.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive

mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.J.3.1 Mining operations - For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities conducted prior to active mining activities); and b) active mining activities, which includes reclamation. "Mining operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.

8.J.3.2 Earth-disturbing activities conducted prior to active mining activities - Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

b. construction of staging areas to prepare for erecting structures such as to house project personnel and

equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be "construction" and have additional effluent limits in Part 8.J .4.2.

8.J.3.3 Active mining activities - Activities related to the extraction, removal or recovery, and benefication of non-metallic minerals from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the "active mining area." Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements, if any. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part 8.J.4 have been met, and a well-delineated "active mining area" has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are "active mining activities

8.J.3.4 Active mining area - A place where work or other activity related to the extraction, removal or recovery of non-metallic minerals

is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

Note: Earth-disturbing activities described in the definition in Part 8.J.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered "earth-disturbing conducted prior to active mining activities", and must comply with the requirements in Part 8.J.4.

8.J.3.5 Inactive mineral mining facility - A site or portion of a site where mineral mining and/or milling occurred in the past but there are no active mining activities occurring as defined above, and if required where the inactive portion is not covered by an active mining permit issued by the applicable state or federal agency. An inactive mineral mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial storm water permit.

8.J.3.6 Temporarily inactive mineral mining facility - A site or portion of a site where non-

metallic mineral mining and/or milling occurred in the past but currently are not being actively undertaken, and if required, the facility is covered by an active mining permit issued by the applicable state or federal agency.

8.J.4 Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

Storm water discharges from earth-disturbing activities conducted prior to active mining activities (defined in Part 8.J.3.2) are covered under this permit. For such earth-disturbing activities, you must comply with all applicable requirements in Parts 1-9 of the MSGP except for the technology-based effluent limits in Part 8.J.5 and Part 2.1.2, the inspection requirements in Part 8.J.7 and Part 3, and the monitoring requirements in Part 8.J.8 and Part 6.

Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in Part 8.J.4.19 or 8.J.4.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the Part 8.J.4 requirements. At such time, authorized discharges become subject to all other applicable requirements in the MSGP, including the effluent limits in Parts 2.1.2 and 8.J.5, the inspection requirements in Parts 3 and 8.J.7, and the monitoring requirements in Parts 6 and 8.J.8.

8.J.4.1 Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active mining Activities. The following technology-based effluent limits

apply to authorized discharges from all earth-disturbing activities conducted prior to active mining activities defined in Part 8.J.3.2(a) and 8.J.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.J.5 of the MSGP.

8.J.4.1.1 Erosion and sediment control installation requirements.

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.
- All other storm water controls described in the SWPPP must be installed and made operational as soon as conditions on each portion of the site allows.

8.J.4.1.2 Erosion and sediment control maintenance requirements. You must:

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a storm water control needs maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such

work by the end of the next work day.

- When a storm water control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is infeasible, you must complete the installation or repair as soon practicable.

8.J.4.1.3 Perimeter controls. You must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive storm water, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

8.J.4.1.4 Sediment track-out. For construction vehicles and equipment exiting the site directly onto paved roads, you must:

- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;
- Use additional controls to remove sediment from vehicle and equipment tires prior to exit,

where necessary;

- Remove sediment that is tracked out onto paved roads by end of the work day.

Note: DOH recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such "staining" is not a violation of Part 8.J.4.1.4.

8.J.4.1.5 Soil or sediment stockpiles. You must:

- Minimize erosion of stockpiles from storm water and wind via temporary cover, if feasible.
- Prevent up-slope storm water flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
- Minimize sediment from storm water that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).

8.J.4.1.6 Sediment basins. If you intend to install a sediment basin to treat storm water from your earth-disturbing activities, you must:

- Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
- Prevent erosion of (1) basin embankments using stabilization

controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.

8.J.4.1.7 Minimize dust. You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.

8.J.4.1.8 Restrictions on use of treatment chemicals. If you intend to use sediment treatment chemicals at your site, you are ineligible for coverage under this permit.

8.J.4.1.9 Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in 8.J.3.2(a) (i.e., not applicable to construction of staging areas for structures and access roads as defined in 8.J.3.2(b)). You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- Temporary stabilization of disturbed areas. Stabilization measures must be initiated

immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.J.3.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.

- Final stabilization of disturbed areas. Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.J.3.2(a)) have permanently ceased, but in no case more than 14 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

8.J.4.2 Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads. The following technology-based effluent limits apply to authorized discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in Part 8.J.3.2(b). These limits supersede the technology-based limits listed

in Part 2.1.2 and Part 8.J.5 of the MSGP. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.J.3.2(a)).

8.J.4.2.1 Area of disturbance. You must minimize the amount of soil exposed during construction activities.

8.J.4.2.2 Erosion and sediment control design requirements. You must:

- Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:
  - o The expected amount, frequency, intensity and duration of precipitation;
  - o The nature of storm water runoff and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
  - o The range of soil particle sizes expected to be present on the site.
- Direct discharges from your storm water controls to vegetated areas

of your site to increase sediment removal and maximize storm water infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing storm water to vegetated areas.

- If any storm water flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total storm water volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install storm water conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed storm water conveyance channel, and at any outlet to provide a non-erosive flow velocity.

8.J.4.2.3 Natural Buffers. For any storm water discharges from construction activities within 50 feet of astate water, you must comply with one of the following compliance alternatives:

1. Provide a 50-foot undisturbed natural buffer between construction activities and thestate water; or

2. Provide an undisturbed natural buffer that is less than 50 feet supplemented by additional erosion and sediment controls, which in combination, achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer; or

3. If it is infeasible to provide an undisturbed natural buffer of any size, implement erosion and sediment controls that achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer.

There are exceptions when buffer requirements do not apply:

- There is no storm water discharge from construction disturbances to a state water;

- The natural buffer has already been eliminated by preexisting development disturbances;

- The disturbance is for the construction of a water-dependent structure or construction approved under a CWA section 404 permit;
- For linear construction projects, you are not required to comply with the requirements if there are site constraints provided that, to the extent feasible, you limit disturbances within 50 feet of a water of the U.S. and/or you provide supplemental erosion and sediment controls to treat storm water discharges from any disturbances within 50 feet of a water of the U.S.

See http://water.epa.gov/polwaste/npdes/storm water/upload/cgp2012_appendixg.pdf for guidance on complying with these alternatives.

8.J.4.2.4 Soil or sediment stockpiles. In addition to the requirements in Part 8.J.4.1.5, you must locate any piles outside of any natural buffers established under Part 8.J.4.2.3.

8.J.4.2.5 Sediment basins. In addition to the requirements in Part 8.J.4.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under Part 8.J.4.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.

8.J.4.2.6 Native topsoil preservation. You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.

8.J.4.2.7 Steep slopes. You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes.

Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.

8.J.4.2.8 Soil compaction. Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict

vehicle/ equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.

8.J.4.2.9 Dewatering Practices. You are prohibited from discharging ground water or accumulated storm water that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
  - No discharging visible floating solids or foam;
  - Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);

- o Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the U.S. be considered part of the treatment area;
- o Implement velocity dissipation devices at all points where dewatering water is discharged;
- o Haul backwash water away for disposal or return it to the beginning of the treatment process; and
- o Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

• Treatment chemical restrictions: If you use polymers, flocculants or other chemicals to treat dewatering water, you must comply with the requirements in Parts 8.J.4.1.8.

8.J.4.2.10 Pollution prevention requirements.

• Prohibited discharges (this non-exhaustive list of prohibited non-storm water discharges is included here as a reminder that only the

only allowable non-storm water discharges are those enumerated in Part 1.1.3):

- o Wastewater from washout of concrete;
- o Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
- o Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
- o Soaps, solvents, or detergents used in vehicle or equipment washing;
- o Toxic or hazardous substances from a spill or other release.

- Design and location requirements: Minimize the discharge of pollutants from pollutant sources by:
  - o Minimizing exposure;
  - o Using secondary containment, spill kits, or other equivalent measures;
  - o Locating pollution sources away from surface waters, storm sewer inlets, and

drainageways;

- o Cleaning up spills immediately (do not clean by hosing area down).

- Pollution prevention requirements for wash waters: Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

- Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes: Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to storm water. Minimization of exposure is not required in cases where the exposure to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final

products and materials intended for outdoor use).

8.J.4.2.11 Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in 8.J.3.2(b) (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation as defined in 8.J.3.2(a)). You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily ("temporarily" means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
  - Seed or plant the area, and provide temporary cover to protect the planted area;

- Once established, vegetation must be uniform, perennial (if final stabilization), and cover at least 70% of stabilized area based on density of native vegetation.

• If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:

- Install or apply all non-vegetative measures;
- Cover all areas of exposed soil.

Note: For the purposes of this permit, DOH will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in # 1 - 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

Exceptions:

• Arid, semi-arid (if construction occurs during seasonally dry period), or drought-stricken areas:

- Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
- Initiate vegetative stabilization as soon as conditions on the site allow;
- Document the schedule that will be followed for initiating and completing vegetative stabilization;
- Plant the area so that within 3 years the 70% cover requirement is met.

• Sites affected by severe storm events or other unforeseen circumstances:

- Initiate vegetative stabilization as soon conditions on the site allow;
- Document the schedule that will be followed for initiating and completing vegetative stabilization;
- Plant the area so that so that within 3 years the 70% cover requirement is met.

8.J.4.3 Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

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The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in Part 8.J.3.2(a) and 8.J.3.2(b), in addition to the water quality-based limits in Part 2.2 of the MSGP.

Stricter requirements apply if your site will discharge to an impaired water:

- More rapid stabilization of exposed areas: Complete initial stabilization activities within 7 days of stopping construction work.
- More frequent site inspections: Once every 7 days and within 24 hours of a storm event of 0.25 inches or greater.

8.J.4.4 Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

The following requirements supersede the inspections requirements in Part 3 and 8.J.7 of the MSGP for earth-disturbing activities conducted prior to active mining activities defined in Part 8.J.3.2(a) and 8.J.3.2(b).

8.J.4.4.1 Inspection Frequency

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

Note:

- Inspections only required during working hours;
- Inspections not required during unsafe conditions; and
- If you choose to inspect once every 14 days, you must have a method for measuring rainfall amount on site (either rain gauge or representative weather station)

Note: To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day.

Note: You are required to specify in your SWPPP which schedule you will be following.

Note: "Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi- and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

8.J.4.4.2 Reductions in Inspection Frequency

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to Part 8.J.4.1.9 or 8.J.4.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce inspections to once per month and within 24 hours of a 0.25 inch storm event.
- Frozen conditions: You may temporarily suspend or reduce inspections to once per month until thawing conditions occur if frozen conditions are continuous and disturbed areas have been stabilized. For extreme conditions in remote areas, e.g., where transit to the site is perilous/restricted or temperatures are routinely below freezing, you may suspend inspections until the conditions are conducive to safe access, and more frequent inspections can resume.

8.J.4.4.3 Areas to be Inspected. You must at a minimum inspect the all of the following areas:

- Disturbed areas;
- Storm water controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;
- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where storm water flows;
- Points of discharge.

8.J.4.4.4 What to Check for During Inspections. At a minimum you must check:

- Whether all storm water controls are installed, operational and working as intended;
- Whether any new or modified storm water controls are needed;
- For conditions that could lead to a spill or leak;
- For visual signs of erosion/sedimentation at points of discharge.

If a discharge is occurring:

- The quality and characteristics of the discharge;

- Whether controls are operating effectively.

8.J.4.4.5 Inspection Report. Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);
- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.

8.J.4.5 Cessation of Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities. The requirements in 8.J.4 no longer apply for any earth-disturbing activities conducted prior to active mining activities as defined in 8.J.3.2(a) or 8.J.3.2(b) where:

1. Earth-disturbing activities have ceased; and
2. Stabilization has been met consistent with Part 8.J.4.1.9 or 8.J.4.2.11 (not

required for areas where active mining activities will occur).

8.J.5 Technology-Based Effluent Limits for Active Mining Activities.

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active-mining as defined in 8.J.3.2(a) or 8.J.3.2(b).

8.J.5.1 Employee Training. Conduct employee training at least annually at active and temporarily inactive sites. (See also Part 2.1.2.8).

8.J.5.2 Storm water Controls. Apart from the control measures you implement to meet your Part 2 effluent limits, where necessary to minimize pollutant discharges in storm water, implement the following control measures at your site. The potential pollutants identified in Part 8.J.6.3 shall determine the priority and appropriateness of the control measures selected.

Storm water Diversions: Divert storm water away from potential pollutant sources through implementation of control measures such as the following, where determined to be feasible (list not exclusive): interceptor or diversion controls (e.g., dikes, swales, curbs, berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents. For mines subject to dust

control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.10.

Capping: When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.

Treatment: If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of storm water runoff is encouraged. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (40 CFR Part 436).

8.J.5.3 Discharge Testing. (See also Part 5.2.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related but unauthorized non-storm water discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). Alternatively (if applicable), you may keep a certification with your SWPPP, per Part 8.J.6.6.

8.J.6 Additional SWPPP Requirements for Mining Operations.

Note: The requirements in Part 8.J.6 are not applicable to inactive mineral mining facilities.

8.J.6.1 Nature of Industrial Activities. (See also Part 5.2.2) Document in your SWPPP the mining and associated activities that can potentially affect the storm water discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

8.J.6.2 Site Map. (See also Part 5.2.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual NPDES permit; outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage dewatering or other process water; heap leach pads; off-site points of discharge for mine dewatering and process water; surface waters; boundary of tributary areas that are subject to effluent

limitations guidelines; and location(s) of reclaimed areas.

8.J.6.3 Potential Pollutant Sources. (See also Part 5.2.3) For each area of the mine or mill site where storm water discharges associated with industrial activities occur, document in your SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. For example, phosphate mining facilities will likely need to document pollutants such as selenium, which can be present in significant amounts in their discharges. Consider these factors: the mineralogy of the waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.

8.J.6.4 Documentation of Control Measures. To the extent that you use any of the control measures in Part 8.J.5.2, document them in your SWPPP per Part 5.2.4. If control measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP. If you are in compliance with dust control requirements under state or county air quality permits, you must state (or summarize, as necessary) what the state or

county air quality permit dust control requirements are and how you've achieved compliance with them.

8.J.6.5 Employee Training. All employee training(s) conducted in accordance with Part 8.J.5.1 must be documented with the SWPPP.

8.J.6.6 Certification of Permit Coverage for Commingled Non-Storm water Discharges. If you determine that you are able to certify, consistent with Part 8.J.5.3, that a particular discharge composed of commingled storm water and non-storm water is covered under a separate NPDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, you must retain such certification with your SWPPP. This certification must identify the non-storm water discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.

8.J.7 Additional Inspection Requirements. (See also Part 3.1)

Except for earth-disturbing activities conducted prior to active mining activities as defined in Part 8.J.3.2(a) and 8.J.3.2(b), which are subject to Part 8.J.4.4, perform inspections at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters which are impaired for sediment or nitrogen must be inspected monthly.

8.J.8 Sector-Specific Benchmarks. (See also Part 6)

Table 8.J-1 identifies benchmarks that apply to the specific subsectors of Sector J. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.J-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector J1. Sand and Gravel Mining (SIC 1442, 1446)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L
Subsector J2. Dimension and Crushed Stone and Nonmetallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)	100 mg/L

8.J.9 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 6.2.2.1).

Table 8.J-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other

waste streams that may be covered under this permit.

Table 8.J-2

Industrial Activity	Parameter	Effluent Limitation[1]
Mine dewatering discharges at crushed stone mining facilities (SIC 1422 - 1429)	pH	6.0 - 9.0
Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442)	pH	6.0 - 9.0
Mine dewatering discharges at industrial sand mining facilities (SIC 1446)	Total Suspended Solids (TSS)	25 mg/L, monthly avg.
		45 mg/L, daily maximum
	pH	6.0 - 9.0

[1]Monitor annually.

8.J.10 Termination of Permit Coverage.

8.J.10.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990. A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site

has been reclaimed as defined in Part 8.J.3.5.

8.J.10.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990. A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart K - Sector K - Hazardous Waste Treatment, Storage, or Disposal Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.K.1 Covered Storm water Discharges.

The requirements in Subpart K apply to storm water discharges associated with industrial activity from Hazardous Waste Treatment, Storage, or Disposal facilities (TSDFs) as identified by the Activity Code specified under Sector K in Table 9 of Part 9 of the permit.

8.K.2 Industrial Activities Covered by Sector K.

This permit authorizes storm water discharges associated with industrial activity from facilities that treat, store, or dispose of hazardous wastes and that are operating under interim status or a permit under subtitle C of RCRA.

Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are considered inactive and do not require permits.

8.K.3 Limitations on Coverage.

8.K.3.1 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4) The following are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory-derived wastewater, and contact wash water from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3.)

8.K.4 Definitions.

8.K.4.1 Contaminated storm water - storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.K.4.4. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

8.K.4.2 Drained free liquids - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

8.K.4.3 Landfill - an area of land or an excavation in which wastes are placed for permanent disposal, but that is not a land application

or land treatment unit, surface impoundment, underground injection well, waste pile, salt dome formation, salt bed formation, underground mine, or cave as these terms are defined in 40 CFR 257.2, 258.2, and 260.10.

8.K.4.4 Landfill wastewater - as defined in 40 CFR Part 445 (Landfills Point Source Category), all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated ground water, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water, and contact wash water from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

8.K.4.5 Leachate - liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

8.K.4.6 Non-contaminated storm water - storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.K.4.4. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

8.K.5 Sector-Specific Benchmarks. (See also Part 6)

Table 8.K-1 identifies benchmarks that apply to the specific subsectors of Sector K. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.K-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector K1. ALL - Industrial Activity Code "HZ" (Note: permit coverage limited in some states). Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A (see below).	Ammonia	2.14 mg/L
	Total Magnesium	0.064 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Total Arsenic (freshwater) Total Arsenic (saltwater)[1]	0.15 mg/L 0.069 mg/L
	Total Cadmium (freshwater)[2] Total Cadmium (saltwater)[1]	Hardness Dependent 0.04 mg/L
	Total Cyanide (freshwater) Total Cyanide (saltwater)[1]	0.022 mg/L 0.001 mg/L

	Total Lead (freshwater)[2] Total Lead (saltwater)[1]	Hardness Dependent 0.21 mg/L
	Total Mercury (freshwater) Total Mercury (saltwater)[1]	0.0014 mg/L 0.0018 mg/L
	Total Selenium (freshwater) Total Selenium (saltwater)[1]	0.005 mg/L 0.29 mg/L
	Total Silver (freshwater)[2] Total Silver (saltwater)[1]	Hardness Dependent 0.0019 mg/L

[1]Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
[2] The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Part 11, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility.

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Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Cadmium (mg/L)	Lead (mg/L)	Silver (mg/L)
0-24.99 mg/L	0.0005	0.014	0.0007
25-49.99 mg/L	0.0008	0.023	0.0007
50-74.99 mg/L	0.0013	0.045	0.0017
75-99.99 mg/L	0.0018	0.069	0.0030
100-124.99 mg/L	0.0023	0.095	0.0046
125-149.99 mg/L	0.0029	0.122	0.0065
150-174.99 mg/L	0.0034	0.151	0.0087
175-199.99 mg/L	0.0039	0.182	0.0112
200-224.99 mg/L	0.0045	0.213	0.0138
225-249.99 mg/L	0.0050	0.246	0.0168
250+ mg/L	0.0053	0.262	0.0183

8.K.6 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 6.2.2.1)

Table 8.K-2 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.K-2[1]

Industrial Activity	Parameter	Effluent Limitation
Discharges from hazardous waste landfills subject to effluent	Biochemical Oxygen Demand (BOD_5)	220 mg/L, daily maximum
		56 mg/L, monthly avg. maximum
	Total	88 mg/L, daily maximum

Table 8.K-2[1]		
Industrial Activity	Parameter	Effluent Limitation
limitations in 40 CFR Part 445 Subpart A (see footnote).	Suspended Solids (TSS)	27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.042 mg/L, daily maximum
		0.019 mg/L, monthly avg. maximum
	Aniline	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Benzoic Acid	0.119 mg/L, daily maximum
		0.073 mg/L, monthly avg. maximum
	Naphthalene	0.059 mg/L, daily maximum
		0.022 mg/L, monthly avg. maximum
	p-Cresol	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Phenol	0.048 mg/L, daily maximum
		0.029 mg/L, monthly avg. maximum
	Pyridine	0.072 mg/L, daily maximum
		0.025 mg/L, monthly avg. maximum
	Total	1.1 mg/L, daily maximum

Table 8.K-2[1]		
Industrial Activity	Parameter	Effluent Limitation
	Arsenic	0.54 mg/L, monthly avg. maximum
	Total Chromium	1.1 mg/L, daily maximum
		0.46 mg/L, monthly avg. maximum
	Total Zinc	0.535 mg/L, daily maximum
		0.296 mg/L, monthly avg. maximum
	pH	Within the range of 6-9 standard pH units (s.u.)

[1] Monitor annually. As set forth at 40 CFR Part 445 Subpart A, these numeric limitations apply to contaminated storm water discharges from hazardous waste landfills subject to the provisions of RCRA Subtitle C at 40 CFR Parts 264 (Subpart N) and 265 (Subpart N) except for any of the following facilities:
(a) landfills operated in conjunction with other industrial or commercial operations when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
(b) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation or that the other wastes received are of similar nature to the wastes

generated by the industrial or commercial operation;
(c) landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
(d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart L - Sector L - Landfills, Land Application Sites, and Open Dumps.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.L.1 Covered Storm water Discharges.

The requirements in Subpart L apply to storm water discharges associated with industrial activity from Landfills and Land Application Sites as

identified by the Activity Code specified under Sector L in Table 9 of Part 9 of the permit.

8.L.2 Industrial Activities Covered by Sector L.

This permit may authorize storm water discharges for Sector L facilities associated with waste disposal at landfills, land application sites that receive or have received industrial waste, including sites subject to regulation under Subtitle D of RCRA. This permit does not cover discharges from landfills that receive only municipal wastes.

8.L.3 Limitations on Coverage.

8.L.3.1 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4) The following discharges are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact wash water from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3.)

8.L.3.2 Prohibition Storm water Discharges from Open Dumps. Discharges from open dumps as defined under RCRA are also not authorized under this permit.

8.L.4 Definitions.

8.L.4.1 Contaminated storm water - storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

8.L.4.2 Drained free liquids - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

8.L.4.3 Landfill wastewater - as defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated ground water, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory-derived wastewater; contaminated storm water; and contact wash water from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

8.L.4.4 Leachate - liquid that has passed through or emerged from solid waste and contains

soluble, suspended, or miscible materials removed from such waste.

8.L.4.5 Non-contaminated storm water - storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

8.L.5 Additional Technology-Based Effluent Limits.

8.L.5.1 Preventive Maintenance Program. (See also Part 2.1.2.3) As part of your preventive maintenance program, maintain the following: all elements of leachate collection and treatment systems, to prevent commingling of leachate with storm water; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.

8.L.5.2 Erosion and Sedimentation Control. (See also Part 2.1.2.5) Provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following in order to minimize discharges of pollutants in storm water: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application sites where waste

application has been completed but final vegetation has not yet been established.

8.L.6 Additional SWPPP Requirements.

8.L.5.1 Drainage Area Site Map. (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and leachate collection and handling systems.

8.L.5.2 Summary of Potential Pollutant Sources. (See also Part 5.2.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.

8.L.7 Additional Inspection Requirements. (See also Part 3)

8.L.7.1 Inspections of Active Sites. Except in arid and semi-arid climates, inspect operating

landfills, open dumps, and land application sites at least once every 7 days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas where land application has been completed, or where the climate is arid or semi-arid, conduct inspections at least once every month.

8.L.7.2 Inspections of Inactive Sites. Inspect inactive landfills, open dumps, and land application sites at least quarterly. Qualified personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

8.L.8 Additional Post-Authorization Documentation Requirements.

8.L.8.1 Recordkeeping and Internal Reporting. Keep records with your SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas.

8.L.9 Sector-Specific Benchmarks. (See also Part 6)

Table 8.L-1 identifies benchmarks that apply to the specific subsectors of Sector L. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.L-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration[1]
Subsector L1. All Landfill, Land Application Sites and Open Dumps (Industrial Activity Code "LF")	Total Suspended Solids (TSS)	100 mg/L
Subsector L2. All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60 (Industrial Activity Code "LF")	Total Iron	1.0 mg/L

[1]Benchmark monitoring required only for discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B (see Table L-2 below).

8.L.10. Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 6.2.2.1)

Table 8.L-2 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with

any other waste streams that may be covered under this permit.

Table 8.L-2[1]		
Industrial Activity	Parameter	Effluent Limitation
Discharges from non-hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart B.	Biochemical Oxygen Demand (BOD_5)	140 mg/L, daily maximum
		37 mg/L, monthly avg. maximum
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.033 mg/L, daily maximum
		0.016 mg/L monthly avg. maximum
	Benzoic Acid	0.12 mg/L, daily maximum
		0.071 mg/L, monthly avg. maximum
	p-Cresol	0.025 mg/L, daily maximum
		0.014 mg/L, monthly avg. maximum
	Phenol	0.026 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Total Zinc	0.20 mg/L, daily maximum

Table 8.L-2[1]		
Industrial Activity	Parameter	Effluent Limitation 0.11 mg/L, monthly avg. maximum
	pH	Within the range of 6-9 standard pH units (s.u.)

[1] Monitor annually. As set forth at 40 CFR Part 445 Subpart B, these numeric limitations apply to contaminated storm water discharges from MSWLFs that have not been closed in accordance with 40 CFR 258.60, and to contaminated storm water discharges from those landfills that are subject to the provisions of 40 CFR Part 257 except for discharges from any of the following facilities:
(a) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
(b) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation, or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
(c) landfills operated in conjunction with CWT facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A

landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or

(d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart M - Sector M - Automobile Salvage Yards.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.M.1 Covered Storm water Discharges.

The requirements in Subpart M apply to storm water discharges associated with industrial activity from Automobile Salvage Yards as identified by the SIC Code specified under Sector M in Table 9 of Part 9 of this permit.

8.M.2 Additional Technology-Based Effluent Limits.

8.M.2.1 Spill and Leak Prevention Procedures. (See also Part 2.1.2.4) Drain vehicles intended

to be dismantled of all fluids upon arrival at the site (or as soon thereafter as practicable), or employ some other equivalent means to prevent spills and leaks.

8.M.2.2 Employee Training. (See also Part 2.1.2.8) If applicable to your facility, address the following areas (at a minimum) in your employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.

8.M.2.3 Management of Runoff. (See also Part 2.1.2.6) Implement control measures to minimize discharges of pollutants in runoff such as the following, where determined to be feasible (list not exclusive): berms or drainage ditches on the property line (to help prevent run-on from neighboring properties); berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators.

8.M.3 Additional SWPPP Requirements.

8.M.3.1 Drainage Area Site Map. (See also Part 5.2.2) Identify locations used for dismantling, storing, and maintaining used motor vehicle parts. Also identify where any of the following may be exposed to precipitation or surface runoff: dismantling areas, parts (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers)

storage areas, and liquid storage tanks and drums for fuel and other fluids.

8.M.3.2 Potential Pollutant Sources. (See also Part 5.2.3) Assess the potential for the following to contribute pollutants to storm water discharges: vehicle storage areas, dismantling areas, parts storage areas (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers), and fueling stations.

8.M.4 Additional Inspection Requirements. (See also Part 3.1)

Immediately (or as soon thereafter as practicable) inspect vehicles arriving at the site for leaks. Inspect quarterly for signs of leakage all equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches. Also, inspect quarterly for signs of leakage all vessels and areas where hazardous materials and general automotive fluids are stored, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze.

8.M.5 Sector-Specific Benchmarks. (See also Part 6)

Table 8.M-1 identifies benchmarks that apply to Sector M. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.M-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector M1. Automobile Salvage Yards (SIC 5015)	Total Suspended Solids (TSS)	100 mg/L
	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Lead (freshwater)[2]	Hardness Dependent
	Total Lead (saltwater)[1]	0.21 mg/L

[1]Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
[2] The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Part 11, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility.

Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Lead (mg/L)
0-24.99 mg/L	0.014
25-49.99 mg/L	0.023
50-74.99 mg/L	0.045
75-99.99 mg/L	0.069
100-124.99 mg/L	0.095
125-149.99 mg/L	0.122
150-174.99 mg/L	0.151
175-199.99 mg/L	0.182
200-224.99 mg/L	0.213
225-249.99 mg/L	0.246
250+ mg/L	0.262

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart N - Sector N - Scrap Recycling and Waste Recycling Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.N.1 Covered Storm water Discharges.

The requirements in Subpart N apply to storm water discharges associated with industrial activity from Scrap Recycling and Waste Recycling facilities as

identified by the SIC Code specified under Sector N in Table 9 of Part 9 of the permit.

8.N.2 Limitation on Coverage.

Separate permit requirements have been established for recycling facilities that receive, process, and do wholesale distribution of only source-separated recyclable materials primarily from non-industrial and residential sources (i.e., common consumer products including paper, newspaper, glass, cardboard, plastic containers, and aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF). See Part 8.N.3.3.

8.N.2.1 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4) Non-storm water discharges from turnings containment areas are not covered by this permit (see also Part 8.N.3.1.3). Discharges from containment areas in the absence of a storm event are prohibited unless covered by a separate NPDES permit. (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3.)

8.N.3 Additional Technology-Based Effluent Limits.

8.N.3.1 Scrap and Waste Recycling Facilities (Non-Source Separated, Nonliquid Recyclable Materials). The following requirements are for facilities that receive, process, and do wholesale distribution of non-source separated, nonliquid recyclable wastes (e.g., ferrous and nonferrous metals,

plastics, glass, cardboard, and paper). These facilities may receive both nonrecyclable and recyclable materials. This section is not intended for those facilities that accept recyclables only from primarily non-industrial and residential sources.

8.N.3.1.1 Inbound Recyclable and Waste Material Control Program. Minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials and through implementation of control measures such as the following, where determined to be feasible (list not exclusive): providing information and education to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids (e.g., from vehicles and equipment engines, radiators and transmissions, oil filled transformers, and individual containers or drums) and removal of mercury switches from vehicles before delivery to your facility; establishing procedures to minimize the potential of any residual fluids from coming into contact with precipitation or runoff; establishing procedures for accepting scrap lead-acid batteries (additional requirements for the handling, storage, and disposal or recycling of batteries are contained in the scrap lead-acid battery program provisions in Part 8.N.3.1.6);

providing training targeted for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and establishing procedures to ensure that liquid wastes, including used oil, are stored in materially compatible and non-leaking containers and are disposed of or recycled in accordance with the Resource Conservation and Recovery Act (RCRA).

8.N.3.1.2 Scrap and Waste Material Stockpiles and Storage (Outdoor). Minimize contact of storm water runoff with stockpiled materials, processed materials, and nonrecyclable wastes through implementation of control measures such as the following, where determined to be feasible (list not exclusive): permanent or semi-permanent covers; sediment traps, vegetated swales and strips, catch basin filters, and sand filters to facilitate settling or filtering of pollutants; dikes, berms, containment trenches, culverts, and surface grading to divert runoff from storage areas; silt fencing; and oil and water separators, sumps, and dry absorbents for areas where potential sources of residual fluids are stockpiled (e.g., automobile engine storage areas).

8.N.3.1.3 Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage). Minimize contact of surface runoff with residual cutting fluids by storing all

turnings exposed to cutting fluids under some form of permanent or semi-permanent cover, or establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas must be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with storm water run-on. Storm water runoff from these areas can be discharged, provided that any runoff is first collected and treated by an oil and water separator or its equivalent. You must regularly maintain the oil and water separator (or its equivalent) and properly dispose of or recycle collected residual fluids.

8.N.3.1.4 Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage). Minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with surface runoff through implementation of control measures such as the following, where determined to be feasible (list not exclusive): good housekeeping measures, including the use of dry absorbents or wet vacuuming to contain, dispose of, or recycle residual liquids originating from recyclable containers, and mercury spill kits for spills from storage of

mercury switches; not allowing wash water from tipping floors or other processing areas to discharge to the storm sewer system; and disconnecting or sealing off all floor drains connected to the storm sewer system.

8.N.3.1.5 Scrap and Recyclable Waste Processing Areas. Minimize surface runoff from coming in contact with scrap processing equipment. Pay attention to operations that generate visible amounts of particulate residue (e.g., shredding) to minimize the contact of accumulated particulate matter and residual fluids with runoff (i.e., through good housekeeping, preventive maintenance). To minimize discharges of pollutants in storm water from scrap and recyclable waste processing areas, implement control measures such as the following, where determined to be feasible (list not exclusive): at least once per month inspecting equipment for spills or leaks and malfunctioning, worn, or corroded parts or equipment; establishing a preventive maintenance program for processing equipment; using dry-absorbents or other cleanup practices to collect and dispose of or recycle spilled or leaking fluids or use mercury spill kits for spills from storage of mercury switches; on unattended hydraulic reservoirs over 150 gallons in capacity, installing protection devices such as low-level

alarms or equivalent devices, or secondary containment that can hold the entire volume of the reservoir; implementing containment or diversion structures such as dikes, berms, culverts, trenches, elevated concrete pads, and grading to minimize contact of storm water runoff with outdoor processing equipment or stored materials; using oil and water separators or sumps; installing permanent or semi-permanent covers in processing areas where there are residual fluids and grease; and using retention or detention ponds or basins, sediment traps, vegetated swales or strips, and/or catch basin filters or sand filters for pollutant settling and filtration.

8.N.3.1.6 Scrap Lead-Acid Battery Program. To minimize the discharge of pollutants in storm water from lead-acid batteries, properly handle, store, and dispose of scrap lead-acid batteries, and implement control measures such as the following, where determined to be feasible (list not exclusive): segregating scrap lead-acid batteries from other scrap materials; properly handling, storing, and disposing of cracked or broken batteries; collecting and disposing of leaking lead-acid battery fluid; minimizing or eliminating (if possible) exposure of scrap lead-acid batteries to

precipitation or runoff; and providing employee training for the management of scrap batteries.

8.N.3.1.7 Spill Prevention and Response Procedures. (See also Part 2.1.2.4) Install alarms and/or pump shutoff systems on outdoor equipment with hydraulic reservoirs exceeding 150 gallons in the event of a line break. Alternatively, a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation can be used. Use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.

8.N.3.1.8 Supplier Notification Program. As appropriate, notify major suppliers which scrap materials will not be accepted at the facility or will be accepted only under certain conditions.

8.N.3.2 Waste Recycling Facilities (Liquid Recyclable Materials).

8.N.3.2.1 Waste Material Storage (Indoor). Minimize or eliminate contact between residual liquids from waste materials stored indoors and from surface runoff. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. To minimize discharges of pollutants in storm water from indoor waste material storage

areas, implement control measures such as the following, where determined to be feasible (list not exclusive): implementing procedures for material handling (including labeling and marking); cleaning up spills and leaks with dry absorbent materials and/or a wet vacuum system; installing appropriate containment structures (e.g., trenching, curbing, gutters, etc.); and installing a drainage system, including appurtenances (e.g., pumps or ejectors, manually operated valves), to handle discharges from diked or bermed areas. Drainage should be discharged to an appropriate treatment facility or sanitary sewer system, or otherwise disposed of properly. These discharges may require coverage under a separate NPDES wastewater permit or industrial user permit under the pretreatment program.

8.N.3.2.2 Waste Material Storage (Outdoor). Minimize contact between stored residual liquids and precipitation or runoff. The plan may refer to applicable portions of other existing plans, such as SPCC plans required under 40 CFR Part 112. Discharges of storm water from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112. To minimize discharges of pollutants in storm water from outdoor waste material storage areas,

implement control measures such as the following, where determined to be feasible (list not exclusive): appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the volume of the largest tank, with sufficient extra capacity for precipitation; drainage control and other diversionary structures; corrosion protection and/or leak detection systems for storage tanks; and dry-absorbent materials or a wet vacuum system to collect spills.

8.N.3.2.3 Trucks and Rail Car Waste Transfer Areas. Minimize pollutants in storm water discharges from truck and rail car loading and unloading areas. Include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes. To minimize discharges of pollutants in storm water from truck and rail car waste transfer areas, implement control measures such as the following, where determined to be feasible (list not exclusive): containment and diversionary structures to minimize contact with precipitation or runoff; and dry clean-up methods, wet vacuuming, roof coverings, and/or runoff controls.

8.N.3.3 Recycling Facilities (Source-Separated Materials). The following requirements are for facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources.

8.N.3.3.1 Inbound Recyclable Material Control. Minimize the chance of accepting nonrecyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials and through the implementation of control measures such as the following, where determined to be feasible (list not exclusive): providing information and education measures to inform suppliers of recyclables about acceptable and non-acceptable materials; training drivers responsible for pickup of recycled material; clearly marking public drop-off containers regarding which materials can be accepted; rejecting nonrecyclable wastes or household hazardous wastes at the source; and establishing procedures for handling and disposal of nonrecyclable material.

8.N.3.3.2 Outdoor Storage. Minimize exposure of recyclables to precipitation and runoff by using good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas and through implementation of control measure such as the following, where determined to be feasible (list not exclusive): providing totally enclosed drop-off containers for the public; installing a sump and pump with each container pit and treat or discharge collected fluids

to a sanitary sewer system; providing dikes and curbs for secondary containment (e.g., around bales of recyclable waste paper); diverting surface water runoff away from outside material storage areas; providing covers over containment bins, dumpsters, and roll-off boxes; and storing the equivalent of one day's volume of recyclable material indoors.

8.N.3.3.3 Indoor Storage and Material Processing. Minimize the release of pollutants from indoor storage and processing areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): scheduling routine good housekeeping measures for all storage and processing areas; prohibiting tipping floor wash water from draining to the storm sewer system; and providing employee training on pollution prevention practices.

8.N.3.3.4 Vehicle and Equipment Maintenance. Minimize the discharge of pollutants in storm water from areas where vehicle and equipment maintenance occur outdoors through implementation of control measures such as the following, where determined to be feasible (list not exclusive): minimizing or eliminating outdoor maintenance areas; establishing spill prevention and clean-up procedures in fueling areas; avoiding topping off fuel tanks;

diverting runoff from fueling areas; storing lubricants and hydraulic fluids indoors; and providing employee training on proper handling and storage of hydraulic fluids and lubricants.

8.N.4 Additional SWPPP Requirements.

8.N.4.1 Drainage Area Site Map. (See also Part 5.2.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: scrap and waste material storage; outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.

8.N.4.2 Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities. If you are subject to Part 8.N.3.1.3, your SWPPP must identify any applicable maintenance schedule and the procedures to collect, handle, and dispose of or recycle residual fluids.

8.N.5 Additional Inspection Requirements.

8.N.5.1 Inspections for Waste Recycling Facilities. The inspections must be performed quarterly, per Part 3.1, and include, at a minimum, all areas where waste is generated, received, stored, treated, or disposed of and that are exposed to either precipitation or storm water runoff.

8.N.6 Sector-Specific Benchmarks. (See also Part 6)

Table 8.N-1 identifies benchmarks that apply to Sector N. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.N-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector N1. Scrap Recycling and Waste Recycling Facilities except those only receiving source-separate recyclable materials primarily from non-industrial and residential sources (SIC 5093)	Chemical Oxygen Demand (COD)	120 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Aluminum Total Recoverable	0.75 mg/L
	Total Copper (freshwater)[2] Total Copper (saltwater)[1]	Hardness Dependent 0.0048 mg/L
	Total Recoverable Iron	1.0 mg/L
	Total Lead (freshwater)[2] Total Lead (saltwater)[1]	Hardness Dependent 0.21 mg/L
	Total Zinc (freshwater)[2]	Hardness Dependent

	Total Zinc (saltwater)[1]	0.09 mg/L

[1]Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
[2] The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Part 11, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility.

Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Copper (mg/L)	Lead (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.0038	0.014	0.04
25-49.99 mg/L	0.0056	0.023	0.05
50-74.99 mg/L	0.0090	0.045	0.08
75-99.99 mg/L	0.0123	0.069	0.11
100-124.99 mg/L	0.0156	0.095	0.13
125-149.99 mg/L	0.0189	0.122	0.16
150-174.99 mg/L	0.0221	0.151	0.18
175-199.99 mg/L	0.0253	0.182	0.20
200-224.99 mg/L	0.0285	0.213	0.23
225-249.99 mg/L	0.0316	0.246	0.25
250+ mg/L	0.0332	0.262	0.26

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart O - Sector O - Steam Electric Generating Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.O.1 Covered Storm water Discharges.

The requirements in Subpart O apply to storm water discharges associated with industrial activity from Steam Electric Power Generating Facilities as identified by the Activity Code specified under Sector O in Table 9 of Part 9.

8.O.2 Industrial Activities Covered by Sector O.

This permit authorizes storm water discharges from the following industrial activities at Sector O facilities:

8.O.2.1 Steam electric power generation using coal, natural gas, oil, nuclear energy, etc., to produce a steam source, including coal handling areas (does not include geothermal power);

8.O.2.2 Coal pile runoff, including effluent limitations established by 40 CFR Part 423;

8.O.2.3 Dual fuel facilities that could employ a steam boiler.

8.0.3 Limitations on Coverage.

8.0.3.1 Prohibition of Non-Storm water Discharges. Non-storm water discharges subject to effluent limitations guidelines are not covered by this permit. (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3.)

8.0.3.2 Prohibition of Storm water Discharges. Storm water discharges from the following are not covered by this permit:

8.0.3.2.1 Ancillary facilities (e.g., fleet centers and substations) that are not contiguous to a steam electric power generating facility;

8.0.3.2.2 Gas turbine facilities (provided the facility is not a dual-fuel facility that includes a steam boiler), and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler);

8.0.3.2.3 Cogeneration (combined heat and power) facilities utilizing a gas turbine.

8.0.4 Additional Technology-Based Effluent Limits.

The following good housekeeping measures are required in addition to Part 2.1.2.2:

8.0.4.1 Fugitive Dust Emissions. Minimize fugitive dust emissions from coal handling areas to minimize the tracking of coal dust offsite

that could be discharged in storm water through implementation of control measures such as the following, where determined to be feasible, (list not exclusive): installing specially designed tires; and washing vehicles in a designated area before they leave the site and controlling the wash water.

8.0.4.2 Delivery Vehicles. Minimize contamination of storm water runoff from delivery vehicles arriving at the plant site. Implement procedures to inspect delivery vehicles arriving at the plant site as necessary to minimize discharges of pollutants in storm water. Ensure the overall integrity of the body or container of the delivery vehicle and implement procedures to deal with leakage or spillage from delivery vehicles.

8.0.4.3 Fuel Oil Unloading Areas. Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Use containment curbs in unloading areas where feasible. In addition, ensure personnel familiar with spill prevention and response procedures are available to respond expeditiously in the event of a leak or spill during deliveries. Ensure that any leaks or spills are immediately contained and cleaned up, and use spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).

8.0.4.4 Chemical Loading and Unloading. Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas. Use containment curbs at chemical loading and unloading areas to contain spills, where practicable. In addition, ensure personnel familiar with spill prevention and response procedures are available to respond expeditiously in the event of a leak or spill during deliveries. Ensure leaks and spills are immediately contained and cleaned up and, where practicable, load and unload in covered areas and store chemicals indoors.

8.0.4.5 Miscellaneous Loading and Unloading Areas. Minimize contamination of precipitation or surface runoff from loading and unloading areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the loading area; grading, curbing, or berming around the loading area to divert run-on; locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.

8.0.4.6 Liquid Storage Tanks. Minimize contamination of surface runoff from above-ground liquid storage tanks through implementation of control measures such as the following, where determined to be feasible, the following (list not exclusive): using protective guards around tanks; using containment curbs; installing spill and

overflow protection; using dry cleanup methods; or equivalent measures.

8.0.4.7 Large Bulk Fuel Storage Tanks. Minimize contamination of surface runoff from large bulk fuel storage tanks. Use containment berms (or their equivalent). You must also comply with applicable state and federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements.

8.0.4.8 Spill Reduction Measures. Minimize the potential for an oil or chemical spill, or reference the appropriate part of your SPCC plan. Visually inspect as part of your routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to storm water, and make any necessary repairs immediately.

8.0.4.9 Oil-Bearing Equipment in Switchyards. Minimize contamination of surface runoff from oil-bearing equipment in switchyard areas. Use level grades and gravel surfaces to retard flows and limit the spread of spills, or collect runoff in perimeter ditches.

8.0.4.10 Residue-Hauling Vehicles. Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.

8.0.4.11 Ash Loading Areas. Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water as necessary to minimize discharges of pollutants in storm water.

8.0.4.12 Areas Adjacent to Disposal Ponds or Landfills. Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.

8.0.4.13 Landfills, Scrap Yards, Surface Impoundments, Open Dumps, General Refuse Sites. Minimize the potential for contamination of runoff from these areas.

8.0.5 Additional SWPPP Requirements.

8.0.5.1 Drainage Area Site Map. (See also Part 5.2.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: storage tanks, scrap yards, and general refuse areas; short- and long-term storage of general materials (including but not limited to supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills and construction sites; and stock pile areas (e.g., coal or limestone piles).

8.0.5.2 Documentation of Good Housekeeping Measures. You must document in your SWPPP the good housekeeping measures implemented to meet the effluent limits in Part 8.0.4.

8.0.6 Additional Inspection Requirements.

As part of your inspection, inspect the following areas monthly: coal handling areas, loading or unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

8.0.7 Sector-Specific Benchmarks. (See also Part 6)

Table 8.0-1 identifies benchmarks that apply to Sector O. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.0-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector O1. Steam Electric Generating Facilities (Industrial Activity Code "SE")	Total Iron	1.0 mg/L

8.0.8 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 6.2.2.1)

Table 8.0-2 identifies effluent limits that apply to the industrial activities described below.

Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.O-2[1]		
Industrial Activity	Parameter	Effluent Limitation
Discharges from coal storage piles at Steam Electric Generating Facilities	TSS	50 mg/l[2]
	pH	6.0 min - 9.0 max

[1] Monitor annually.

[2] If your facility is designed, constructed, and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart P - Sector P - Land Transportation and Warehousing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.P.1 Covered Storm water Discharges.

The requirements in Subpart P apply to storm water discharges associated with industrial activity from Land Transportation and Warehousing facilities as identified by the SIC Codes specified under Sector P in Table 9 of Part 9 of the permit.

8.P.2 Limitation on Coverage.

8.P.2.1 Prohibited Discharges (see also Parts 1.1.4 and 8.P.3.1.4) This permit does not authorize the discharge of vehicle/equipment/surface wash water, including tank cleaning operations. Such discharges must be authorized under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or recycled on-site.

8.P.3 Additional Technology-Based Effluent Limits.

8.P.3.1 Good Housekeeping Measures. (See also Part 2.1.2.2) In addition to the Good Housekeeping requirements in Part 2.1.2.2, you must do the following.

8.P.3.1.1 Vehicle and Equipment Storage Areas. Minimize the potential for storm water exposure to leaky or leak-prone vehicles/equipment awaiting maintenance through implementation of control measures such as the following, where determined to be feasible (list not exclusive): using of drip pans under vehicles/equipment; storing vehicles and equipment indoors; installing berms or dikes; using of absorbents; roofing

or covering storage areas; and cleaning pavement surfaces to remove oil and grease.

8.P.3.1.2 Fueling Areas. Minimize contamination of storm water runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible: covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing storm water run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

8.P.3.1.3 Material Storage Areas. Maintain all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of storm water and plainly label them (e.g., "Used Oil," "Spent Solvents"). To minimize discharges of pollutants in storm water from material storage areas, implement control measures such as the following, where determined to be feasible (list not exclusive): storing the materials indoors; installing berms/dikes around the areas; minimizing runoff of storm water to the areas; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

8.P.3.1.4 Vehicle and Equipment Cleaning Areas. Minimize contamination of storm water runoff from all areas used for

vehicle/equipment cleaning through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all cleaning operations indoors; covering the cleaning operation, ensuring that all wash water drains to a proper collection system (i.e., not the storm water drainage system); treating and/or recycling collected wash water; or other equivalent measures. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

8.P.3.1.5 Vehicle and Equipment Maintenance Areas. Minimize contamination of storm water runoff from all areas used for vehicle/equipment maintenance through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to storm water drainage systems; using dry cleanup methods; treating and/or recycling collected storm water runoff; and minimizing run

on/runoff of storm water to maintenance areas.

8.P.3.1.6 Locomotive Sanding (Loading Sand for Traction) Areas. Minimize discharges of pollutants in storm water from locomotive sanding areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering sanding areas; minimizing storm water run on/runoff; or appropriate sediment removal practices to minimize the offsite transport of sanding material by storm water.

8.P.3.2 Employee Training. (See also Part 2.1.2.8) Train personnel at least once a year and address the following activities, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

8.P.4 Additional SWPPP Requirements.

8.P.4.1 Drainage Area Site Map. (See also Part 5.2.2) Identify in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.

8.P.4.2 Potential Pollutant Sources. (See also Part 5.2.3) Assess the potential for the following activities and facility areas to contribute pollutants to storm water discharges: onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the storm water conveyance system(s); and fueling areas. Describe these activities in the SWPPP.

8.P.4.3 Description of Good Housekeeping Measures. You must document in your SWPPP the good housekeeping measures you implement consistent with Part 8.P.3.

8.P.4.4 Vehicle and Equipment Wash Water Requirements. If wash water is handled in a manner that does not involve separate NPDES permitting (e.g., hauled offsite), describe the disposal method and include all pertinent information (e.g., frequency, volume, destination, etc.) in your SWPPP. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

8.P.5 Additional Inspection Requirements. (See also Part 3.1)

Inspect all the following areas/activities: storage areas for vehicles/equipment awaiting maintenance, fueling areas, indoor and outdoor vehicle/equipment maintenance areas, material storage areas, vehicle/equipment cleaning areas and loading/unloading areas.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart Q - Sector Q - Water Transportation.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.Q.1 Covered Storm water Discharges.

The requirements in Subpart Q apply to storm water discharges associated with industrial activity from Water Transportation facilities as identified by the SIC Codes specified under Sector Q in Table 9 of Part 9 of the permit.

8.Q.2 Limitations on Coverage.

8.Q.2.1 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4) Not covered by this permit: discharges from vessels including bilge and ballast water, sanitary wastes, pressure wash water, and cooling water. Any discharge of pollutants from a point source to a water of the U.S. requires coverage under an NPDES permit. (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3.)

8.Q.3 Additional Technology-Based Effluent Limits.

8.Q.3.1 Good Housekeeping Measures. You must implement the following good housekeeping measures in addition to the requirements of Part 2.1.2.2:

8.Q.3.1.1 Pressure Washing Area. If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by a separate NPDES permit. Collect or contain the discharges from the pressure washing area so that they are not commingled with storm water discharges authorized by this permit.

8.Q.3.1.2 Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to be discharged into receiving waters or the storm sewer system. Contain all blasting and painting activities, or use other measures, to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). At least once per month, you must clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

8.Q.3.1.3 Material Storage Areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the

contamination of precipitation or surface runoff from the storage areas. Specify which materials are stored indoors, and contain or enclose or use other measures for those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

8.Q.3.1.4 Engine Maintenance and Repair Areas. Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all maintenance activities indoors; maintaining an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting the practice of hosing down the shop floor; using dry cleanup methods; and treating and/or recycling storm water runoff collected from the maintenance area.

8.Q.3.1.5 Material Handling Area. Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from

vessels) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area (preferably indoors or under a shed); and minimizing runoff of storm water to material handling areas.

8.Q.3.1.6 Drydock Activities. Routinely maintain and clean the drydock to minimize dischrges of pollutants in storm water. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. To minimize discharges of pollutants in storm water from drydock activities, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding; and making absorbent materials and oil containment booms readily available to clean up or contain any spills.

8.Q.3.2 Employee Training. (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management; spent solvent management;

disposal of spent abrasives; disposal of vessel wastewaters; spill prevention and control; fueling procedures; general good housekeeping practices; painting and blasting procedures; and used battery management.

8.Q.3.3 Preventive Maintenance. (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

8.Q.4 Additional SWPPP Requirements.

8.Q.4.1 Drainage Area Site Map. (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g.,

blasting media, aluminum, steel, scrap iron).

8.Q.4.2 Summary of Potential Pollutant Sources. (See also Part 5.2.3) Document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

8.Q.5 Additional Inspection Requirements. (See also Part 3.1)

Include the following in all quarterly routine facility inspections: pressure washing areas; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

8.Q.6 Sector-Specific Benchmarks. (See also Part 6)

Table 8.Q-1 identifies benchmarks that apply to Sector Q. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.Q-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector Q1. Water Transportation Facilities (SIC 4412-4499)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Lead (freshwater)2	Hardness Dependent
	Total Lead (saltwater)1	0.21 mg/L
	Total Zinc (freshwater)2	Hardness Dependent
	Total Zinc (saltwater)1	0.09 mg/L

[1]Saltwater benchmark values apply to storm water discharges into saline waters where indicated.

[2] The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Part 11, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility.

Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Lead (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.014	0.04
25-49.99 mg/L	0.023	0.05

Freshwater Hardness Range	Lead (mg/L)	Zinc (mg/L)
50-74.99 mg/L	0.045	0.08
75-99.99 mg/L	0.069	0.11
100-124.99 mg/L	0.095	0.13
125-149.99 mg/L	0.122	0.16
150-174.99 mg/L	0.151	0.18
175-199.99 mg/L	0.182	0.20
200-224.99 mg/L	0.213	0.23
225-249.99 mg/L	0.246	0.25
250+ mg/L	0.262	0.26

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart R - Sector R - Ship and Boat Building and Repair Yards.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.R.1 Covered Storm water Discharges.

The requirements in Subpart R apply to storm water discharges associated with industrial activity from Ship and Boat Building and Repair Yards as identified by the SIC Codes specified under Sector R in Table 9 of Part 9 of the permit.

8.R.2 Limitations on Coverage.

8.R.2.1 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4) Not covered by this permit: discharges from vessels including bilge and ballast water, sanitary wastes, pressure wash water, and cooling water. (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3.)

8.R.3 Additional Technology-Based Effluent Limits.

8.R.3.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.R.3.1.1 Pressure Washing Area. If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate NPDES permit.

8.R.3.1.2 Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to be discharged into receiving waters or the storm sewer system. Contain all blasting and painting activities, or use other measures, to prevent the discharge of the contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

8.R.3.1.3 Material Storage Areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

8.R.3.1.4 Engine Maintenance and Repair Areas. Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all maintenance activities indoors; maintaining an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting the practice of hosing down the shop floor; using dry cleanup methods; and treating and/or recycling storm water runoff collected from the maintenance area.

8.R.3.1.5 Material Handling Area. Minimize the discharge of pollutants in storm water from material handling operations and areas (e.g., fueling, paint and solvent

mixing, disposal of process wastewater streams from vessels) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing storm water run-on to material handling areas.

8.R.3.1.6 Drydock Activities. Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Clean accessible areas of the drydock prior to flooding and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, or fuel spills occurring on the drydock. To minimize discharges of pollutants in storm water from drydock activities, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding; and having absorbent materials and oil containment booms readily available to clean up and contain any spills.

8.R.3.2 Employee Training. (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil

management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

8.R.3.4 Preventive Maintenance. (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

8.R.4 Additional SWPPP Requirements.

8.R.4.1 Drainage Area Site Map. (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; treatment, storage, and waste disposal areas; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and

material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

8.R.4.2 Potential Pollutant Sources. (See also Part 5.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

8.R.4.3 Documentation of Good Housekeeping Measures. Document in your SWPPP any good housekeeping measures implemented to meet the effluent limits in Part 8.R.3.

8.R.4.3.1 Blasting and Painting Areas. Document in the SWPPP any standard operating practices relating to blasting and painting (e.g., prohibiting uncontained blasting and painting over open water or prohibiting blasting and painting during windy conditions, which can render containment ineffective).

8.R.4.3.2 Storage Areas. Specify in your SWPPP which materials are stored indoors, and contain or enclose or use other measures for those stored outdoors.

8.R.5 Additional Inspection Requirements. (See also Part 3.1)

Include the following in all quarterly routine facility inspections: pressure washing areas; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas;

material handling areas; drydock area; and general yard area.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart S - Sector S - Air Transportation.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.S.1 Covered Storm water Discharges.

The requirements in Subpart S apply to storm water discharges associated with industrial activity from Air Transportation facilities identified by the SIC Codes specified under Sector S in Table 9 of Part 9 of the permit.

8.S.2 Limitation on Coverage.

8.S.2.1 Limitations on Coverage. This permit authorizes storm water discharges from only those portions of the air transportation facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), or equipment cleaning operations.

8.S.2.2 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4 and Part 8.S.5.3) This permit does not authorize the discharge of aircraft, ground vehicle, runway and

equipment wash waters. Such discharges must be covered by separate NPDES permit(s). Note that a discharge resulting from snowmelt is not a dry weather discharge. (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3.)

8.S.3 Multiple Operators at Air Transportation Facilities.

Air transportation facilities often have more than one operator who could discharge storm water associated with industrial activity. Operators include the airport authority and airport tenants, including air passenger or cargo companies, fixed based operators, and other parties who routinely perform industrial activities on airport property.

8.S.3.1 Permit Coverage/Submittal of NOIs. Where an airport transportation facility has multiple industrial operators that discharge storm water, each individual operator must obtain coverage under an NPDES storm water permit. To obtain coverage under the MSGP, all such operators must meet the eligibility requirements in Part 1 and must submit an NOI, per Part 1.2.1.1 (or, if appropriate, a no exposure certification per Part 1.4).

8.S.3.2 MSGP Implementation Responsibilities for Airport Authority and Tenants. The airport authority, in collaboration with its tenants, may choose to implement certain MSGP requirements on behalf of its tenants in order to increase efficiency and

eliminate redundancy or duplication of effort. Options available to the airport authority and its tenants for implementation of MSGP requirements include:

- The airport authority performs certain activities on behalf of itself and its tenants and reports on its activities;
- Tenants provide the airport authority with relevant inputs about tenants' activities and the airport authority compiles and reports on tenants' and its own activities;
- Tenants independently perform, document and submit required information on their activities.

8.S.3.3 SWPPP Requirements. A single comprehensive SWPPP must be developed for all storm water discharges associated with industrial activity at the airport before submittal of any NOIs. The comprehensive SWPPP should be developed collaboratively by the airport authority and tenants. If any operator develops a SWPPP for discharges from its own areas of the airport, that SWPPP must be coordinated and integrated with the comprehensive SWPPP. All operators and their separate SWPPP contributions and compliance responsibilities must be clearly identified in the comprehensive SWPPP, which all operators must sign and certify per Part 5.2.7. As applicable, the SWPPP must clearly specify the MSGP requirements to be complied with by:

- The airport authority for itself;
- The airport authority on behalf of its tenants;
- Tenants for themselves.

For each activity that an operator (e.g., the airport authority) conducts on behalf of another operator (e.g., a tenant), the SWPPP must describe a process for reporting results to the latter operator and for ensuring appropriate follow-up, if necessary, by all affected operators. This is to ensure all actions are taken to correct any potential deficiencies or permit violations. For example, where the airport authority is conducting monitoring for itself and its tenants, the SWPPP must identify how the airport authority will share the monitoring results with its tenants, and then follow-up with its tenants where there are any exceedances of benchmarks, effluent limits, or water quality standards. In turn, the SWPPP must describe how the tenants will also follow-up to ensure permit compliance.

8.S.3.4 Duty to Comply. All individual operators are responsible for implementing their assigned portion of the comprehensive SWPPP, and operators must ensure that their individual activities do not render another operator's storm water controls ineffective. In addition, the standard permit conditions apply to each individual operator, including B.1 Duty to Comply (which states, in part, "You [each individual operator] must comply

with all conditions of this permit."). For multiple operators at an airport this means that each individual operator remains responsible for ensuring all requirements of its own MSGP coverage are met regardless of whether the comprehensive SWPPP allocates the actual implementation of any of those responsibilities to another entity. That is, the failure of the entity allocated responsibility in the SWPPP to implement an MSGP requirement on behalf of other operators does not negate the other operators' ultimate liability.

8.S.4 Additional Technology-Based Effluent Limits.

8.S.4.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.S.4.1.1 Aircraft, Ground Vehicle and Equipment Maintenance Areas. Minimize the contamination of storm water runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangers) through implementation of control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): performing maintenance activities indoors; maintaining an organized inventory of material used in the maintenance areas; draining all parts

of fluids prior to disposal; prohibiting the practice of hosing down the apron or hanger floor; using dry cleanup methods; and collecting the storm water runoff from the maintenance area and providing treatment or recycling.

8.S.4.1.2 Aircraft, Ground Vehicle and Equipment Cleaning Areas. (See also Part 8.S.4.6) Clearly demarcate these areas on the ground using signage or other appropriate means. Minimize the contamination of storm water runoff from cleaning areas.

8.S.4.1.3 Aircraft, Ground Vehicle and Equipment Storage Areas. Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only and implement control measures to minimize the discharge of pollutants in storm water from these storage areas such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): storing aircraft and ground vehicles indoors; using drip pans for the collection of fluid leaks; and perimeter drains, dikes or berms surrounding the storage areas.

8.S.4.1.4 Material Storage Areas. Maintain the vessels of stored materials (e.g., used oils, hydraulic fluids, spent solvents,

and waste aircraft fuel) in good condition to prevent or minimize contamination of storm water. Also plainly label the vessels (e.g., "used oil," "Contaminated Jet A"). To minimize contamination of precipitation/runoff from these areas, implement control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): storing materials indoors; storing waste materials in a centralized location; and installing berms/dikes around storage areas.

8.S.4.1.5 Airport Fuel System and Fueling Areas. Minimize the discharge of pollutants in storm water from airport fuel system and fueling areas through implementation of control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): implementing spill and overflow practices (e.g., placing absorptive materials beneath aircraft during fueling operations); using only dry cleanup methods; and collecting storm water runoff. If you have implemented a SPCC plan developed in accordance with the 2006 amendments to the SPCC rule,

you may cite the relevant aspects from your SPCC plan that comply with the requirements of this section in your SWPPP.

8.S.5 Additional SWPPP Requirements.

8.S.5.1 Drainage Area Site Map. (See also Part 5.2.2) Document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff; fueling stations; aircraft, ground vehicle and equipment maintenance/cleaning areas; and storage areas for aircraft, ground vehicles and equipment awaiting maintenance.

8.S.5.2 Potential Pollutant Sources. (See also Part 5.2.3) In the inventory of exposed materials, describe in the SWPPP the potential for the following activities and facility areas to contribute pollutants to storm water discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning

8.S.5.3 Vehicle and Equipment Wash Water Requirements. If wash water is handled in a manner that does not involve separate NPDES permitting or local pretreatment requirements (e.g., hauled offsite, retained onsite), describe the disposal method and include all pertinent information (e.g., frequency, volume, destination) in your SWPPP. Discharges of vehicle and equipment wash water are not authorized by this permit for this sector.

8.S.5.4 Documentation of Control Measures Used for Management of Runoff. Document in your SWPPP the control measures used for collecting or containing contaminated melt water from collection areas used for disposal of contaminated snow.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart T - Sector T - Treatment Works.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.T.1 Covered Storm water Discharges.

The requirements in Subpart T apply to storm water discharges associated with industrial activity from Treatment Works as identified by the Activity Code specified under Sector T in Table 9 of Part 9 of the permit.

8.T.2 Industrial Activities Covered by Sector T.

The requirements listed under this part apply to all existing point source storm water discharges associated with the following activities:

8.T.2.1 Treatment works treating domestic sewage, or any other sewage sludge or wastewater treatment device or system used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage,

including land dedicated to the disposal of sewage sludge; that are located within the confines of a facility with a design flow of 1.0 million gallons per day (MGD) or more; or are required to have an approved pretreatment program under 40 CFR Part 403.

8.T.2.2 The following are not required to have permit coverage: farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located within the facility, or areas that are in compliance with Section 405 of the CWA.

8.T.3 Limitations on Coverage.

8.T.3.1 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4) Sanitary and industrial wastewater and equipment and vehicle wash water are not authorized by this permit. (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3.)

8.T.4 Additional Technology-Based Effluent Limits.

8.T.4.1 Control Measures. (See also Part 2.1.2) To minimize the discharge of pollutants in storm water, implement control measures such as the following, where determined to be feasible (list not exclusive): routing storm water to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings and other solids handling, storage or disposal areas; sludge

drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station).

8.T.4.2 Employee Training. (See also Part 2.1.2.8) At a minimum, training must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides.

8.T.5 Additional SWPPP Requirements.

8.T.5.1 Site Map. (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.

8.T.5.2 Potential Pollutant Sources. (See also Part 5.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them, as applicable: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.

8.T.5.3 Wastewater and Wash Water Requirements. If wastewater and/or vehicle and equipment wash water is not covered by another NPDES permit but is handled in another manner (e.g., hauled offsite, retained onsite), the disposal method must be described and all pertinent information (e.g., frequency, volume, destination) must be included in your SWPPP. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

8.T.6 Additional Inspection Requirements. (See also Part 3.1)

Include the following areas in all inspections: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart U - Sector U - Food and Kindred Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.U.1 Covered Storm water Discharges.

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The requirements in Subpart U apply to storm water discharges associated with industrial activity from Food and Kindred Products facilities as identified by the SIC Codes specified in Table 9 of Part 9 of the permit.

8.U.2 Limitations on Coverage.

8.U.2.1 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4) The following discharges are not authorized by this permit: discharges containing boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing and clean-out operations. (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3.)

8.U.3 Additional Technology-Based Limitations.

8.U.3.1 Employee Training. (See also Part 2.1.2.8) Address pest control in your employee training program.

8.U.4 Additional SWPPP Requirements.

8.U.4.1 Drainage Area Site Map. (See also Part 5.2.2) Document in your SWPPP the locations of the following activities if they are exposed to precipitation or runoff: vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage areas.

8.U.4.2 Potential Pollutant Sources. (See also Part 5.2.3) Document in your SWPPP, in addition to food and kindred products processing-

related industrial activities, application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides) used on plant grounds.

8.U.5 Additional Inspection Requirements. (See also Part 3.1)

Inspect on a quarterly basis, at a minimum, the following areas where the potential for exposure to storm water exists: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

8.U.6 Sector-Specific Benchmarks. (See also Part 6)

Table 8.U-1 identifies benchmarks that apply to the specific subsectors of Sector U. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.U-1.

Subsector (You may be subject to requirements for more than one Sector / Subsector)	Parameter	Benchmark Monitoring Concentration
Subsector U1. Grain Mill Products (SIC 2041-2048)	Total Suspended Solids (TSS)	100 mg/L
Subsector U2. Fats and Oils Products (SIC 2074-2079)	Biochemical Oxygen Demand (BOD_5)	30 mg/L
	Chemical Oxygen	120 mg/L

	Demand (COD)	
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart V - Sector V - Textile Mills, Apparel, and Other Fabric Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.V.1 Covered Storm water Discharges.

The requirements in Subpart V apply to storm water discharges associated with industrial activity from Textile Mills, Apparel, and Other Fabric Product manufacturing as identified by the SIC Codes specified under Sector V in Table 9 of Part 9 of the permit.

8.V.2 Limitations on Coverage.

8.V.2.1 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4) The following are not authorized by this permit: discharges of wastewater (e.g., wastewater resulting from wet processing or from any processes relating to the production process), reused or recycled water, and waters used in

cooling towers. If you have these types of discharges from your facility, you must cover them under a separate NPDES permit. (DOH includes these prohibited non-storm water discharges here solely as a helpful reminder to the operator that the only non-storm water discharges authorized by this permit are at Part 1.1.3.)

8.V.3 Additional Technology-Based Limitations.

8.V.3.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.V.3.1.1 Material Storage Areas. Plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances. For storing empty chemical drums or containers, ensure that the drums and containers are clean (consider triple-rinsing) and that there is no contact of residuals with precipitation or runoff. Collect and dispose of wash water from these cleanings properly.

8.V.3.1.2 Material Handling Areas. Minimize contamination of storm water runoff from material handling operations and areas through implementation of control measures such as the following, where determined to be feasible: using spill

and overflow protection; covering fueling areas; and covering or enclosing areas where the transfer of material may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines and pipes that may carry chemicals, dyes or wastewater.

8.V.3.1.3 Fueling Areas. Minimize contamination of storm water runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible: covering the fueling area; using spill and overflow protection; minimizing run-on of storm water to the fueling areas; using dry cleanup methods; and treating and/or recycling storm water runoff collected from the fueling area.

8.V.3.1.4 Above-Ground Storage Tank Area. Minimize contamination of storm water runoff from above-ground storage tank areas, including the associated piping and valves, through implementation of control measures such as the following, where determined to be feasible (list not exclusive): regular cleanup of these areas; including measures for tanks, piping and valves explicitly in your SPCC program; minimizing runoff of storm water from adjacent areas; restricting access to the area; inserting filters in adjacent catch basins; providing absorbent booms in unbermed fueling areas; using dry

cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

8.V.3.2 Employee Training. (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): use of reused and recycled waters, solvents management, proper disposal of dyes, proper disposal of petroleum products and spent lubricants, spill prevention and control, fueling procedures, and general good housekeeping practices.

8.V.4 Additional SWPPP Requirements.

8.V.4.1 Potential Pollutant Sources. (See also Part 5.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing bonding, carbonizing, carding, cut and sew operations, desizing, drawing, dyeing locking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

8.V.4.2 Description of Good Housekeeping Measures for Material Storage Areas. Document in the SWPPP your containment area or enclosure for materials stored outdoors in connection with Part 8.V.3.1.1 above.

8.V.5 Additional Inspection Requirements.

Inspect, at least monthly, the following activities and areas (at a minimum): transfer and transmission lines, spill prevention, good housekeeping practices, management of process waste products, and all structural and nonstructural management practices.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart W - Sector W - Furniture and Fixtures.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.W.1 Covered Storm water Discharges.

The requirements in Subpart W apply to storm water discharges associated with industrial activity from Furniture and Fixtures facilities as identified by the SIC Codes specified under Sector W in Table 9 of Part 9 of the permit.

8.W.2 Additional SWPPP Requirements.

8.W.2.1 Drainage Area Site Map. (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: material storage (including tanks or other vessels used for liquid or waste storage) areas; outdoor material processing areas; areas

where wastes are treated, stored, or disposed of; access roads; and rail spurs.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart X - Sector X - Printing and Publishing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.X.1 Covered Storm water Discharges.

The requirements in Subpart X apply to storm water discharges associated with industrial activity from Printing and Publishing facilities as identified by the SIC Codes specified under Sector X in Table 9 of Part 9 of the permit.

8.X.2 Additional Technology-Based Effluent Limits.

8.X.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.X.2.1.1 Material Storage Areas. Plainly label and store all containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Also consider an

inventory control plan to prevent excessive purchasing of potentially hazardous substances.

8.X.2.1.2 Material Handling Area. Minimize contamination of storm water runoff from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): using spill and overflow protection; covering fueling areas; and covering or enclosing areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.

8.X.2.1.3 Fueling Areas. Minimize contamination of storm water runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the fueling area; using spill and overflow protection; minimizing runoff of storm water to the fueling areas; using dry cleanup methods; and treating and/or recycling storm water runoff collected from the fueling area.

8.X.2.1.4 Above Ground Storage Tank Area. Minimize contamination of the storm

water runoff from above-ground storage tank areas, including the associated piping and valves, through implementation of control measures such as the following, where determined to be feasible (list not exclusive): regularly cleaning these areas; explicitly addressing tanks; piping and valves in the SPCC program; minimizing storm water runoff from adjacent areas; restricting access to the area; inserting filters in adjacent catch basins; providing absorbent booms in unbermed fueling areas; using dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

8.X.2.2 Employee Training. (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): spent solvent management, spill prevention and control, used oil management, fueling procedures, and general good housekeeping practices.

8.X.3 Additional SWPPP Requirements.

8.X.3.1 Description of Good Housekeeping Measures for Material Storage Areas. In connection with Part 8.X.2.1.1, describe in the SWPPP the containment area or enclosure for materials stored outdoors.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart Y - Sector Y - Rubber, Miscellaneous Plastic

Products, and Miscellaneous Manufacturing Industries.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.Y.1 Covered Storm water Discharges.

The requirements in Subpart Y apply to storm water discharges associated with industrial activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries facilities as identified by the SIC Codes specified under Sector Y in Table 9 of Part 9 of the permit.

8.Y.2 Additional Technology-Based Effluent Limits.

8.Y.2.1 Controls for Rubber Manufacturers. (See also Part 2.1.2) Minimize the discharge of zinc in your storm water discharges. Parts 8.Y.2.1.1 to 8.Y.2.1.5 give possible sources of zinc to be reviewed and list control measures to be implemented where determined to be feasible. Implement additional control measures such as the following, where determined to be feasible (list not exclusive): using chemicals purchased in pre-weighed, sealed polyethylene bags; storing in-use materials in sealable containers, ensuring an airspace between the container and the cover to minimize "puffing" losses when the container is opened; and using automatic dispensing and

weighing equipment.

8.Y.2.1.1 Zinc Bags. Ensure proper handling and storage of zinc bags at your facility through implementation of control measures such as the following, where determined to be feasible (list not exclusive): employee training on the handling and storage of zinc bags; indoor storage of zinc bags; cleanup of zinc spills without washing the zinc into the storm drain; and the use of 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.

8.Y.2.1.2 Dumpsters. Minimize discharges of zinc from dumpsters through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the dumpster; moving the dumpster indoors; and providing a lining for the dumpster.

8.Y.2.1.3 Dust Collectors and Baghouses. Minimize contributions of zinc to storm water from dust collectors and baghouses. Replace or repair, as appropriate, improperly operating dust collectors and baghouses.

8.Y.2.1.4 Grinding Operations. Minimize contamination of storm water as a result of dust generation from rubber grinding operations. Where determined to be feasible, install a dust collection system.

8.Y.2.1.5 Zinc Stearate Coating Operations. Minimize the potential for storm water contamination from drips and spills of zinc stearate slurry that may be released to the storm drain. Where determined to be feasible, use alternative compounds to zinc stearate.

8.Y.2.2 Controls for Plastic Products Manufacturers. Minimize the discharge of plastic resin pellets in your storm water discharges through implementation of control measures such as the following, where determined to be feasible (list not exclusive): minimizing spills; cleaning up of spills promptly and thoroughly; sweeping thoroughly; pellet capturing; employee education; and disposal precautions.

8.Y.3 Additional SWPPP Requirements.

8.Y.3.1 Potential Pollutant Sources for Rubber Manufacturers. (See also Part 5.2.3) Document in your SWPPP the use of zinc at your facility and the possible pathways through which zinc may be discharged in storm water runoff.

8.Y.4 Sector-Specific Benchmarks. (See also Part 6)

Table 8.Y-1 identifies benchmarks that apply to Sector Y. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.Y-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector Y1. Rubber Products Manufacturing (SIC 3011, 3021, 3052, 3053, 3061, 3069)	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L

[1]Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
[2] The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Part 11, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility.

CHAPTER 11-55 APPENDIX B

Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Zinc (mg/L)
0-24.99 mg/L	0.04
25-49.99 mg/L	0.05
50-74.99 mg/L	0.08
75-99.99 mg/L	0.11
100-124.99 mg/L	0.13
125-149.99 mg/L	0.16
150-174.99 mg/L	0.18
175-199.99 mg/L	0.20
200-224.99 mg/L	0.23
225-249.99 mg/L	0.25
250+ mg/L	0.26

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart Z - Sector Z - Leather Tanning and Finishing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.Z.1 Covered Storm water Discharges.

The requirements in Subpart Z apply to storm water discharges associated with industrial activity from Leather Tanning and Finishing facilities as identified by the SIC Code specified under Sector Z in Table 9 of Part 9 of the permit.

8.Z.2 Additional Technology-Based Effluent Limits.

8.Z.2.3 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.Z.2.3.1 Storage Areas for Raw, Semiprocessed, or Finished Tannery By-products. Minimize contamination of storm water runoff from pallets and bales of raw, semiprocessed, or finished tannery by-products (e.g., splits, trimmings, shavings). Store or protect indoors with polyethylene wrapping, tarpaulins, roofed storage, etc. where practicable. Place materials on an impermeable surface and enclose or put berms (or equivalent measures) around the area to prevent storm water run-on and runoff where practicable.

8.Z.2.3.2 Material Storage Areas. Label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials) and minimize contact of such materials with storm water.

8.Z.2.3.3 Buffing and Shaving Areas. Minimize contamination of storm water runoff with leather dust from buffing and shaving areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): implementing dust collection enclosures; implementing preventive inspection and maintenance programs; or other appropriate preventive measures.

8.Z.2.3.4 Receiving, Unloading, and Storage Areas. Minimize contamination of storm water runoff from receiving, unloading, and storage areas. If these areas are exposed, implement control measures such as the following, where determined to be feasible (list not exclusive): covering all hides and chemical supplies; diverting drainage to the process sewer; or grade berming or curbing the area to prevent storm water runoff.

8.Z.2.3.5 Outdoor Storage of Contaminated Equipment. Minimize contact of storm water with contaminated equipment through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering equipment, diverting drainage to the process sewer, and cleaning thoroughly prior to storage.

8.Z.2.3.6 Waste Management. Minimize contamination of storm water runoff from waste storage areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering dumpsters; moving waste management activities indoors; covering waste piles with temporary covering material such as tarpaulins or polyethylene; and minimizing storm water runoff by enclosing the area or building berms around the area.

8.Z.3 Additional SWPPP Requirements.

8.Z.3.1 Drainage Area Site Map. (See also Part 5.2.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing and storage areas of the beamhouse, tanyard, and re-tan wet finishing and dry finishing operations.

8.Z.3.2 Potential Pollutant Sources. (See also Part 5.2.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart AA - Sector AA - Fabricated Metal Products

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AA.1 Covered Storm water Discharges.

The requirements in Subpart AA apply to storm water discharges associated with industrial activity from Fabricated Metal Products facilities as identified by the SIC Codes specified under Sector AA

in Table 9 of Part 9 of the permit.

8.AA.2 Additional Technology-Based Effluent Limits.

8.AA.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.AA.2.1.1 Raw Steel Handling Storage. Minimize the generation of and/or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.

8.AA.2.1.2 Paints and Painting Equipment. Minimize exposure of paint and painting equipment to storm water.

8.AA.2.2 Spill Prevention and Response Procedures. (See also Part 2.1.2.4) Ensure that the necessary equipment to implement a cleanup is available to personnel. The following areas should be addressed:

8.AA.2.2.1 Metal Fabricating Areas. Maintain clean, dry, orderly conditions in these areas. Use dry clean-up techniques where practicable.

8.AA.2.2.2 Storage Areas for Raw Metal. Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials through implementation of control measures such as the following, where determined to be feasible (list not exclusive): maintaining storage areas so that there is easy access in the event of a spill, and labeling

stored materials to aid in identifying spill contents.

8.AA.2.2.3 Metal Working Fluid Storage Areas. Minimize the potential for storm water contamination from storage areas for metal working fluids.

8.AA.2.2.4 Cleaners and Rinse Water. Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.

8.AA.2.2.5 Lubricating Oil and Hydraulic Fluid Operations. Minimize the potential for storm water contamination from lubricating oil and hydraulic fluid operations. Use monitoring equipment or other devices to detect and control leaks and overflows where feasible. Install perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures where feasible.

8.AA.2.2.6 Chemical Storage Areas. Minimize storm water contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

8.AA.2.3 Spills and Leaks. (See also Part 5.2.3.3) In your spill prevention and response procedures, required by Part 2.1.2.4, pay attention to the following materials (at a

minimum): chromium, toluene, pickle liquor, sulfuric acid, zinc and other water priority chemicals, and hazardous chemicals and wastes.

8.AA.3 Additional SWPPP Requirements.

8.AA.3.1 Drainage Area Site Map. (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.

8.AA.3.2 Potential Pollutant Sources. (See also Part 5.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cobs, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

8.AA.4 Additional Inspection Requirements.

8.AA.4.1 Inspections. (See also Part 3.1) At a minimum, include the following areas in all inspections: raw metal storage areas, finished product storage areas, material and chemical storage areas, spent solvents and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, drainage from roof and vehicle fueling and maintenance areas. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

8.AA.5 Sector-Specific Benchmarks. (See also Part 6)

Table 8.AA-1 identifies benchmarks that apply to the specific subsectors of Sector AA. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.AA-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector AA1. Fabricated Metal Products, except Coating (SIC 3411-3499; 3911-3915)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L

Subsector AA2. Fabricated Metal Coating and Engraving (SIC 3479)	Total Zinc (freshwater)[2] Total Zinc (saltwater)[1]	Hardness Dependent 0.09 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L

[1]Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
[2] The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Part 11, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility.

Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Zinc (mg/L)
0-24.99 mg/L	0.04
25-49.99 mg/L	0.05
50-74.99 mg/L	0.08
75-99.99 mg/L	0.11
100-124.99 mg/L	0.13
125-149.99 mg/L	0.16
150-174.99 mg/L	0.18
175-199.99 mg/L	0.20
200-224.99 mg/L	0.23
225-249.99 mg/L	0.25
250+ mg/L	0.26

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart AB - Sector AB - Transportation Equipment, Industrial or Commercial Machinery Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AB.1 Covered Storm water Discharges.

The requirements in Subpart AB apply to storm water discharges associated with industrial activity from Transportation Equipment, Industrial or Commercial Machinery facilities as identified by the SIC Codes specified under Sector AB in Table 9 of Part 9 of the permit.

8.AB.2 Additional SWPPP Requirements.

8.AB.2.1 Drainage Area Site Map. (See also Part 5.2.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart AC- Sector AC - Electronic and Electrical Equipment and Components, Photographic and Optical Goods.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AC.1 Covered Storm water Discharges.

The requirements in Subpart AC apply to storm water discharges associated with industrial activity from facilities that manufacture Electronic and Electrical Equipment and Components, Photographic and Optical goods as identified by the SIC Codes specified in Table 9 of Part 9 of the permit.

8.AC.2 Additional Requirements.

No additional sector-specific requirements apply.

Part 8 - Sector-Specific Requirements for Industrial Activity

Subpart AD - Sector AD - Storm water Discharges Designated by the Director as Requiring Permits.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part 1.1.2.1. The sector-specific requirements apply to those areas of your facility

where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AD.1 Covered Storm water Discharges.

Sector AD is used to provide permit coverage for facilities designated by the Director as needing a storm water permit, and any discharges of storm water associated with industrial activity that do not meet the description of an industrial activity covered by Sectors A-AC.

8.AD.1.1 Eligibility for Permit Coverage. Because this sector is primarily intended for use by discharges designated by the Director as needing a storm water permit (which is an atypical circumstance), and your facility may or may not normally be discharging storm water associated with industrial activity, you must obtain the Director's written permission to use this permit prior to submitting an NOI. If you are authorized to use this permit, you will still be required to ensure that your discharges meet the basic eligibility provisions of this permit at Part 1.1.

8.AD.2 Sector-Specific Benchmarks and Effluent Limits. (See also Part 6)

The Director will establish any additional monitoring and reporting requirements for your facility prior to authorizing you to be covered by this permit. Additional monitoring requirements would be based on the nature of activities at your facility and your storm water discharges.

Part 9 - Facilities and Activities Covered

Your permit eligibility is limited to discharges from facilities in the "sectors" of industrial activity summarized in Table 9. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to "sectors" in this permit (e.g., sector-specific monitoring requirements) refer to these groupings.

Table 9. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code[1]	Activity Represented
SECTOR A: TIMBER PRODUCTS		
A1	2421	General Sawmills and Planing Mills
A2	2491	Wood Preserving
A3	2411	Log Storage and Handling
A4	2426	Hardwood Dimension and Flooring Mills
	2429	Special Product Sawmills, Not Elsewhere Classified
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
	2448	Wood Pallets and Skids

	2449	Wood Containers, Not Elsewhere Classified
	2451, 2452	Wood Buildings and Mobile Homes
	2493	Reconstituted Wood Products
	2499	Wood Products, Not Elsewhere Classified
	2441	Nailed and Lock Corner Wood Boxes and Shook

SECTOR B: PAPER AND ALLIED PRODUCTS		
B1	2631	Paperboard Mills
B2	2611	Pulp Mills
	2621	Paper Mills
	2652-2657	Paperboard Containers and Boxes
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes

SECTOR C: CHEMICALS AND ALLIED PRODUCTS		
C1	2873-2879	Agricultural Chemicals
C2	2812-2819	Industrial Inorganic Chemicals

C3	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
C4	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
C5	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
	2861-2869	Industrial Organic Chemicals
	2891-2899	Miscellaneous Chemical Products
C5	3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
	2911	Petroleum Refining

SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS		
D1	2951, 2952	Asphalt Paving and Roofing Materials

D2	2992, 2999	Miscellaneous Products of Petroleum and Coal

SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS		
E1	3251-3259	Structural Clay Products
	3261-3269	Pottery and Related Products
E2	3271-3275	Concrete, Gypsum, and Plaster Products
E3	3211	Flat Glass
	3221, 3229	Glass and Glassware, Pressed or Blown
	3231	Glass Products Made of Purchased Glass
	3241	Hydraulic Cement
	3281	Cut Stone and Stone Products
	3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products

SECTOR F: PRIMARY METALS		
F1	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
F2	3321-3325	Iron and Steel Foundries
F3	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
F4	3363-3369	Nonferrous Foundries (Castings)

F5	3331-3339	Primary Smelting and Refining of Nonferrous Metals
	3341	Secondary Smelting and Refining of Nonferrous Metals
	3398, 3399	Miscellaneous Primary Metal Products

SECTOR G: METAL MINING (ORE MINING AND DRESSING)		
G1	1021	Copper Ore and Mining Dressing Facilities
G2	1011	Iron Ores
	1021	Copper Ores
	1031	Lead and Zinc Ores
	1041, 1044	Gold and Silver Ores
	1061	Ferroalloy Ores, Except Vanadium
	1081	Metal Mining Services
	1094, 1099	Miscellaneous Metal Ores

SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES		
H1	1221-1241	Coal Mines and Coal Mining-Related Facilities

SECTOR I: OIL AND GAS EXTRACTION		
I1	1311	Crude Petroleum and Natural Gas
	1321	Natural Gas Liquids
	1381-1389	Oil and Gas Field Services

SECTOR J: MINERAL MINING AND DRESSING		
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Nonmetallic Minerals Services, Except Fuels
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels
J3	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining

SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES		
K1	HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA

SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS		
L1	LF	All Landfill, Land Application Sites and Open Dumps
L2	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60

SECTOR M: AUTOMOBILE SALVAGE YARDS		
M1	5015	Automobile Salvage Yards

SECTOR N: SCRAP RECYCLING FACILITIES		
N1	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
N2	5093	Source-separated Recycling Facility

SECTOR O: STEAM ELECTRIC GENERATING FACILITIES		
O1	SE	Steam Electric Generating Facilities, including coal handling sites

SECTOR P: LAND TRANSPORTATION AND WAREHOUSING		
P1	4011, 4013	Railroad Transportation
	4111-4173	Local and Highway Passenger Transportation

	4212-4231	Motor Freight Transportation and Warehousing
	4311	United States Postal Service
	5171	Petroleum Bulk Stations and Terminals

SECTOR Q: WATER TRANSPORTATION		
Q1	4412-4499	Water Transportation Facilities

SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS		
R1	3731, 3732	Ship and Boat Building or Repairing Yards

SECTOR S: AIR TRANSPORTATION FACILITIES		
S1	4512-4581	Air Transportation Facilities

SECTOR T: TREATMENT WORKS		
T1	TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or

		required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA

SECTOR U: FOOD AND KINDRED PRODUCTS		
U1	2041-2048	Grain Mill Products
U2	2074-2079	Fats and Oils Products
U3	2011-2015	Meat Products
	2021-2026	Dairy Products
	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
	2051-2053	Bakery Products
	2061-2068	Sugar and Confectionery Products
	2082-2087	Beverages
	2091-2099	Miscellaneous Food Preparations and Kindred Products
	2111-2141	Tobacco Products

SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS		
V1	2211-2299	Textile Mill Products
	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
	3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
SECTOR W: FURNITURE AND FIXTURES		
W1	2434	Wood Kitchen Cabinets
	2511-2599	Furniture and Fixtures

SECTOR X: PRINTING AND PUBLISHING		
X1	2711-2796	Printing, Publishing, and Allied Industries

SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES		
Y1	3011	Tires and Inner Tubes
	3021	Rubber and Plastics Footwear
	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
Y2	3081-3089	Miscellaneous Plastics Products
	3931	Musical Instruments

	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
Y2	3951-3955 (except 3952 - see Sector C)	Pens, Pencils, and Other Artists' Materials
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
	3991-3999	Miscellaneous Manufacturing Industries

SECTOR Z: LEATHER TANNING AND FINISHING		
Z1	3111	Leather Tanning and Finishing

SECTOR AA: FABRICATED METAL PRODUCTS		
AA1	3411-3499 (except 3479)	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.
	3911-3915	Jewelry, Silverware, and Plated Ware
AA2	3479	Fabricated Metal Coating and Engraving

SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY		
AB1	3511-3599 (except 3571-3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)
	3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)

SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS		
AC1	3571-3579	Computer and Office Equipment
	3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks
	3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment

SECTOR AD: NON-CLASSIFIED FACILITIES	
AD1	Other storm water discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging storm water associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.

[1] A complete list of SIC Codes (and conversions from the newer North American Industry Classification System" (NAICS)) can be obtained from the Internet at https://www.census.gov/naics/ or in paper form from various locations in the document titled Handbook of Standard Industrial Classifications, Office of Management and Budget, 1987. Also see Part 12.

CHAPTER 11-55 APPENDIX B

Part 10 - Notice of Intent Requirements

Submission of the Notice of Intent (NOI) constitutes notice that the owner or operator requests authorization to discharge pursuant to the DOH's NPDES Storm water Multi-Sector General Permit (MSGP). Submission of this NOI also constitutes notice that the owner or operator identified in the form meets the eligibility conditions of Part 1.1 of the MSGP for the facility. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. The owner or operator shall include the following information in the notice of intent:

(1) Information required in section 34 of appendix A of chapter 11-55;

(2) If the facility is a new discharger or a new source as defined in Part 1.1.4.7 of the permit;

(3) Primary Standard Industrial Classification (SIC) code and any SIC codes for any co-located activites for which you are requesting coverage, including the associated sector and subsector of the SIC codes provided (see Part 9);

(4) Acknowledgement that:

The MSGP only authorizes the allowable storm water discharges in Part 1.1.2 and the allowable non-storm water discharges listed in Part 1.1.3. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, State, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the

permit, the Storm water Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable storm water and non-storm water discharges listed in Parts 1.1.2 and 1.1.3 will be discharged, they must be covered under another NPDES permit.

(5) If the facility is requesting coverage for any storm water discharges subject to effluent limitation guidelines (see Table 1-1);

(6) List of all storm water outfall from the facility, including Outfall ID, Laitude and Longitude coordinates in degrees decimal;

(7) If the receiving water(s) is impared, list of pollutants that are causing the impairment;

(8) If a TMDL has been completed (i.e., DOH established and EPA approved) for the reciving water(s) and pollutants for which there is a TMDL.

(9) If any outfall is substantially identical to another outfall;

(10) If the facility discharge enters into a Municipal Separate Storm Sewer System (MS4) and MS4 approval;

(11) If you discharge to freshwater and are subject to benchmark monitoring requirements for a hardness dependent metal and the hardness of the receiving water;

(12) If a Storm Water Pollution Prevention Plan (SWPPP) has been prepared in advance of filing the NOI as required;

(13) SWPPP Contact information (Frist Name and Last Name, Title, Phone, and email);

(14) If availble, SWPPP web address Univeral Resource Locator (URL);

(15) Skip if a URL was provided (above):

(a) Description of the onsite industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams), and potential spill and leak areas;

(b) List the pollutant(s) or pollutant constituent(s) associated with each industrial activity exposed to storm water that could be discharged in storm water and any authorized non-storm water discharges listed in Part 1.1.3;

(c) Description of the control measures you will employ to comply with the non-numeric technology-based effluent limits required in Part 2.1.2 and Part 8, and any other measures taken to comply with the requirements in Part 2.2 Water Quality-Based Effluent Limitations (see Part 5.2.4); and

(d) Schedule for good housekeeping and maintenance (see Part 5.2.5.1) and a schedule for all inspections required in Part 4 (see Part 5.2.5.2).

(16) Any additional Information required by the Federal eReporting Rule and other information requested by the DOH.

Part 11 - Calculating Hardness in Freshwater Receiving Waters for Hardness Dependent Metals

Overview

For any sectors required to conduct benchmark samples for a hardness-dependent metal, EPA includes 'hardness ranges' from which benchmark values are determined. To determine which hardness range to use, you must collect data on the hardness of your receiving water(s). Once the site-specific hardness data have been collected, the corresponding benchmark value for each metal is determined by comparing where the hardness data fall within hardness ranges, as shown in Tables 1 & 2. You only need to determine hardness for your discharges into freshwater as the benchmark values for metals do not vary for discharges to saline waters.

Table 1. Hardness Ranges to Be Used to Determine Benchmark Values for Cadmium, Copper, and Lead.

All Units mg/L	Benchmark Values (mg/L, total)		
	Cadmium	Copper	Lead
0-24.99 mg/L	0.0005	0.0038	0.014
25-49.99 mg/L	0.0008	0.0056	0.023
50-74.99 mg/L	0.0013	0.0090	0.045
75-99.99 mg/L	0.0018	0.0123	0.069
100-124.99 mg/L	0.0023	0.0156	0.095
125-149.99 mg/L	0.0029	0.0189	0.122
150-174.99 mg/L	0.0034	0.0221	0.151
175-199.99 mg/L	0.0039	0.0253	0.182
200-224.99 mg/L	0.0045	0.0285	0.213
225-249.99 mg/L	0.0050	0.0316	0.246
250+ mg/L	0.0053	0.0332	0.262

Table 2. Hardness Ranges to Be Used to Determine Benchmark Values for Nickel, Silver, and Zinc.

All Units mg/L	Benchmark Values (mg/L, total)		
	Nickel	Silver	Zinc
0-24.99 mg/L	0.15	0.0007	0.04
25-49.99 mg/L	0.20	0.0007	0.05
50-74.99 mg/L	0.32	0.0017	0.08
75-99.99 mg/L	0.42	0.0030	0.11
100-124.99 mg/L	0.52	0.0046	0.13
125-149.99 mg/L	0.61	0.0065	0.16
150-174.99 mg/L	0.71	0.0087	0.18
175-199.99 mg/L	0.80	0.0112	0.20
200-224.99 mg/L	0.89	0.0138	0.23
225-249.99 mg/L	0.98	0.0168	0.25
250+ mg/L	1.02	0.0183	0.26

How to Determine Hardness for Hardness-Dependent Parameters in Freshwater.

You may select one of three methods to determine hardness, including: individual grab sampling, grab sampling by a group of operators which discharge to the same receiving water, or using third-party data. Regardless of the method used, you are responsible for documenting the procedures used for determining hardness values. The hardness value is required to be submitted to DOH with your Notice of Intent (NOI) so that your electronic Discharge Monitoring Report (DMR) which you will submit through NetDMR will include the appropriate limits. You must retain all report and monitoring data in accordance with Part 7.5 of the permit. The three method options for determining hardness are detailed in the following sections.

(1) Permittee Samples for Receiving Stream Hardness

This method involves collecting samples in the receiving water and submitting these to a laboratory for analysis. If you elect to sample your receiving water(s) and submit samples for analysis, hardness must be determined from the closest intermittent or perennial stream downstream of your point of discharge. The sample can be collected during either dry or wet weather. Collection of the sample during wet weather is more representative of conditions during storm water discharges; however, collection of in-stream samples during wet weather events may be impracticable or present safety issues.

Hardness must be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

(2) Group Monitoring for Receiving Stream Hardness

You can be part of a group of permittees discharging to the same receiving waters and collect samples that are representative of the hardness values for all members of the group. In this scenario, hardness of the receiving water must be determined using 40 CFR Part 136 procedures and the results shared by group members. To use the same results, hardness measurements must be taken on a stream reach within a reasonable distance of the discharge points of each of the group members.

(3) Collection of Third-Party Hardness Data

You can submit receiving stream hardness data collected by a third party provided the results are collected consistent with the approved 40 CFR Part 136 methods. These data may come from a local water

utility, previously conducted stream reports, TMDLs, peer reviewed literature, other government publications, or data previously collected by the permittee. Data should be less than 10 years old.

Part 12 - List of SIC and NAICS Codes

Sector A. Timber Products					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
A3	**2411**	Logging			
		(log storage and handling activities only; wet deck storage areas only authorized if no chemical additives are used in the spray water or applied to the logs.)	**113310**	Logging	
A1	**2421**	General Sawmills and Planing Mills			
		(sawmills)	**321113**	Sawmills	
		(lumber manufacturing from purchased lumber, softwood cut stock, wood lath, fence pickets, and	**321912**	Cut Stock, Resawing Lumber, and Planing	

		planing mill products)			
		(softwood flooring)	**321918**	Other Millwork (including Flooring)	
		(box lumber made from purchased lumber)	**321920**	Wood Container and Pallet Manufacturing	
		(kiln drying)	**321999**	All Other Miscellaneous Wood Product Manufacturing	
A4	**2426**	Hardwood Dimension and Flooring Mills			
		(hardwood dimension lumber made from logs or bolts)	**321113**	Sawmills	
		(hardwood cut stock, resawing hardwood lumber, and planing purchased hardwood lumber except flooring)	**321912**	Cut Stock, Resawing Lumber, and Planing	

		(hardwood flooring)	**321918**	Other Millwork (including Flooring)	
		(wood furniture frames and finished furniture parts)	**337215**	Showcase, Partition, Shelving, and Locker Manufacturing	
	2429	Special Product Sawmills, Not Elsewhere Classified			
		(shingle mills, shakes)	**321113**	Sawmills	
		(stave manufacturing from purchased lumber)	**321912**	Cut Stock, Resawing Lumber, and Planing	
		(cooperage stock)	**321920**	Wood Container and Pallet Manufacturing	
		(excelsior)	**321999**	All Other Miscellaneous Wood Product Manufacturing	

	2431	Millwork			
		(wood windows and doors)	**321911**	Wood Window and Door Manufacturing	
		(except wood windows and doors)	**321918**	Other Millwork (including Flooring)	
	2435	Hardwood Veneer and Plywood	**321211**	Hardwood Veneer and Plywood Manufacturing	
	2436	Softwood Veneer and Plywood	**321212**	Softwood Veneer and Plywood Manufacturing	
	2439	Structural Wood Members, Not Elsewhere Classified			
		(except trusses)	**321213**	Engineered Wood Member (except Truss) Manufacturing	
		(trusses)	**321214**	Truss Manufacturing	
A5	**2441**	Nailed and Lock Corner Wood Boxes and Shook	**321920**	Wood Container and Pallet Manufacturing	

A4	**2448**	Wood Pallets and Skids	**321920**	Wood Container and Pallet Manufacturing	
	2449	Wood Containers, Not Elsewhere Classified	**321920**	Wood Container and Pallet Manufacturing	
	2451	Mobil Homes	**321991**	Manufactured Home (Mobil Home) Manufacturing	
	2452	Prefabricated Wood Buildings and Components	**321992**	Prefabricated Wood Building Manufacturing	
A2	**2491**	Wood Preserving	**321114**	Wood Preservation	
A4	**2493**	Reconstituted Wood Products	**321219**	Reconstituted Wood Product Manufacturing	
	2499	Wood Products, Not Elsewhere Classified			
		(wood containers, such as noncoopered vats and reed or straw baskets)	**321920**	Wood Container and Pallet Manufacturing	
		(except wood containers, wood	**321999**	All Other Miscellaneous	

		cooling towers, cork life preservers, mirror or picture frames, and laundry hampers of reed, rattan, and willow)		Wood Product Manufacturing	
		(wood cooling towers)	**333415**	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing	
		(laundry hampers of reed, rattan, and willow)	**337125**	Household Furniture (except Wood and Metal) Manufacturing	
		(cork life preservers)	**339113**	Surgical Appliance and Supplies Manufacturing	

		(mirror and picture frames)	339999	All Other Miscellaneous Manufacturing	
Sector B. Paper and Allied Products Manufacturing					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
B2	**2611**	Pulp Mills			
		(pulp producing mills only)	**322110**	Pulp Mills	
		(producing paper except newsprint)	**322121**	Paper (except Newsprint) Mills	
		(producing newsprint)	**322122**	Newsprint Mills	
		(producing paperboard)	**322130**	Paperboard Mills	
	2621	Paper Mills			
		(except newsprint mills)	**322121**	Paper (except Newsprint) Mills	
		(newsprint mills)	**322122**	Newsprint Mills	
B1	**2631**	Paperboard Mills	**322130**	Paperboard Mills	
B2	**2652**	Setup Paperboard Boxes	**322213**	Setup Paperboard Box Manufacturing	
	2653	Corrugated and Solid Fiber Boxes	**322211**	Corrugated and Solid Fiber Boxes Manufacturing	

	2655	Fiber Cans, Tubes, Drums, and Similar Products	**322214**	Fiber Can, Tube, Drum, and Similar Products Manufacturing	
	2656	Sanitary Food Containers, Except Folding	**322215**	Nonfolding Sanitary Food Container Manufacturing	
	2657	Folding Paperwork Boxes	**322212**	Folding Paperboard Box Manufacturing	
	2671	Packaging Paper and Plastics Film, Coated and Laminated			
		(except single-web and multi-web plastics packaging film and sheets)	**322221**	Coated and Laminated Packaging Paper and Plastics Film Manufacturing	
		(single-web and multi-web plastics packaging film and sheets)	**326112**	Plastics Packaging Film and Sheet (including Laminated) Manufacturing	Any facility whose primary activity is manufacturing single-web and multi-web plastics packaging film and

					sheets (SIC 2671 / NAICS 326112) should be regulated under Sector Y, but may continue to be regulated under Sector B, or alternatively, under Sector AD. Sectors Y, B, and AD do not have specific requirements for facilities manufacturing single-web and multi-web plastics packaging film and sheets. However, under Sector AD EPA could establish additional facility-specific monitoring and

					reporting requirements. Regulatory burden would not differ between Sectors B and Y.
	2672	Coated and Laminated Paper, NEC	**322222**	Coated and Laminated Paper Manufacturing	
	2673	Plastics, Foil, and Coated Paper Bags			
		(except single-web or multi-web plastics bags)	**322223**	Plastics, Foil, and Coated Paper Bags Manufacturing	
		(single-web and multi-web plastics bags)	**326111**	Plastics Bag Manufacturing	Any facility whose primary activity is manufacturing single-web and multi-web plastics bags (SIC 2673 / NAICS 326111) should be regulated under

					Sector Y, but may continue to be regulated under Sector B, or alternatively, under Sector AD. Sectors Y, B, and AD do not have specific requirements for facilities manufacturing single-web and multi-web plastics bags. However, under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would not differ

					between Sectors B and Y.
	2674	Uncoated Paper and Multiwall Bags	**322224**	Uncoated Paper and Multiwall Bags Manufacturing	
	2675	Die Cut Paper and Paperboard and Cardboard			
		(pasted, lined, laminated, or surface-coated paperboard)	**322226**	Surface-Coated Paperboard Manufacturing	
		(die cut paper and paperboard office supplies, such as file folders, tabulating cards, and report covers)	**322231**	Die Cut Paper and Paperboard Office Supplies Manufacturing	
		(except pasted, lined, laminated, or surface-coated paperboard and die-cut paper and paperboard office supplies)	**322299**	All Other Converted Paper Product Manufacturing	

	2676	Sanitary Paper Products	**322291**	Sanitary Paper Product Manufacturing	
	2677	Envelopes	**322232**	Envelope Manufacturing	
	2678	Stationery, Tablets, and Related Products	**322233**	Stationery, Tablets, and Related Product Manufacturing	
	2679	Converted Paper and Paperboard Products, NEC			
		(corrugated paper)	**322211**	Corrugated and Solid Fiber Box Manufacturing	
		(wallpaper and gift wrap paper)	**322222**	Coated and Laminated Paper Manufacturing	
		(paper supplies for business machines, such as adding machine tape, and other paper office supplies)	**322231**	Die Cut Paper and Paperboard Office Supplies Manufacturing	

		(except corrugated paper, wall paper, gift wrap paper, paper supplies for business machines, and other paper office supplies)	322299	All Other Converted Paper Product Manufacturing	
Sector C. Chemical and Allied Products Manufacturing					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
C2	**2812**	Alkalies and Chlorine	**325181**	Alkalies and Chlorine Manufacturing	
	2813	Industrial Gases	**325120**	Industrial Gas Manufacturing	
	2816	Inorganic Pigments			
		(except bone and lamp black)	**325131**	Inorganic Dye and Pigment Manufacturing	
		(bone and lamp black)	**325182**	Carbon Black Manufacturing	
	2819	Industrial Inorganic Chemicals, Not Elsewhere Classified			

		(recovering sulfur from natural gas)	**211112**	Natural Gas Liquid Extraction	
		(inorganic dyes)	**325131**	Inorganic Dye and Pigment Manufacturing	
		(other)	**325131**	All Other Basic Inorganic Chemical Manufacturing	
		(activated carbon and charcoal)	**325998**	All Other Miscellaneous Chemical Product and Preparation Manufacturing	
		(alumina)	**331311**	Alumina Refining	Any facility whose primary activity is alumina refining (NAICS 331311) should be regulated under Sector F, but may continue to be regulated under Sector C. Sector C requires sector/subsector

					specific benchmark monitoring for total aluminum, total iron, and nitrate plus nitrite nitrogen. Sector F applies additional technology-based effluent limits comprised of good housekeeping measures; additional SWPPP requirements; and additional inspection requirements. Regulatory burdens differ between Sectors C and F but determining which sector would be more burdensome would depend on

					the regulated facility.
C4	**2821**	Plastics Materials, Synthetic Resins, and Nonvulcanizable Elastomers	**325211**	Plastics Material and Resin Manufacturing	
	2822	Synthetic Rubber	**325212**	Synthetic Rubber Manufacturing	
	2823	Cellulosic Manmade Fibers	**325221**	Cellulosic Organic Fiber Manufacturing	
	2824	Manmade Organic Fibers, Except Cellulosic	**325222**	Noncellulosic Organic Fiber Manufacturing	
C5	**2833**	Medicinal Chemicals and Botanical Products	**325411**	Medicinal and Botanical Manufacturing	
	2834	Pharmaceutical Preparations	**325412**	Pharmaceutical Preparation Manufacturing	
	2835	In Vitro and In Vivo Diagnostic Substances			

		(except in vitro diagnostic)	**325412**	Pharmaceutical Preparation Manufacturing	
		(in vitro diagnostic substances)	**325413**	In Vitro Diagnostic Substance Manufacturing	
	2836	Biological Products, Except Diagnostic Substances	**325414**	Biological Product (except Diagnostic) Manufacturing	
C3	**2841**	Soaps and Other Detergents, Except Specialty Cleaners	**325611**	Soap and Other Detergent Manufacturing	
	2842	Specialty Cleaning, Polishing, and Sanitation Preparations	**325612**	Polish and Other Sanitation Good Manufacturing	
	2843	Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants	**325613**	Surface Active Agent Manufacturing	
	2844	Perfumes, Cosmetics, and			

		Other Toilet Preparations			
		(toothpaste, gel and dentifrice powders)	**325611**	Soap and Other Detergent Manufacturing	
		(except toothpaste, gel and dentifrice powders)	**325620**	Toilet Preparation Manufacturing	
C5	**2851**	Paints, Varnishes, Lacquers, Enamels, and Allied Products	**325510**	Paint and Coating Manufacturing	
	2861	Gum and Wood Chemicals	**325191**	Gum and Wood Chemical Manufacturing	
	2865	Cyclic Organic Crudes and Intermediates, and Organic Dyes and Pigments			
		(aromatics)	**325110**	Petrochemical Manufacturing	
		(organic dyes and pigments)	**325132**	Synthetic Organic Dye and Pigment Manufacturing	

		(except aromatics and organic dyes and pigments)	**325192**	Cyclic Crude and Intermediate Manufacturing	
	2869	Industrial Organic Chemicals, Not Elsewhere Classified			
		(aliphatics)	**325110**	Petrochemical Manufacturing	
		(fluorocarbon gases)	**325120**	Industrial Gas Manufacturing	
		(carbon bisulfide)	**325188**	All Other Basic Inorganic Chemical Manufacturing	
		(cyclopropane, diethylcyclohexane, naphthalene sulfonic acid)	**325192**	Cyclic Crude and Intermediate Manufacturing	
		(ethyl alcohol)	**325193**	Ethyl Alcohol Manufacturing	
		(except aliphatics, carbon bisulfide, ethyl alcohol, cyclopropane,	**325199**	All Other Basic Organic Chemical Manufacturing	

		diethylcyclohexane, napthalene sulfonic acid, synthetic hydraulic fluids, and fluorocarbon gases)			
		(synthetic hydraulic fluids)	**325998**	All Other Miscellaneous Chemical Product and Preparation Manufacturing	
C1	**2873**	Nitrogenous Fertilizers	**325311**	Nitrogenous Fertilizer Manufacturing	
	2874	Phosphatic Fertilizers	**325312**	Phosphatic Fertilizer Manufacturing	
	2875	Fertilizers, Mixing Only	**325314**	Fertilizers (Mixing Only) Manufacturing	
	2879	Pesticides and Agricultural Chemicals, NEC	**325320**	Pesticides and Other Agricultural Chemical Manufacturing	

C5	2891	Adhesives and Sealants	325520	Adhesive Manufacturing	
	2892	Explosives	325920	Explosives Manufacturing	
	2893	Printing Ink	325910	Printing Ink Manufacturing	
	2895	Carbon Black	325182	Carbon Black Manufacturing	
	2899	Chemicals and Chemical Preparations, NEC			
		(table salt)	311942	Spice and Extract Manufacturing (table salt only)	
		(fatty acids)	325199	All Other Basic Organic Chemical Manufacturing	
		(frit and plastic wood fillers)	325510	Paint and Coating Manufacturing	
		(except frit, plastic wood fillers, fatty acids, and table salt)	325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing	
	2911	Petroleum Refining	324110	Petroleum Refineries	

	3952	Lead Pencils, Crayons, and Artists' Materials (limited to inks and paints, including china painting enamels)			
		(drawing inks and india ink)	**325998**	All Other Miscellaneous Chemical Product and Preparation Manufacturing	
		(china painting enamels, platinum paint for burnt wood or leather work, paints for china painting, artist's paints, and artist's watercolors)	**339942**	Lead Pencil and Art Good Manufacturing	

Sector D. Asphalt Paving and Roofing Materials Manufacturers and Lubricant Manufacturers					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
D1	**2951**	Asphalt Paving Mixtures and Blocks	**324121**	Asphalt Paving Mixture and Block Manufacturing	
	2952	Asphalt Felt and Coatings	**324122**	Asphalt Shingle and Coating Materials Manufacturing	
D2	**2992**	Lubricating Oils and Greases	**324191**	Petroleum Lubricating Oil and Grease Manufacturing	
	2999	Products of Petroleum and Coal, Not Elsewhere Classified	**324199**	All Other Petroleum and Coal Products Manufacturing	
Sector E. Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
E3	**3211**	Flat Glass	**327211**	Flat Glass Manufacturing	

	3221	Glass Containers	**327213**	Glass Container Manufacturing	
	3229	Pressed and Blown Glass and Glassware, Not Elsewhere Classified	**327212**	Other Pressed and Blown Glass and Glassware Manufacturing	
	3231	Glass Product Manufacturing Made of Purchased Glass	**327215**	Glass Product Manufacturing Made of Purchased Glass	
	3241	Hydraulic Cement	**327310**	Cement Manufacturing	
E1	**3251**	Brick and Structural Clay Tile			
		(except slumped brick)	**327121**	Brick and Structural Clay Tile Manufacturing	
		(slumped brick)	**327331**	Concrete Block and Brick Manufacturing	
	3253	Ceramic Wall and Floor Tile	**327122**	Ceramic Wall and Floor Tile Manufacturing	

	3255	Clay Refractories	**327124**	Clay Refractory Manufacturing	
	3259	Structural Clay Products, Not Elsewhere Classified	**327123**	Other Structural Clay Product Manufacturing	
	3261	Vitreous China Plumbing Fixtures and China and Earthenware Fittings and Bathroom Accessories	**327111**	Vitreous China Plumbing Fixture and China and Earthenware Bathroom Accessories Manufacturing	
	3262	Vitreous China Table and Kitchen Articles	**327112**	Vitreous China, Fine Earthenware, and Other Pottery Product Manufacturing	
	3263	Fine Earthenware (Whiteware) Table and Kitchen Articles	**327112**	Vitreous China, Fine Earthenware, and Other Pottery Product Manufacturing	
	3264	Porcelain Electrical Supplies	**327113**	Porcelain Electrical Supply Manufacturing	

	3269	Pottery Products, Not Elsewhere Classified	**327112**	Vitreous China, Fine Earthenware, and Other Pottery Product Manufacturing	
E2	**3271**	Concrete Block and Brick	**327331**	Concrete Block and Brick Manufacturing	
	3272	Concrete Products, Except Block and Brick			
		(concrete pipe)	**327332**	Concrete Pipe Manufacturing	
		(concrete products, except dry mix concrete and pipe)	**327390**	Other Concrete Product Manufacturing	
		(dry mixture concrete)	**327999**	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	
	3273	Ready-Mixed Concrete	**327320**	Ready-Mix Concrete Manufacturing	

	3274	Lime Manufacturing			
		Calcium hydroxide (i.e., hydrated lime) manufacturing	**327410**	Lime Manufacturing	
		Calcium oxide (i.e., quicklime) manufacturing	**327410**	Lime Manufacturing	
		Dolomite, dead-burned, manufacturing	**327410**	Lime Manufacturing	
		Hydrated lime (i.e., calcium hydroxide) manufacturing	**327410**	Lime Manufacturing	
		Quicklime (i.e., calcium oxide) manufacturing	**327410**	Lime Manufacturing	
		Agricultural lime manufacturing	**327410**	Lime Manufacturing	
		Dolomitic lime manufacturing	**327410**	Lime Manufacturing	
	3275	Gypsum Products	**327420**	Gypsum Product Manufacturing	

E3	**3281**	Cut Stone and Stone Products	**327991**	Cut Stone and Stone Product Manufacturing	
	3291	Abrasive Products			
		(except steel wool manufacturing)	**327910**	Abrasive Product Manufacturing	
		(steel wool manufacturing)	**332999**	All Other Miscellaneous Fabricated Metal Product Manufacturing	Any facility whose primary activity is steel wool manufacturing (NAICS 332999) should be regulated under Sector AA, but may continue to be regulated under Sector E. Sector AA applies additional technology-based effluent limits comprised of good housekeeping measures, spill prevention and response

					procedures, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector E applies additional technology-based effluent limits comprised of good housekeeping measures, and additional SWPPP requirements. Regulatory burden would likely be greater under Sector AA.

	3292	Asbestos Products			
		(except brake pads and linings)	**327999**	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	
		(asbestos brake linings and pads)	**336340**	Motor Vehicle Brake System Manufacturing	
		(asbestos clutch facings, motor vehicle)	**336350**	Motor Vehicle Transmission and Power Train Parts Manufacturing	
	3295	Minerals and Earths, Ground or Otherwise Treated			
		(grinding, washing, separating, etc. of kaolin and ball clay)	**212324**	Kaolin and Ball Clay Mining	
		(grinding, washing, separating, etc. of clay, ceramic, and refractory	**212325**	Clay and Ceramic and Refractory Minerals Mining	

		minerals not elsewhere classified)			
		(grinding, washing, separating, etc. of chemical and fertilizer minerals, not elsewhere classified)	**212393**	Other Chemical and Fertilizer Mineral Mining	
		(grinding, washing, separating, etc. of nonmetallic minerals, not elsewhere classified)	**212399**	All Other Nonmetallic Mineral Mining	
		(except grinding, washing, separating, etc. of nonmetallic minerals)	**327992**	Ground or Treated Mineral and Earth Manufacturing	
	3296	Mineral Wool	**327993**	Mineral Wool Manufacturing	

	3297	Nonclay Refractories	**327125**	Nonclay Refractory Manufacturing	
	3299	Nonmetallic Mineral Products, Not Elsewhere Classified			
		(clay statuary)	**327112**	Vitreous China, Fine Earthenware, and Other Pottery Product Manufacturing	
		(moldings, ornamental and architectural plaster work, and gypsum statuary)	**327420**	Gypsum Product Manufacturing	
		(except moldings, ornamental and architectural plaster work, clay statuary, and gypsum statuary)	**327999**	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	
Sector F. Primary Metals					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**

F1	**3312**	Steel Works, Blast Furnaces (Including Coke Ovens), and Rolling Mills			
		(coke oven products [e.g., coke, gases, tars] made in coke oven establishments)	**324199**	All Other Petroleum and Coal Products Manufacturing	Any facility whose primary activity is manufacturing coke oven products (e.g., coke, gases, tars) made in coke oven establishments should be regulated under Sector D, but may continue to be regulated under Sector F. Sector F requires sector-specific benchmark monitoring requirements for total aluminum and total zinc, Sector D does not require

					benchmark monitoring from these facilities. Regulatory burden would be greater under Sector F.
		(except coke ovens not integrated with steel mills and hot-rolling purchased steel)	**331111**	Iron and Steel Mills	
		(hot-rolling purchased steel)	**331221**	Rolled Steel Shape Manufacturing	
	3313	Electrometallurigcal Products, Except Steel	**331112**	Electrometallurigcal Ferroalloy Product Manufacturing	
	3315	Steel Wiredrawing and Steel Nails and Spikes			
		(steel wire drawing)	**331222**	Steel Wire Drawing	

	3316	Cold-Rolled Steel Sheet, Strip, and Bars	**331221**	Rolled Steel Shape Manufacturing	
	3317	Steel Pipe and Tubes	**331210**	Iron and Steel Pipe and Tube Manufacturing from Purchased Steel	
F2	**3321**	Gray and Ductile Iron Foundries	**331511**	Iron Foundries	
	3322	Malleable Iron Foundries	**331511**	Iron Foundries	
	3324	Steel Investment Foundries	**331512**	Steel Investment Foundries	
	3325	Steel Foundries, NEC	**331513**	Steel Foundries (except Investment)	
F5	**3331**	Primary Smelting and Refining of Copper	**331411**	Primary Smelting and Refining of Copper	
	3334	Primary Production of Aluminum	**331312**	Primary Aluminum Production	
	3339	Primary Smelting and Refining of Nonferrous Metals,	**331419**	Primary Smelting and Refining of Nonferrous Metal	

		Except Copper and Aluminum		(except Copper and Aluminum)	
	3341	Secondary Smelting and Refining of Nonferrous Metals			
		(aluminum)	**331314**	Secondary Smelting and Alloying of Aluminum	
		(copper)	**331423**	Secondary Smelting, Refining and Alloying of Copper	
		(except copper and aluminum)	**331492**	Secondary Smelting, Refining and Alloying of Nonferrous Metal (except Copper and Aluminum)	
F3	**3351**	Rolling, Drawing, and Extruding of Copper	**331421**	Copper Rolling, Drawing, and Extruding	

	3353	Aluminum Sheet, Plate, and Foil	**331315**	Aluminum Sheet, Plate, and Foil Manufacturing	
	3354	Aluminum Extruded Products	**331316**	Aluminum Extruded Product Manufacturing	
	3355	Aluminum Rolling and Drawing, Not Elsewhere Classified	**331319**	Other Aluminum Rolling and Drawing	
	3356	Rolling, Drawing, and Extruding of Nonferrous Metals, Except Copper and Aluminum	**331491**	Nonferrous Metal (Except Copper and Aluminum) Rolling, Drawing, and Extruding	
	3357	Drawing and Insulating of Nonferrous Wire			
		(aluminum wire drawing)	**331319**	Other Aluminum Rolling and Drawing	
		(copper wire drawing)	**331422**	Copper Wire (except Mechanical) Drawing	

		(wire drawing except copper or aluminum)	**331491**	Nonferrous Metal (except Copper and Aluminum) Rolling, Drawing, and Extruding	
		(fiber optic cable-insulating only)	**335921**	Fiber Optic Cable Manufacturing	
		(communication and energy wire, except fiber optic-insulating only)	**335929**	Other Communication and Energy Wire Manufacturing	
F4	**3363**	Aluminum Die Castings	**331521**	Aluminum Die Casting Foundries	
	3364	Nonferrous Die Castings, Except Aluminum	**331522**	Nonferrous (Except Aluminum) Die Casting Foundries	
	3365	Aluminum Foundries	**331524**	Aluminum Foundries (Except Die-Casting)	
	3366	Copper Foundries	**331525**	Copper Foundries (Except Die-Casting)	

	3369	Nonferrous Foundries, Except Copper and Aluminum	**331528**	Other Nonferrous Foundries (Except Die-Casting)	
F5	**3398**	Metal Heat Treating	**332811**	Metal Heat Treating	
	3399	Primary Metal Products, Not Elsewhere Classified			
		(iron ore recovery from open hearth slag)	**331111**	Iron and Steel Mills	
		(ferrous powder, paste, flakes, etc.)	**331221**	Rolled Steel Shape Manufacturing	
		(aluminum powder, paste, flakes, etc.)	**331314**	Secondary Smelting and Alloying of Aluminum	
		(copper powder, paste, flakes, etc.)	**331423**	Secondary Smelting, Refining, and Alloying of Copper	

		(nonferrous powder, paste, flakes, etc. except copper and aluminum)	**331492**	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)	
		(nonferrous nails, brads, staples, tacks, etc. made from purchased nonferrous wire)	**332618**	Other Fabricated Wire Product Manufacturing	
Sector G. Metal Mining (Ore Mining and Dressing)					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
G1	**1021**	Copper Ores	**212234**	Copper Ore and Nickel Ore Mining	
G2	**1011**	Iron Ores	**212210**	Iron Ore Mining	
	1021	Copper Ores	**212234**	Copper Ore and Nickel Ore Mining	
	1031	Lead and Zinc Ores	**212231**	Lead Ore and Zinc Ore Mining	
	1041	Gold Ores	**212221**	Gold Ore Mining	
	1044	Silver Ores	**212222**	Silver Ore Mining	
	1061	Ferroalloy Ores, Except Vanadium			

		(nickel)	**212234**	Copper Ore and Nickel Ore Mining	
		(other ferroalloys except nickel)	**212299**	All Other Metal Ore Mining	
	1081	Metal Mining Services			
		(except site preparation and related activities performed on a contract or fee basis and geophysical surveying and mapping)	**213114**	Support Activities for Metal Mining	
		(site preparation and related construction activities on a contract basis)	**238910**	Site Preparation Contractors	
	1094	Uranium-Radium-Vanadium Ores	**212291**	Uranium-Radium-Vanadium Ore Mining	
	1099	Miscellaneous Metal Ores, Not	**212299**	All Other Metal Ore Mining	

		Elsewhere Classified			
Sector H. Coal Mines and Coal Mining-Related Facilities					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
H1	**1221**	Bituminous Coal and Lignite Surface Mining	**212111**	Bituminous Coal and Lignite Surface Mining	
	1222	Bituminous Coal Underground Mining	**212112**	Bituminous Coal Underground Mining	
	1231	Anthracite Mining	**212113**	Anthracite Mining	
	1241	Coal Mining Services			
		(except site preparation and related construction activities on a contract basis)	**213113**	Support Activities for Coal Mining	
		(site preparation and related construction activities on a contract basis)	**238910**	Site Preparation Contractors	

Sector I. Oil and Gas Extraction					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
I1	**1311**	Crude Petroleum and Natural Gas	**211111**	Crude Petroleum and Natural Gas Extraction	
	1321	Natural Gas Liquids	**211112**	Natural Gas Liquid Extraction	
	1381	Drilling Oil and Gas Wells	**213111**	Drilling Oil and Gas Wells	
	1382	Oil and Gas Field Exploration Services	**213112**	Support Activities for Oil and Gas Operations	
	1389	Oil and Gas Field Services, Not Elsewhere Classified			
		(except construction of field gathering lines, site preparation and related construction activities	**213112**	Support Activities for Oil and Gas Operations	

		performed on a contract or fee basis)			
		(construction of field gathering lines on a contract or fee basis)	**237120**	Oil and Gas Pipeline and Related Structures Construction	
		(site preparation and related construction activities on a contract basis)	**238910**	Site Preparation Contractors	
Sector J. Mineral Mining and Dressing					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
J2	**1411**	Dimension Stone	**212311**	Dimension Stone Mining and Quarrying	
	1422	Crushed and Broken Limestone	**212312**	Crushed and Broken Limestone Mining and Quarrying	
	1423	Crushed and Broken Granite	**212313**	Crushed and Broken Granite	

				Mining and Quarrying	
	1429	Crushed and Broken Stone, Not Elsewhere Classified	**212319**	Other Crushed and Broken Stone Mining and Quarrying	
J1	**1442**	Construction Sand and Gravel	**212321**	Construction Sand and Gravel Mining	
	1446	Industrial Sand	**212322**	Industrial Sand Mining	
J3	**1455**	Kaolin and Ball Clay	**212324**	Kaolin and Ball Clay Mining	
	1459	Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified	**212325**	Clay, Ceramic, and Refractory Minerals Mining	
	1474	Potash, Soda, and Borate Minerals	**212391**	Potash, Soda, and Borate Mineral Mining	
	1475	Phosphate Rock	**212392**	Phosphate Rock Mining	
	1479	Chemical and Fertilizer Mineral Mining, Not	**212393**	Other Chemical and Fertilizer Mineral Mining	

		Elsewhere Classified			
J2	**1481**	Nonmetallic Minerals Services, Except Fuels			
		(except geophysical surveying and mapping and site preparation and related construction activities performed on a contract or fee basis)	**213115**	Support Activities for Nonmetallic Minerals (except Fuels)	
		(site preparation and related construction activities on a contract basis)	**238910**	Site Preparation Contractors	
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels			

		(except bituminous limestone and bituminous sandstone)	**212399**	All Other Nonmetallic Mineral Mining	

Sector K. Hazardous Waste Treatment, Storage or Disposal Facilities			
Sub-Sector	**Activity Code**	**Narrative Description**	**Notes**
K1	**HZ**	• Hazardous waste treatment • Hazardous waste storage • Hazardous waste disposal • Hazardous waste facilities operating under interim status • Hazardous waste facilities operating under a permit under Subtitle C of RCRA	HZ is the Activity Code (i.e., non-SIC / non-NAICS designation) for this Sector. It potentially applies to any facility regardless of SIC / NAICS Code, in addition to these specifically related to hazardous waste: • SIC 4953 Refuse Systems (hazardous waste treatment and disposal); • NAICS 562211 Hazardous Waste Treatment and Disposal; • NAICS 562112 Hazardous Waste Collection (hazardous waste transfer stations).

Sector L. Landfills and Land Application Sites			
Sub-Sector	**Activity Code**	**Narrative Description**	**Notes**
L1	**LF**	• All Landfill, Land Application Sites and Open Dumps	LF is the Activity Code (i.e., non-SIC and non-NAICS designation) for this Sector. It may apply to any facility / SIC Code / NAICS Code, in addition to these specifically related to landfills and landfill application sites: • SIC 4953 Refuse Systems (solid waste landfills); • NAICS 562212 Solid Waste Landfill. Industrial waste is waste from any of the facilities covered by the MSGP (also described in 40 CFR 122.26(b)(14)).
L2	**LF**	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.	

Sector M. Automobile Salvage Yards					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
M1	**5015**	Motor Vehicle Parts, Used			
		(merchant wholesalers except	**423140**	Motor Vehicle Parts (Used)	

		those selling via retail method)		Merchant Wholesalers	
Sector N. Scrap Recycling Facilities					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
N1	**5093**	Scrap and Waste Materials			
		(merchant wholesalers except Source-Separated Recycling)	**423930**	Recyclable Material Merchant Wholesalers	
N2	**5093**	Scrap and Waste Materials			
		(Source-Separated Recycling)	**423930**	Recyclable Material Merchant Wholesalers	

Sector O. Steam Electric Generating Facilities			
Sub-Sector	**Activity Code**	**Narrative Description**	**Notes**
O1	**SE**	• steam electric power generation using coal, including coal handling areas	SE is the Activity Code (i.e., non-SIC and non-NAICS designation) for this Sector. It may apply to any facility / SIC Code / NAICS Code, in addition to these specifically

		• steam electric power generation using natural gas • steam electric power generation using oil • steam electric power generation using nuclear energy • steam electric power generation using any other fuel to produce a steam source • coal pile runoff (includes effluent limitations established by 40 CFR 423) • dual fuel co-generation (i.e., steam generation using fossil fuel to augment a heat-capture generation system)	related to steam electric generation: • SIC 4911 Electric Services (fossil fuel power generation, nuclear electric power generation & other electric power generation) • NAICS 221112 Fossil Fuel Electric Power Generation • NAICS 221113 Nuclear Electric Power Generation

Sector P. Land Transportation					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
P1	**4011**	Railroads, Line-Haul Operating	**482111**	Line-Haul Railroads	
	4013	Railroad Switching and Terminal Establishments			
		(short line railroads)	**482112**	Short Line Railroads	
		(except short line railroads)	**488210**	Support Activities for Rail Transportation	
	4111	Local and Suburban Transit			
		(mixed mode)	**485111**	Mixed Mode Transit Systems	
		(commuter rail)	**485112**	Commuter Rail Systems	
		(bus and motor vehicle)	**485113**	Bus and Other Motor Vehicle Transit Systems	
		(except mixed mode, commuter rail, airport	**485119**	Other Urban Transit Systems	

		transportation service, and bus and motor vehicle)			
		(airport transportation service)	**485999**	All Other Transit and Ground Passenger Transportation	
	4119	Local Passenger Transportation, Not Elsewhere Classified			
		(limousine rental with driver and automobile rental with driver)	**485320**	Limousine Service	
		(employee transportation)	**485410**	School and Employee Bus Transportation	
		(special needs transportation)	**485991**	Special Needs Transportation	
		(hearse rental with driver and carpool and vanpool operation)	**485999**	All Other Transit and Ground Passenger Transportation	
		(sightseeing buses and cable and cog	**487110**	Scenic and Sightseeing	

		railways, except scenic)		Transportation, Land	
		(land ambulance)	**621910**	Ambulance Services	
	4121	Taxicabs	**485310**	Taxi Service	
	4131	Intercity and Rural Bus Transportation	**485210**	Interurban and Rural Bus Transportation	
	4141	Local Bus Charter Service	**485510**	Charter Bus Industry	
	4142	Bus Charter Service, Except Local	**485510**	Charter Bus Industry	
	4151	School Buses	**485410**	School and Employee Bus Transportation	
	4173	Terminal and Service Facilities for Motor Vehicle Passenger Transportation	**488490**	Other Support Activities for Road Transportation	
	4212	Local Trucking Without Storage			
		(general freight)	**484110**	General Freight Trucking, Local	

		(household goods moving)	**484210**	Used Household and Office Goods Moving	
		(specialized freight)	**484220**	Specialized Freight (except Used Goods) Trucking, Local	
		(solid waste collection without disposal)	**562111**	Solid Waste Collection	
		(hazardous waste collection without disposal)	**562112**	Hazardous Waste Collection	
		(other waste collection without disposal)	**562119**	Other Waste Collection	
	4213	Trucking, Except Local			
		(general freight, truckload)	**484121**	General Freight Trucking, Long-Distance, Truckload	
		(general freight, less than truckload)	**484122**	General Freight Trucking, Long-Distance, Less Than Truckload	

		(household goods moving)	**484210**	Used Household and Office Goods Moving	
		(specialized freight)	**484230**	Specialized Freight (except Used Goods) Trucking, Long-Distance	
	4214	Local Trucking With Storage			
		(general freight)	**484110**	General Freight Trucking, Local	
		(household goods moving)	**484210**	Used Household and Office Goods Moving	
		(specialized freight)	**484220**	Specialized Freight (except Used Goods) Trucking, Local	

	4215	Courier Services, Except by Air			
		(hub and spoke intercity delivery)	**492110**	Couriers	
		(local delivery)	**492210**	Local Messengers and local Delivery	
	4226	Special Warehousing and Storage, Not Elsewhere Classified			
		(warehousing in foreign trade zones)	**493110**	General Warehousing and Storage	
		(fur storage)	**493120**	Refrigerated Warehousing and Storage	
		(except fur storage and warehousing in foreign trade zones)	**493190**	Other Warehousing and Storage	
	4231	Terminal and Joint Terminal	**488490**	Other Support Activities for	

		Maintenance Facilities for Motor Freight Transportation		Road Transportation	
	4311	United States Postal Service	**491110**	Postal Service	
	5171	Petroleum Bulk Stations and Terminals			
		(except petroleum sold via retail method)	**424710**	Petroleum Bulk Stations and Terminals	
		(heating oil sold to final consumer)	**454311**	Heating Oil Dealers	
		(LP gas sold to final consumer)	**454312**	Liquefied Petroleum Gas (Bottled Gas) Dealers	
Sector Q. Water Transportation					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
Q1	**4412**	Deep Sea Foreign Transportation of Freight	**483111**	Deep Sea Freight Transportation	

	4424	Deep Sea Domestic Transportation of Freight	**483113**	Coastal and Great Lakes Freight Transportation	
	4432	Freight Transportation on the Great Lakes - St. Lawrence Seaway	**483113**	Coastal and Great Lakes Freight Transportation	
	4449	Water Transportation of Freight, Not Elsewhere Classified	**483211**	Inland Water Freight Transportation	
	4481	Deep Sea Transportation of Passengers, Except by Ferry			
		(deep sea activities)	**483112**	Deep Sea Passenger Transportation	
		(coastal activities)	**483114**	Coastal and Great Lakes Passenger Transportation	
	4482	Ferries			

		(coastal and Great Lakes)	**483114**	Coastal and Great Lakes Passenger Transportation	
		(inland)	**483212**	Inland Water Passenger Transportation	
	4489	Water Transportation of Passengers, Not Elsewhere Classified			
		(water taxis)	**483212**	Inland Water Passenger Transportation	
		(airboats, excursion boats, and sightseeing boats)	**487210**	Scenic and Sightseeing Transportation, Water	
	4491	Marine Cargo Handling			
		(dock and pier operations)	**488310**	Port and Harbor Operations	
		(all but dock and pier operations)	**488320**	Marine Cargo Handling	

	4492	Towing and Tugboat Services	**488330**	Navigational Services to Shipping	
	4493	Marinas	**713930**	Marinas	
	4499	Water Transportation Services, Not Elsewhere Classified			
		(lighterage)	**483211**	Inland Water Freight Transportation	
		(lighthouse and canal operations)	**488310**	Port and Harbor Operations	
		(piloting vessels in and out of harbors and marine salvage)	**488330**	Navigational Services to Shipping	
		(all but lighthouse operations, piloting vessels in and out of harbors, boat and ship rental, marine salvage,	**488390**	Other Support Activities for Water Transportation	

		lighterage, marine surveyor services, and canal operations)			
		(boat and ship rental, commercial)	**532411**	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	
Sector R. Ship and Boat Building and Repair Yards					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
R1	**3731**	Ship Building and Repairing			
		(except repairs in floating drydocks)	**336611**	Ship Building and Repairing	
		(repair services provided by floating drydocks)	**488390**	Other Support Activities for Water Transportation (includes ship scaling facilities)	
	3732	Boat Building and Repairing			
		(boat building)	**336612**	Boat Building	

		(pleasure boat repair and maintenance services without retailing new boats)	**811490**	Other Personal and Household Goods Repair and Maintenance	
		(ship scaling)	**488390**	Other Support Activities for Water Transportation (drydocks, floating [i.e., routine repair and maintenance of ships]; other support activities for water transportation; ship dismantling at floating drydock; ship scaling services not done at a shipyard)	

		(motorboat [i.e., inboard and outboard] repair and maintenance services; outboard motor repair shops)	**811490**	Other Personal and Household Goods Repair and Maintenance	
Sector S. Air Transportation Facilities					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
S1	**4512**	Air Transportation, Scheduled			
		(passenger)	**481111**	Scheduled Passenger Air Transportation	
		(freight)	**481112**	Scheduled Freight Air Transportation	
	4513	Air Courier Services	**492110**	Couriers	
	4522	Air Transportation, Nonscheduled			
		(passenger)	**481211**	Nonscheduled Chartered	

				Passenger Air Transportation	
		(freight)	**481212**	Nonscheduled Chartered Freight Air Transportation	
		(using general purpose aircraft for a variety of passenger, freight, courier, and other uses)	**481219**	Other Nonscheduled Air Transportation	
		(sightseeing planes)	**487990**	Scenic and Sightseeing Transportation, Other	
		(air ambulance)	**621910**	Ambulance Services	
	4581	Airports, Flying Fields, and Airport Terminal Services			
		(air freight handling at airports, hangar operations,	**488119**	Other Airport Operations	

		airport terminal services, aircraft storage, airports, and flying fields)			
		(aircraft servicing and repairing)	**488190**	Other Support Activities for Air Transportation	

Sector T. Treatment Works

Sub-sector	Activity Code	Narrative Description	Notes
T1	**TW**	• treatment works with a design flow of 1.0 MGD or more treating domestic sewage or any other sewage sludge; • wastewater treatment devices or system used by the treatment works for the storage, treatment, recycling and reclamation of	TW is the Activity Code (i.e., non-SIC and non-NAICS designation) for this Sector. It may apply to any facility / SIC Code / NAICS Code, in addition to these specifically related to treatment works: • SIC 4952 Sewerage Systems • NAICS 221320 Sewage Treatment Facilities

		municipal or domestic sewage; • land located within the confines of the treatment works that is dedicated to the disposal of sewage sludge; • treatment works required to have an approved pretreatment program under 40 CFR Part 403			
Sector U. Food and Kindred Products					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
U3	**2011**	Meat Packing Plants	**311611**	Animal (except Poultry) Slaughtering	
	2013	Sausages and Other Prepared Meat Products			
		(except lard made from purchased materials)	**311612**	Meat Processed from Carcasses	

		(lard made from purchased materials)	**311613**	Rendering and Meat Byproduct Processing	
	2015	Poultry Slaughtering and Processing			
		(poultry slaughtering and processing)	**311615**	Poultry Processing	
		(egg processing)	**311999**	All Other Miscellaneous Food Manufacturing	
	2021	Creamery Butter	**311512**	Creamery Butter Manufacturing	
	2022	Natural, Processed, and Imitation Cheese	**311513**	Cheese Manufacturing	
	2023	Dry, Condensed and Evaporated Dairy Products			
		(liquid non-dairy creamer)	**311511**	Fluid Milk Manufacturing	
		(except liquid non-dairy creamer)	**311514**	Dry, Condensed, and Evaporated	

				Dairy Product Manufacturing	
	2024	Ice Cream and Frozen Deserts	**311520**	Ice Cream and Frozen Desert Manufacturing	
	2026	Fluid Milk			
		(except ultra-high temperature)	**311511**	Fluid Milk Manufacturing	
		(ultra-high temperature)	**311514**	Dry, Condensed, and Evaporated Dairy Product Manufacturing	
	2032	Canned Specialties			
		(except canned puddings)	**311422**	Specialty Canning	
		(canned puddings)	**311999**	All Other Miscellaneous Food Manufacturing	
	2033	Canned Fruits, Vegetables, Preserves, Jams, and Jellies	**311421**	Fruit and Vegetable Canning	
	2034	Dried and Dehydrated Fruits,			

		Vegetables and Soup Mixes			
		(vegetable flour)	**311211**	Flour Milling	
		(except vegetable flour and soup mixes made from purchased dried and dehydrated ingredients)	**311423**	Dried and Dehydrated Food Manufacturing	
		(soup mixes made from purchased dehydrated ingredients)	**311999**	All Other Miscellaneous Food Manufacturing	
	2035	Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressings			
		(pickled fruits and vegetables)	**311421**	Fruit and Vegetable Canning	
		(sauces and salad dressings)	**311941**	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing	

	2037	Frozen Fruits, Fruit Juices, and Vegetables	**311411**	Frozen Fruit, Juice, and Vegetable Manufacturing	
	2038	Frozen Specialties, Not Elsewhere Classified	**311412**	Frozen Specialty Food Manufacturing	
U1	**2041**	Flour and Other Grain Mill Products	**311211**	Flour Milling	
	2043	Cereal Breakfast Foods			
		(cereal breakfast foods and related preparations except grain based coffee substitutes)	**311230**	Breakfast Cereal Manufacturing	
		(grain based coffee substitutes)	**311920**	Coffee and Tea Manufacturing	
	2044	Rice Milling	**311212**	Rice Milling	
	2045	Prepared Flour Mixes and Doughs	**311822**	Flour Mixes and Dough Manufacturing	

				from Purchased Flour	
	2046	Wet Corn Milling			
		(except refining purchased corn oil)	**311221**	Wet Corn Milling	
		(refining purchased corn oil)	**311225**	Fats and Oils Refining and Blending	
	2047	Dog and Cat Food	**311111**	Dog and Cat Food Manufacturing	
	2048	Prepared Feeds and Feed Ingredients for Animals and Fowls, Except Dogs and Cats			
		(except slaughtering animals for pet food)	**311119**	Other Animal Food Manufacturing	
		(slaughtering animals for pet food)	**311611**	Animal (except Poultry) Slaughtering	
U3	**2051**	Bread and Other Bakery Products,	**311812**	Commercial Bakeries	

		Except Cookies and Crackers			
	2052	Cookies and Crackers			
		(unleavened bread and soft pretzels)	**311812**	Commercial Bakeries	
		(except unleavened bread and pretzels)	**311821**	Cookie and Cracker Manufacturing	
		(hard pretzels and snack pretzels, except soft)	**311919**	Other Snack Food Manufacturing (pretzels, except soft)	
	2053	Frozen Bakery Products, Except Bread	**311813**	Frozen Cakes, Pies, and Other Pastries Manufacturing	
	2061	Cane Sugar, Except Refining	**311311**	Sugarcane Mills	
	2062	Cane Sugar Refining	**311312**	Cane Sugar Refining	
	2063	Beet Sugar	**311313**	Beet Sugar Manufacturing	
	2064	Candy and Other Confectionery Products			

		(chocolate confectionery)	**311330**	Confectionery Manufacturing from Purchased Chocolate	
		(nonchocolate confectionery)	**311340**	Nonchocolate Confectionery Manufacturing	
	2066	Chocolate and Cocoa Products			
		(except chocolate products, made from purchased chocolate)	**311320**	Chocolate and Confectionery Manufacturing from Cacao Beans	
		(chocolate products made from purchased chocolate)	**311330**	Confectionery Manufacturing from Purchased Chocolate	
	2067	Chewing Gum	**311340**	Nonchocolate Confectionery Manufacturing	
	2068	Salted and Roasted Nuts and Seeds	**311911**	Roasted Nuts and Peanut Butter Manufacturing	

U2	2074	Cottonseed Oil Mills			
		(cottonseed processing)	311223	Other Oilseed Processing	
		(processing purchased cottonseed oil)	311225	Fats and Oils Refining and Blending	
	2075	Soybean Oil Mills			
		(soybean processing, except edible soybean oil)	311222	Soybean Processing	
		(processing purchased soybean oil)	311225	Fats and Oils Refining and Blending	
	2076	Vegetable Oil Mills, Except Corn, Cottonseed, and Soybean			
		(oilseed processing)	311223	Other Oilseed Processing	
		(processing purchased vegetable and oilseed oils)	311225	Fats and Oils Refining and Blending	

	2077	Animal and Marine Fats and Oils			
		(animal fats and oils)	**311613**	Rendering and Meat Byproduct Processing	
		(canned marine fats and oils)	**311711**	Seafood Canning	
		(fresh and frozen marine fats and oils)	**311712**	Fresh and Frozen Seafood Processing	
	2079	Shortening, Table Oils, Margarine, and Other Edible Fats and Oils, Not Elsewhere Classified			
		(processing soybean oil into edible cooking oils from soybeans crushed in the same establishment)	**311222**	Soybean Processing	
		(processing vegetable oils, except soybean,	**311223**	Other Oilseed Processing	

		into edible cooking oils from oilseeds and vegetables crushed in the same establishment)			
		(except processing vegetable and soybean oils into edible oils from oilseeds and vegetables crushed in the same establishment)	**311225**	Fats and Oils Refining and Blending	
U3	**2082**	Malt Beverages			
		(malt extract)	**311942**	Spice and Extract Manufacturing	
		(except malt extract)	**312120**	Breweries	
	2083	Malt	**311213**	Malt Manufacturing	
	2084	Wines, Brandy and Brandy Spirits	**312130**	Wineries	
	2085	Distilled and Blended Liquors			
		(apple jack)	**312130**	Wineries	

		(except apple jack)	**312140**	Distilleries	
	2086	Bottled and Canned Soft Drinks and Carbonated Water			
		(except bottled water)	**312111**	Soft Drink Manufacturing	
		(bottled water)	**312112**	Bottled Water Manufacturing	
	2087	Flavoring Extracts and Flavoring Syrups, Not Elsewhere Classified			
		(coffee flavoring and syrups)	**311920**	Coffee and Tea Manufacturing	
		(flavoring syrups and concentrates except coffee)	**311930**	Flavoring Syrup and Concentrate Manufacturing	
		(flavoring extracts and natural food colorings)	**311942**	Spice and Extract Manufacturing	
		(powered drink mix)	**311999**	All Other Miscellaneous	

				Food Manufacturing	
	2091	Canned and Cured Fish and Seafoods	**311711**	Seafood Canning	
	2092	Prepared Fresh or Frozen Fish and Seafoods	**311712**	Fresh and Frozen Seafood Processing	
	2095	Roasted Coffee	**311920**	Coffee and Tea Manufacturing	
	2096	Potato Chips, Corn Chips, and Similar Snacks	**311919**	Other Snack Food Manufacturing	
	2097	Maufactured Ice	**312113**	Ice manufacturing	
	2098	Macaroni, Spaghetti, Vermicelli, and Noodles	**311823**	Dry Pasta Manufacturing	
	2099	Food Preparations, Not Elsewhere Classified			
		(rice, uncooked and packaged with other ingredients made in rice mills)	**311212**	Rice Milling	

		(marshmallow creme)	**311340**	Nonchocolate Confectionery Manufacturing	
		(bouillon and potatoes dried and packaged with other ingredients produced in dehydrating plants)	**311423**	Dried and Dehydrated Food Manufacturing	
		(dry pasta packaged with other ingredients made in dry pasta plants)	**311823**	Dry Pasta Manufacturing	
		(tortillas)	**311830**	Tortilla Manufacturing	
		(peanut butter)	**311911**	Roasted Nuts and Peanut Butter Manufacturing	
		(tea)	**311920**	Coffee and Tea Manufacturing	
		(vinegar, prepared dip)	**311941**	Mayonnaise, Dressing, and Other Prepared	

				Sauce Manufacturing	
		(spices, dry dip mix, dry salad dressing mix, and seasoning mix)	**311942**	Spice and Extract Manufacturing	
		(perishable prepared food)	**311991**	Perishable Prepared Food Manufacturing	
		(except bouillon, marshmallow creme, spices, peanut butter, perishable prepared foods, tortillas, tea and tea extracts, dry dip mix, prepared dips, dry salad dressing mix, seasoning mix, dried potatoes, pasta, and rice mixed with other ingredients in mills or dehydrating	**311999**	All Other Miscellaneous Food Manufacturing	

		plants, reducing maple sap to maple syrup, wool grease, and vinegar)			
	2111	Cigarettes	**312221**	Cigarette Manufacturing	
	2121	Cigars	**312229**	Other Tobacco Product Manufacturing	
	2131	Chewing and Smoking Tobacco and Snuff	**312229**	Other Tobacco Product Manufacturing	
	2141	Tobacco Stemming and Redrying			
		(stemming and redrying tobacco)	**312210**	Tobacco Stemming and Redrying	
		(reconstituted tobacco)	**312229**	Other Tobacco Product Manufacturing	
Sector V. Textile Mills, Apparel, and Other Fabric Product Manufacturing					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
V1	**2211**	Broadwoven Fabric Mills, Cotton	**313210**	Broadwoven Fabric Mills	

	2221	Broadwoven Fabric Mills, Manmade Fiber and Silk	**313210**	Broadwoven Fabric Mills	
	2231	Broadwoven Fabric Mills, Wool (Including Dyeing and Finishing)			
		(except finishing wool fabric without weaving wool fabric)	**313210**	Broadwoven Fabric Mills 2231	
		(wool broadwoven fabric finishing without weaving fabric)	**313311**	Broadwoven Fabric Finishing Mills	
		(wool fabric, except broadwoven, finishing without weaving fabric)	**313312**	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
	2241	Narrow Fabric and Other Smallwares Mills: Cotton, Wool, Silk and Manmade Fiber	**313221**	Narrow Fabric Mills	

	2251	Women's Full-Length and Knee-Length Hosiery, Except Socks			
		(dyeing and finishing sheer hosiery without knitting sheer hosiery)	**313312**	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
		(except dyeing and finishing sheer hosiery without knitting sheer hosiery)	**315111**	Sheer Hosiery Mills	
	2252	Hosiery, Not Elsewhere Classified			
		(dyeing and finishing hosiery, except sheer, without knitting hosiery)	**313312**	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
		(girls' full length and knee length sheer hosiery)	**315111**	Sheer Hosiery Mills	

		(except girls' full-length and knee-length sheer hosiery and dyeing and finishing hosiery without knitting hosiery)	**315119**	Other Hosiery and Sock Mills	
	2253	Knit Outerwear Mills			
		(dyeing and finishing knit outerwear without knitting outerwear)	**313312**	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
		(except bath and lounging robes and dying and finish without knitting garments)	**315191**	Outerwear Knitting Mills	
		(knitting bath or lounging robes)	**315192**	Underwear and Nightwear Knitting Mills	
	2254	Knit Underwear and Nightwear Mills			
		(dyeing and finishing	**313312**	Textile and Fabric Finishing	

		underwear and nightwear without knitting garments)		(except Broadwoven Fabric) Mills	
		(except dyeing and finishing underwear and nightwear without knitting garments)	**315192**	Underwear and Nightwear Knitting Mills	
	2257	Weft Knit Fabric Mills			
		(except finishing without knitting weft fabric)	**313241**	Weft Knit Fabric Mills	
		(finishing weft fabric without knitting weft fabric)	**313312**	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
	2258	Weft Knit Fabric Mills			
		(except finishing without knitting weft fabric)	**313241**	Weft Knit Fabric Mills	
		(finishing weft fabric without	**313312**	Textile and Fabric Finishing (except	

		knitting weft fabric)		Broadwoven Fabric) Mills	
	2259	Knitting Mills, Not Elsewhere Classified			
		(knitting weft fabric and fabricating textile products, such as bedspreads, curtains, or towels)	**313241**	Weft Knit Fabric Mills	
		(knitting lace or warp fabric and fabricating textile products, such as bedspreads, curtains, or towels)	**313249**	Other Knit Fabric and Lace Mills	
		(dyeing and finishing knit gloves and mittens without knitting gloves or mittens)	**313312**	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	

		(knitting gloves and mittens)	**315191**	Outerwear Knitting Mills	
		(knitting girdles and allied foundation garments)	**315192**	Underwear and Nightwear Knitting Mills	
	2261	Finishers of Broadwoven Fabrics of Cotton	**313311**	Broadwoven Fabric Finishing Mills	
	2262	Finishers of Broadwoven Fabrics of Manmade Fibers and Silk	**313311**	Broadwoven Fabric Finishing Mills	
	2269	Finishers of Textiles, Not Elsewhere Classified			
		(linen fabric finishing)	**313311**	Broadwoven Fabric Finishing Mills	
		(except linen fabric finishing)	**313312**	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
	2273	Carpets and Rugs	**314110**	Carpet and Rug Mills	

	2281	Yarn Spinning Mills	**313111**	Yarn Spinning Mills	
	2282	Yarn Texturizing, Throwing, Twisting and Spinning Mills	**313112**	Yarn Texturizing, Throwing, Twisting Mills	
	2284	Thread Mills			
		(except finishing thread without manufacturing thread)	**313113**	Thread Mills	
		(finishing thread without manufacturing thread)	**313312**	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
	2295	Coated Fabrics, Not Rubberized	**313320**	Fabric Coating Mills	
	2296	Tire Cord and Fabrics	**314992**	Tire Cord and Tire fabric Mills	
	2297	Nonwoven Fabrics	**313230**	Nonwoven Fabric Mills	
	2298	Cordage and Twine			
		(hemp rope made in spinning mills)	**313111**	Yarn Spinning Mills	

		(except hemp rope made in spinning mills)	**314991**	Rope, Cordage, and Twine Mills	
	2299	Textile Goods, Not Elsewhere Classified			
		(hemp bags made in spinning mills, & spinning yarn of flax, hemp, jute, and ramie)	**313111**	Yarn Spinning Mills	
		(manufacturing thread of hemp, linen, and ramie)	**313113**	Thread Mills	
		(broadwoven fabrics of jute, linen, hemp, and ramie and hand woven fabrics)	**313210**	Broadwoven Fabric Mills	
		(narrow woven fabric of jute, linen, hemp, and ramie)	**313221**	Narrow Fabric Mills	
		(nonwoven felt)	**313230**	Nonwoven Fabric Mills	

		(finishing hard fiber thread and yarn without manufacturing thread or yarn)	**313312**	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
		(manufacturing other textile products)	**314999**	All Other Miscellaneous Textile Product Mills	
	2311	Men's and Boys' Suits, Coats, and Overcoats			
		(contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(except contractors)	**315222**	Men's and Boys' Cut and Sew Suit, Coat and Overcoat Manufacturing	
	2321	Men's and Boys' Shirts, Except Work Shirts			
		(contractors)	**315211**	Men's and Boys' Cut and Sew	

				Apparel Contractors	
		(except contractors)	**315223**	Men's and Boys' Cut and Sew Shirt (except Work Shirt) Manufacturing	
	2322	Men's and Boys' Underwear and Nightwear			
		(contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(except contractors)	**315221**	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing	
	2323	Men's and Boys' Neckwear			
		(contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	

		(except contractors)	**315993**	Men's and Boys' Neckwear Manufacturing	
	2325	Men's and Boys' Separate Trousers and Slacks			
		(contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(except contractors)	**315224**	Men's and Boys' Cut and Sew Trouser, Slack and Jean Manufacturing	
	2326	Men's and Boys' Work Clothing			
		(contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(except contractors)	**315225**	Men's and Boys' Cut and Sew Work Clothing Manufacturing	

	2329	Men's and Boys' Clothing, Not Elsewhere Classified			
		(contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(except team athletic uniforms and contractors)	**315228**	Men's and Boys' Cut and Sew Other Outerwear Manufacturing	
		(team athletic uniforms except contractors)	**315299**	All Other Cut and Sew Apparel Manufacturing	
	2331	Women's, Misses', and Juniors' Blouses and Shirts			
		(contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	**315232**	Women's and Girls' Cut and Sew Blouse and	

				Shirt Manufacturing	
	2335	Women's, Misses', and Juniors' Dresses			
		(contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	**315233**	Women's and Girls' Cut and Sew Dress Manufacturing	
	2337	Women's, Misses', and Juniors' Suits, Skirts, and Coats			
		(contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	**315234**	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket,	

				and Skirt Manufacturing	
	2339	Women's, Misses', and Juniors' Outerwear, Not Elsewhere Classified			
		(contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except team athletic uniforms, scarves, and contractors)	**315239**	Women's and Girls' Cut and Sew Other Outerwear Manufacturing	
		(team athletic uniforms except contractors)	**315299**	All Other Cut and Sew Apparel Manufacturing	
		(scarves except contractors)	**315999**	Other Apparel Accessories and Other Apparel Manufacturing	

	2341	Women's, Misses', Children's, and Infants' Underwear and Nightwear			
		(boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(boys' except contractors)	**315221**	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing	
		(women and girls' except contractors)	**315231**	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing	
		(infants' except contractors)	**315291**	Infants' Cut and Sew Apparel Manufacturing	

	2342	Brassieres, Girdles, and Allied Garments			
		(contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	**315231**	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing	
	2353	Hats, Caps, and Millinery			
		(men's and boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	**315991**	Hat, Cap, and Millinery Manufacturing	

	2361	Girls', Children's, and Infants' Dresses, Blouses, and Shirts			
		(boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(girls' and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(boys' shirts except contractors)	**315223**	Men's and Boys' Cut and Sew Shirt (except Work Shirt) Manufacturing	
		(girls' blouses and shirts except contractors)	**315232**	Women's and Girls' Cut and Sew Blouse and Shirt Manufacturing	
		(girls' dresses except contractors)	**315233**	Women's and Girls' Cut and	

				Sew Dress Manufacturing	
		(infants' except contractors)	**315291**	Infants' Cut and Sew Apparel Manufacturing	
	2369	Girls', Children's, and Infants' Outerwear, Not Elsewhere Classified			
		(boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(girls' and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(boys' robes except contractors)	**315221**	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing	

		(boys' suits and coats except contractors)	**315222**	Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturing	
		(boys' trousers, slacks, and jeans except contractors)	**315224**	Men's and Boys' Cut and Sew Trouser, Slack and Jean Manufacturing	
		(boys' other outerwear except contractors)	**315228**	Men's and Boys' Cut and Sew Other Outerwear Manufacturing	
		(girls' robes except contractors)	**315231**	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing	
		(girls' suits, coats, jackets, and skirts except contractors)	**315234**	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturing	

		(girls' other outerwear except contractors)	**315239**	Women's and Girls' Cut and Sew Other Outerwear Manufacturing	
		(infants' except contractors)	**315291**	Infants' Cut and Sew Apparel Manufacturing	
	2371	Fur Goods			
		(men's and boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	**315292**	Fur and Leather Apparel Manufacturing	
	2381	Dress and Work Gloves, Except Knit and All-Leather			
		(men's and boys' contractors)	**315211**	Men's and Boys' Cut and Sew	

				Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	**315992**	Glove and Mitten Manufacturing	
	2384	Robes and Dressing Gowns			
		(men's and boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(men's except contractors)	**315221**	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing	
		(women's except contractors)	**315231**	Women's and Girls' Cut and Sew Lingerie,	

				Loungewear, and Nightwear Manufacturing	
	2385	Waterproof Outerwear			
		(men's and boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(men's and boys' water resistant or water repellent tailored overcoats, except made from rubberized fabric, plastics, etc. and contractors)	**315222**	Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturing	
		(men's and boys' water resistant or water repellent nontailored	**315228**	Men's and Boys' Cut and Sew Other Outerwear Manufacturing	

		outerwear, except made from rubberized fabric, plastics, etc. and contractors)			
		(women's and girls' water resistant or water repellent tailored coats, except made from rubberized fabric, plastics, etc. and contractors)	**315234**	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturing"	
		(other women's and girls' water resistant or water repellent nontailored outerwear, except made from rubberized fabric, plastics, etc. and contractors)	**315239**	Women's and Girls' Cut and Sew Other Outerwear Manufacturing	

		(infants' waterproof outerwear made from rubberized fabric, plastics, etc. except contractors)	**315291**	Infants' Cut and Sew Apparel Manufacturing	
		(men's, boys', women's, and girls' waterproof outerwear made from rubberized fabric, plastics, etc. except contractors)	**315299**	All Other Cut and Sew Apparel Manufacturing	
		(accessories, such as aprons, bibs, and other miscellaneous waterproof items, made from rubberized fabric, plastics, etc. except contractors)	**315999**	Other Apparel Accessories and Other Apparel Manufacturing	

	2386	Leather and Sheep-Lined Clothing			
		(men's and boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	**315292**	Fur and Leather Apparel Manufacturing	
	2387	Apparel Belts			
		(men's and boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	**315999**	Other Apparel Accessories and Other Apparel Manufacturing	

	2389	Apparel and Accessories, Not Elsewhere Classified			
		(men's and boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(garters and garter belts except contractors)	**315231**	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing	
		(apparel, such as academic gowns, clerical outerwear, and band uniforms, except contractors)	**315299**	All Other Cut and Sew Apparel Manufacturing	

		(accessories such as, handkerchiefs, arm bands, cummerbunds, suspenders, etc., except contractors)	**315999**	Other Apparel Accessories and Other Apparel Manufacturing	
	2391	Curtains and Draperies	**314121**	Curtain and Drapery Mills	
	2392	Housefurnishings, Except Curtains and Draperies			
		(except mops, dust rags, and bags)	**314129**	Other Household Textile Product Mills	
		(blanket, laundry, and wardrobe bags)	**314911**	Textile Bag Mills	
		(dust rags)	**314999**	All Other Miscellaneous Textile Product Mills	
		(floor and dust mops)	**339994**	Broom, Brush, and Mop Manufacturing	
	2393	Textile Bags	**314911**	Textile Bag Mills	

	2394	Canvas and Related Products	**314912**	Canvas and Related Product Mills	
	2395	Pleating, Decorative and Novelty Stitching, and Tucking for the Trade			
		(except apparel contractors)	**314999**	All Other Miscellaneous Textile Product Mills	
		(men's and boy's apparel contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' apparel contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
	2396	Automotive Trimmings, Apparel Findings, and Related Products			
		(textile products except automotive	**314999**	All Other Miscellaneous	

		and apparel trimmings and findings, printing or embossing on apparel, and contractors)		Textile Product Mills	
		(men's and boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(apparel findings and trimmings, except contractors)	**315999**	Other Apparel Accessories and Other Apparel Manufacturing	
		(printing and embossing on fabric articles)	**323113**	Commercial Screen Printing	
		(textile motor vehicle trimming except contractors)	**336360**	Motor Vehicle Seating and Interior Trim Manufacturing	

	2397	Schiffli Machine Embroideries	**313222**	Schiffli Machine Embroidery	
	2399	Fabricated Textile Products, Not Elsewhere Classified			
		(except apparel and accessories, automotive seat belts, seat and tire covers, and contractors)	**314999**	All Other Miscellaneous Textile Product Mills	
		(men's and boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(apparel and apparel accessories, except contractors)	**315999**	Other Apparel Accessories and Other Apparel Manufacturing	

		(seat belts, and seat and tire covers)	**336360**	Motor Vehicle Seating and Interior Trim Manufacturing	
	3131	Boot and Shoe Cut Stock and Findings			
		(except wood heels and metal buckles)	**316999**	All Other Leather Good Manufacturing	
		(heels, boot and shoe, finished wood, manufacturing)	**321999**	All Other Miscellaneous Wood Product Manufacturing	A facility with the primary activity of NAICS 321999 "heels, boot and shoe, finished wood, manufacturing" can be regulated under Sector A or Sector V. Sector A requires additional technology-based effluent limits comprising good housekeeping; additional SWPPP

					requirements; additional inspection requirements; and benchmark monitoring for COD and TSS. Sector V requires additional technology-based effluent limits comprised of good housekeeping measures and employee training; additional SWPPP requirements; and additional inspection requirements. Regulatory burden would likely be greater under Sector A.

		(metal buckles)	**339993**	Fastener, Button, Needle, and Pin Manufacturing	Any facility whose primary activity is manufacturing metal buckles (SIC 3131 / NAICS 339993) should be regulated under Sector Y, but may continue to be regulated under Sector V, or alternatively, under Sector AD. Sector Y does not apply additional sector-specific requirements to metal buckle manufacturers. Sector V applies additional technology-based limitations comprised of good housekeeping measures for

					material storage areas and employee training. Under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would likely be greater under Sector V.
	3142	House Slippers	**316212**	House Slipper Manufacturing	
	3143	Men's Footwear, Except Athletic	**316213**	Men's Footwear (except Athletic) Manufacturing	
	3144	Women's Footwear, Except Athletic	**316214**	Women's Footwear (except Athletic) Manufacturing	
	3149	Footwear, Except Rubber, Not	**316219**	Other Footwear Manufacturing	

		Elsewhere Classified			
	3151	Leather Gloves and Mittens			
		(men's and boys' contractors)	**315211**	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	**315212**	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	**315992**	Glove and Mitten Manufacturing	
	3161	Luggage	**316991**	Luggage Manufacturing	
	3171	Women's Handbags and Purses	**316992**	Women's Handbag and Purse Manufacturing	
	3172	Personal Leather Goods, Except Women's Handbags and Purses			
		(except nonprecious metal personal goods,	**316993**	Personal Leather Good (except Women's Handbag	

		such as card cases, cigar cases, and comb cases)		and Purse) Manufacturing	
		(nonprecious metal personal goods, such as card cases, cigar cases, and comb cases)	**339914**	Costume Jewelry and Novelty Manufacturing	Any facility whose primary activity is manufacturing nonprecious metal personal goods, such as card cases, cigar cases, and comb cases (SIC 3172 / NAICS 339914) should be regulated under Sector Y, but may continue to be regulated under Sector V, or alternatively, under Sector AD. Sector Y does not apply additional sector-specific requirements to

					metal buckle manufacturers. Sector V applies additional technology-based limitations comprised of good housekeeping measures for material storage areas and employee training. Under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would likely be greater under Sector V.

	3199	Leather Goods, Not Elsewhere Classified	**316999**	All Other Leather Good Manufacturing	
Sector W. Furniture and Fixtures					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
W1	**2434**	Wood Kitchen Cabinets	**337110**	Wood Kitchen Cabinet and Countertop Manufacturing	
	2511	Wood Household Furniture, Except Upholstered			
		(except wood box spring frames)	**337122**	Nonupholstered Wood Household Furniture Manufacturing	
		(wood box spring frames (parts))	**337215**	Showcase, Partition, Shelving, and Locker Manufacturing	
	2512	Wood Household Furniture, Upholstered	**337121**	Upholstered Household Furniture Manufacturing	

	2514	Metal Household Furniture			
		(upholstered)	**337121**	Upholstered Household Furniture Manufacturing	
		(except upholstered metal furniture and metal box spring frames)	**337124**	Metal Household Furniture Manufacturing	
		(metal box spring frames)	**337215**	Showcase, Partition, Shelving, and Locker Manufacturing	
	2515	Mattresses, Foundations, and Convertible Beds			
		(convertible beds)	**337121**	Upholstered Household Furniture Manufacturing	
		(mattresses and foundations)	**337910**	Mattress Manufacturing	

	2517	Wood, Television, Radio, Phonograph, and Sewing Machine Cabinets	**337129**	Wood, Television, Radio, Phonograph, and Sewing Machine Cabinet Manufacturing	
	2519	Household Furniture, Not Elsewhere Classified	**337125**	Household Furniture (except Wood and Metal) Manufacturing	
	2521	Wood Office Furniture	**337211**	Wood Office Furniture Manufacturing	
	2522	Office Furniture, Except Wood	**337214**	Office Furniture (Except Wood) Manufacturing	
	2531	Public Building and Related Furniture			
		(seats for motor vehicles)	**336360**	Motor Vehicle Seating and Interior Trim Manufacturing	
		(except motor vehicle seats and blackboards)	**337127**	Institutional Furniture Manufacturing	

		(blackboards)	**339942**	Lead Pencil and Art Good Manufacturing	
	2541	Wood Office and Store Fixtures, Partitions, Shelving, and Lockers			
		(counter tops)	**337110**	Wood Kitchen Cabinet and Countertop Manufacturing	
		(wood lunchroom tables and chairs)	**337127**	Institutional Furniture Manufacturing	
		(custom architectural millwork)	**337212**	Custom Architectural Woodwork and Millwork Manufacturing	
		(except custom architectural millwork, counter tops, and lunchroom tables and chairs)	**337215**	Showcase, Partition, Shelving, and Locker Manufacturing	

	2542	Office and Store Fixtures, Partitions, Shelving, and Lockers, Except Wood			
		(lunchroom tables and chairs)	**337127**	Institutional Furniture Manufacturing	
		(except lunchroom tables and chairs)	**337215**	Showcase, Partition, Shelving, and Locker Manufacturing	
	2591	Drapery Hardware and Window Blinds and Shades	**337920**	Blind and Shade Manufacturing	
	2599	Furniture and Fixtures, Not Elsewhere Classified			
		(except hospital beds)	**337127**	Institutional Furniture Manufacturing	
		(hospital beds)	**339111**	Laboratory Apparatus and	

				Furniture Manufacturing	
Sector X. Printing and Publishing					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
X1	**2711**	Newspapers: Publishing, or Publishing and Printing (except Internet newspaper publishing)	**511110**	Newspaper Publishers	
	2721	Periodicals: Publishing, or Publishing and Printing (except Internet periodical publishing)	**511120**	Periodical Publishers	
	2731	Books: Publishing, or Publishing and Printing (except Internet book publishing)			
		(except music books)	**511130**	Book Publishers	
		(music books)	**512230**	Music Publishers	

	2732	Book Printing	**323117**	Book Printing	
	2741	Miscellaneous Publishing (except Internet publishers)			
		(shopping news and advertising periodical publishing or publishing and printing except Internet)	**511120**	Periodical Publishers	
		(technical manuals and books publishing or publishing and printing, except Internet)	**511130**	Book Publishers	
		(directory publishers, except Internet publishers)	**511140**	Directory and Mailing List Publishers	
		(except database, advertising periodicals, shopping news,	**511199**	All Other Publishers	

		technical manuals and books, and sheet music publishing or publishing and printing)			
		(sheet music publishing or publishing and printing)	**512230**	Music Publishers	
	2752	Commercial Printing, Lithographic			
		(except quick printing)	**323110**	Commercial Lithographic Printing	
		(quick printing)	**323114**	Quick Printing	
	2754	Commercial Printing, Gravure	**323111**	Commercial Gravure Printing	
	2759	Commercial Printing, NEC			
		(flexographic printing)	**323112**	Commercial Flexographic Printing	
		(screen printing)	**323113**	Commercial Screen Printing	

		(digital printing, except quick printing)	**323115**	Digital Printing	
		(other commercial printing except flexographic, screen, digital, and quick printing)	**323119**	Other Commercial Printing	
	2771	Greeting Cards (except Internet greeting card publishers)			
		(lithographic printing of greeting cards)	**323110**	Commercial Lithographic Printing	
		(gravure printing of greeting cards)	**323111**	Commercial Gravure Printing	
		(flexographic printing of greeting cards)	**323112**	Commercial Flexographic Printing	
		(screen printing of greeting cards)	**323113**	Commercial Screen Printing	
		(other printing of greeting cards)	**323119**	Other Commercial Printing	

		(publishing greeting cards)	511191	Greeting Card Publishers	
	2782	Blankbooks, Looseleaf Binders and Devices			
		(checkbooks)	323116	Manifold Business Form Printing	
		(except checkbooks)	323118	Blankbook, Loose-leaf Binder, and Device Manufacturing	
	2789	Bookbinding and Related Work	323121	Tradebinding and Related Work	
	2791	Typesetting	323122	Prepress Services	
	2796	Platemaking and Related Services	323122	Prepress Services	
Sector Y. Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
Y1	3011	Tires and Inner Tubes	326211	Tire Manufacturing (except Retreading)	

	3021	Rubber and Plastics Footwear	**316211**	Rubber and Plastics Footwear Manufacturing	
	3052	Rubber and Plastics Hose and Belting	**326220**	Rubber and Plastics Hoses and Belting Manufacturing	
	3053	Gaskets, Packing, and Sealing Devices	**339991**	Gaskets, Packing, and Sealing Device Manufacturing	
	3061	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods	**326291**	Rubber Product Manufacturing for Mechanical Use	
	3069	Fabricated Rubber Products, Not Elsewhere Classified			
		(rubberizing fabric or purchased textile products)	**313320**	Fabric Coating Mills	
		(bags made from rubberized fabric)	**314911**	Textile Bag Mills	

		(rubber cut and sew outerwear)	**315299**	All Other Cut and Sew Apparel Manufacturing	
		(bibs, bathing caps, related rubber accessories)	**315999**	Other Apparel Accessories and Other Apparel Manufacturing	
		(rubber resilient floor coverings)	**326192**	Resilient Floor Covering Manufacturing	
		(except rubberized fabric and garments, gloves, life vests, wet suits, accessories, such as bibs and bathing caps, rubber toys, bags made from rubberized fabric, rubber diaper covers, and rubber resilient floor coverings)	**326299**	All Other Rubber Product Manufacturing	

		(rubber gloves, inflatable rubber life jackets)	**339113**	Surgical and Appliance and Supplies Manufacturing	
		(wet suits)	**339920**	Sporting and Athletic Goods Manufacturing	
		(rubber toys, except dolls)	**339932**	Game, Toy, and Children's Vehicle Manufacturing	
Y2	**3081**	Unsupported Plastics Film and Sheet	**326113**	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing	
	3082	Unsupported Plastics Profile Shapes	**326121**	Unlaminated Plastics Profile Shape Manufacturing	
	3083	Laminated Plastics Plate, Sheet, and Profile Shapes	**326130**	Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing	

	3084	Plastics Pipe	**326122**	Plastics Pipe and Pipe Fitting Manufacturing	
	3085	Plastics Bottles	**326160**	Plastics Bottle Manufacturing	
	3086	Plastics Foam Products			
		(polystyrene foam products)	**326140**	Polystyrene Foam Product Manufacturing	
		(except polystyrene foam products)	**326150**	Urethane and Other Foam Product (except Polystyrene) Manufacturing	
	3087	Custom Compounding of Purchased Plastics Resins	**325991**	Custom Compounding of Purchased Resins	
	3088	Plastics Plumbing Fixtures	**326191**	Plastics Plumbing Fixture Manufacturing	
	3089	Plastics Products, Not Elsewhere Classified			
		(plastics sausage casings)	**326121**	Unlaminated Plastics Profile	

				Shape Manufacturing	
		(pipe fittings)	**326122**	Plastics Pipe and Pipe Fitting Manufacturing	
		(except plastics pipe fittings, inflatable plastics life jackets, plastics furniture parts, and plastics sausage casings)	**326199**	All Other Plastics Product Manufacturing	
		(finished plastic furniture parts)	**337215**	Showcase, Partition, Shelving, and Locker Manufacturing	
		(inflatable plastic life jackets)	**339113**	Surgical Appliance and Supplies Manufacturing	
	3931	Musical Instruments	**339992**	Musical Instrument Manufacturing	

	3942	Dolls and Stuffed Toys	**339931**	Doll and Stuffed Toy Manufacturing	
	3944	Games, Toys, and Children's Vehicles, Except Dolls and Bicycles			
		(metal tricycles)	**336991**	Motorcycle, Bicycle, and Parts Manufacturing	Any facility whose primary activity is manufacturing metal tricycles (SIC 3944 / NAICS 336991) should be regulated under Sector AB, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector AB applies additional SWPPP requirements. Sector Y does not apply additional sector-specific requirements to

					metal tricycle manufacturers and under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would be greater under Sector AB.
		(except metal tricycles)	**339932**	Game, Toy, and Children's Vehicle Manufacturing	
	3949	Sporting and Athletic Goods, Not Elsewhere Classified	**339920**	Sporting and Athletic Goods Manufacturing	
	3951	Pens, Mechanical Pencils, and Parts	**339941**	Pens, Mechanical Pencil Manufacturing	

	3953	Marking Devices	**339943**	Marking Device Manufacturing	
	3955	Carbon Paper and Inked Ribbons	**339944**	Carbon Paper and Inked Ribbon Manufacturing	
	3961	Costume Jewelry and Costume Novelties, Except Precious Metal			
		(except cuff links)	**339914**	Costume Jewelry and Novelty Manufacturing	
		(nonprecious cuff links)	**339993**	Fastener, Button, Needle, and Pin Manufacturing	
	3965	Fasteners, Buttons, Needles, and Pins	**339993**	Fastener, Button, Needle, and Pin Manufacturing	
	3991	Brooms and Brushes	**339994**	Broom, Brush, and Mop Manufacturing	
	3993	Signs and Advertising Specialties			
		(screen printing purchased	**323113**	Commercial Screen Printing	Any facility whose primary activity is screen printing

		advertising specialties[34])			purchased advertising specialties (SIC 3993 / NAICS 323113) should be regulated under Sector X, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector X applies additional technology-based effluent limits comprised of good housekeeping measures for material storage areas, and additional SWPPP requirements. Sector Y does not apply additional requirements to

					these facilities and under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would be greater under Sector X.
		(signs)	**339950**	Sign Manufacturing	
	3995	Burial Caskets	**339995**	Burial Casket Manufacturing	
	3996	Linoleum, Asphalted-Felt-Base, and Other Hard Surface Floor Coverings, Not Elsewhere Classified	**326192**	Resilient Floor Covering Manufacturing	
	3999	Manufacturing Industries, Not			

		Elsewhere Classified			
		(fur dressing and finishing)	**316110**	Leather and Hide Tanning and Finishing	Any facility whose primary activity is fur dressing and finishing (SIC 3999 / NAICS 316110) should be regulated under Sector Z, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector Z applies additional technology-based effluent limits comprised of good housekeeping measures for material storage areas and handling areas, and additional SWPPP

					requirements. Sector Y does not apply additional requirements to these facilities and under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would be greater under Sector Z.
		(burnt wood articles)	**321999**	All Other Miscellaneous Wood Product Manufacturing	Any facility whose primary activity is burnt wood articles (SIC 3999 / NAICS 321999) should be regulated under Sector A, but may continue to be

					regulated under Sector Y, or alternatively, under Sector AD. Sector A applies additional technology-based effluent limits comprised of good housekeeping measures, additional SWPPP requirements, and benchmark monitoring for COD and TSS. Sector Y does not apply additional requirements to these facilities and under Sector AD EPA could establish additional facility-specific monitoring and

					reporting requirements. Regulatory burden would be greater under Sector A.
		(matches and match books manufacturing)	**325998**	All Other Miscellaneous Chemical Product and Preparation Manufacturing	Any facility whose primary activity is matches and match books manufacturing (SIC 3999 / NAICS 325998) should be regulated under Sector C, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sectors C and Y do not require additional sector-specific requirements. EPA could establish

					additional facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden is not expected to differ between Sectors C and Y.
		(plastics products such as combs, hair curlers, etc.)	**326199**	All Other Plastics Product Manufacturing	
		(hand operated hair clippers for humans)	**332211**	Cutlery and Flatware (except Precious) Manufacturing	Any facility whose primary activity is manufacturing hand operated hair clippers for humans (SIC 3999 / NAICS 332211) should be regulated under Sector AA, but may continue to be

					regulated under Sector Y, or alternatively, under Sector AD. Sector AA applies additional technology-based effluent limits comprised of good housekeeping measures, spill prevention and response procedures, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector Y does not require additional sector-specific requirements. EPA could establish additional

					facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden would be greater under Sector AA.
		(tape measures)	**332212**	Hand and Edge Tool Manufacturing	Any facility whose primary activity is manufacturing tape measures (SIC 3999 / NAICS 332212) should be regulated under Sector AA, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector AA applies additional technology-based effluent limits

					comprised of good housekeeping measures, spill prevention and response procedures, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector Y does not require additional sector-specific requirements. EPA could establish additional facility-specific monitoring and reporting requirements under Sector AD.

					Regulatory burden would be greater under Sector AA.
		(flocking metal products for the trade)	**332812**	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers	Any facility whose primary activity is manufacturing flocking metal products for the trade (SIC 3999 / NAICS 332812) should be regulated under Sector AA, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector AA applies additional technology-based effluent limits comprised of good housekeeping measures, spill prevention and

					response procedures, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector Y does not require additional sector-specific requirements. EPA could establish additional facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden would be greater under Sector AA.
		(other miscellaneous metal products,	**332999**	All Other Miscellaneous Fabricated Metal	Any facility whose primary activity is manufacturing

		such as combs, hair curlers, etc.)		Product Manufacturing	other miscellaneous metal products, such as combs, hair curlers, etc. (SIC 3999 / NAICS 332999) should be regulated under Sector AA, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector AA applies additional technology-based effluent limits comprised of good housekeeping measures, spill prevention and response procedures, and spills and leaks; additional SWPPP

					requirements; and additional inspection requirements. Sector Y does not require additional sector-specific requirements. EPA could establish additional facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden would be greater under Sector AA.
		(beauty and barber shop equipment, except chairs)	**333319**	Other Commercial and Service Industry Machinery Manufacturing	
		(lamp shades of paper or textile)	**335121**	Residential Electric Lighting	

				Fixture Manufacturing	
		(electric hair clippers for humans)	**335211**	Electric Housewares and Household Fan Manufacturing	Any facility whose primary activity is manufacturing electric hair clippers for humans (SIC 3999 / NAICS 335211) should be regulated under Sector AC, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sectors Y and AC do not apply sector-specific requirements to facilities manufacturing electric hair clippers for humans. EPA may

					establish facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden is not expected to differ between Sectors Y and AC.
		(beauty and barber chairs)	**337127**	Institutional Furniture Manufacturing	Any facility whose primary activity is manufacturing beauty and barber chairs (SIC 3999 / NAICS 337127) should be regulated under Sector W, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector W applies

					additional SWPPP requirements to facilities manufacturing beauty and barber chairs. Sector Y applies no additional requirements and under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would be greater under Sector W.
		(embroidery kits)	**339932**	Game, Toy, and Children's Vehicle Manufacturing	

		(other miscellaneous products not specially provided for previously)	339999	All Other Miscellaneous Manufacturing	
Sector Z. Leather Tanning and Finishing					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
Z1	**3111**	Leather Tanning and Finishing	**316110**	Leather and Hide Tanning and Finishing	
Sector AA. Fabricated Metal Products					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
AA1	**3411**	Metal Cans	**332431**	Metal Can Manufacturing	
	3412	Metal Shipping Barrels, Drums, Kegs, and Pails	**332439**	Other Metal Container Manufacturing	
	3421	Cutlery			
		(except hedge shears and trimmers, tinners' snips, and similar nonelectric hand tools)	**332211**	Cutlery and Flatware (except Precious) Manufacturing	

		(hedge shears and trimmers, tinners snips, and similar nonelectric hand tools)	**332212**	Hand and Edge Tool Manufacturing	
	3423	Hand and Edge Tools, Except Machine Tools and Handsaws	**332212**	Hand and Edge Tool Manufacturing	
	3425	Saw Blades and Handsaws	**332213**	Saw Blade and Handsaw Manufacturing	
	3429	Hardware, Not Elsewhere Classified			
		(vacuum and insulated bottles, jugs, and chests)	**332439**	Other Metal Container Manufacturing	
		(except fire hose nozzles, hose couplings, vacuum and insulated bottles, jugs and chests, fireplace fixtures, time locks,	**332510**	Hardware Manufacturing	

		turnbuckles, pulleys, tackle blocks, luggage and utility racks, sleep sofa mechanisms and chair glides, traps, handcuffs and leg irons, ladder jacks, and other like metal products)			
		(turnbuckles and hose clamps)	**332722**	Bolt, Nut, Screw, Rivet, and Washer Manufacturing	
		(fire hose nozzles and hose couplings)	**332919**	Other Metal Valve and Pipe Fitting Manufacturing	
		(fireplace fixtures, traps, handcuffs and leg irons, ladder jacks, and other like metal products)	**332999**	All Other Miscellaneous Fabricated Metal Product Manufacturing	

		(pulleys, tackle blocks, block and tackle assemblies)	**333923**	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing	
		(time locks)	**334518**	Watch, Clock, and Part Manufacturing	
		(luggage and utility racks)	**336399**	All Other Motor Vehicle Parts Manufacturing	
		(sleep sofa mechanisms and chair glides)	**337215**	Showcase, Partition, Shelving, and Locker Manufacturing	
	3431	Enameled Iron and Metal Sanitary Ware	**332998**	Enameled Iron and Metal Sanitary Ware Manufacturing	
	3432	Plumbing Fixture Fittings and Trim			
		(except shower rods, lawn hose nozzles, and lawn sprinklers)	**332913**	Plumbing Fixture Fitting and Trim Manufacturing	

		(lawn hose nozzles and lawn sprinklers)	**332919**	Other Metal Valve and Pipe Fitting Manufacturing	
		(metal shower rods)	**332999**	All Other Miscellaneous Fabricated Metal Product Manufacturing	
	3443	Fabricated Plate Work (Boiler Shops)			
		(fabricated plate work and metal weldments)	**332313**	Plate Work Manufacturing	
		(power boilers and heat exchangers)	**332410**	Power Boiler and Heat Exchanger Manufacturing	
		(heavy gauge tanks)	**332420**	Metal Tank (Heavy Gauge) Manufacturing	
		(metal cooling towers)	**333415**	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration	

				Equipment Manufacturing (metal cooling towers)	
	3444	Sheet Metal Work			
		(stamped metal skylights)	**332321**	Metal Window and Door Manufacturing	
		(except sheet metal bins and vats, skylights, and sheet metal cooling towers)	**332322**	Sheet Metal Work Manufacturing	
		(metal bins and vats)	**332439**	Other Metal Container Manufacturing	
		(cooling towers, sheet metal)	**333415**	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing	

	3446	Architectural and Ornamental Ironwork	**332323**	Ornamental and Architectural Metal Work Manufacturing	
	3448	Prefabricated Metal Buildings and Components	**332311**	Prefabricated Metal Building and Component Manufacturing	
	3449	Miscellaneous Structural Metal Work			
		(custom roll forming)	**332114**	Custom Roll Forming	
		(fabricated bar joists and concrete reinforcing bars)	**332312**	Fabricated Structural Metal Manufacturing	
		(curtain wall and metal plaster bases and lath)	**332323**	Ornamental and Architectural Metal Work Manufacturing	
	3451	Screw Machine Products	**332721**	Precision Turned Product Manufacturing	

	3452	Bolts, Nuts, Screws, Rivets, and Washers	**332722**	Bolt, Nut, Screw, Rivet, and Washer Manufacturing	
	3462	Iron and Steel Forgings	**332111**	Iron and Steel Forging	
	3463	Nonferrous Forgings	**332112**	Nonferrous Forging	
	3465	Automotive Stampings	**336370**	Motor Vehicle Metal Stamping	
	3466	Crowns and Closures	**332115**	Crown and Closure Manufacturing	
	3469	Metal Stampings, Not Elsewhere Classified			
		(except kitchen utensils, pots and pans for cooking, coins, and stamped metal boxes)	**332116**	Metal Stamping	
		(kitchen utensils, pots, and pans for cooking)	**332214**	Kitchen Utensil, Pot, and Pan Manufacturing	
		(stamped metal tool, cash, mail, and lunch boxes)	**332439**	Other Metal Container Manufacturing	

	3471	Electroplating, Plating, Polishing, Anodizing, and Coloring	**332813**	Electroplating, Plating, Polishing, Anodizing, and Coloring	
AA2	**3479**	Coating, Engraving, and Allied Services, Not Elsewhere Classified			
		(except jewelry, silverware, and flatware engraving and etching)	**332812**	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers	
		(precious metal jewelry engraving and etching)	**339911**	Jewelry (except Costume) Manufacturing	
		(silver and plated ware engraving and etching)	**339912**	Silverware and Holloware Manufacturing	
		(costume jewelry engraving and etching)	**339914**	Costume Jewelry and Novelty Manufacturing	

AA1	**3482**	Small Arms Ammunition	**332992**	Small Arms Ammunition Manufacturing	
	3483	Ammunition, Except for Small Arms	**332993**	Ammunition (except for Small Arms) Manufacturing	
	3484	Small Arms	**332994**	Small Arms Manufacturing	
	3489	Ordinance and Accessories, Not Elsewhere Classified	**332995**	Other Ordinance and Accessories Manufacturing	
	3491	Industrial Valves	**332911**	Industrial Valve Manufacturing	
	3492	Fluid Power Valves and Hose Fittings	**332912**	Fluid Power Valve and Hose Fitting Manufacturing	
	3493	Steel Springs, Except Wire	**332611**	Spring (Heavy Gauge) Manufacturing	
	3494	Valves and Pipe Fittings, Not Elsewhere Classified			

		(except metal pipe hangers and supports)	**332919**	Other Metal Valve and Pipe Fitting Manufacturing	
		(metal pipe hangers and supports)	**332999**	All Other Miscellaneous Fabricated Metal Product Manufacturing	
	3495	Wire Springs			
		(except watch and clock springs)	**332612**	Spring (Light Gauge) Manufacturing	
		(clock and watch springs)	**334518**	Watch, Clock, and Part Manufacturing	
	3496	Miscellaneous Fabricated Wire Products			
		(potato mashers)	**332214**	Kitchen Utensil, Pot, and Pan Manufacturing	
		(except shopping carts and potato mashers)	**332618**	Other Fabricated Wire Product Manufacturing	

		(shopping carts made from purchased wire)	**333924**	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing	
	3497	Metal Foil and Leaf			
		(laminated aluminum foil rolls and sheets for flexible packaging uses)	**322225**	Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses	
		(foil and foil containers)	**332999**	All Other Miscellaneous Fabricated Metal Product Manufacturing	
	3498	Fabricated Pipe and Pipe Fittings	**332996**	Fabricated Pipe and Pipe Fitting Manufacturing	
	3499	Fabricated Metal Products, Not Elsewhere Classified			

		(powder metallurgy)	**332117**	Powder Metallurgy Part Manufacturing	
		(metal boxes)	**332439**	Other Metal Container Manufacturing	
		(safe and vault locks)	**332510**	Hardware Manufacturing	
		(metal aerosol valves)	**332919**	Other Metal Valve and Pipe Fitting Manufacturing	
		(other metal products)	**332999**	All Other Miscellaneous Fabricated Metal Product Manufacturing	
		(metal automobile seat frames)	**336360**	Motor Vehicle Seating and Interior Trim Manufacturing	
		(metal furniture frames)	**337215**	Showcase, Partition, Shelving, and Locker Manufacturing	

	3911	Jewelry, Precious Metal	**339911**	Jewelry (except Costume) Manufacturing	
	3914	Silverware, Plated Ware, and Stainless Steel Ware			
		(cutlery and flatware, nonprecious and precious plated)	**332211**	Cutlery and Flatware (except Precious) Manufacturing	
		(precious metal plated hollowware)	**332999**	All Other Miscellaneous Fabricated Metal Product Manufacturing	
		(except nonprecious and precious plated metal cutlery, flatware, and hollowware)	**339912**	Silverware and Holloware Manufacturing	
	3915	Jewelers Findings and Materials and Lapidary Work			

		(watch jewels)	**334518**	Watch, Clock, and Part Manufacturing	Any facility whose primary activity is manufacturing watch jewels (SIC 3915 / NAICS 334518) should be regulated under Sector AC, but may continue to be regulated under Sector AA, or alternatively, under Sector AD. Sector AA applies additional technology-based effluent limits comprising good housekeeping measures, spill prevention and response, and spills and leaks; additional SWPPP requirements; and additional

					inspection requirements. Sector AC does not apply additional sector-specific requirements and EPA may establish facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden would be greater under Sector AA.
		(except watch jewels)	**339913**	Jewelers' Material and Lapidary Work Manufacturing	
Sector AB. Transportation Equipment, Industrial or Commercial Machinery					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
AB1	**3511**	Steam, Gas, and Hydraulic Turbines, and	**333611**	Turbine and Turbine Generator	

		Turbine Generator Set Units		Set Units Manufacturing	
	3519	Internal Combustion Engines, Not Elsewhere Classified			
		(except stationary engine radiators)	**333618**	Other Engine Equipment Manufacturing	
		(stationary engine radiators)	**336399**	All Other Motor Vehicle Parts Manufacturing	
	3523	Farm Machinery and Equipment			
		(hand hair clippers for animals)	**332212**	Hand and Edge Tool Manufacturing	
		(corrals, stalls, and holding gates)	**332323**	Ornamental and Architectural Metal Work Manufacturing	
		(except corrals, stalls, holding gates, hand clippers for	**333111**	Farm Machinery and Equipment Manufacturing	

		animals, and farm conveyors/elevators)			
		(farm conveyors and elevators)	**333922**	Conveyor and Conveying Equipment Manufacturing	
	3524	Lawn and Garden Tractors and Home Lawn and Garden Equipment			
		(nonpowered lawnmowers)	**332212**	Hand and Edge Tool Manufacturing	
		(except nonpowered lawnmowers)	**333112**	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing	
	3531	Construction Machinery and Equipment			
		(except railway track maintenance equipment; winches, aerial	**333120**	Construction Machinery Manufacturing	

		work platforms; and automotive wrecker hoists)			
		(winches, aerial work platforms, automobile wrecker hoists, locomotive cranes, and ship cranes)	**333923**	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing	
		(railway track maintenance equipment)	**336510**	Railroad Rolling Stock Manufacturing	
	3532	Mining Machinery and Equipment, Except Oil and Gas Field Machinery and Equipment	**333131**	Mining Machinery and Equipment Manufacturing	
	3533	Oil and Gas Field Machinery and Equipment	**333132**	Oil and Gas Field Machinery and Equipment Manufacturing	
	3534	Elevators and Moving Stairways	**333921**	Elevators and Moving Stairway Manufacturing	

	3535	Conveyors and Conveying Equipment	**333922**	Conveyors and Conveying Equipment Manufacturing	
	3536	Overhead Traveling Cranes, Hoists, and Monorail Systems	**333923**	Overhead Traveling Cranes, Hoists, and Monorail System Manufacturing	
	3537	Industrial Trucks, Tractors, Trailers, and Stackers			
		(metal air cargo containers)	**332439**	Other Metal Container Manufacturing	
		(metal pallets)	**332999**	All Other Miscellaneous Fabricated Metal Product Manufacturing	

		(except metal pallets and metal air cargo containers)	**333924**	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing	
	3541	Machine Tools, Metal Cutting Types	**333512**	Machine Tool (Metal Cutting Types) Manufacturing	
	3542	Machine Tools, Metal Forming Types	**333513**	Machine Tool (Metal Forming Types) Manufacturing	
	3543	Industrial Patterns	**332997**	Industrial Pattern Manufacturing	
	3544	Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds			
		(industrial molds)	**333511**	Industrial Mold Manufacturing	
		(except molds)	**333514**	Special Die and Tool, Die Set,	

				Jig, and Fixture Manufacturing	
	3545	Cutting Tools, Machine Tool Accessories, and Machinist Precision Measuring Devices			
		(precision measuring devices)	**332212**	Hand and Edge Tool Manufacturing	
		(except precision measuring devices)	**333515**	Cutting Tool and Machine Tool Accessory Manufacturing	
	3546	Power-Driven Handtools	**333991**	Power-Driven Handtool Manufacturing	
	3547	Rolling Mill Machinery and Equipment	**333516**	Rolling Mill Machinery and Equipment Manufacturing	
	3548	Electric and Gas Welding and Soldering Equipment			

		(except transformers for arc-welding)	**333992**	Welding and Soldering Equipment Manufacturing	
		(transformers for arc-welders)	**335311**	Power, Distribution, and Specialty Transformer Manufacturing	
	3549	Metalworking Machinery, Not Elsewhere Classified	**333518**	Other Metalworking Machinery Manufacturing	
	3552	Textile Machinery	**333292**	Textile Machinery Manufacturing	
	3553	Woodworking Machinery	**333210**	Sawmill and Woodworking Machinery Manufacturing	
	3554	Paper Industries Machinery	**333291**	Paper Industry Machinery Manufacturing	
	3555	Printing Trades Machinery and Equipment	**333293**	Printing Machinery and Equipment Manufacturing	

	3556	Food Products Machinery	**333294**	Food Product Machinery Manufacturing	
	3559	Special Industry Machinery, Not Elsewhere Classified			
		(nuclear control rod drive mechanisms)	**332410**	Power Boiler and Heat Exchanger Manufacturing	
		(cotton ginning machinery)	**333111**	Farm Machinery and Equipment Manufacturing	
		(rubber and plastics manufacturing machinery)	**333220**	Plastics and Rubber Industry Machinery Manufacturing	
		(semiconductor machinery manufacturing)	**333295**	Semiconductor Machinery Manufacturing	
		(except rubber and plastics manufacturing machinery, semiconductor manufacturing	**333298**	All Other Industrial Machinery Manufacturing	

		machinery, and automotive maintenance equipment)			
		(automotive maintenance equipment)	**333319**	Other Commercial and Service Industry Machinery Manufacturing	
	3561	Pumps and Pumping Equipment	**333911**	Pump and Pumping Equipment Manufacturing	
	3562	Ball and Roller Bearings	**332991**	Ball and Roller Bearing Manufacturing	
	3563	Air and Gas Compressors	**333912**	Air and Gas Compressor Manufacturing	
	3564	Industrial and Commercial Fans and Blowers and Air Purification Equipment			
		(air purification equipment)	**333411**	Air Purification Equipment Manufacturing	

		(fans and blowers)	**333412**	Industrial and Commercial Fan and Blower Manufacturing	
	3565	Packaging Machinery	**333993**	Packaging Machinery Manufacturing	
	3566	Speed Changers, Industrial High-Speed Drives, and Gears	**333612**	Speed Changer, Industrial High-Speed Drives, and Gear Manufacturing	
	3567	Industrial Process Furnaces and Ovens	**333994**	Industrial Process Furnace and Oven Manufacturing	
	3568	Mechanical Power Transmission Equipment, Not Elsewhere Classified	**333613**	Mechanical Power Transmission Equipment Manufacturing	
	3569	General Industrial Machinery and Equipment, Not Elsewhere Classified			

		(textile fire hose)	**314999**	All Other Miscellaneous Textile Product Mills	
		(electric swimming pool heaters)	**333414**	Heating Equipment (except Warm Air Furnaces) Manufacturing	
		(except fire hoses and electric swimming pool heaters)	**333999**	All Other Miscellaneous General Purpose Machinery Manufacturing	
	3581	Automatic Vending Machines	**333311**	Automatic Vending Machine Manufacturing	
	3582	Commercial Laundry, Drycleaning, and Pressing Machines	**333312**	Commercial Laundry, Drycleaning, and Pressing Machine Manufacturing	
	3585	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial			

		Refrigeration Equipment			
		(except motor vehicle air-conditioning)	**333415**	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing	
		(motor vehicle air-conditioning)	**336391**	Motor Vehicle Air-Conditioning Manufacturing	
	3586	Measuring and Dispensing Pumps	**333913**	Measuring and Dispensing Pump Manufacturing	
	3589	Service Industry Machinery, Not Elsewhere Classified	**333319**	Other Commercial and Service Industry Machinery Manufacturing	
	3592	Carburetors, Pistons, Piston Rings, and Valves	**336311**	Carburetor, Piston, Piston Ring, and Valve Manufacturing	

	3593	Fluid Power Cylinders and Actuators	**333995**	Fluid Power Cylinder and Actuator Manufacturing	
	3594	Fluid Power Pumps and Motors	**333996**	Fluid Power Pumps and Motors Manufacturing	
	3596	Scales and Balances, Except Laboratory	**333997**	Scale and Balance (except Laboratory) Manufacturing	
	3599	Industrial and Commercial Machinery and Equipment, Not Elsewhere Classified			
		(machine shops)	**332710**	Machine Shops	
		(grinding castings for the trade)	**332813**	Electroplating, Plating, Polishing, Anodizing and Coloring	
		(flexible metal hose)	**332999**	All Other Miscellaneous Fabricated Metal	

				Product Manufacturing	
		(carnival amusement park equipment)	**333319**	Other Commercial and Service Industry Machinery Manufacturing	
		(other industrial and commercial machinery and equipment)	**333999**	All Other Miscellaneous General Purpose Machinery Manufacturing	
		(water leak detectors)	**334519**	Other Measuring and Controlling Device Manufacturing	
		(gasoline, oil, and intake filters for internal combustion engines, except for motor vehicles)	**336399**	All Other Motor Vehicle Parts Manufacturing	
	3711	Motor Vehicles and Passenger Car Bodies			

		(automobiles)	**336111**	Automobile Manufacturing	
		(light trucks and utility vehicles)	**336112**	Light Truck and Utility Vehicle Manufacturing	
		(heavy duty trucks)	**336120**	Heavy Duty Truck Manufacturing	
		(kit car and other passenger car bodies)	**336211**	Motor Vehicle Body Manufacturing	
		(military armored vehicles)	**336992**	Military Armored Vehicle, Tank, and Tank Component Manufacturing	
	3713	Truck and Bus Bodies	**336211**	Motor Vehicle Body Manufacturing	
	3714	Motor Vehicle Parts and Accessories			
		(dump truck lifting mechanisms and fifth wheels)	**336211**	Motor Vehicle Body Manufacturing	

		(gasoline engines and engine parts including rebuilt)	**336312**	Gasoline Engine and Engine Parts Manufacturing	
		(wiring harness sets, other than ignition; block heaters and battery heaters; instrument board assemblies; permanent defrosters; windshield washer-wiper mechanisms; cruise control mechanisms; and other electrical equipment for internal combustion engines)	**336322**	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing	
		(steering and suspension parts)	**336330**	Motor Vehicle Steering and Suspension Components	

				(except Spring) Manufacturing	
		(brake and brake systems, including assemblies)	**336340**	Motor Vehicle Brake System Manufacturing	
		(transmissions and power train parts, including rebuilding)	**336350**	Motor Vehicle Transmission and Power Train Parts Manufacturing	
		(except truck and bus bodies, trailers, engine and engine parts, motor vehicle electrical and electronic equipment, motor vehicle steering and suspension components, motor vehicle brake systems, and motor vehicle transmission and power train parts)	**336399**	All Other Motor Vehicle Parts Manufacturing	

	3715	Truck Trailers	**336212**	Truck Trailer Manufacturing	
	3716	Motor Homes	**336213**	Motor Home Manufacturing	
	3721	Aircraft			
		(except research and development not producing prototypes)	**336411**	Aircraft Manufacturing	
	3724	Aircraft Engines and Engine Parts			
		(except research and development not producing prototypes)	**336412**	Aircraft Engine and Engine Parts Manufacturing	
	3728	Aircraft Parts and Auxiliary Equipment, Not Elsewhere Classified			
		(fluid power aircraft subassemblies)	**332912**	Fluid Power Valve and Hose Fitting Manufacturing	
		(target drones)	**336411**	Aircraft Manufacturing	

		(except fluid power aircraft subassemblies, target drones, and research and development not producing prototypes)	**336413**	Other Aircraft Part and Auxiliary Equipment Manufacturing	
	3743	Railroad Equipment			
		(locomotive fuel lubricating or cooling medium pumps)	**333911**	Pump and Pumping Equipment Manufacturing	
		(except locomotive fuel lubricating or cooling medium pumps)	**336510**	Railroad Rolling Stock Manufacturing	
	3751	Motorcycles, Bicycles, and Parts	**336991**	Motorcycle, Bicycle, and Parts Manufacturing	
	3761	Guided Missiles and Space Vehicles			
		(except research and development	**336414**	Guided Missile and Space Vehicle Manufacturing	

		not producing prototypes)			
	3764	Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts			
		(except research and development not producing prototypes)	**336415**	Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing	
	3769	Guided Missile and Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified			
		(except research and development not producing prototypes)	**336419**	Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing	

	3792	Travel Trailers and Campers	**336214**	Travel Trailer and Camper Manufacturing	
	3795	Tanks and Tank Components	**336992**	Military Armored Vehicle, Tank, and Tank Component Manufacturing	
	3799	Transportation Equipment, Not Elsewhere Classified			
		(wheelbarrows)	**333924**	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing	
		(automobile, boat, utility and light truck trailers)	**336214**	Travel Trailer and Camper Manufacturing	
		(trailer hitches)	**336399**	All Other Motor Vehicle Parts Manufacturing	
		(except automobile, boat, utility light	**336999**	All Other Transportation	

		truck trailers, trailer hitches, and wheelbarrows)		Equipment Manufacturing	
Sector AC. Electronic, Electrical, Photographic and Optical Goods					
Sub-sector	**SIC Codes**		**NAICS Codes**		**Notes**
AC1	**3571**	Electronic Computers	**334111**	Electronic Computer Manufacturing	
	3572	Computer Storage Devices	**334112**	Computer Storage Device Manufacturing	
	3575	Computer Terminals	**334113**	Computer Terminal Manufacturing	
	3577	Computer Peripheral Equipment, Not Elsewhere Classified			
		(except plotter controllers and magnetic tape head cleaners)	**334119**	Other Computer Peripheral Equipment Manufacturing	
		(plotter controllers)	**334418**	Printed Circuit Assembly (Electronic	

				Assembly) Manufacturing	
		(magnetic tape head cleaners)	**334613**	Magnetic and Optical Recording Media Manufacturing	
	3578	Calculating and Accounting Machinery, Except Electronic Computers			
		(change making machines)	**333311**	Automatic Vending Machine Manufacturing	
		(except point of sales terminals, change making machines and funds transfer devices)	**333313**	Office Machinery Manufacturing	
		(point of sale terminals and fund transfer devices)	**334119**	Other Computer Peripheral Equipment Manufacturing	
	3579	Office Machines, Not Elsewhere Classified			

		(except timeclocks, time stamps, pencil sharpeners, stapling machines, etc.)	**333313**	Office Machinery Manufacturing	
		(time clocks and other time recording devices)	**334518**	Watch, Clock, and Part Manufacturing	
		(pencil sharpeners, staplers and other office equipment)	**339942**	Lead Pencil and Art Good Manufacturing	
	3612	Power, Distribution, and Specialty Transformers	**335311**	Power, Distribution, and Specialty Transformer Manufacturing	
	3613	Switchgear and Switchboard Apparatus	**335313**	Switchgear and Switchboard Apparatus Manufacturing	
	3621	Motors and Generators	**335312**	Motors and Generator Manufacturing	

	3624	Carbon and Graphite Products	**335991**	Carbon and Graphite Product Manufacturing	
	3625	Relays and Industrial Controls	**335314**	Relay and Industrial Control Manufacturing	
	3629	Electrical Industrial Apparatus, Not Elsewhere Classified	**335999**	All Other Miscellaneous Electrical Equipment and Component Manufacturing	
	3631	Household Cooking Equipment	**335221**	Household Cooking Appliance Manufacturing	
	3632	Household Refrigerators and Home and Farm Freezers	**335222**	Household Refrigerator and Home Freezer Manufacturing	
	3633	Household Laundry Equipment	**335224**	Household Laundry Equipment Manufacturing	
	3634	Electric Housewares and Fans			

		(wall and baseboard heating units for permanent installation)	**333414**	Heating Equipment (except Warm Air Furnaces) Manufacturing	
		(except wall and baseboard heating units for permanent installation, electronic cigarette lighters, and wall mount restroom hand dryers)	**335211**	Electric Housewares and Household Fan Manufacturing	
		(electronic cigarette lighters)	**339999**	All Other Miscellaneous Manufacturing	
	3635	Household Vacuum Cleaners	**335212**	Household Vacuum Cleaner Manufacturing	
	3639	Household Appliances, Not Elsewhere Classified			

		(household sewing machines)	**333298**	All Other Industrial Machinery Manufacturing	
		(floor waxing and floor polishing machines)	**335212**	Household Vacuum Cleaner Manufacturing	
		(except floor waxing and floor polishing machines, and household sewing machines)	**335228**	Other Major Household Appliance Manufacturing	
	3641	Electric Lamp Bulbs and Tubes	**335110**	Electric Lamp Bulbs and Part Manufacturing	
	3643	Current-Carrying Wiring Devices	**335931**	Current-Carrying Wiring Device Manufacturing	
	3644	Noncurrent-Carrying Wiring Devices			
		(fish wire, electrical wiring tool)	**332212**	Hand and Edge Tool Manufacturing	Any facility whose primary activity is manufacturing fish wire,

					electrical wiring tool (SIC 3644 / NAICS 332212) should be regulated under Sector AA, but may continue to be regulated under Sector AC, or alternatively, under Sector AD. Sector AA applies additional technology-based effluent limits comprising good housekeeping measures, spill prevention and response, and spills and leaks; additional SWPPP requirements; and additional inspection requirements.

					Sector AC does not apply additional sector-specific requirements and EPA may establish facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden would be greater under Sector AA.
		(except fishwire, electrical wiring tool)	**335932**	Noncurrent-Carrying Wiring Device Manufacturing	
	3645	Residential Electric Lighting Fixtures	**335121**	Residential Electric Lighting Fixture Manufacturing	
	3646	Commercial, Industrial, and Institutional	**335122**	Commercial, Industrial, and Institutional Electric Lighting	

		Electric Lighting Fixtures		Fixture Manufacturing	
	3647	Vehicular Lighting Equipment	**336321**	Vehicular Lighting Equipment Manufacturing	
	3648	Lighting Equipment, Not Elsewhere Classified	**335129**	Other Lighting Equipment Manufacturing	
	3651	Household Audio and Video Equipment	**334310**	Audio and Video Equipment Manufacturing	
	3652	Phonograph Records and Prerecorded Audio Tapes and Disks			
		(reproduction of all other media except video)	**334612**	Prerecorded Compact Disc (except Software), Tape, and Record Reproducing	
	3661	Telephone and Telegraph Apparatus			

		(except consumer external modems)	**334210**	Telephone Apparatus Manufacturing	
		(consumer external modems)	**334418**	Printed Circuit Assembly (Electronic Assembly) Manufacturing	
	3663	Radio and Television Broadcasting and Communications Equipment	**334220**	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing	
	3669	Communications Equipment, Not Elsewhere Classified	**334290**	Other Communications Equipment Manufacturing	
	3671	Electron Tubes	**334411**	Electron Tube Manufacturing	
	3672	Printed Circuit Boards	**334412**	Bare Printed Circuit Board Manufacturing	

	3674	Semiconductors and Related Devices	**334413**	Semiconductor and Related Device Manufacturing	
	3675	Electronic Capacitors	**334414**	Electronic Capacitor Manufacturing	
	3676	Electronic Resistors	**334415**	Electronic Resistor Manufacturing	
	3677	Electronic Coils, Transformers, and Other Inductors	**334416**	Electronic Coil, Transformer, and Other Inductor Manufacturing	
	3678	Electronic Connectors	**334417**	Electronic Connector Manufacturing	
	3679	Electronic Components, Not Elsewhere Classified			
		(antennas)	**334220**	Radio and Television Broadcasting and Wireless Communications	

				Equipment Manufacturing	
		(radio headphones)	**334310**	Audio and Video Equipment Manufacturing	
		(printed circuit/electronic assembly manufacturing)	**334418**	Printed Circuit Assembly (Electronic Assembly) Manufacturing	
		(other electronic components)	**334419**	Other Electronic Component Manufacturing	
	3691	Storage Batteries	**335911**	Storage Battery Manufacturing	
	3692	Primary Batteries, Dry and Wet	**335912**	Primary Battery Manufacturing	
	3694	Electrical Equipment for Internal Combustion Engines	**336322**	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing	
	3695	Magnetic and Optical Recording Media	**334613**	Magnetic and Optical Recording	

				Media Manufacturing	
	3699	Electrical Machinery, Equipment, and Supplies, Not Elsewhere Classified			
		(electronic teaching machines and flight simulators)	**333319**	Other Commercial and Service Industry Machinery Manufacturing	
		(outboard electric motors)	**333618**	Other Engine Equipment Manufacturing	Any facility whose primary activity is manufacturing outboard electric motors (SIC 3699 / NAICS 333618) should be regulated under Sector AB, but may continue to be regulated under Sector AC, or alternatively,

					under Sector AD. Sector AB applies additional sector-specific SWPPP requirements. Sector AC does not apply additional sector-specific requirements and EPA may establish facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden would be greater under Sector AB.
		(laser welding and soldering equipment)	**333992**	Welding and Soldering Equipment Manufacturing	
		(Christmas tree lighting sets, electric insect	**335129**	Other Lighting Equipment Manufacturing	

		lamps, electric fireplace logs, and trouble lights)			
		(other electrical industrial apparatus)	**335999**	All Other Miscellaneous Electrical Equipment and Component Manufacturing	
	3812	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical Systems and Instruments	**334511**	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing	
	3821	Laboratory Apparatus and Furniture	**339111**	Laboratory Apparatus and Furniture Manufacturing	
	3822	Automatic Controls for Regulating Residential and Commercial	**334512**	Automatic Environmental Control Manufacturing for	

		Environments and Appliances		Residential, Commercial, and Appliance Use	
	3823	Industrial Instruments for Measurement, Display, and Control of Process Variables; and Related Products	**334513**	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables	
	3824	Totalizing Fluid Meters and Counting Devices	**334514**	Totalizing Fluid Meter and Counting Device Manufacturing	
	3825	Instruments for Measuring and Testing of Electricity and Electrical Signals			
		(automotive ammeters and voltmeters)	**334514**	Totalizing Fluid Meter and Counting Device Manufacturing	
		(except automotive instruments)	**334515**	Instrument Manufacturing for	

				Measuring and Testing Electricity and Electrical Signals	
	3826	Laboratory Analytical Instruments	**334516**	Analytical Laboratory Instrument Manufacturing	
	3827	Optical Instruments and Lenses	**333314**	Optical Instruments and Lens Manufacturing	
	3829	Measuring and Controlling Devices, Not Elsewhere Classified			
		(motor vehicle gauges)	**334514**	Totalizing Fluid Meter and Counting Device Manufacturing	
		(electronic chronometers)	**334518**	Watch, Clock, and Part Manufacturing	

		(except medical thermometers, electronic chronometers and motor vehicle gauges)	**334519**	Other Measuring and Controlling Device Manufacturing	
		(medical thermometers)	**339112**	Surgical and Medical Instrument Manufacturing	
	3841	Surgical and Medical Instruments and Apparatus			
		(tranquilizer guns)	**332994**	Small Arms Manufacturing	Any facility whose primary activity is manufacturing tranquilizer guns (SIC 3841 / NAICS 332994) should be regulated under Sector AA, but may continue to be regulated under Sector AC, or alternatively,

					under Sector AD. Sector AA applies additional technology-based effluent limits comprising good housekeeping measures, spill prevention and response, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector AC does not apply additional sector-specific requirements and EPA may establish facility-specific monitoring and reporting requirements under Sector AD.

					Regulatory burden would be greater under Sector AA.
		(operating room tables)	**339111**	Laboratory Apparatus and Furniture Manufacturing	
		(except tranquilizer guns and operating room tables)	**339112**	Surgical and Medical Instrument Manufacturing	
	3842	Orthopedic, Prosthetic, and Surgical Appliances and Supplies			
		(incontinent pads and bed pads)	**322291**	Sanitary Paper Product Manufacturing	Any facility whose primary activity is manufacturing incontinent pads and bed pads (SIC 3842 / NAICS 322291) should be regulated under Sector B, but may

					continue to be regulated under Sector AC, or alternatively, under Sector AD. Sectors B and AC do not apply additional sector-specific requirements. EPA may require additional facility-specific monitoring and reporting requirement under Sector AD. Regulatory burden is not expected to differ between Sectors B and AC.
		(electronic hearing aids)	**334510**	Electromedical and Electrotherapeuti	

				c Apparatus Manufacturing	
		(except electronic hearing aids, incontinent pads, anatomical models, and bed pads)	**339113**	Surgical Appliance and Supplies Manufacturing	
		(anatomical models)	**339999**	All Other Miscellaneous Manufacturing	
	3843	Dental Equipment and Supplies	**339114**	Dental Equipment and Supplies Manufacturing	
	3844	X-Ray Apparatus and Tubes and Related Irradiation Apparatus	**334517**	Irradiation Apparatus Manufacturing	
	3845	Electromedical and Electrotherapeutic Apparatus			
		(except CT and CAT scanners)	**334510**	Electromedical and Electrotherapeutic Apparatus Manufacturing	

		(CT and CAT Scanners)	**334517**	Irradiation Apparatus Manufacturing	
	3851	Ophthalmic Goods			
		(intraoccular lenses, i.e., surgical implants)	**339113**	Surgical Appliance and Supplies Manufacturing	
		(except intraocular lenses)	**339115**	Ophthalmic Goods Manufacturing	
	3861	Photographic Equipment and Supplies			
		(photographic films, paper, plates and chemicals)	**325992**	Photographic Film, Paper, Plate, and Chemical Manufacturing	
		(except photographic film, paper, plates, and chemicals)	**333315**	Photographic and Photocopying Equipment Manufacturing	
	3873	Watches, Clocks, Clockwork Operated Devices, and Parts	**334518**	Watch, Clock, and Part Manufacturing	

Sector AD. Non-Classified Facilities		
Sub-Sector	**Narrative Description**	**Notes**
AD1	Other storm water discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging storm water associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.	

Part 13 - Summary of Reports Permit Submittals

Permit Section	Report/Submittal	Frequency	Due Date(s)	Where to Submit
Part 1.2	**New Discharger:** Submittal of Notice of Intent (NOI) for Permit Coverage	Once per permit term	A minimum of 30 days prior to commencing discharge	Electronically using the DOH's e-permitting portal
Part 1.2	**Existing Discharger:** Submittal of Notice of Intent (NOI) for Permit Coverage	Once per permit term	No later than 180 days after permit issuance. However, if you have not previously obtained coverage under an NPDES permit, you must submit your NOI immediately.	Electronically using the DOH's e-permitting portal

Permit Section	Report/Submittal	Frequency	Due Date(s)	Where to Submit
Part 1.3	**Notice of Cessation**	Once, if applicable	Within 30 days after: • a new operator takes over responsibility for the facility; or • operations and storm water discharges have ceased; or • for Sector G, H, or J facilities, the applicable termination requirements have been met; or • alternative permit	Electronically using the DOH's e-permitting portal

Permit Section	Report/Submittal	Frequency	Due Date(s)	Where to Submit
			coverage has been obtained	
Part 1.4	**Conditional "No Exposure" Certification Form**	If eligible, once every 5 years	As necessary	Electronically using the DOH's e-permitting portal
Part 3.1.2	**Routine Inspection Documentation**	At least quarterly	By the end of the quarter.	Reports are kept with SWPPP
Part 3.2.2	**Quarterly Visual Assessment Documentation**	At least quarterly	By the end of the quarter.	Reports are kept with SWPPP
Part 4.4	**Corrective Action Documentation**	• Document existence of corrective action condition within 24 hours of becoming aware of the condition	As necessary	Reports are kept with SWPPP

Permit Section	Report/Submittal	Frequency	Due Date(s)	Where to Submit
		• Document corrective actions taken or to be taken within 14 days from the time of discovery of the condition		
Part 5 Part 7.3	**Storm water Pollution Prevention Plan (SWPPP)**	• Provide URL for SWPPP or provide SWPPP information directly on the NOI form. • Update the on-site SWPPP as	Develop initial SWPPP prior to the submittal of NOI form. Update the SWPPP information included on URL or on NOI form, at a minimum, no	Electronically using the DOH's e-permitting portal

Permit Section	Report/Submittal	Frequency	Due Date(s)	Where to Submit
		site conditions indicate. At minimum, the SWPPP must be modified based on corrective actions and deadlines required under Part 4.2.	later than 45 days after conducting the final routine facility inspection for the year.	
Part 6 Part 7.4	**Discharge Monitoring Reports (DMRs)**	• 1/quarter for benchmark monitoring • 1/year for numeric effluent	No later than the 28th day following the month when the samples were taken for all monitored	Electronically using NetDMR

Permit Section	Report/Submittal	Frequency	Due Date(s)	Where to Submit
		limitation monitoring • 1/year for impaired waters monitoring	outfalls during the reporting period.	
Part 7.5	**Annual Report**	1/year	By January 30th	Electronically using the DOH's e-permitting portal
Part 7.6	**Exceedance Report for Numeric Effluent Limitations**	If applicable	30 days after lab results if 30-day follow-up monitoring indicates exceedance	Follow-up monitoring submitted Electronically using NetDMR Exceedance reports submitted directly to the DOH
Part 7.7	**Additional Reporting**	As necessary	Varies - see Part 7.7	

Permit Section	Report/Submittal	Frequency	Due Date(s)	Where to Submit
	(Noncompliance endangering health, reportable quantity spills, etc.)			

CHAPTER 11-55 APPENDIX C

NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES OF STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY

This General Permit is effective on
FEB 9 2019
and expires five years from this date.

1. Coverage under this General Permit

1.1.

This general permit covers discharges composed entirely of storm water runoff associated with construction activities, including, but not limited to, clearing, grading, excavation, and construction support activities that result in the disturbance of one acre or more of total land area. This general permit also covers activities that disturb less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more of total land area.

Construction support activities include, but are not limited to, concrete or asphalt batch plants, rock crushing plants, equipment staging yards/areas, material storage areas, excavated material disposal areas, borrow areas, etc. Coverage under this general permit for construction support activities is allowed provided that the support activity is directly related to the construction site required to have permit coverage for storm water discharges; is not a commercial operation, nor does it serve multiple unrelated construction projects; does not continue to operate beyond the completion of the construction activity at the project it supports; and storm water controls are implemented in accordance with this

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section and if applicable, section 6, for storm water discharges from the support activity areas.

1.2.

This general permit covers all areas of the State except natural freshwater lakes, saline lakes, and anchialine pools.

1.3.

This general permit shall automatically cover discharges of storm water from construction activities in response to a public emergency proclaimed by the President of the United States or State Governor if all of the following conditions are met:

1.3.1.

The earth-disturbing activities are in response to a public emergency (e.g., natural disaster, widespread disruption in essential public services); and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services; and

1.3.2.

Provide documentation to substantiate the issuance of the public emergency proclamation by the President of the United States or State Governor.

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1.4.

"Disturbance of land" refers to the penetration, turning, or moving of soil or resurfacing of pavement with exposure of the base course or the exposure of bare soil or ground surface, including the land surface exposed by construction roads, baseyards, staging areas, demolition, headquarters, and parking areas. It does not include grass or weed cutting, bush or tree trimming or felling that leaves soil or ground intact. It includes "grubbing" in its normal meaning of the use of equipment to knock down and push vegetation out of the way, typically uprooting vegetation and disturbing the ground surface.

1.5.

A "larger common plan of development or sale" means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. "Common plan" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

Note: Projects within a common plan of development must submit separate Notice of Intents (NOIs). For the purpose of this permit, a "project" means separate and distinct construction activities.

1.6.

A "SWPPP" (Storm Water Pollution Prevention Plan) is a site-specific, written document that, among other things: (1) identifies potential sources of storm water

pollution at the construction site; (2) describes storm water control measures to reduce or eliminate pollutants in storm water discharges from the construction site; and (3) identifies procedures the permittee will implement to comply with the terms and conditions of this general permit.

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"Infeasible" means not technologically possible, or cost prohibitive and not achievable in light of best industry practices.

2. Limitations on Coverage under this General Permit

2.1.

This general permit does not cover the following:

2.1.1.

Storm water discharges associated with construction activity which flow into a sanitary sewer system;

2.1.2.

Storm water discharges from construction activities using polymers, flocculants, or other treatment chemicals;

2.1.3

Storm water discharges associated with construction activities that are regulated by existing individual permits;

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2.1.4.

Storm water discharges from a construction activity which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s); except if the permittee is the owner of the drainage system;

2.1.5

Storm water discharges from construction approved under a CWA Section 404 permit or;

2.1.6.

Storm water discharges from the clearing of lands specifically for agricultural purposes in accordance with 40 CFR 122.3(e);

2.1.7.

Storm water discharges for which the director has issued a notice of general permit coverage under another general permit specific to that type of construction or industrial activity; and

2.1.8.

Storm water discharges that the director finds more appropriately regulated under an individual permit.

2.2.

Discharges of storm water from new sources that have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard are not eligible for coverage under this permit, except

if the permittee has included appropriate controls and implementation procedures designed to bring the discharge into compliance with water quality standards. In the absence of information demonstrating otherwise, the department expects that compliance with the storm water control requirements in this permit, including the requirements applicable to such discharges in section 6.2., will result in discharges that will not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.

For this permit "new sources" means projects which occur after this general permit becomes effective when section 11-55-34.02(b)(2) becomes effective, ten days after filing with the office of the lieutenant governor.

2.3.

The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.11.

3. Term of the General Permit and Notice of General Permit Coverage

3.1. Term of the General Permit

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

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3.2. Term of the Notice of General Permit Coverage

A notice of general permit coverage under this general permit expires, the earlier of the following, unless the notice of general permit coverage is automatically terminated in accordance with section 2.3 or administratively extended under section 11-55-34.09(d):

3.2.1.

As specified on Page 55-C-1; or

3.2.2.

When the notice of general permit coverage specifies.

4. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

5. Effluent Limitation Applicable To All Discharges From Construction Sites

The permittee is required to comply with the following effluent limitations in this section for discharges from the site and/or from construction support activities.

Note: If the project is an "existing project" meaning that an administrative extension of the NGPC was granted or the NGPC was renewed under this general permit; or if the permittee is new because of a transfer of ownership and/or operation replaces the permittee of an already issued NGPC, and it is infeasible for the permittee to comply with a specific

requirement in this section because (1) the requirement was not part of the 2007 Appendix C, and (2) because the permittee is prevented from compliance due to the nature or location of earth disturbances that commenced prior to December 6, 2013, or because the permittee is unable to comply with the requirement due to the manner in which storm water controls have already been installed or were already designed prior to December 6, 2013, the permittee is required to document this fact in the SWPPP, refer to section 7, and are waived from complying with that requirement. This flexibility applies only to the requirements in sections 5.1 and 5.3.3. through 5.3.5. (except for sections 5.3.3.1., 5.3.3.2.2., 5.3.3.3.3.a., and 5.3.3.4.). This only applies to those portions of the site that have already commenced earth-disturbing activities or where storm water controls implemented in compliance with the previous permit have already been installed.

5.1. Erosion and sediment control requirements.

The permittee shall design, install, and maintain erosion and sediment controls that minimize the discharge of pollutants from earth-disturbing activities. For purposes of this general permit, "Minimize" means to reduce and/or eliminate to the extent achievable using storm water controls that are technologically available and economically practicable and achievable in light of best industry practices. To meet this requirement, the permittee shall comply with the following provisions.

5.1.1. General requirements applicable to all construction sites.

5.1.1.1. Area of disturbance.

The permittee is required to minimize the amount of soil exposed during construction activities. The

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permittee is also subject to the deadlines for temporarily and/or permanently stabilizing exposed portions of the site pursuant to section 5.2.

5.1.1.2. Design requirements.

5.1.1.2.1.

The permittee shall account for the following factors in designing storm water controls:

5.1.1.2.1.1.

The expected amount, frequency, intensity, and duration of precipitation;

5.1.1.2.1.2.

The nature of storm water runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. If any storm water flow will be channelized at the site, the permittee shall design storm water controls to control both peak flowrates and total storm water volume to minimize channel and streambank erosion in the immediate vicinity of discharge points; and

5.1.1.2.1.3.

The range of soil particle sizes expected to be present on the site.

5.1.1.2.2.

The permittee shall direct discharges from storm water controls to vegetated areas of the site, including any natural buffers established under section 5.1.2.1., and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible. Use velocity dissipation

devices if necessary to minimize soil erosion in order to minimize pollutant discharges when directing storm water to vegetated areas.

5.1.1.3. Installation requirements.

5.1.1.3.1.

Complete installation of storm water controls prior to earth-disturbance. Prior to earth-disturbing activities in any given portion of the site have begun the permittee shall install and make operational any downgradient sediment controls (e.g., buffers or equivalent sediment controls, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other land-disturbing activities.

Note: The requirement to install storm water controls prior to earth-disturbance of the project does not apply to the earth disturbance associated with the actual installation of these controls.

5.1.1.3.2.

Use good engineering practices and follow manufacturer's specifications. The permittee shall install all storm water controls in accordance with good engineering practices, including applicable design specifications.

Note: Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

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5.1.1.4. Maintenance Requirements

5.1.1.4.1.

The permittee shall ensure that all erosion and sediment controls required in this section remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

5.1.1.4.2.

The permittee shall inspect all erosion and sediment controls in accordance with the applicable requirements in section 9.1., and document the findings in accordance with section 9.1.7. If a problem is found (e.g., erosion and sediment controls need to be replaced, repaired, or maintained), the permittee shall make the necessary repairs or modifications in accordance with the following schedule:

5.1.1.4.2.1.

Initiate work to fix the problem immediately after discovering the problem, and complete such work by the close of the next work day, if the problem does not require significant repair or replacement, or if the problem can be corrected through routine maintenance.

5.1.1.4.2.2.

When installation of a new erosion or sediment control or a significant repair is needed, the permittee shall install the new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery where feasible. If it is infeasible to complete the installation or repair within 7 calendar days, the permittee shall document in its records why it is

infeasible to complete the installation or repair within the 7-day timeframe and document the schedule for installing the storm water control(s) and making it operational as soon as practicable after the 7-day timeframe. Where these actions result in changes to any of the storm water controls or procedures documented in the SWPPP, the permittee shall modify the SWPPP accordingly within 7 calendar days of completing this work.

5.1.2.

Erosion and sediment control requirements applicable to all sites.

5.1.2.1.

Provide natural buffers and sediment control. (These requirements only apply when a state water is located within 50 feet of the project's earth disturbances).

Note: The department does not consider all storm water control features (e.g., storm water conveyance channels, storm drain inlets, sediment basins) to be state waters.

Note: Written documentation allowing use is required from the owner of areas that are not owned by the permittee or that are otherwise outside the operational control to be considered areas of undisturbed natural buffer for purposes of compliance with this section.

The permittee shall ensure that any discharges to state waters through the area between the disturbed portions of the property and any state waters located within 50 feet of the site are treated by an area of undisturbed natural buffer and sediment controls.

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Note: If the boundary of the disturbance area is within 50 feet of the State water, triggering this requirement, then the installation of the project's perimeter control may be considered equivalent to the installation of sediment control.

5.1.2.1.1. Compliance Alternatives.

The permittee can comply with this requirement in one of the following ways:

5.1.2.1.1.1.

Provide and maintain a 50-foot undisturbed natural buffer and sediment control; or

Note: If the earth disturbances are located 50 feet or further from a state water and have installed sediment control, then the permittee has complied with this alternative.

5.1.2.1.1.2.

Provide and maintain an undisturbed natural buffer that is less than 50 feet and double sediment control (e.g., double perimeter control) spaced a minimum of 5 feet apart; or

5.1.2.1.1.3.

If it is infeasible to provide and maintain an undisturbed natural buffer of any size, the permittee shall provide and maintain double sediment control (e.g., perimeter control) spaced a minimum of 5 feet apart and complete stabilization within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities.

Note: For the compliance alternatives in sections 5.1.2.1.1.1. and 5.1.2.1.1.2., the permittee is not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists. The permittee only need to retain and protect from disturbance the natural buffer that existed prior to the commencement of construction. Any preexisting structures or impervious surfaces are allowed in the natural buffer provided the permittee retain and protect from disturbance the natural buffer area outside the preexisting disturbance.

The permittee shall document the selected compliance alternative in the SWPPP, and comply with the applicable additional requirements described in section 5.1.2.1.2. and 5.1.2.1.3. below.

The compliance alternative selected above must be maintained throughout the duration of permit coverage, or until construction in that portion of the project is complete, and the area is restored and stabilized (as applicable), except that the permittee may select a different compliance alternative during the period of permit coverage, in which case the permittee shall modify the SWPPP to reflect this change.

5.1.2.1.2.

Additional Requirements for the Compliance Alternatives in section 5.1.2.1.1.1. and 5.1.2.1.1.2. If either of the compliance alternatives in section 5.1.2.1.1.1. or 5.1.2.1.1.2. is chosen above, throughout the period of coverage under this permit, the permittee shall comply with the following additional requirements:

5.1.2.1.2.1.

Ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by

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the site's erosion and sediment controls, and use velocity dissipation devices if necessary to minimize soil erosion in order to minimize pollutant discharges caused by storm water within the buffer;

5.1.2.1.2.2.

Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on the site plan; and

5.1.2.1.2.3.

Delineate, and clearly mark off, with flags, tape, or other similar marking device all natural buffer areas.
5.1.2.1.3.

Additional Requirement for the Compliance Alternative in section 5.1.2.1.1.3. If the compliance alternative in section 5.1.2.1.1.3. is chosen, the permittee shall also include in the SWPPP a description of why it is infeasible to provide and maintain an undisturbed natural buffer of any size.

5.1.2.1.4. Exceptions.

5.1.2.1.4.1.

If there is no discharge of storm water to state waters through the area between the site and any state waters located within 50 feet of the site, the permittee is not required to comply with the requirements in this section. This includes situations where control measures have been implemented, such as a berm or other barrier, that will prevent such discharges.

5.1.2.1.4.2.

For "linear construction projects" where "linear construction projects" means the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area, the permittee is not required to comply with the requirements in this section if site constraints (e.g., limited right-of-way) prevent the permittee from meeting any of the compliance alternatives in section 5.1.2.1.1., provided that, to the extent practicable, the permittee limit disturbances within 50 feet of state waters and/or the permittee provide erosion and sediment controls to treat storm water discharges from earth disturbances within 50 feet of the state water. The permittee shall also document in the SWPPP the rationale as to why it is infeasible to comply with the requirements in section 5.1.2.1.1., and describe any buffer width retained and/or erosion and sediment controls installed.

5.1.2.1.4.3.

The following disturbances within 50 feet of a state water are exempt from the requirements in this Part: construction approved under a CWA 404 permit; or construction of a water-dependent structure or water access area (e.g., pier, boat ramp, trail).

The permittee shall document in the SWPPP if any of the above disturbances will occur within the buffer area on the site.

5.1.2.2 Install perimeter controls.

5.1.2.2.1.

Installation requirements: The permittee shall install sediment controls along those perimeter areas of the

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site that will receive storm water from earth-disturbing activities.

For linear projects with rights-of-way that restrict or prevent the use of such perimeter controls, the permittee shall maximize the use of these controls where practicable and document in the SWPPP why it is impracticable in other areas of the project.

5.1.2.2.2.

Maintenance Requirements: The permittee shall remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

5.1.2.3. Minimize sediment track-out.

The permittee shall minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting the construction site. To comply with this requirement, the permittee shall:

5.1.2.3.1.

Restrict vehicle use to properly designated exit points;

5.1.2.3.2.

Use appropriate stabilization techniques at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit;

5.1.2.3.3.

Where necessary, use additional controls to remove sediment from vehicle tires prior to exit; and

5.1.2.3.4.

Where sediment has been tracked-out from the site onto the surface of off-site streets, other paved areas, and sidewalks, the permittee shall remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs during non-working hours. The permittee shall remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. The permittee is prohibited from hosing or sweeping tracked-out sediment into any storm water conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or state water.

Note: The department recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after the implementation of sediment removal practices. Such "staining" is not a violation of this section.

5.1.2.4. Control discharges from stockpiled sediment or soil.

For any stockpiles or land clearing debris composed, in whole or in part, of sediment or soil, the permittee shall comply with the following requirements:

Note: For the purposes of this permit, sediment or soil stockpiles are defined as the storage for multiple days of soil or other sediment material to be used in the construction project or transported for disposal.

5.1.2.4.1.

Locate the piles outside of any natural buffers established under section 5.1.2.1.1. and physically

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separated from other storm water controls implemented in accordance with section 5.1.;

5.1.2.4.2.

Protect from contact with storm water (including run-on) using a temporary perimeter sediment barrier;

5.1.2.4.3.

Where practicable, provide cover or appropriate temporary stabilization to avoid direct contact with precipitation or to minimize sediment discharge;

5.1.2.4.4.

Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any storm water conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or state water; and

5.1.2.4.5.

Unless infeasible, contain and securely protect from wind.

5.1.2.5. Minimize dust.

In order to avoid pollutants from being discharged into state waters, to the extent feasible, the permittee shall minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

5.1.2.6. Minimize the disturbance of steep slopes.

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The permittee shall minimize the disturbance of "steep slopes." For this permit, "steeps slopes" means those that are 15 percent or greater in grade.

Note: The permit does not prevent or prohibit disturbance on steep slopes. For some projects, disturbance on steep slopes may be necessary for construction (e.g., a road cut in mountainous terrain). If a disturbance to steep slopes is required for the project, the department would recognize that it is not economically achievable to avoid the disturbance to steep slopes. However, in cases where steep slope disturbances are required, minimizing the disturbances to steep slopes consistent with this requirement can be accomplished through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances to these areas and using stabilization practices designed to be used on steep grades.

5.1.2.7. Preserve topsoil.

The permittee shall preserve native topsoil on the site, unless infeasible. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.

Note: Some projects may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain. In these cases, preserving topsoil at the site would not be feasible. Some sites may not have space to stockpile topsoil on site for later use, in which case, it may also not be feasible to preserve topsoil.

Note: Stockpiling of topsoil at off-site locations, or transfer of topsoil to other locations, is an example

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of a practice that is consistent with the requirements in this section.

5.1.2.8. Minimize soil compaction.

In areas of the site where final vegetative stabilization will occur or where infiltration practices will be installed, the permittee shall either:

5.1.2.8.1. Restrict vehicle/equipment use.

Restrict vehicle and equipment use in these locations to avoid soil compaction; or

5.1.2.8.2. Use soil conditioning techniques.

Prior to seeding or planting areas of exposed soil that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary and feasible.

5.1.2.9. Protect storm drain inlets.

If discharging to any storm drain inlet that carries storm water flow from the site directly to a state water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control), and the permittee has authority to access the storm drain inlet, the permittee shall:

5.1.2.9.1. Installation requirements.

Install inlet protection measures that remove sediment from the discharge prior to entry into the storm drain inlet.

Note: Inlet protection measures can be removed in the event of flood conditions where safety or loss of

property is of concern or to prevent erosion, but must be reinstalled once safety, property loss, or erosion are no longer a risk.

5.1.2.9.2. Maintenance requirements.

Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, the permittee shall remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.

5.1.2.10 Contaminated soil and contaminated soil stockpiles.

The permittee shall either:

5.1.2.10.1.

Prevent storm water from contacting contaminated soil and contaminated soil stockpiles; or
5.1.2.10.2.

Prevent the discharge of storm water runoff from contaminated soil and contaminated soil stockpiles.

5.1.3.

Requirements applicable only to sites using these specific storm water controls.

The permittee is required to comply with the following requirements if installing any of the following storm water controls at the site:

5.1.3.1. Constructed storm water conveyance channels.

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Design storm water conveyance channels to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. Minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed storm water conveyance channel, and at any outlet to provide a non-erosive flow velocity.

5.1.3.2. Sediment Basins.

If installing a sediment basin, the permittee shall comply with the following:

5.1.3.2.1. Design requirements.

5.1.3.2.1.1.

Provide storage for either (1) the calculated volume of runoff from a minimum 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained;

5.1.3.2.1.2.

When discharging from the sediment basin, utilize outlet structures that withdraw water from the surface in order to minimize the discharge of pollutants, unless infeasible;

Note: The department believes that the circumstances in which it is infeasible to design outlet structures in this manner are rare. If determined by the permittee that it is infeasible to meet this requirement, the permittee shall provide documentation in the SWPPP to support the determination.

5.1.3.2.1.3.

Prevent erosion of (1) the sediment basin using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet using erosion controls and velocity dissipation devices; and

5.1.3.2.1.4.

Sediment basins must be situated outside of state waters and any natural buffers established under section 5.1.2.1.1., and must be designed to avoid collecting water from wetlands.

5.1.3.2.2. Maintenance requirements.

Keep in effective operating condition and remove accumulated sediment to maintain at least ½ of the design capacity of the sediment basin at all times.

5.1.3.3. Dewatering practices.

The permittee is prohibited from discharging ground water or accumulated storm water that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation.

5.2. Stabilization Requirements.

The permittee is required to stabilize exposed portions of the site in accordance with the requirements of this section.

Note: For the purposes of this permit, "exposed portions of the site" means areas of exposed soil that are required to be stabilized. Note that the department does not expect that temporary or permanent stabilization measures to be applied to areas that are intended to be left unvegetated or unstabilized

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following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials). Otherwise, permanent stabilization is required for disturbed areas.

5.2.1. Deadlines for initiating and completing stabilization.

5.2.1.1. Deadline to initiate stabilization.

The permittee shall initiate soil stabilization measures immediately whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site. In limited circumstances, stabilization may not be required immediately (or, in even more limited circumstances, permanently) if the intended function of a specific area of the site necessitates that it remain disturbed.

Note: The Department can envision only limited cases where a disturbed area would not require stabilization because it should remain disturbed. Permittees must still minimize discharges from disturbed areas.

Note: Earth-disturbing activities have permanently ceased when clearing and excavation within any area of the construction site that will not include permanent structures has been completed.

Note: Earth-disturbing activities have temporarily ceased when clearing, grading, and excavation within any area of the site that will not include permanent structures will not resume (i.e., the land will be idle) for a period of 14 or more calendar days, but such activities will resume in the future.

The 14 calendar day timeframe above begins counting as soon as the permittee knows that construction work on a

portion of the site will be temporarily ceased. In circumstances where the permittee experiences unplanned or unanticipated delays in construction due to circumstances beyond the permittee's control (e.g., sudden work stoppage due to unanticipated problems associated with construction labor, funding, or other issues related to the ability to work on the site; weather conditions rendering the site unsuitable for the continuation of construction work) and it is not known at first how long the work stoppage will continue, the permittee's requirement to immediately initiate stabilization is triggered as soon as it is known with reasonable certainty that work will be stopped for 14 or more additional calendar days. At that point, the permittee shall comply with sections 5.2.1.1. and 5.2.1.2.

Note: For the purposes of this permit, the department will consider any of the following types of activities to constitute the initiation of stabilization:

a. prepping the soil for vegetative or non-vegetative stabilization;

b. applying mulch or other non-vegetative product to the exposed area;

c. seeding or planting the exposed area;

d. starting any of the activities in a - c on a portion of the area to be stabilized, but not on the entire area; and

e. finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization in sections 5.2.1.2. and 5.2.1.3.

This list of examples is not exhaustive.

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Note: The term "immediately" is used to define the deadline for initiating stabilization measures. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.

5.2.1.2. Deadline to complete stabilization activities.

As soon as practicable, but no later than 14 calendar days after the initiation of soil stabilization measures consistent with section 5.2.1.1., the permittee is required to have completed:

5.2.1.2.1.

For vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized; and/or

5.2.1.2.2.

For non-vegetative stabilization, the installation or application of all such non-vegetative measures.

5.2.1.3. Exceptions to the deadlines for initiating and completing stabilization.

5.2.1.3.1

Deadlines for projects that are affected by circumstances beyond the control of the permittee that delay the initiation and/or completion of vegetative stabilization as required in sections 5.2.1.1. and/or 5.2.1.2. If the permittee is unable to meet the deadlines in sections 5.2.1.1. and/or 5.2.1.2. due to circumstances beyond the permittee's control (e.g.

problems with the supply of seed stock or with the availability of specialized equipment, unsuitability of soil conditions due to excessive precipitation and/or flooding), and the permittee is using vegetative cover for temporary or permanent stabilization, the permittee may comply with the following stabilization deadlines instead:

5.2.1.3.1.1.

Immediately initiate, and within 14 calendar days complete, the installation of temporary non-vegetative stabilization measures to prevent erosion;

5.2.1.3.1.2.

Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on the site; and

Note: The permittee is required to have stabilized the exposed portions of the site consistent with section 5.2.2. prior to terminating permit coverage.

5.2.1.3.1.3.

Document the circumstances that prevent the permittee from meeting the deadlines required in sections 5.2.1.1. and/or 5.2.1.2. and the schedule the permittee will follow for initiating and completing stabilization.

5.2.1.3.2.

Deadlines for sites discharging to impaired waters. For any portion of the site that discharges to a sediment or nutrient-impaired water (see section 6.2.),

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the permittee is required to complete the stabilization activities specified in sections 5.2.1.2.1. and/or 5.2.1.2.2. within 7 calendar days after the temporary or permanent cessation of earth-disturbing activities.

Note: If the permittee qualifies for the deadlines for initiating and completing stabilization in section 5.2.1.3.1. or 5.2.1.3.2., the permittee may comply with the stabilization deadlines in section 5.2.1.3.1. or 5.2.1.3.2. for any portion of the site that discharges to an impaired water.

5.2.2. Criteria for stabilization.

To be considered adequately stabilized, the permittee shall meet the criteria below depending on the type of cover the permittee is using, either vegetative or non-vegetative.

5.2.2.1. Vegetative stabilization.

5.2.2.1.1.

For all sites, except those located on agricultural lands.

5.2.2.1.1.1.

If the permittee is vegetatively stabilizing any exposed portion of the site through the use of seed or planted vegetation, the permittee shall provide established uniform vegetation (e.g., evenly distributed without large bare areas), which provides 70 percent or more of the density of coverage that was provided by vegetation prior to commencing earth-disturbing activities. The permittee should avoid the use of invasive species;

5.2.2.1.1.2.

For final stabilization, vegetative cover must be perennial; and

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5.2.2.1.1.3.

Immediately after seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded or planted area, the permittee shall select, design, and install non-vegetative erosion controls that provide cover (e.g., mulch, rolled erosion control products) to the area while vegetation is becoming established.

5.2.2.1.2.

For sites located on land used for agriculture. Disturbed areas on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction) that are restored to their pre-construction agricultural use are not subject to these final stabilization criteria. Areas disturbed that were not previously used for agricultural activities, and areas that are not being returned to preconstruction agricultural use, must meet the conditions for stabilization in this section.

5.2.2.2. Non-Vegetative Stabilization.

If the permittee is using non-vegetative controls to stabilize exposed portions of the site, or if the permittee is using such controls to temporarily protect areas that are being vegetatively stabilized, the permittee shall provide effective non-vegetative cover to stabilize any such exposed portions of the site.

5.3. Pollution prevention requirements.

The permittee is required to design, install, and maintain effective pollution prevention measures in order to prevent the discharge of pollutants. Consistent with this requirement, the permittee shall:

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a. Eliminate certain pollutant discharges from the site (see section 5.3.1.);

b. Properly maintain all pollution prevention controls (see section 5.3.2.); and

c. Comply with pollution prevention standards for pollutant-generating activities that occur at the site (see section 5.3.3.).

These requirements apply to all areas of the construction site and any and all support activities covered by this permit consistent with section 5.

5.3.1. Prohibited Discharges.

The permittee is prohibited from discharging the following from the construction site:

5.3.1.1. Wastewater from washout of concrete;

5.3.1.2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials,;

5.3.1.3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

5.3.1.4. Soaps, solvents, or detergents used in vehicle and equipment washing; and

5.3.1.5. Toxic or hazardous substances from a spill or other release.

5.3.2. General Maintenance Requirements.

The permittee shall ensure that all pollution prevention controls installed in accordance with this

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section remain in effective operating condition and are protected from activities that would reduce their effectiveness. The permittee shall inspect all pollutant-generating activities and pollution prevention controls in accordance with the inspection frequency requirements in sections 9.1.2 or 6.2.2.1. to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharges to receiving waters, and must document the findings in accordance with section 9.1.7. If the permittee finds that controls need to be replaced, repaired, or maintained, the permittee shall make the necessary repairs or modifications in accordance with the following:

5.3.2.1.

Initiate work to fix the problem immediately after discovering the problem, and complete such work by the close of the next work day, if the problem does not require significant repair or replacement, or if the problem can be corrected through routine maintenance.

5.3.2.2.

When installation of a new pollution prevention control or a significant repair is needed, the permittee shall install the new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, the permittee shall document in the records why it is infeasible to complete the installation or repair within the 7 calendar day timeframe and document the schedule for installing the storm water control(s) and making it operational as soon as practicable after the 7 calendar day timeframe. Where these actions result in changes to any of the pollution prevention controls or procedures documented

in the SWPPP, the permittee shall modify the SWPPP accordingly within 7 calendar days of completing this work.

5.3.3. Pollution prevention standards.

The permittee is required to comply with the pollution prevention standards in this section if the permittee conducts any of the following activities at the site or at any construction support activity areas covered by this permit (see section 5):

a. Fueling and maintenance of equipment or vehicles;

b. Washing of equipment and vehicles;

c. Storage, handling, and disposal of construction materials, products, and wastes; and

d. Washing of applicators and containers used for paint, concrete, or other materials.

The pollution prevention standards are as follows:

5.3.3.1. Fueling and maintenance of equipment or vehicles.

If the permittee conducts fueling and/or maintenance of equipment or vehicles at the site, the permittee shall provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place. To comply with the prohibition in section 5.3.1.3., the permittee shall:

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5.3.3.1.1.

If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and section 311 of the CWA;

5.3.3.1.2.

Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

5.3.3.1.3.

Use drip pans and absorbents under or around leaky vehicles and equipment;

5.3.3.1.4.

Dispose of or recycle oil and oily wastes in accordance with other federal, state, and local requirements;

5.3.3.1.5.

Clean up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

5.3.3.1.6.

Do not clean surfaces by hosing the area down.

5.3.3.2. Washing of equipment and vehicles.

5.3.3.2.1.

The permittee shall provide an effective means to prevent the discharge of pollutants from equipment and

vehicle washing, wheel wash water, and other types of washing; and

5.3.3.2.2.

To comply with the prohibition in section 5.3.1.4., for storage of soaps, detergents, or solvents, the permittee shall provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these detergents from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these storage areas.

5.3.3.3. Storage, Handling, and Disposal of Construction Products, Materials, and Wastes.

The permittee shall minimize the exposure to storm water of any of the products, materials, or wastes specified below that are present at the site by complying with the requirements in this section.

Note: These requirements do not apply to those products, materials, or wastes that are not a source of storm water contamination or that are designed to be exposed to storm water.

To ensure meeting this requirement, the permittee shall:

5.3.3.3.1.

For building products: In storage areas, provide either:

a. Cover (e.g., plastic sheeting or temporary roofs) to prevent these products from coming into contact with rainwater, or

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b. A similarly effective means designed to prevent the discharge of pollutants from these areas.

5.3.3.3.2.

For pesticides, herbicides, insecticides, fertilizers, and landscape materials:

a. In storage areas, provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these chemicals and materials from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas; and

b. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.

5.3.3.3.3.

For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:

a. To comply with the prohibition in section 5.3.1.3., store chemicals in water-tight containers, and provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these containers from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., spill kits), or provide secondary containment (e.g., spill berms, decks, spill containment pallets); and

b. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the

source of the spill to prevent a discharge or a continuation of an ongoing discharge.

5.3.3.3.4.

For hazardous or toxic waste:

Separate hazardous or toxic waste from construction and domestic waste;

a. Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, and local requirements;

b. Store all containers that will be stored outside away from surface waters and within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in covered area or having a spill kit available on site);

c. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, and local requirements; and

d. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

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5.3.3.3.5.

For construction and domestic waste:

Provide waste containers (e.g., dumpster or trash receptacle) of sufficient size and number to contain construction and domestic wastes. In addition, the permittee shall:

a. On work days, clean up and dispose of waste in designated waste containers; and

b. Clean up immediately if containers overflow.

5.3.3.3.6.

For sanitary waste:

Position portable toilets so that they are secure and will not be tipped or knocked over.

5.3.3.4. Washing of applicators and containers used for paint, concrete, or other materials.

The permittee shall provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials. To comply with this requirement, the permittee shall:

5.3.3.4.1.

Direct all washwater into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation;

5.3.3.4.2.

Handle washout or cleanout wastes as follows:

a. Do not dump liquid wastes in storm sewers;

b. Dispose of liquid wastes in accordance with applicable requirements in section 5.3.3.3.; and

c. Remove and dispose of hardened concrete waste consistent with the handling of other construction wastes in section 5.3.3.3.; and

5.3.3.4.3.

Locate any washout or cleanout activities as far away as possible from state waters and storm water inlets or conveyances, and, to the extent practicable, designate areas to be used for these activities and conduct such activities only in these areas.

5.3.4. Emergency spill notification.

The permittee is prohibited from discharging toxic or hazardous substances from a spill or other release, consistent with section 5.3.1.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, the permittee shall notify the National Response Center (NRC) at (800) 424-8802 , the Clean Water Branch during regular business hours at 586-4309, and the Hawaii State Hospital Operator at 247-2191 and the Clean Water Branch via email at cleanwaterbranch@doh.hawaii.gov during non-business hours as soon as the permittee has knowledge of the discharge. The permittee shall also, within 7 calendar days of knowledge of the release, provide a description

of the release, the circumstances leading to the release, and the date of the release. State and local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

5.3.5. Fertilizer discharge restrictions.

The permittee is required to minimize discharges of fertilizers containing nitrogen or phosphorus. To meet this requirement, the permittee shall comply with the following requirements:

5.3.5.1. Apply at a rate and in amounts consistent with manufacturer's specifications, or document departures from the manufacturer specifications where appropriate in section 7.2.7.2. of the SWPPP;

5.3.5.2. Apply at the appropriate time of year for the location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

5.3.5.3. Avoid applying before heavy rains that could cause excess nutrients to be discharged;

5.3.5.4. Never apply to storm water conveyance channels with flowing water; and

5.3.5.5. Follow all other federal, state, and local requirements regarding fertilizer application.

6. Water Quality-Based Effluent Limitations

6.1 General Effluent limitation to meet applicable water quality standards.

The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

In the absence of information demonstrating otherwise, the department expects that compliance with the conditions in this permit will result in storm water discharges being controlled as necessary to meet applicable water quality standards. If at any time the permittee becomes aware, or the department determines, that the discharge is not being controlled as necessary to meet applicable water quality standards, the permittee must take corrective action as required in section 10.2.1., and document the corrective actions as required in section 10.2.1. and section 10.4.

The department will also impose additional water quality-based limitations on a site-specific basis, or require the permittee to obtain coverage under an individual permit, if information in the NOI, or from other sources indicates that the discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in a state-established and EPA-approved Total Maximum Daily Load (TMDL).

6.2. Discharge limitations for impaired waters

If discharge is to a state water that is impaired for (1) sediment or a sediment-related parameter, such as total suspended solids (TSS) or turbidity, and/or (2) nutrients, including impairments for nitrogen and/or

phosphorus, the permittee is required to comply with the requirements in section 6.2.2.

Note: For the purposes of this section, "impaired waters" are waters identified as impaired on the State CWA section 303(d) list, and waters with a state-established and EPA-approved TMDL. The construction site will be considered to discharge to an impaired water if the first state water to which the discharge enters is to a water on the section 303(d) list or one with a state established and EPA-approved TMDL. For discharges that enter a storm water drainage system prior to discharge, the first state water to which discharge is the water body that receives the storm water discharge from the storm water drainage system.

If discharge is to an impaired water that is impaired for a parameter other than a sediment-related parameter or nutrients, the department will inform the permittee if any additional limits or controls are necessary for the discharge to be controlled as necessary to meet water quality standards, including for it to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL, or if coverage under an individual permit is necessary.

If during the coverage under a previous permit, the permittee was required to install and maintain storm water controls specifically to meet the assumptions and requirements of a state-established and EPA-approved TMDL (for any parameter) or to otherwise control the discharge to meet water quality standards, the permittee shall continue to implement such controls as part of this permit.

6.2.1. Identify if you discharge to an impaired water.

If discharge is to an impaired water, the permittee shall provide the following information in the NOI:

a. A list of all impaired waters to which discharge enters;

b. The pollutant(s) for which the state water is impaired; and

6.2.2. Requirements for discharges to sediment or nutrient-impaired waters.

If discharge is to a state water that is impaired for (1) sediment or a sediment-related parameter (e.g., total suspended solids (TSS) or turbidity) and/or (2) nutrients (e.g., nitrogen and/or phosphorus), including impaired waters for which a TMDL has been approved or established for the impairment, the permittee is required to comply with the following storm water control requirements in sections 6.2.2.1. and 6.2.2.2., which supplement the requirements applicable to the site in other corresponding sections of the permit.

The department will also impose additional water quality-based limitations on a site-specific basis, or require the permittee to obtain coverage under an individual permit, if it is determined that the controls will not be sufficient to control discharges consistent with the assumptions and requirements of an applicable wasteload allocation of an approved or established TMDL or to prevent the site from contributing to the impairment.

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6.2.2.1. Frequency of site inspection.

The permittee shall conduct inspections at the frequency specified in section 9.1.3.

6.2.2.2. Deadline to complete stabilization.

The permittee shall comply with the deadlines for completing site stabilization as specified in section 5.2.1.3.2.

7. Storm Water Pollution Prevention Plan (SWPPP)

7.1. Requirement to develop a SWPPP prior to submitting an NOI.

All permittees and their contractors with a construction project to be covered under this permit must develop a SWPPP.

The Permittee is required to develop the site's SWPPP prior to submitting the NOI. The SWPPP must include at a minimum the information required in section 7.2. and as specified in other sections of this general permit and any other information as requested by the director. The permittee shall also update the SWPPP as required in section 7.4.

If a Site Specific Construction Best Management Practices (SSCBMP) Plan was previously developed for coverage under a previous version of this general permit, the permittee shall review and update the SSCBMP Plan to ensure that requirements of this permit's SWPPP are addressed prior to submitting the NOI.

7.2. SWPPP Contents

The SWPPP must include the following information, at a minimum.

7.2.1. Storm water team.

The permittee shall assemble and oversee a "storm water team," which is responsible for the development of the SWPPP, any later modifications to it, and for compliance with the requirements in this permit.

The SWPPP must identify the personnel (by name or position) that are part of the storm water team, as well as their individual responsibilities. Each member of the storm water team must have ready access to an electronic or paper copy of applicable portions of this permit, the most updated copy of the SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7.2.2. Nature of construction activities.

The SWPPP must describe the nature of the construction activities, including the size of the project site (in acres) and the total area expected to be disturbed by the construction activities (in acres), construction support activity areas covered by this permit (see section 5), and the maximum area expected to be disturbed at any one time.

7.2.3. Emergency-related projects.

If conducting earth-disturbing activities in response to a public emergency (see section 1.3.), the permittee shall document the cause of the public emergency (e.g., natural disaster, extreme flooding conditions, etc.), information substantiating its occurrence (e.g., state emergency proclamation or similar state proclamation),

and a description of the construction necessary to reestablish effected public services. The proclamation of a civil defense emergency or similar proclamation is required to be from the President of the United States or State Governor.

7.2.4. Identification of other site contractors.

The SWPPP must include a list of all other contractors (e.g., sub-contractors) who will be engaged in construction activities at the site, and the areas of the site over which each contractor has control.

Note: The department acknowledges that a list of all other contractors might not be available at the time the SWPPP and NOI are submitted. If that is the case, then the SWPPP must be amended to include the information required in Section 7.2.4 prior to the start of construction activities.

7.2.5. Sequence and estimated dates of construction activities.

The SWPPP must include a description of the intended sequence of construction activities, including a schedule of the estimated start dates and the duration of the activity, for the following activities:

7.2.5.1.

Installation of storm water control measures, and when they will be made operational, including an explanation of how the sequence and schedule for installation of storm water control measures complies with section 5.1.1.3.1. and of any departures from manufacturer specifications pursuant to section 5.1.1.3.2., including removal procedures of the storm water control measures after construction has ceased;

7.2.5.2.

Commencement and duration of earth-disturbing activities, including clearing and grubbing, mass grading, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

7.2.5.3.

Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site;

7.2.5.4.

Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which the permittee is subject to in section 5.2.1.; and

7.2.5.5.

Removal of temporary storm water conveyances/channels and other storm water control measures, removal of construction equipment and vehicles, and cessation of any pollutant-generating activities.

Note: If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the permittee or contractor to meeting these projections. When departures from initial projections are necessary, this should be documented in the SWPPP itself or in associated records, as appropriate.

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7.2.6. Site map.

The SWPPP must include a legible site map, or series of maps, showing the following features of the project:

Note: Included in the project site are any construction support activities covered by this permit (see section 5).

7.2.6.1.

Boundaries of the property and of the locations where construction activities will occur, including:

a. Locations where earth-disturbing activities will occur, noting any sequencing of construction activities;

b. Approximate slopes before and after major grading activities and drainage patterns with flow arrows. Note areas of steep slopes, as defined in section 5.1.2.6.;

c. Locations where sediment, soil, or other construction materials will be stockpiled;

d. Locations of any contaminated soil or contaminated soil stockpiles;

e. Locations of any crossings of state waters;

f. Designated points on the site where vehicles will exit onto paved roads;

g. Locations of structures and other impervious surfaces upon completion of construction; and

h. Locations of construction support activity areas covered by this permit (see section 5).

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7.2.6.2.

Locations of all state waters, including wetlands, that exist within or in the immediate vicinity of the site and indicate which waterbodies are listed as impaired;

7.2.6.3.

The boundary lines of any natural buffers provided consistent with section 5.1.2.1.1.;

7.2.6.4.

Topography of the site, existing vegetative cover and features (e.g., forest, pasture, pavement, structures), and drainage pattern(s) of storm water onto, over, and from the site property before and after major grading activities;

7.2.6.5.

Storm water discharge locations, including:

a. Locations of any storm drain inlets on the site and in the immediate vicinity of the site to receive storm water runoff from the project; [~~and~~]

b. Locations where storm water will be discharged to state waters (including wetlands);and

c. Locations where storm water will exit the site.

7.2.6.6.

Locations of all potential pollutant-generating activities identified in section 7.2.7.;

7.2.6.7.

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Locations of storm water control measures; and

7.2.6.8.

Locations where chemicals will be used and stored.

7.2.7. Construction site pollutants.

The SWPPP must include the following:

a. A list and description of all the pollutant-generating activities on the site.

b. For each pollutant-generating activity, an inventory of pollutants or pollutant constituents (e.g., sediment, fertilizers and/or pesticides, paints, solvents, fuels) associated with that activity, which could be exposed to rainfall and could be discharged from the construction site. The permittee shall take into account where potential spills and leaks could occur that contribute pollutants to storm water discharges. The permittee shall also document any departures from the manufacturer's specifications for applying fertilizers containing nitrogen and phosphorus, as required in section 5.3.5.1.

7.2.8. Sources of non-storm water.

The SWPPP must also identify all sources of non-storm water and information, including, but not limited to, the design, installation, and maintenance of the control measures to prevent its discharge.

7.2.9. Buffer documentation.

If the permittee is required to comply with section 5.1.2.1. because a state water is located within 50 feet of the project's earth disturbances, the permittee

shall describe which compliance alternative the permittee has selected for the site, and comply with any additional requirements to provide documentation in section 5.1.2.1.

7.2.10. Description of storm water control measures.

7.2.10.1 Storm water control measures to be used during construction Activity.

The SWPPP must describe all storm water control measures that are or will be installed and maintained at the site to meet the requirements of section 5. For each storm water control measure, the permittee must document:

a. Information on the type of storm water control measure to be installed and maintained, including design information;

b. What specific sediment controls will be installed and made operational prior to conducting earth-disturbing activities in any given portion of the site to meet the requirement of section 5.1.2.2.1.;

c. If contaminated soil exists on-site, the control measures to either prevent the contact of storm water with the contaminated soil, including any contaminated soil stockpiles, or prevent the discharge of any storm water runoff which has contacted contaminated soil or any contaminated soil stockpiles;

d. For exit points on the site, document stabilization techniques the permittee will use and any additional controls that are planned to remove sediment prior to vehicle exit consistent with section 5.1.2.3.; and

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e. For linear projects, where the permittee has determined that the use of perimeter controls in portions of the site is impracticable, document why the permittee believes this to be the case (see section 5.1.2.2.1.).

7.2.10.2. Stabilization practices.

The SWPPP must describe the specific vegetative and/or non-vegetative practices that will be used to comply with the requirements in section 5.2., including if the permittee will be complying with the stabilization deadlines specified in section 5.2.1.3.2. The permittee shall document the circumstances that prevent the permittee from meeting the deadlines specified in sections 5.2.1.1. and/or 5.2.1.2.

7.2.10.3. Post construction measures.

Descriptions of measures that will minimize the discharge of pollutants via storm water discharges after construction operations have been finished. All projects require post construction BMPs to minimize the discharge of pollutants via storm water discharges after construction operations have been finished. Examples include: open, vegetated swales and natural depressions; structures for storm water retention, detention, or recycle; velocity dissipation devices to be placed at the outfalls of detention structures or along with the length of outfall channels; and other appropriate measures.

7.2.11 Pollution prevention procedures.

7.2.11.1. Spill prevention and response procedures.

The SWPPP must describe procedures that the permittee will follow to prevent and respond to spills and leaks consistent with section 5.3., including:

a. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and

b. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with section 5.3.4. and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.

The permittee may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that the permittee keeps a copy of that other plan onsite.

Note: Even if the permittee already has an SPCC or other spill prevention plan in existence, the plans will only be considered adequate if they meet all of the requirements of this section, either as part of the existing plan or supplemented as part of the SWPPP.

7.2.11.2. Waste management procedures.

The SWPPP must describe procedures for how the permittee will handle and dispose of all wastes

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generated at the site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

7.2.12. Procedures for inspection, maintenance, and corrective action.

The SWPPP must describe the procedures the permittee will follow for maintaining the storm water control measures, conducting site inspections, and, where necessary, taking corrective actions, in accordance with section 5.1.1.4., section 5.3.2., section 9, and section 10 of the permit. The following information must also be included in the SWPPP:

a. Personnel responsible for conducting inspections;

b. The inspection schedule the permittee will be following, which is based on whether the site is subject to section 9.1.2. or section 9.1.3., and whether the site qualifies for any of the allowances for reduced inspection frequencies in 9.1.4. If the permittee will be conducting inspections in accordance with the inspection schedule in section 9.1.2.a. or section 9.1.2.b., the location of the rain gauge on the site or the address of the weather station the permittee will be using to obtain rainfall data; and

c. Any inspection or maintenance checklists or other forms that will be used.

7.2.13. Staff training.

The SWPPP must include documentation that the required personnel were trained in accordance with the following:

7.2.13.1.

Prior to the commencement of earth-disturbing activities or pollutant-generating activities, whichever occurs first, the permittee shall ensure that the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:

a. Personnel who are responsible for the design, installation, maintenance, and/or repair of storm water controls (including pollution prevention measures);

b. Personnel responsible for the application and storage of chemicals (if applicable);

c. Personnel who are responsible for conducting inspections as required in Part 4.1.1; and

d. Personnel who are responsible for taking corrective actions as required in Part 5.

Notes: (1) If the person requiring training is a new employee, who starts after the permittee commences earth-disturbing or pollutant-generating activities, the permittee shall ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. (2) For emergency-related construction activities, the requirement to train personnel prior to commencement of earth-disturbing activities does not apply, however, such personnel must have the required training prior to NOI submission.

7.2.13.2.

The permittee is responsible for ensuring that all activities on the site comply with the requirements of

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this permit. The permittee is not required to provide or document formal training for subcontractors or other outside service providers, but must ensure that such personnel understand any requirements of the permit that may be affected by the work they are subcontracted to perform.

At a minimum, personnel must be trained to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

a. The location of all storm water controls on the site required by this permit, and how they are to be maintained;

b. The proper procedures to follow with respect to the permit's pollution prevention requirements; and

c. When and how to conduct inspections, record applicable findings, and take corrective actions.

7.2.14. Documentation of compliance with Safe Drinking Water Act Underground Injection Control (UIC) requirements for certain subsurface storm water controls.

If using any of the following storm water controls at the site, as they are described below, the permittee must document any contact with the department's Safe Drinking Water Branch for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR Parts 144 -147. Such controls would generally be considered Class V UIC wells:

a. Infiltration trenches (if storm water is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);

b. Commercially manufactured precast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate storm water flow; and

c. Drywells, seepage pits, or improved sinkholes (if storm water is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

7.2.15. Information to be included in the SWPPP prior to the start of construction activities.

7.2.15.1. Contractor information.

The following contractor (general and subcontractors) information shall be included in the SWPPP: legal name, street address, contact person's name and position title, telephone number, and email address.

7.2.15.2. Other state, federal, or county permits.

The following are required to be included in the SWPPP prior to the start of construction activities, if applicable:

a. Copy of the drainage system owner's approval allowing the discharge to enter their drainage system;

b. Copy of the county-approved grading permit;

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c. Copy of the department of the army permit and section 401 water quality certification; and

d. A list of other permits.

7.2.16. Any other information as requested by the director.

7.2.17. SWPPP certification.

The certifying person or duly authorized representative must certify, sign, and date the SWPPP in accordance with section 15 of appendix A, chapter 11-55.

7.2.18. Post-authorization additions to the SWPPP.

After the issuance of the NGPC the permittee shall include the following documents as part of the SWPPP:

a. A copy of the NOI submitted to the department along with any correspondence exchanged between the permittee and the department related to coverage under this permit;

b. A copy of the NGPC and all attachments included with the NGPC (an electronic copy easily available to the storm water team is also acceptable).

7.3. On-site availability of the SWPPP.

The permittee is required to keep a current hard or electronic copy of the SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by the department; EPA; or local agency approving storm water management plans; the operator of a storm water drainage system receiving discharges from the site; or representatives of the U.S. Fish and

Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

The department may provide access to portions of the SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.

Note: Information covered by a claim of confidentiality will be disclosed by the department only to the extent of, and by means of, the procedures set forth in 40 CFR Part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

If an onsite location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of the construction site.

7.4. Required SWPPP modifications.

7.4.1. List of conditions requiring SWPPP modification.

The permittee shall modify the SWPPP, including the site map(s), in response to any of the following conditions:

7.4.1.1.

Whenever new contractors become active in construction activities on the site, or changes are made to the

construction plans, storm water control measures, pollution prevention measures, or other activities at the site that are no longer accurately reflected in the SWPPP. This includes changes made in response to corrective actions triggered under section 10;

7.4.1.2.

To reflect areas on the site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;

7.4.1.3.

If inspections or investigations by site staff, or by local, state, or federal officials determine that SWPPP modifications are necessary for compliance with this permit;

7.4.1.4.

Where the department determines it is necessary to impose additional requirements on the discharge, the following must be included in the SWPPP:

a. A copy of any correspondence describing such requirements; and

b. A description of the storm water control measures that will be used to meet such requirements.

7.4.1.5.

To reflect any revisions to applicable federal, state, and local requirements that affect the storm water control measures implemented at the site.

7.4.2. Deadlines for SWPPP modifications.

The permittee shall complete required revisions to the SWPPP within 7 calendar days following the occurrence of any of the conditions listed in section 7.4.1.

7.4.3. SWPPP modification records.

The permittee shall maintain records showing the dates of all SWPPP modifications. The records must include a signature of the person authorizing each change (see section 7.2.17. above), date, and a brief summary of all changes.

7.4.4. Certification requirements.

All modifications made to the SWPPP consistent with section 7.4. must be certified, signed, and dated by the Certifying Person that meets the requirements in section 15 of appendix A, chapter 11-55 or the duly authorized representative that meets the requirements of 11-55-07(b).

7.4.5. Required notice to other contractors.

Upon determining that a modification to the SWPPP is required, if there are multiple contractors covered under this permit, the permittee shall immediately notify any contractors who may be impacted by the change to the SWPPP.

8. Implementation of the Storm Water Pollution Prevention Plan (SWPPP)

8.1.

The permittee shall design, operate, implement, and maintain the SWPPP to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable state water quality standards.

8.2.

The permittee shall implement the SWPPP to improve the quality of storm water discharges or when instructed by the director.

9. Inspections

9.1 Site Inspections

The permittee shall inspect the receiving state waters, storm water runoff and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-4 in accordance with this section. (e.g., the permittee shall look at storm water discharges 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.) The permittee must inspect the receiving state waters only when there is a discharge from the project site or there is a potential for downstream erosion. If the discharge enters an MS4 or separate drainage system prior to the receiving state water, then the permittee may inspect their discharge where it enters the drainage system rather than at the receiving water. When effluent commingles with offsite water or pollutant sources prior to discharging to the receiving water or separate drainage system, in lieu of inspecting the receiving water or where it enters the drainage system, the permittee may inspect the effluent at a location representative of the discharge quality prior to commingling. The permittee is not required to inspect areas that, at the time of the inspection, are

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considered unsafe to inspection personnel, if the unsafe conditions have been documented.

9.1.1. Person(s) responsible for inspecting site.

The person(s) inspecting the site may be a person on staff or a third party hired to conduct such inspections. The permittee is responsible for ensuring that the person who conducts inspections is a "qualified person."

Note: A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact storm water quality, and the skills to assess the effectiveness of any storm water controls selected and installed to meet the requirements of this permit.

9.1.2. Frequency of Inspections.

At a minimum, the permittee shall conduct a site inspection in accordance with one of the two schedules listed below, unless subject to section 9.1.3. or section 9.1.4.:

a. At least once every 7 calendar days; or

b. Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater. To determine if a storm event of 0.25 inches or greater has occurred on the site, the permittee shall either keep a properly maintained rain gauge on the site, or obtain the storm event information from a weather station that is representative of the location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, the permittee

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shall record the total rainfall measured for that day in accordance with section 9.1.7.1.d.

Note: Inspections are only required during the project's normal working hours.

Note: The permittee is required to specify in the SWPPP which schedule will be followed.

Note: "Within 24 hours of the occurrence of a storm event" means that the permittee is required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if the permittee has elected to inspect bi-weekly in accordance with section 9.1.2.b. and there is a storm event at the site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, the permittee is required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

9.1.3. Increase in inspection frequency for sites discharging to impaired waters.

For any portion of the site that discharges to an impaired water (see section 6.2.), instead of the inspection frequency specified in section 9.1.2., the permittee shall conduct inspections in accordance with the following inspection frequencies:

a. Once every 7 calendar days; and

b. Within 24 hours of the occurrence of a storm event of 0.25 inches or greater. To determine if a storm event of 0.25 inches or greater has occurred on the site, the permittee shall either keep a properly maintained rain gauge on the site, or obtain the storm event information from a weather

station that is representative of the location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, the permittee shall record the total rainfall measured for that day in accordance with section 9.1.7.1.d.

Note: Inspections are only required during the project's normal working hours.

Note: "Within 24 hours of the occurrence of a storm event" means that the permittee is required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if there is a storm event at the site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, the permittee is required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

Note: If the permittee qualifies for any of the reduced inspection frequencies in section 9.1.4., the permittee may conduct inspections in accordance with section 9.1.4. for any portion of the site that discharges to an impaired water.

9.1.4. Reductions in inspection frequency.

For stabilized areas. The permittee may reduce the frequency of inspections to once per month in any area of the site where the stabilization steps in sections 5.2.1.2.1. and 5.2.1.2.2. have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in sections 9.1.2. or 9.1.3., if applicable. The permittee shall document the beginning and ending dates of this period in the records.

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9.1.5. Areas that need to be inspected.

The permittee shall at a minimum inspect the following areas of the site:

a. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with section 5.2.;

b. All storm water controls (including pollution prevention measures) installed at the site to comply with this permit;

c. Material, waste, borrow, or equipment storage and maintenance areas that are covered by this permit;

d. All areas where storm water typically flows within the site, including drainageways designed to divert, convey, and/or treat storm water;

e. All points of discharge from the site; and

f. All locations where stabilization measures have been implemented.

The permittee is not required to inspect areas that, at the time of the inspection, are considered unsafe to inspection personnel.

9.1.6. Requirements for inspections. During the site inspection, the permittee shall at a minimum:

9.1.6.1.

Check whether all erosion and sediment controls and pollution prevention controls are installed, appear to be operational, and are working as intended to minimize pollutant discharges. Determine if any controls need

to be replaced, repaired, or maintained in accordance with sections 5.1.1.4. and 5.3.2.;

9.1.6.2.

Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;

9.1.6.3.

Identify any locations where new or modified storm water controls are necessary to meet the requirements of sections 5 and/or 6;

9.1.6.4.

At points of discharge and, if applicable, the banks of any state waters flowing within the property boundaries or immediately adjacent to the property, check for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to the discharge; and

9.1.6.5.

Identify any and all incidents of noncompliance observed.

9.1.6.6.

If a discharge is occurring during the inspection, the permittee is required to:

a. Identify all points of the property from which there is a discharge;

b. Observe and document the visual quality of the discharge, and take note of the characteristics of the storm water discharge, including color, odor,

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floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of storm water pollutants; and

c. Document whether the storm water controls are operating effectively, and describe any such controls that are clearly not operating as intended or are in need of maintenance.

9.1.6.7.

Based on the results of the inspection, initiate corrective action under section 10.

9.1.7. Inspection report.

9.1.7.1.

Requirement to Complete Inspection Report. The permittee must complete an inspection report within 48 hours of completing any site inspection. Each inspection report must include the following:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. A summary of the inspection findings, covering at a minimum the observations made in accordance with section 9.1.6.;

d. If inspecting the site at the frequency specified in section 9.1.2.b., section 9.1.3., or section 9.1.4., and have conducted an inspection because of rainfall measuring 0.25 inches or greater, the permittee shall include the applicable rain gauge or weather station readings that triggered the inspection; and

e. If determined that it is unsafe to inspect a portion of the site, the permittee shall describe the reason to be unsafe and specify the locations that this condition applied to.

9.1.7.2. Signature Requirements.

Each inspection report must be certified and signed in accordance with section 15 of appendix A, chapter 11-55 or the duly authorized representative that meets the requirements of 11-55-07(b).

9.1.7.3. Recordkeeping Requirements.

The permittee is required to keep a current, copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by the department or EPA.

All inspection reports completed for this section must be retained for at least three years from the date that the permit coverage expires or is terminated.

9.2. Inspection by the department or EPA.

The permittee shall allow the department, EPA, or an authorized representative of the EPA, to conduct the following activities at reasonable times:

a. Enter onto areas of the site, including any construction support activity areas covered by this permit (see Section 5), and onto locations where records are kept under the conditions of this permit;

b. Access and copy any records that must be kept under the conditions of this permit;

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c. Inspect the construction site, including any construction support activity areas covered by this permit (see section 5) and any storm water controls installed and maintained at the site; and

d. Sample or monitor for the purpose of ensuring compliance.

10. Corrective Action

The permittee shall immediately stop, reduce, or modify construction, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

10.1 "Corrective actions" defined.

Corrective actions are actions taken in compliance with this section to:

a. Repair, modify, or replace any storm water control used at the site;

b. Clean up and properly dispose of spills, releases, or other deposits; or

c. Remedy a permit violation.

10.2. Requirements for taking corrective actions.

The permittee shall complete the following corrective actions in accordance with the deadlines specified in this section. In all circumstances, the permittee shall immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that

the material will not discharge in subsequent storm events.

Note: In this context, the term "immediately" requires construction contractors to, on the same day a condition requiring corrective action is found, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if the problem is identified at a time in the work day when it is too late to initiative corrective action, the initiation of corrective action must begin on the following work day.

10.2.1.

For any of the following conditions on the site, the permittee shall install a new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, the permittee shall document in the records why it is infeasible to complete the installation or repair within the 7 calendar day timeframe and document a schedule for installing the storm water control(s) and making it operational as soon as practicable after the 7-day timeframe.

a. A required storm water control was never installed, was installed incorrectly, or not in accordance with the requirements in sections 5 and/or 6; or

b. The permittee becomes aware that the storm water controls installed and being maintained are not effective enough for the discharge to meet applicable water quality standards or applicable requirements in section 6.1. In this case, the

permittee shall notify the department by the end of the next work day; or

c. One of the prohibited discharges in section 5.3.1. is occurring or has occurred.

10.2.2.

Where corrective actions result in changes to any of the storm water controls or procedures documented in the SWPPP, the permittee shall modify the SWPPP accordingly within 7 calendar days of completing corrective action work.

10.3. Corrective actions required by the department.

The permittee shall comply with any corrective actions required by the department as a result of permit violations found during an inspection carried out under section 9.2.

10.4. Corrective action report.

For each corrective action taken in accordance with this section, the permittee shall complete a corrective action report, which includes the applicable information in sections 10.4.1. and 10.4.2. Note that these reports must be maintained in the permittee's records but do not need to be provided to the department except upon request.

10.4.1.

Within 24 hours of discovering the occurrence of one of the triggering conditions in section 10.2.1. at the site, the permittee shall complete a report of the following:

a. Which condition was identified at the site;

b. The nature of the condition identified; and

c. The date and time of the condition identified and how it was identified.

10.4.2.

Within 7 calendar days of discovering the occurrence of one of the triggering conditions in section 10.2.1. at the site, the permittee shall complete a report of the following:

a. Any follow-up actions taken to review the design, installation, and maintenance of storm water controls, including the dates such actions occurred;

b. A summary of storm water control modifications taken or to be taken, including a schedule of activities necessary to implement changes, and the date the modifications are completed or expected to be completed; and

c. Notice of whether SWPPP modifications are required as a result of the condition identified or corrective action.

10.4.3.

Each corrective action report must be certified and signed in accordance with section 15 of appendix A, chapter 11-55 or the duly authorized representative that meets the requirements of 11-55-07(b).

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10.4.4.

The permittee shall keep a current copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by the department.

All corrective action reports completed for this Part must be retained for at least three years from the date that the permit coverage expires or is terminated.

11. Notice of Intent requirements

11.1

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 construction activity or thirty days before the expiration date of the applicable notice of general permit coverage.

11.2.

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

11.2.1.

Information required in section 34 of appendix A of chapter 11-55;

11.2.2.

That coverage is being requested as a result of an emergency and meets the eligibility requirements under this permit and information required in section 7.2.3.

11.2.3.

That coverage is being requested for discharge to an impaired water, if applicable;

11.2.4.

Preparation of a SWPPP in accordance with section 7 prior to submitting the NOI;

11.2.5.

Information required in section 7.2.2 - Nature of construction activities.

11.2.6.

Information required in section 7.2.5. - Sequence and estimated dates of construction activities.

11.2.7.

Information required in section 7.2.6. - Site map, except for sections 7.2.6.6. - 7.2.6.8.

11.2.8.

If applicable, army corps of engineers' jurisdictional determination and section 401 water quality certification best management practices plan.

11.2.9.

Agreement to the terms, conditions, and requirements in this general permit and all other applicable State, County, and Federal regulations.

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11.3.

The director may require additional information to be submitted.

11.4

The owner or its duly authorized representative shall submit a notice of intent form or forms specified by the CWB.

Electronic notice of intent forms may be found at the department's e-Permitting portal. The e-Permitting portal may be accessed via the clean water branch's website at: http://health.hawaii.gov/cwb/

12. Reporting Requirements

12.1

The permittee shall immediately notify the director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in section 16 of appendix A of chapter 11-55.

12.2

The permittee shall notify the director of the construction start date through the e-Permitting portal within seven (7) calendar days before the start of construction activities. All communication with the department shall include the file number and the certification statement. The notification will only be accepted from the person qualified in accordance with section 11-55-34.08(f).

13. Submittal Requirements

13.1

The owner or its duly authorized representative shall prepare a monthly compliance report, which shall include but is not limited to information as required in this general permit and NGPC, any incidences of non-compliance and corrective actions. The monthly compliance report shall be kept on-site and available by the end of the next business day when requested by the department.

13.2

When all construction activities have ceased, the owner shall submit to the department a completed Notice of Cessation. The department shall receive this information within 7 calendar days after the end of the month.

13.3

The owner or its duly authorized representative shall submit signed copies of all 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, HI 96801-3378

13.4

The owner or its duly authorized representative shall include the following certification statement and an

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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."

13.5

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 or submittals may be a basis for delay of the processing of the document(s).

14. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

15. Record Retention

The permittee shall retain all records and information resulting from the activities required by this general permit for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement

action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

16. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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CHAPTER 11-55 APPENDIX D

NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES OF TREATED EFFLUENT FROM
LEAKING UNDERGROUND STORAGE TANK REMEDIAL ACTIVITIES

This General Permit is effective on

JUN 26 2023

and expires five years from this date,
unless amended earlier.

1. Coverage under this General Permit

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

   (b) This general permit covers all areas of the State except for discharges into natural freshwater lakes, saline lakes, and anchialine pools.

2. Limitations on Coverage under this General Permit

   (a) This general permit does not cover the following:

      (1) Discharges of treated ground water into a sanitary sewer system;

      (2) Discharges of treated ground water which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s); except if the

permittee is the owner of the drainage system; and

(3) Discharges of treated groundwater that the director finds more appropriately regulated under an individual permit.

(b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

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

(1) Treat dewatering discharges with controls to minimize discharges of pollutants. Appropriate controls include 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 dewatering 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) Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering

water is found to contain these materials.

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

(5) At all points where dewatering 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.

(6) Dispose backwash water offsite in accordance with all governmental regulations or return it to the beginning of the treatment process.

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

3. Term of General Permit

(a) 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.

(b) 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.

(c) 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.

4. Notice of Intent Requirements

(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.

(b) The owner or operator shall include the following information in the notice of intent:

(1) Information required in section 34 of appendix A of chapter 11-55;

(2) List of up to four Standard Industrial Classification codes or North American Industrial Classification System codes that best represent the products or activities of the facility;

(3) Quantitative data on pollutants that the owner or operator of the facility knows or reasonably should know are or will be present in the discharge and for which pollutants numerical criteria for the existing or proposed receiving state waters are specified in section 11-54-4;

(4) Treatment system operations plan which specifies the treatment system to be used and describes its operation in detail. If any treatment technology is being considered other than the Granular Activated Carbon Process or

the Air Stripping Process, then additional technical information on the technology which is consistent with this permit shall be submitted to the director for review as soon as the decision for its use has been made. The treatment system operations plan shall include a contingency plan to be activated in the event of an emergency; provisions for system shutdown and any other measures for the protection of health and safety of employees and the public; a sampling plan; and a detailed schedule for sampling and analysis of the treated groundwater. The treatment system operations plan shall be modified as required by the director. The permittee shall retain the plan, and all subsequent revisions, on-site or at a nearby office;

(5) Certification report certifying the adequacy of each component of the proposed treatment facility along with the associated treatment system operations plan. The certification report shall describe accepted engineering practice of how the process and physical design of the treatment facilities will ensure compliance with this general permit. The signature and professional engineering license number of the design engineer shall be placed on the report. Each report shall also certify that:

(A) All of the startup and operation instruction manuals for the treatment facility are adequate

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and available to operating personnel;

(B) All treatment facility maintenance and testing schedules are included in the treatment facility treatment system operations plan; and

(C) Effluent sampling locations and ports are located in areas where samples representative of the waste stream to be monitored can be obtained.

(6) The average and maximum daily flow rates of effluent discharge; and

(7) The best estimate of the date(s) on which the facility will begin and terminate the discharge.

(c) The director may require additional information to be submitted.

(d) 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 the department 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).

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

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

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements

(a) The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.2.

(1) Sampling Point

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

(2) Collection of Samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Types of Samples

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(A) "Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.

(B) "Composite sample" means a combination of at least eight sample aliquots, collected at periodic intervals during the operating hours of the facility over a twenty-four-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.

(4) Test Procedures

(A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR §136.4.

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(C) 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).

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

(1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

(2) 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

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detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

Note: When effluent commingles with offsite water or pollutant sources prior to discharging to the receiving water, in lieu of inspecting the receiving water, inspect the effluent after it exits the site and prior to commingling.

(c) There shall be no visible oil sheen in the effluent.

(d) The permittee shall take all reasonable steps to minimize or prevent any discharge, use, or disposal of sludge or sediments in violation of this general permit or applicable law. Sludge, sediments, or any other material generated by any treatment process must be disposed of in a manner which prevents its entrance into or pollution of any state waters. Additionally, the disposal of such sludge or other material shall be in compliance with 40 CFR Parts 501 and 503.

7. Whole Effluent Toxicity Limitations and Monitoring Requirements

(a) Monitoring Requirements

(1) The permittee shall conduct, or have a contract laboratory conduct, monthly static or flow-through bioassays on composite effluent samples in accordance with the methods described in "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms" (EPA 821/R-02-013, October

2002), and "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms" (EPA 821/R-02-014, October 2002).

(2) Tests shall be conducted in one hundred per cent effluent for a period of ninety-six hours unless the methods specify a shorter period for a definitive test for a particular species (e.g. forty-eight hours for *ceriodaphnia dubia*).

(3) If the permittee uses static tests, the daily renewal solutions shall be fresh twenty-four-hour composite samples. The permittee may conduct tests using locally available species at ambient temperature.

(4) Test results for each species used shall be reported on the permittee's monthly discharge monitoring report form. Results shall be reported as pass or fail from a single effluent concentration toxicity test at the applicable instream waste concentration (IWC) using the Test of Significant Toxicity (TST) approach.

(5) Effluent dilution water and control water shall be receiving water or lab water, as described in the test methods manual Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (EPA/600/R-95/136, 1995). If the dilution water is different from test

organism culture water, then a second control using culture water shall also be used.

(6) If either the reference toxicant or effluent toxicity tests do not meet all test acceptability criteria in the test methods manual, then the Permittee shall re-sample and re-test within 14 calendar days.

(b) Species Selection

(1) The permittee shall select three species for monitoring from the EPA manual identified in section 7(a)(1). The Permittee may use *ceriodaphnia dubia* (life stage - twenty-four hours) in freshwater only. The permittee shall submit the selection to the director for approval within thirty days after receiving written approval from the director to perform chronic toxicity tests.

(2) The permittee shall obtain written approval from the director before changing any of the three selected species after the initial notification.

(3) The permittee shall conduct monitoring, at a minimum, on one of the three selected species each month. The permittee shall rotate the three selected species on a monthly basis.

(c) Chronic WET Permit Limit

All State waters shall be free from chronic toxicity as measured using the toxicity tests listed in section 11-54-10, or other

methods specified by the Director. For this discharge, the determination of "Pass" or "Fail" from a single-effluent concentration chronic toxicity test at the applicable IWC using the TST approach described in National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (EPA 833-R-10-003, 2010). For any one chronic toxicity test, the chronic WET permit limit that must be met is rejection of the null hypothesis (Ho):

IWC (100 percent effluent) mean response $\leq$ 0.75 × Control mean response.

An IWC of 100% shall be used.

A test result that rejects this null hypothesis is reported as "Pass" on the DMR form. A test result that does not reject this null hypothesis is reported as "Fail" on the DMR form. To calculate either "Pass" or "Fail", the permittee shall follow the instructions in National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document, Appendix A. If a test result is reported as "Fail", then the permittee shall follow 7(e) Additional Toxicity Testing, of this permit.

(d) Preparation of Initial Investigation Toxicity Reduction Evaluation Workplan

The permittee shall submit to the director an initial investigation toxicity reduction evaluation workplan (approximately one to two pages) within one hundred twenty days after the issuance date of the notice of general permit coverage, the date the permittee claimed automatic coverage as

specified in section 11-55-34.09(e)(2), or the date the facility begins operations. This workplan shall describe steps which the permittee intends to follow in the event that toxicity is detected, and should include at a minimum the following information:

(1) Description of the investigation and evaluation techniques that would be used to identify potential causes or sources or both of toxicity, effluent variability, treatment system efficiency;

(2) Description of the facility's method of maximizing in-house treatment efficiency, good housekeeping practices, and a list of all chemicals used in operation of the facility; and

(3) If a toxicity identification evaluation is necessary, who (e.g., contract laboratory, etc.) will conduct the toxicity identification evaluation.

(e) Additional Toxicity Testing

(1) If toxicity is detected, then the permittee shall conduct six additional weekly tests. Effluent sampling for the first test of the six additional tests shall begin within approximately twenty-four hours of receipt of the test results exceeding a toxicity discharge limitation;

(2) However, if implementation of the initial investigation toxicity reduction evaluation workplan indicates the source of toxicity (e.g., a

temporary plant upset, etc.), then the permittee shall conduct only the first test of the six additional tests required above. If toxicity is not detected in this first test, the permittee may return to the normal sampling frequency as specified in Table 34.2. If toxicity is detected in this first test, then section 7(f) of this general permit shall apply.

(3) If toxicity is not detected in any of the six additional tests required above, then the permittee may return to the normal sampling frequency as specified in Table 34.2.

(f) Toxicity Reduction Evaluation/Toxicity Identification Evaluation

(1) If toxicity is detected in any of the six additional tests, then, based on an evaluation of the test results and additional available information, the director may determine that the permittee shall initiate a toxicity reduction evaluation, in accordance with the permittee's initial investigation toxicity reduction evaluation workplan and "Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants" (EPA 833-B-99-002, 1999). Moreover, the permittee shall develop a detailed toxicity reduction evaluation workplan which includes:

(A) Further actions to investigate and identify the cause(s) of toxicity;

(B) Actions the permittee has taken or will take to mitigate the impact of the discharge, to correct the noncompliance, and to prevent the recurrence of toxicity;

(C) A schedule under which these actions will be implemented;

and shall submit this workplan to the director for approval.

(2) As part of this toxicity reduction evaluation process, the permittee may initiate a toxicity identification evaluation using the test methods manuals, EPA/600/6-91/005F (Phase I), EPA/600/R-92/080 (Phase II), and EPA/600/R-92/081 (Phase III), to identify the cause(s) of toxicity.

(3) If a toxicity reduction evaluation/toxicity identification evaluation is initiated prior to completion of the accelerated testing schedule required by section 7(e) of this general permit, then the accelerated testing schedule may be terminated, or used as necessary in performing the toxicity reduction evaluation/toxicity identification evaluation.

(g) Reporting

(1) The permittee shall submit a full report of toxicity test results, including any toxicity testing required by sections 7(e) and 7(f) of this general permit, with the discharge monitoring report for the month in

which the toxicity tests are conducted. A full report shall consist of: toxicity test results; dates of sample collection and initiation of each toxicity test; and toxicity discharge limitation. Toxicity test results shall be reported according to the test methods manual chapter on report preparation.

If the initial investigation toxicity reduction evaluation workplan is used to determine that additional toxicity testing is unnecessary, these results shall be submitted with the discharge monitoring report for the month in which investigations conducted under the toxicity reduction evaluation workplan occurred.

(2) Within fourteen days of receipt of test results exceeding a toxicity discharge limitation, the permittee shall provide to the director written notification of:

(1) Findings of the toxicity reduction evaluation or other investigation to identify the cause(s) of toxicity;

(2) Actions the permittee has taken or will take, to mitigate the impact of the discharge and to prevent the recurrence of toxicity;

(3) When corrective actions, including a toxicity reduction evaluation, have not been completed, a

schedule under which corrective actions will be implemented; or

(4) The reason for not taking corrective action, if no action has been taken.

8. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

9. Reporting Requirements

(a) Reporting of Monitoring Results

(1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1) or other form as specified by the director. The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.2 and other requirements of this general permit.

(2) 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).

(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.

(6) 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.

(b) Additional Monitoring by the Permittee

If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 6(a)(4)(B) of this general permit, the permittee shall include the results of this monitoring in the calculation and reporting of the values required in the discharge monitoring report form. The permittee shall also indicate the increased frequency.

(c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

(1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:

(A) Violation of an effluent limitation specified in Table 34.2 or a basic water quality criteria specified in section 6(b) of this general permit;

(B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or

(C) Unanticipated bypass or upset.

(2) 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.

(3) 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:

(A) Description of the noncompliance, unanticipated bypass, or upset and its cause;

(B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;

(C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and

(D) Steps taken or plans to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

(4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

(d) Planned Changes

The permittee shall report any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

(e) Reporting of Chemical Uses

The permittee shall submit to the director by the twenty-eighth of January of each year an annual summary of the quantities of all chemicals (including the material safety data sheet), listed by both chemical and trade names, which are used in ground water treatment and which are discharged.

(f) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

10. Submittal Requirements

(a) 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, HI 96801-3378

(b) 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."

(c) 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 or submittals may be a basis for delay of the processing of the document(s).

11. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

12. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

13. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

14. 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.

15. Forms

Electronic notice of intent forms may be found at the Department's e-Permitting portal. The e-Permitting portal may be accessed via the Clean Water Branch's website at: http://health.hawaii.gov/cwb/

CHAPTER 11-55 APPENDIX D

TABLE 34.2

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

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

D504

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

NOTES:

(1) 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 9(c) of this general permit.

(2) The permittee shall monitor and report the analytical result.

(3) 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.

(4) 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 methods 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.

(5) The permittee shall measure for the total recoverable portion of all metals.

(6) The method for measuring for organic lead shall be the one referenced in the State of Hawaii's

Technical Guidance Manual for Underground Storage Tank Closure and Release Response (March 2000).

(7) The pH shall be measured within fifteen minutes of obtaining the grab sample.

(8) Whole Effluent Toxicity measuring shall be performed in accordance with the provisions of section 7 of this general permit.

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CHAPTER 11-55 APPENDIX E

NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES OF ONCE THROUGH COOLING WATER
LESS THAN ONE (1) MILLION GALLONS PER DAY

This General Permit is effective on

January 15, 2022

and expires five years from this date,
unless amended earlier.

1. Coverage under this General Permit

   (a) This general permit covers only once through cooling water discharges of a total flow of less than one million gallons per day (mgd) to state waters. "Once through cooling water" means water passed through the main cooling condensers one or two times for the purpose of removing waste heat.

   (b) This general permit covers all areas of the State except for discharges into natural freshwater lakes, saline lakes, and anchialine pools.

2. Limitations on Coverage under this General Permit

   (a) This general permit does not cover the following:

      (1) Discharges of once through cooling water into a sanitary sewer system;

      (2) Discharges of once through cooling water which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the

subject discharge to enter their drainage system(s); except if the permittee is the owner of the drainage system; and

(3) Facilities with cooling water intake structures subject to the requirements of Section 316(b) of the Clean Water Act.

(b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

(a) 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.

(b) 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.

(c) 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.

4. Notice of Intent Requirements

(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.

(b) The owner or operator shall include the following information in the notice of intent:

(1) Information required in section 34 of appendix A of chapter 11-55;

(2) List of up to four Standard Industrial Classification codes or North American Industrial Classification System codes that best represent the products or activities of the facility;

(3) The average frequency of flow and duration of any intermittent or seasonal discharge. The frequency of flow means the number of days or months per year when there is an intermittent discharge. Duration means the number of days or hours per discharge. The owner or its duly authorized representative shall provide the best estimate for new discharges;

(4) Source(s) of the once-through cooling water;

(5) Quantitative data of the pollutant(s) or parameter(s) as specified in 40 CFR §122.21(h)(4)(i);

(6) The name of the cooling water additives, if any used;

(7) The best estimate of the date on which the facility will begin to discharge; and

(8) A brief description of any treatment system used or to be used. For discharges to Class AA or Class 1 waters, the treatment system plan shall be submitted with the notice of intent. For discharges to Class A or Class 2 waters, the treatment system plan shall be submitted with the notice of intent or thirty days before the start of discharge activities. The permittee shall retain the treatment system plan, and all subsequent revisions, on-site or at a nearby office.

(c) The director may require additional information to be submitted.

(d) 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 the department 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).

(e) 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

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements

(a) The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.3. (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.)

(1) Sampling Points

Samples taken in compliance with the monitoring requirements shall be taken at the following point(s):

(A) The permittee shall collect influent samples downstream from any additions to the source water and prior to the cooling system.

(B) The permittee shall collect effluent samples downstream from the cooling system and prior to actual discharge or mixing with the receiving state waters.

(2) Collection of Samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Type of Sample

"Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.

(4) Test Procedures

(A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR §136.4.

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

(1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

(2) 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.)

Note: When effluent commingles with offsite water or pollutant sources prior to discharging to the receiving water, in lieu of inspecting the receiving water, inspect the effluent after it exits the site and prior to commingling.

(c) The date, duration (in hours), starting and ending times, and volume of each discharge shall be collected for intermittent discharges.

(d) There shall be no visible oil sheen in the effluent.

(e) There shall be no discharge of waste from the physical cleaning of the cooling system.

(f) There should be no discharge of compounds used in closed-loop systems.

7. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

8. Reporting Requirements

(a) Reporting of Monitoring Results

(1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1) or other form as specified by the director. The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.3 and other requirements of this general permit.

(2) 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).

(3) The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data; influent and 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.

(6) 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.

(b) Monitoring Report

The permittee shall include the monitoring results in the calculation and reporting of the values required in the discharge monitoring report form.

(c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

(1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:

(A) Violation of an effluent limitation specified in Table 34.3 or a basic water quality criteria specified in section 6(b) of this general permit;

(B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or

(C) Unanticipated bypass or upset.

(2) 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.

(3) 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:

(A) Description of the noncompliance, unanticipated bypass, or upset and its cause;

(B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;

(C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and

(D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

(4) The director may waive the written report on a case-by-case basis if the

oral report has been received within twenty-four hours.

(d) Planned Changes

The permittee shall report any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

(e) Reporting of Chemical Uses

The permittee shall submit to the director by the twenty-eighth of January of each year an annual summary of the quantities of all chemicals (including the material safety data sheet), listed by both chemical and trade names, which are used in once through cooling water treatment and which are discharged.

(f) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities, which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

9. Submittal Requirements

(a) 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, HI 96801-3378

(b) 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."

(c) 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 or submittals may be a basis for delay of the processing of the document(s).

10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

13. Forms

Electronic notice of intent forms may be found at the Department's e-Permitting portal. The e-Permitting portal may be accessed via the

Clean Water Branch's website at:
http://health.hawaii.gov/cwb/

TABLE 34.3

EFFLUENT LIMITATION AND MONITORING REQUIREMENTS
FOR DISCHARGE OF ONCE THROUGH COOLING WATER
LESS THAN ONE (1) MILLION GALLONS PER DAY

Effluent Parameter	Effluent Limitation (1)	Minimum Monitoring Frequency	Type of Sample
Flow (MGD)	(2)	Continuous	Recorder/ Totalizer
Temperature (°C)	±1 from ambient	Once/Quarter (11)	Grab
Total Residual Oxidants (3)(µg/l)	13(4) 19(5)	Once/Quarter (11)	Grab
Total Suspended Solids (mg/l)	5 (6)	Once/Quarter (11)	Grab (7)
Oil and Grease (mg/l)	15	Once/Quarter (11)	Grab (8)
pH (standard units)	(9)	Once/Quarter (11)	Grab (10)

MGD = million gallons per day
°C = degrees celsius
mg/l = milligrams per liter
µg/l = micrograms per liter
NOTES:

(1) 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.

(2) Report. The permittee shall monitor and report the analytical result.

(3) Total residual oxidants (TRO) is obtained using the amperometric titration method for total residual chlorine described in 40 CFR Part 136. If total residual chlorine cannot be analyzed immediately (i.e., within the 15-minute holding time as required by 40 CFR Part 136), total residual chlorine field test kits that are compliant with 40 CFR Part 136 methods may be utilized for measurement of total residual oxidants for compliance determinations. A test kit with a method detection limit of 20 µg/l or lower must be used. A discharge monitoring result with a total residual chlorine concentration greater than or equal to 20 µg/l shall be deemed out of compliance with the TRO effluent limitation. If the permittee cannot analyze for total residual chlorine within the 15-minute holding time, the permittee shall document the reason(s) why and include this explanation with their DMR.

(4) Applicable to discharges that enter saline waters as per chapter 11-54.

(5) Applicable to discharges that enter fresh waters as per chapter 11-54.

(6) The total suspended solids limits are net increase restrictions of the effluent above that of the influent.

(7) Both the influent and effluent shall be monitored concurrently.

(8) Oil and Grease shall be measured by EPA Method 1664, Revision A.

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

{10} The pH shall be measured within fifteen minutes of obtaining the grab sample.

{11} 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.

CHAPTER 11-55 APPENDIX F

NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES OF HYDROTESTING WATERS

This General Permit is effective on

January 15, 2022

and expires five years from this date,
unless amended earlier.

1. Coverage under this General Permit

   (a) This general permit covers facilities or activities which involve a release or discharge of hydrotesting waters to state waters. "Hydrotesting Waters" means water used to test the integrity of a tank or pipeline, water used to flush a tank or pipeline, and effluent used to disinfect a tank or pipeline.

   (b) This general permit covers all areas of the State except for discharges into natural freshwater lakes, saline lakes, and anchialine pools.

2. Limitations on Coverage under this General Permit

   (a) This general permit does not cover the following:

      (1) Discharges of hydrotesting waters into a sanitary sewer system;

      (2) Discharges of hydrotesting waters which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject

discharge to enter their drainage system(s); except if the permittee is the owner of the drainage system;

(3) Discharges of hydrotesting waters with toxic parameter concentrations above the applicable water quality criteria in chapter 11-54; and

(4) Discharges of hydrotesting waters that the director finds more appropriately regulated under an individual permit.

(b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

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

(1) Treat hydrotesting waters 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 hydrotesting 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 hydrotesting waters are expected to contain these materials after hydrotesting the tank or pipeline;

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

(5) At all points where hydrotesting waters 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 within receiving waters;

(6) Dispose backwash water offsite in accordance with all governmental regulations or return it to the beginning of the treatment process;

(7) Replace or clean the filter media used in treatment devices when the pressure differential equals or exceeds the manufacturer's specifications;

(8) Ensure that the tank or pipeline to be hydrotested is clear of debris or other pollutants that may be mobilized by hydrotesting waters or provide adequate treatment to treat and/or remove these pollutants prior to discharge; and

(9) Properly dechlorinate hydrotesting waters prior to discharge in accordance with the effluent limitation for total residual chlorine in Table 34.4.

3. Term of General Permit

(a) 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.

(b) 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.

(c) 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.

4. Notice of Intent Requirements

(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.

(b) The owner or operator shall include the following information in the notice of intent:

(1) Information required in section 34 of appendix A of chapter 11-55;

(2) Brief description of the project including an overview of the hydrotesting activities; an estimated timetable for major construction activities; dates on which the hydrotesting activities are projected to occur; estimated average and maximum daily flow rates; and a list of pollutants that may be present in the hydrotesting water and an explanation of its origins;

(3) Water quality analysis of the hydrotesting water including any toxic pollutants believed to be present in the hydrotesting water. For the hydrotesting of transmission lines, the water quality analysis for the source water may be substituted for the water quality analysis of the hydrotesting water; and

(4) Hydrotesting best management practices plan, including good housekeeping and mitigative measures to prevent pollutants that may be present in the hydrotesting water from entering state waters, to ensure that the hydrotesting water discharge will meet the conditions of this general permit, basic water quality criteria, and applicable specific water quality

parameters. For discharges to Class AA or Class 1 waters, the hydrotesting best management practices plan shall be submitted with the notice of intent. For discharges to Class A or Class 2 waters, the hydrotesting best management practices plan may be submitted with the notice of intent or thirty days before the start of hydrotesting activities.

(c) The director may require additional information to be submitted.

(d) 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).

(e) 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

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements for Transmission Line Testing

(a) The water quality of the hydrotesting water shall be limited and monitored by the permittee as specified in this section and in Table 34.4.

(1) Sampling Point

The permittee shall collect representative discharge samples at the end of the effluent discharge point(s) prior to entering the receiving state water or separate storm water drainage systems.

(2) Collection of Samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Types of Samples

(A) "Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.

(B) "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.

(4) Test Procedures

(A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR §136.4.

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(6) Quantity of Flow

The permittee shall estimate or calculate the quantity of hydrotesting water discharged and submit the calculations.

(b) Basic Water Quality Criteria and Inspections

(1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

(2) The permittee shall inspect the receiving state waters, effluent, and control measures and best management practices at least once per discharge 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.)

Note: When effluent commingles with offsite water or pollutant sources prior to discharging to the receiving water, in lieu of inspecting the receiving water, inspect the effluent after it exits the site and prior to commingling.

7. Corrective Action

The permittee shall immediately stop, reduce, or modify construction, hydrotesting, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

8. Reporting Requirements

(a) Reporting of Monitoring Results

(1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1) or other form as specified by the director. The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.4 and other requirements of this general permit.

(2) 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).

(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.

(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.

(b) Monitoring Report

The permittee shall include the monitoring results in the calculation and reporting of the values required in the discharge monitoring report form.

(c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

(1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:

(A) Violation of an effluent limitation specified in Table 34.4 or a basic water quality criteria specified in section 6(b) of this general permit;

(B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; and

(C) Unanticipated bypass or upset.

(2) 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.

(3) 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:

(A) Description of the noncompliance, unanticipated bypass, or upset and its cause;

(B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;

(C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and

(D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

(4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

9. Submittal Requirements

(a) 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, HI 96801-3378

(b) 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."

(c) 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 or submittals may be a basis for delay of the processing of the document(s).

10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as

provided for in Section 309 of the Act and in section 342D-35, HRS.

13. Forms

Electronic notice of intent forms may be found at the Department's e-Permitting portal. The e-Permitting portal may be accessed via the Clean Water Branch's website at: http://health.hawaii.gov/cwb/

TABLE 34.4

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS
FOR HYDROTESTING WATER DISCHARGES

Effluent Parameter	Effluent Limitations {1}	Minimum Monitoring Frequency {2}	Type of Sample
Quantity of Discharge (gallons)	Report	Once/Discharge	Calculated or Estimated
Total Suspended Solids (mg/l)	55	Once/Discharge	Grab {3}
pH (standard units)	6.0 - 8.0	Once/Discharge	Grab {3}, {4}
Total Residual Chlorine (µg/l) {5}	19{6} 13{7}	Once/Discharge	Grab {3}

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

NOTES:

{1} 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.

{2} If the permittee collects more than one sample during the month, the maximum value for each pollutant parameter shall be reported. For pH, only report the minimum and maximum for the

month. Laboratory results of all sampling shall be included with the discharge monitoring report.

(3) The Permittee shall sample the discharge after dechlorination and/or filtration within the first five minutes of discharge.

(4) The pH shall be measured within fifteen minutes of obtaining the grab sample.

(5) The permittee shall measure for total residual chlorine immediately after obtaining a sample and only when effluent from disinfection operations is discharged. If total residual chlorine cannot be analyzed immediately (i.e., within the 15-minute hold time as required by 40 CFR Part 136), total residual chlorine field test kits that are compliant with 40 CFR Part 136 methods may be utilized for measurement of total residual chlorine for compliance determinations. A test kit with a method detection limit of 20 µg/l or lower must be used. A discharge monitoring result with a total residual chlorine concentration greater than or equal to 20 µg/l shall be deemed out of compliance with the chlorine effluent limitation. If the permittee cannot analyze for total residual chlorine within the 15-minute holding time, the permittee shall document the reason(s) why and include this explanation with their DMR.

(6) This limitation applies when hydrotesting water is discharged into fresh waters.

(7) This limitation applies when hydrotesting water is discharged into saline waters.

CHAPTER 11-55 APPENDIX G

NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY DEWATERING

This General Permit is effective on

January 15, 2022

and expires five years from this date,
unless amended earlier.

1. Coverage under this General Permit

   (a) This general permit covers discharges from the dewatering process of construction activities of any size, including treated storm water discharges, upon compliance with the applicable general permit requirements.

   (b) This general permit covers all areas of the State except for discharges into natural freshwater lakes, saline lakes, and anchialine pools.

2. Limitations on Coverage under this General Permit

   (a) This general permit does not cover the following:

      (1) Discharges of construction dewatering effluent into a sanitary sewer system;

      (2) Storm water discharges associated with construction activities for which the director has issued a notice of general permit coverage under another general permit;

      (3) Return flow or overflow from dredged material dewatering process that are

regulated by the U.S. Army Corps of Engineers under Section 404 of the Act;

(4) Discharges of construction dewatering effluent which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s); except if the permittee is the owner of the drainage system;

(5) Discharges of construction dewatering effluent that is subject to the general permit specified in appendix D of chapter 11-55;

(6) Discharges of construction dewatering effluent with toxic parameter concentrations above the applicable water quality criteria in chapter 11-54; and

(7) Discharges of construction dewatering effluent that the director finds more appropriately regulated under an individual permit.

(b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

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

(1) Treat dewatering discharges with controls to minimize discharges of pollutants. Appropriate controls include 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 dewatering 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) Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to contain these materials.

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

(5) At all points where dewatering 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.

(6) Dispose backwash water offsite in accordance with all governmental regulations or return it to the beginning of the treatment process.

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

3. Term of General Permit

(a) 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.

(b) 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.

(c) 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.

4. Notice of Intent Requirements

(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.

(b) The owner or operator shall include the following information in the notice of intent:

(1) Information required in section 34 of appendix A of chapter 11-55;

(2) Legal name, street address, telephone number, and contact person(s) for the designer(s) of the dewatering or treatment facility(ies) or both;

(3) Site characterization report including the history of the land use at the proposed construction site and surrounding area, the potential pollution source(s) at the proposed construction site and surrounding area, the potential pollutant(s) present at the proposed construction site and surrounding area, any proposed corrective measures, and pollutants that may be in the discharge;

(4) Brief description of the project including the total disturbance area of the project; the portion of the project involving construction dewatering; an estimated timetable for major activities (including the date when the contractor will begin site disturbance); the date when the contractor will begin the construction dewatering process; estimates of the quantity, rate, and frequency of the

proposed discharges; and the time frame of the proposed discharges;

(5) An analysis of the source water quality as specified by the director. The source water quality data may be collected from sites allowed by the director. The analysis shall:

(A) Include an explanation addressing the selection of the toxic pollutants provided and an evaluation of the source water quality data collected with respect to the applicable numeric criteria and numeric standards for the toxic pollutants specified under section 11-54-4,

(B) Be based on the history of the land use as reported in paragraph 4(b)(3) or as believed to be present in the discharge,

(C) Use test methods as specified in section 6(a)(4)(B), and

(D) Be submitted to the director with the notice of intent;

(6) Site-specific dewatering plan designed to comply with the basic water quality criteria specified under chapter 11-54. The plan shall include the pumping devices to be used, their pumping capacity, and the number of devices to be used; treatment design; design concerns; calculations used in the treatment design; and proposed

mitigative measures. For discharges to Class AA or Class 1 waters, the site-specific dewatering plan shall be submitted with the notice of intent. For discharges to Class A or Class 2 waters, the site-specific dewatering plan shall be submitted to the director with the notice of intent or thirty days before the start of construction dewatering activities. The plan, and all subsequent revisions, shall be retained on-site or at a nearby field office;

(7) Dewatering system maintenance plan to ensure that the dewatering effluent discharge will meet conditions of this general permit, basic water quality criteria, and applicable specific water quality parameters. The dewatering system maintenance plan shall include:

(A) Schedule of activities,

(B) Operation and maintenance procedures to prevent or reduce the pollution of state waters, including:

(i) Responsible field person of the system, by title or name;

(ii) Operations plan;

(iii) Maintenance scheduling or action criteria;

(iv) Maintenance program;

(v) Sediment handling and disposal plan;

(vi) Monitoring and visual inspection program;

(vii) Cessation of discharge plan; and

(viii) Effluent control plan, and

(C) Treatment requirements.

For discharges to Class AA or Class 1 waters, the site-specific dewatering system maintenance plan shall be submitted with the notice of intent. For discharges to Class A or Class 2 waters, the site-specific dewatering system maintenance plan shall be submitted to the director with the notice of intent or thirty days before the start of construction dewatering activities. The plan, and all subsequent revisions, shall be retained on-site or at a nearby field office; and

(8) Construction pollution prevention plan to prevent or reduce the pollution of state waters due to other discharges. The construction pollution prevention plan shall include:

(A) Prohibited practices,

(B) Other management practices to prevent or reduce the pollution of state waters, and

(C) Practices to control project site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage or stockpiling area(s).

For discharges to Class AA or Class 1 waters, the site-specific construction pollution prevention plan shall be submitted with the notice of intent. For discharges to Class A or Class 2 waters, the site-specific construction pollution prevention plan shall be submitted to the director with the notice of intent or thirty days before the start of construction dewatering activities. The plan, and all subsequent revisions, shall be retained on-site or at a nearby field office.

(c) The director may require additional information to be submitted.

(d) 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).

(e) 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

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements

(a) The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.5.

(1) Sampling Point

The permittee shall collect representative discharge samples at the end of the effluent discharge point(s) prior to entering the receiving state water or separate storm water drainage systems.

(2) Collection of Samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Types of Samples

(A) "Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.

(B) "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.

(4) Test Procedures

(A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the

use of alternative test methods in accordance with 40 CFR §136.4.

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

(1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

(2) 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.)

Note: When effluent commingles with offsite water or pollutant sources prior to discharging to the receiving water, in lieu of inspecting the receiving water, inspect the effluent after it exits the site and prior to commingling.

7. Corrective Action

The permittee shall immediately stop, reduce, or modify construction, or implement a new or revised dewatering system maintenance plan as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

8. Reporting Requirements

(a) Reporting of Monitoring Results

(1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1) or other form as specified by the director. The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.5 and other requirements of this general permit.

(2) 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).

(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.

(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.

(b) Monitoring Report

The permittee shall include the monitoring results in the calculation and reporting of the values required in the discharge monitoring report form.

(c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

(1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:

(A) Violation of an effluent limitation specified in Table 34.5 or a basic water quality criteria specified in section 6(b) of this general permit;

(B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or

(C) Unanticipated bypass or upset.

(2) 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.

(3) 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:

(A) Description of the noncompliance, unanticipated bypass, or upset and its cause;

(B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;

(C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and

(D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

(4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

9. Submittal Requirements

(a) 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, HI 96801-3378

(b) 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."

(c) 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 or submittals may be a basis for delay of the processing of the document(s).

10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as

provided for in Section 309 of the Act and in section 342D-35, HRS.

13. Forms

Electronic notice of intent forms may be found at the Department's e-Permitting portal. The e-Permitting portal may be accessed via the Clean Water Branch's website at: http://health.hawaii.gov/cwb/

TABLE 34.5

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS
FOR CONSTRUCTION DEWATERING DISCHARGES

Effluent Parameter	Effluent Limitations (1)	Minimum Monitoring Frequency (2)	Type of Sample
Quantity of Discharge (GPD or gpm)	Report	Once/Month	Calculated or Estimated
Total Suspended Solids (mg/l)	55	Once/Month	Grab
Oil and Grease (mg/l)	15	Once/Month	Grab (3)
pH (standard units)	6.0 - 8.0	Once/Month	Grab (4)

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

NOTES:

(1) 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.

(2) The permittee shall take a minimum of one sample for each month that is representative of the discharge. If the permittee collects more than one sample during the month, the maximum value

for each pollutant parameter for the month shall be reported. For pH, only report the minimum and maximum for the month. Laboratory results of all sampling shall be included with the discharge monitoring report.

{3} Oil and Grease shall be measured by EPA Method 1664, Revision A.

{4} The pH shall be measured within fifteen minutes of obtaining the grab sample.

CHAPTER 11-55 APPENDIX H

NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES OF TREATED
PROCESS WASTEWATER ASSOCIATED WITH
PETROLEUM BULK STATIONS AND TERMINALS

This General Permit is effective on

JUN 26 2023

and expires five years from this date,
unless amended earlier.

1. Coverage under this General Permit

(a) 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.

(b) This general permit covers all areas of the State except for discharges into natural freshwater lakes, saline lakes, and anchialine pools.

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2. Limitations on Coverage under this General Permit

(a) This general permit does not cover the following:

(1) Discharges of treated effluent into a sanitary sewer system and

(2) Discharges of treated effluent which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s); except if the permittee is the owner of the drainage system.

(b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

(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 plume 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 is 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.

3. Term of General Permit

(a) 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.

(b) 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.

(c) 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.

4. Notice of Intent Requirements

(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.

(b) The owner or operator shall include the following information in the notice of intent:

(1) Information required in section 34 of appendix A of chapter 11-55;

(2) List of up to four Standard Industrial Classification codes or North American Industrial Classification System codes that best represent the products or activities of the facility;

(3) Brief description of the nature of business conducted at the facility;

(4) Description of the following for each outfall:

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(A) All operations contributing wastewater and contaminated storm water runoff to the effluent;

(B) The average flow contributed by each operation and contaminated storm water runoff;

(C) The treatment received by the wastewater and contaminated storm water runoff; and

(D) The average and maximum daily flow rates of the effluent discharge;

(5) Quantitative data on pollutants that the owner or operator of the facility knows or reasonably should know are or will be present in the discharge and for which the pollutants numerical criteria for the existing or proposed receiving state waters are specified in chapter 11-54, especially section 11-54-4;

(6) Name, street address, and phone and fax numbers of each contract laboratory or consulting firm that performed any of the analyses in accordance with section 4(b)(5), as applicable. This information shall be submitted with the notice of intent or thirty days before the start of discharge(s); and

(7) Treatment system operations plan which specifies the treatment system to be used and describes its operation in detail. The plan shall include a sampling plan and a detailed schedule for sampling and analysis of the

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effluent. The treatment system operations plan shall be modified by the permittee as requested by the director. The plan, and all subsequent revisions, shall be retained on-site or at a nearby field office.

(c) The director may require additional information to be submitted.

(d) 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 the department 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).

(e) 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

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements

(a) The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.6.

(1) Sampling Points

The permittee shall collect representative discharge samples at the end of effluent discharge point(s) prior to entering the receiving state water or separate storm water drainage systems.

(2) Collection of samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Type of Sample

"Grab Sample" means an individual sample collected within the first fifteen minutes of a discharge.

(4) Test Procedures

(A) The permittee shall use test procedures for the analysis of pollutants that conform with regulations published under Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant

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parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR §136.4.

(C) 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).

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

(1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

(2) 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.)

Note: When effluent commingles with offsite water or pollutant sources prior to discharging to the receiving water, in lieu of inspecting the receiving water, inspect the effluent after it exits the site and prior to commingling.

(c) The permittee shall collect the following information for each batch discharge: date, duration (in hours), starting and ending times, and volume.

(d) There shall be no discharge of floating solids or visible foam.

(e) There shall be no visible oil sheen in the effluent.

7. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

8. Reporting Requirements

(a) Reporting of Monitoring Results

(1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1) or other form as specified by the director. The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.6 and other requirements of this general permit.

(2) The permittee shall submit monitoring results obtained during the previous calendar month and the results shall be 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).

(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.

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(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.

(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.

(b) Monitoring Report

The permittee shall include the monitoring results in the calculation and reporting of the values required in the discharge monitoring report form.

(c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

(1) The permittee or its duly authorized representative shall orally report any

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of the following when the permittee or its duly authorized representative becomes aware of the circumstances:

(A) Violation of an effluent limitation specified in Table 34.6 or a basic water quality criteria specified in section 6(b) of this general permit;

(B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or

(C) Unanticipated bypass or upset.

(2) 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.

(3) 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:

(A) Description of the noncompliance, unanticipated bypass, or upset and its cause;

(B) Period of noncompliance,

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unanticipated bypass, or upset including exact dates and times;

(C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and

(D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

(4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

(d) Planned Changes

The permittee shall report any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

(e) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

9. Submittal Requirements

(a) 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, HI 96801-3378

(b) 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."

(c) 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

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notice of general permit coverage file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

13. 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.

14. Forms

Electronic notice of intent forms may be found at the Department's e-Permitting portal. The e-Permitting portal may be accessed via the Clean Water Branch's website at: http://health.hawaii.gov/cwb/

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	
	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
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

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Effluent Parameter	Effluent Limitations {1}		Monitoring Requirements	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
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
Dissolved Oxygen (%saturation)	>75	>80	Once/Batch Discharge {3}	Grab

mg/l = milligrams per liter
µg/l = micrograms per liter

NOTES:

{1} 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.

{2} Report. The permittee shall monitor and report the analytical result.

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(3) 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.

(4) Oil and Grease shall be measured by EPA Method 1664, Revision A.

(5) The permittee shall measure for the total recoverable portion of all metals.

(6) 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.

(7) 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.

(8) The pH shall be measured within fifteen minutes of obtaining the grab sample.

CHAPTER 11-55 APPENDIX I

NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES OF TREATED
PROCESS WASTEWATER ASSOCIATED WITH
WELL DRILLING ACTIVITIES

This General Permit is effective on

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and expires five years from this date,
unless amended earlier.

1. Coverage under this General Permit

   (a) This general permit covers only discharges of treated process wastewater associated with well drilling activities upon compliance with the applicable general permit requirements. Treated process wastewater covered by this general permit includes well drilling slurries, lubricating fluids wastewaters, and well purge wastewaters.

   (b) This general permit covers all areas of the State except for discharges into natural freshwater lakes, saline lakes, and anchialine pools.

2. Limitations on Coverage under this General Permit

   (a) This general permit does not cover the following:

      (1) Discharges of treated process wastewater into a sanitary sewer system;

      (2) Discharges of treated process wastewater which initially enter separate storm water drainage systems,

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unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s); except if the permittee is the owner of the drainage system; and

(3) Discharges of well pump testing wastewaters which are not associated with well drilling activities;

(4) Discharges of treated process wastewater with toxic parameter concentrations above the applicable water quality criteria in chapter 11-54; and

(5) Discharges of treated process wastewater that the director finds more appropriately regulated under an individual permit.

(b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

(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 plume 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.

3. Term of General Permit

(a) 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.

(b) 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.

(c) 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.

4. Notice of Intent Requirements

(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.

(b) The owner or operator shall include the following information in the notice of intent:

(1) Information required in section 34 of appendix A of chapter 11-55;

(2) Legal name, street address, telephone and fax numbers, and contact person(s) for the designer(s) of the well drilling process wastewater treatment facility(ies);

(3) Site characterization report which includes:

(A) The history of the land use at the proposed drilling site,

(B) The potential pollution source(s) at the proposed drilling site,

(C) The potential pollutant(s) present at the proposed drilling site,

(D) Any proposed corrective measures, and

(E) Pollutants that may be in the effluent;

(4) Brief description of the project, including:

(A) An estimated timetable of the drilling activities, including the date when the contractor will begin the well drilling process;

(B) Details of the proposed wastewater(s) discharge(s):

(i) Estimates of the quantity and frequency of the proposed discharge(s) and

(ii) The name(s) of the chemical(s) or material(s) listed by both chemical and trade names that is(are) present in the proposed wastewater(s) discharge(s). Also, provide the material

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safety data sheet (MSDS) for the chemical(s) or materials; and

(C) The time frame of the proposed discharges;

(5) Quantitative data on pollutants that the owner or operator of the activity knows or reasonably should know are or will be present in the discharge and for which pollutants numerical criteria for the receiving state waters are specified in section 11-54-4;

(6) Name, street address, and phone and fax numbers of each contract laboratory or consulting firm that performed any of the analyses in accordance with section 4(b)(5), as applicable. This information shall be submitted with the notice of intent or thirty days before the start of well drilling activities;

(7) Well drilling plan designed to comply with the basic water quality criteria specified under chapter 11-54. The plan shall include:

(A) The well drilling equipment to be used,

(B) Process wastewater treatment design,

(C) Design concerns,

(D) Calculations used in the treatment design, and

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(E) Proposed mitigative measures.

The site-specific detailed well drilling plan shall be submitted to the director with the notice of intent or thirty days before the start of well drilling activities. The plan, and all subsequent revisions, shall be retained on-site or at a nearby field office; and

(8) Well drilling best management practices plan to ensure that the well drilling effluent discharge will meet conditions of this general permit, basic water quality criteria, and applicable specific water quality parameters. The well drilling best management practices plan shall include:

(A) A schedule of activities;

(B) Prohibited practices;

(C) Operation and maintenance procedures to prevent or reduce the pollution of state waters, including:

(i) Responsible field person of the system, by title or name;

(ii) Operations plan;

(iii) Maintenance scheduling or action criteria, and program;

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(iv) Effluent monitoring program (e.g. visual inspection);

(v) Cessation of discharge plan; and

(vi) Effluent control plan;

(D) Other management practices to prevent or reduce the pollution of state waters;

(E) Treatment requirements; and

(F) Practices to control project site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage or stockpiling area(s).

The site-specific detailed well drilling best management practices plan shall be submitted to the director with the notice of intent or thirty days before the start of well drilling activities. The plan, and all subsequent revisions, shall be retained on-site or at a nearby field office.

(c) The director may require additional information to be submitted.

(d) 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 the department has required to be revised and resubmitted) shall be signed by either the permittee's certifying person or duly

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authorized representative as described in section 11-55-07(b).

(e) 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

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements

(a) The discharges shall be limited and monitored by the permittee as specified in this section and in Table 34.7.

(1) Sampling Points

The permittee shall collect representative discharge samples at the end of effluent discharge point(s) prior to entering the receiving state water or separate storm water drainage systems.

(2) Collection of Samples

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The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Types of Samples

(A) "Grab Sample" means an individual sample collected within the first fifteen minutes of a discharge.

(B) "Composite sample" means a combination of at least eight sample aliquots, collected at periodic intervals during the operating hours of the facility over a 24hour 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.

(4) Test Procedures

(A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, the permittee

shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR §136.4.

(C) 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).

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

(1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

(2) 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 odor or off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

Note: When effluent commingles with offsite water or pollutant sources prior to discharging to the receiving water, in lieu of inspecting the receiving water, inspect the effluent after it exits the site and prior to commingling.

(c) There shall be no discharge of floating solids or visible foam.

(d) There shall be no visible oil sheen in the effluent.

(e) The permittee shall take all reasonable steps to minimize or prevent any discharge, use, or disposal of sludge or sediments in violation of this general permit or applicable law. Sludge, sediments, or any other material generated by any treatment process shall be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material shall be in compliance with 40 CFR Parts 501 and 503.

7. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

8. Reporting Requirements

(a) Reporting of Monitoring Results

(1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1) or other form as specified by the director. The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.7 and other requirements of this general permit.

(2) 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).

(3) For the purposes of reporting, the permittee shall use the reporting threshold equivalent to the

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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.

(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.

(b) Monitoring Report

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The permittee shall include the monitoring results in the calculation and reporting of the values required in the discharge monitoring report form.

(c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

(1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:

(A) Violation of an effluent limitation specified in Table 34.7 or a basic water quality criteria specified in section 6(b) of this general permit;

(B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or

(C) Unanticipated bypass or upset.

(2) 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.

(3) The permittee or its duly authorized representative shall provide a written report within five days of the time the

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permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:

(A) Description of the noncompliance, unanticipated bypass, or upset and its cause;

(B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;

(C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and

(D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

(4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

(d) Planned Changes

The permittee shall report any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

(e) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen

days prior to any maintenance of facilities which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

9. Submittal Requirements

(a) 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, HI 96801-3378

(b) 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."

(c) 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 or submittals may be a basis for delay of the processing of the document(s).

10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result

in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

13. 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.

14. Forms

Electronic notice of intent forms may be found at the Department's e-Permitting portal. The e-Permitting portal may be accessed via the Clean Water Branch's website at: http://health.hawaii.gov/cwb/

TABLE 34.7

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS
FOR DISCHARGE OF TREATED EFFLUENT
FROM WELL DRILLING ACTIVITIES

Effluent Parameter	Effluent Limitations (1)	Monitoring Requirements	
		Minimum Frequency	Type of Sample
Quantity of Discharge (gallons)	(2)	Daily (3)	Calculated or Estimated
Oil and Grease (mg/l)	15	(3) (4)	Grab (5)
Benzene (µg/l) (6)	1700	(3) (4)	Grab
Total Suspended Solids (mg/l)	55	(3) (4)	Grab
Ammonia Nitrogen (NH_4-N µg/l)	5	(3) (4)	Grab
pH (standard units)	6.0 - 8.0	(3) (4)	Grab (7)

mg/l = milligrams per liter
µg/l = micrograms per liter

NOTES:

(1) 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.

(2) Report. The permittee shall monitor and report the analytical result.

D504

(3) 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. For pH, only report monthly minimum and monthly maximum.

(4) For intermittent discharges, the sample shall be taken once for each discharge. For continuous discharge a sample shall be taken at least once per week.

(5) Oil and Grease shall be measured by EPA Method 1664, Revision A.

(6) 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 methods 5030/8015, or 5030/8021B, or 5030/8260B, or 602, or 624, or 1624 for the measurement of benzene.

(7) The pH shall be measured within fifteen minutes of obtaining the grab sample.

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CHAPTER 11-55 APPENDIX J

NPDES GENERAL PERMIT
AUTHORIZING OCCASIONAL OR UNINTENTIONAL DISCHARGES
FROM RECYCLED WATER SYSTEMS

This General Permit is effective on

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and expires five years from this date,
unless amended earlier.

1. Coverage under this General Permit

   (a) This general permit covers occasional or unintentional discharges composed entirely of:

      (1) R-1 water, or

      (2) R-1 water with any combination of stormwater or potable water or water used primarily for irrigation,

      where the R-1 water is supplied from a treatment works and is conveyed or used by a recycled water system.

   (b) This general permit covers all areas of the State except natural freshwater lakes, saline lakes, and anchialine pools.

2. Limitations on Coverage under this General Permit

   (a) This general permit does not cover the following:
      (1) Recycled water system discharges into a sanitary sewer system;

      (2) Recycled water system discharges which initially enter separate storm water

drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s); except if the permittee is the owner of the drainage system;

(3) Recycled water system discharges which are regulated by an existing individual permit;

(4) Recycled water systems which the director finds to have violated, be violating, or contributing to a violation of chapter 11-62;

(5) Recycled water system discharges that the director finds more appropriately should be regulated under an individual permit; and

(6) Treatment works discharges that are not from an approved recycled water system.

(b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

(a) This general permit becomes effective ten days after filing with the office of the lieutenant governor.

(b) 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)(9) are adopted,

whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent (NOI) Requirements

(a) 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.

(b) The owner or its duly authorized representative shall include the following information in the notice of intent:

(1) Information required in section 34 of appendix A of chapter 11-55;

(2) Activity for which the recycled water is to be used and the amount in gallons per day of recycled water to be used or conveyed;

(3) Name of the owner or operator of treatment works producing or supplying

the R-1 water, if different from the permittee;

(4) Copy of the agreement(s) relating to R-1 water use between the permittee and the owner or operator of treatment works producing the R-1 water, if the owner or operator is different from the permittee; and

(5) Quantitative data of the R-1 water in the recycled water system.

(c) The director may require additional information to be submitted.

(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
Wastewater Branch
Environmental Management Division
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

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6. Implementation of Best Management Practices

(a) The permittee shall:

(1) Implement the best management practices approved by the director under chapter 11-62 before and during the use or conveyance of recycled water;

(2) Minimize discharges to state waters to the maximum extent practicable; and

(b) The permittee shall implement or supplement the best management practices as needed to improve the quality of discharges to state waters, reduce the risk of discharges to state waters, reduce contamination of R-1 water after it is produced, or when instructed by the director.

7. Effluent Limitations and Monitoring Requirements

(a) The discharges shall be limited and monitored by the permittee's supplier as specified under chapter 11-62. (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.)

(b) Basic Water Quality Criteria and Inspections

(1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

(2) The permittee shall [~~timely~~] inspect the receiving state waters, the

recycled water, and the implementation of 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 prevent and detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-4.

Note: When effluent commingles with offsite water or pollutant sources prior to discharging to the receiving water, in lieu of inspecting the receiving water, inspect the effluent after it exits the site and prior to commingling.

(3) During each discharge or as soon afterwards as possible, the permittee shall inspect the discharge area 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.

(4) Discharge and receiving water quality may also be monitored by grab samples or other means, and it shall be monitored by any means and at times specified by the director.

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8. Corrective Action

(a) If the permittee notices any item(s) which adversely affects receiving water quality, the permittee shall immediately stop, reduce, or modify operations, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

(b) If the discharge is not of R-1 quality or the best management practices as approved by the director were not being implemented, then the permittee shall immediately stop, reduce, or modify operations, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

9. Reporting Requirements

(a) If the discharge is of R-1 quality water and the best management practices as approved by the director were implemented, then the permittee shall orally report within twenty-four hours information regarding the discharge and the best management practices implemented. A summary of all discharges shall be tabulated quarterly and submitted to the wastewater branch within thirty days after the quarters ending March, June, September, and December.

(b) If the discharge is not of R-1 quality, best management practices approved by the director were not being implemented, or water quality is adversely affected, then

the permittee shall immediately notify the director of any discharge to state waters, corrective measures taken, and shall report in writing all of a month's discharges and corrective measures within five days after that month.

(c) The permittee shall make oral reports by telephone to the Wastewater Branch at (808) 586-4294 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.

10. Submittal Requirements

(a) 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
Wastewater Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

(b) 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

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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."

(c) 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 or submittals may be a basis for delay of the processing of the document(s).

11. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

12. Record Retention

The permittee shall retain all records and information resulting from the activities required by this general permit for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the

permittee or when requested by the director or Regional Administrator.

13. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

14. 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.

15. Forms

Electronic notice of intent forms may be found at the Department's e-Permitting portal. The e-Permitting portal may be accessed via the Clean Water Branch's website at: http://health.hawaii.gov/cwb/

CHAPTER 11-55 APPENDIX K

NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES OF STORM WATER AND
CERTAIN NON-STORM WATER DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

This General Permit is effective on

January 15, 2022

and expires five years from this date,
unless amended earlier.

In accordance with 40 CFR 122.28(d), the Director has selected the Two-Step General Permit approach to regulate Small MS4s under the State's NPDES Permit Program. See 40 CFR §122.28(d)(2). "40 CFR" as used in this general permit means the Code of Federal Regulations, Title 40, Protection of Environment, revised as of July 1, 2017. The DOH intends to follow and have permittees comply with the Two-Step General Permit Approach in accordance with FR Vol. 81, No. 237 pg. 89330, Section V.B.

1. Coverage under this General Permit

(a) This general permit covers storm water and certain non-storm water discharges, provided they do not cause or contribute to any violation of water quality standards, to state waters from small municipal separate storm sewer systems.

The following non-storm water discharges are authorized by this general permit, provided that they do not cause or contribute to any violation of water quality standards:

(1) Water line flushing;

(2) Landscape irrigation;

(3) Diverted stream flows;

(4) Rising ground waters;

(5) Uncontaminated ground water infiltration (as defined in 40 CFR §35.2005(20));

(6) Uncontaminated pumped ground water;

(7) Discharges from potable water sources and foundation drains;

(8) Air conditioning condensate;

(9) Irrigation water;

(10) Springs;

(11) Water from crawl space pumps and footing drains;

(12) Lawn watering runoff;

(13) Water from individual residential car washing;

(14) Flows from riparian habitats and wetlands;

(15) Dechlorinated swimming pool discharges;

(16) Residual street wash water; and

(17) Discharges or flows from fire fighting activities.

The Permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g., charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on the information available to the Permittee) to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions the Permittee has established for allowing these discharges to the MS4 (e.g., charity car washes with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on the wash water, etc.). The Permittee shall document in the Storm Water Management Plan the terms and conditions placed on the discharges, and include a provision prohibiting any individual non-storm water discharge that is determined to be contributing pollutants to the Permittee's MS4.

(b) This general permit covers all areas of the State except for discharges in or to natural freshwater lakes, saline lakes, or anchialine pools.

2. Limitations on Coverage under this General Permit

(a) This general permit does not cover the following:

(1) Storm water discharges into a sanitary sewer system;

(2) Storm water discharges from construction activities greater than one acre which discharges into the

permittee's small municipal separate storm sewer system;

(3) Storm water discharges from industrial facilities as defined in 40 CFR §§122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi) which discharges into the permittee's small municipal separate storm sewer system;

(4) Storm water discharges from small municipal separate storm sewer systems which initially enter a separate storm water drainage system(s), unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s); except if the permittee is the owner of the drainage system;

(5) Storm water discharges for which the director has issued a notice of general permit coverage under another general permit specific to that type of industrial activity; and

(6) Storm water discharges the director finds more appropriately regulated under an individual permit.

(b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

(a) This general permit becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date.

(b) 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)(10) are adopted,

whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent Requirements

The Permittee shall submit a notice of intent in accordance with 40 CFR 122.28(b)(2)(ii) and provide other information the DOH identifies as necessary to establish additional terms and conditions that satisfy the permit requirements of 40 CFR 122.34, such as the information required under 40 CFR 122.33(b)(2)(i).

(a) New Permittees (those MS4s not covered under the previous 2013 general permit) shall submit a complete notice of intent no later than 180 calendar days before the proposed starting date of the discharge.

Existing Permittees (those granted administrative extension under the previous 2013 general permit) shall submit a complete notice of intent no later than 120 calendar days from the effective date of this general permit. Failure to comply with this deadline will result in the termination of the administrative extension, unless otherwise ordered by DOH.

(b) The owner or its duly authorized representative shall include the following information in the notice of intent:

(1) Information required in section 34 of appendix A of chapter 11-55;

(2) Non-storm water discharge information;

(3) Facility site map;

(4) An assessment of the effectiveness of each control measure the storm water management plan implemented during the previous permit term (i.e., only for MS4s covered under the previous general permit) and any revisions to the plan proposed to be implemented for compliance with this general permit; and

(5) Storm water management plan (SWMP), which meets the applicable requirements as specified in section 6 of this general permit, and which has been updated based on the assessment required by section 4(b)(4) of this general permit.

(6) If specifically assigned a WLA, submit an Implementation & Monitoring (I&M) Plan, which meets the applicable requirements as specified in section 8 of this general permit to comply with Waste Load Allocations assigned to the Permittee consistent with the assumption in the associated TMDL document. If compliance will exceed a year, the Permittee shall also include a proposed compliance schedule that meets the requirements of 40 CFR 122.47 to comply as soon as possible.

(c) The director may require additional information to be submitted.

(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

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Storm Water Management Plan Requirements

The permittee shall develop, implement, and enforce a written storm water management plan document designed to meet the MS4 permit standard. The storm water management plan shall include a description of the best management practice (BMPs) that the Permittee will implement for each of the minimum control measures identified below with implementation dates; timing and frequencies, as appropriate; measurable goals [refer to section 6(b)]; and rationales for each BMP. The BMPs terms and conditions shall be expressed in clear, specific, and measurable terms to adhere to the requirements of 40 CFR 122.34. Refer to EPA's "Municipal Separate Storm Sewer System Permits, Compendium of Clear, Specific & Measurable Permitting Examples," November 2018, EPA-830-S-16-002. The rationales shall explain to the DOH's satisfaction how it meets the MS4 permit standard. Refer to the FR Vol. 81, No. 237 pg. 89333, Section VI.A. The contents of the SWMP document are enforceable under this permit.

(a) Minimum Control Measures. In case of conflict between the minimum control measures stated herein and those in the 40 CFR 122.34(b)(1) through (6), the more stringent control measures shall apply.

(1) Public Education and Outreach

Develop and implement a public education program to distribute educational materials to users of the permittee's small municipal separate storm sewer system or equivalent

outreach activities emphasizing the following:

(A) Impacts of storm water discharges on water bodies,

(B) Hazards associated with illicit discharges, and

(C) Measures that users of the permittee's small municipal separate storm sewer system can take to reduce pollutants in storm water runoff, including, but not limited to, minimizing fertilizer application and practicing proper storage and disposal of chemicals and wastes;

(2) Public Involvement/Participation

Include users of the permittee's small municipal separate storm sewer system in developing, implementing, and reviewing the storm water management plan;

(3) Illicit Discharge Detection and Elimination

Develop, implement, and enforce a program to detect and eliminate illicit discharges that, at a minimum, includes the following:

(A) Establishment of rules, ordinances, or other regulatory mechanism, including enforcement procedures and actions, that

prohibit non-storm water discharges, except those listed in section 1 that do not cause or contribute to any violations of water quality standards, into the permittee's small municipal separate storm sewer system,

(B) Procedures to detect and eliminate illicit discharges (as defined in 40 CFR Section 122.26(b)(2)), and

(C) Compilation of a list of non-storm water discharges or flows that are considered to be significant contributors of pollutants to the system and measures to be taken to prevent these discharges into the permittee's small municipal separate storm sewer system, or reduce the amount of pollutants in these discharges;

(4) Construction Site Runoff Control

Develop, implement, and enforce a program to reduce pollutants in storm water runoff entering the permittee's small municipal separate storm sewer system from construction activities disturbing one acre or more, including construction activities less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more, that, at a minimum, includes the following:

(A) Establishment of rules, ordinances, or other regulatory

mechanism, including enforcement procedures and actions, that require erosion and sediment controls,

(B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices,

(C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality,

(D) Procedures for site plan review which incorporate consideration of potential water quality impacts,

(E) Procedures for receipt and consideration of information submitted by the public, and

(F) Procedures for site inspection and enforcement of control measures;

(5) Post-Construction Storm Water Management in New Development and Redevelopment

Develop, implement, and enforce a program to reduce pollutants in storm water runoff entering the permittee's small municipal separate storm sewer system from new development and redevelopment projects that disturb

greater than or equal to one acre, including construction sites less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more, that, at a minimum, includes the following:

(A) Establishment of rules, ordinances, or other regulatory mechanism, including enforcement procedures and actions, that address post-construction runoff from new development and redevelopment projects,

(B) Structural and/or non-structural best management practices to minimize water quality impacts and attempt to maintain pre-development runoff conditions, and

(C) Procedures for long-term operation and maintenance of best management practices.

(6) Pollution Prevention/Good Housekeeping

Develop, implement, and enforce an operation and maintenance program to prevent and reduce storm water pollution from activities, including, but not limited to, park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance that, at a minimum, includes the following:

(A) Good housekeeping and other control measures, and

(B) Employee and contractor training on good housekeeping practices to ensure that good housekeeping measures and best management practices are properly implemented.

(b) Measurable Goals

The permittee shall develop measurable goals to gauge permit compliance and program effectiveness for each BMP as described in the Permittee's SWMP. The term "measurable" means that the permit requirement has been articulated in such a way that compliance with it can be assessed in a straightforward manner. Refer to FR Vol. 81, No. 237 pg. 89336, 3rd column, 2nd paragraph.

(c) Modifications

Any modifications to the BMPs and measurable goals will require submittal of a new NOI and filing fee, unless clearly accounted for in its SWMP and that has been public noticed.

7. Basic Water Quality Criteria and Inspections

(a) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

(b) The permittee shall, as indicated in its SWMP, inspect the receiving state waters, effluent, and control measures and best

management practices 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.)

8. TMDL Implementation and Monitoring

The requirements of this section apply to Small MS4 discharges to receiving waters with established TMDLs approved by EPA where urban storm water is identified as a source of TMDL pollutant loading and the Permittee has assigned WLA(s).

(a) The Permittee shall comply with the following:

(i) For the University of Hawaii, Windward Community College (WCC)

WCC must comply with the WLA reductions (refer to Tables 5.10 and 5.11) consistent with the assumption of the TMDL document titled, "Total Maximum Daily Load (TMDLs) for Total Suspended Solids, Nitrogen and Phosphorus in Kaneohe Stream, Kaneohe, Hawaii," dated September 2009, within the timeframes as specified in its I&M Plan.

(ii) For ALL other Permittees

As applicable, comply with any assigned WLA reductions, as additional TMDLs are adopted by DOH and approved by the EPA, consistent with the TMDL document within the timeframes as specified in its I&M Plan, unless an I&M Plan has already been developed by the DOH. If an I&M Plan has been developed by the DOH, then the Permittee shall comply with those timeframes and requirements.

As additional TMDLs are adopted by the DOH and approved by the EPA, the Permittee for any assigned WLA reductions will, within two (2) years of the TMDL approval, prepare an I&M plan that will describe the Permittee's approach to proposed activities for compliance with the WLA reductions. If compliance is expected to take longer than 1-year after preparation of the Permittee's I&M Plan, a compliance schedule shall be submitted along with its I&M Plan that meet the requirements of 40 CFR 122.47.

A new NOI shall be submitted to DOH upon submittal of the Permittee's I&M Plan to provide opportunity for public comment and request for a public hearing.

(b) The requirements of an I&M Plan, includes at a minimum the following:

(i) Detailed information on the activities proposed to be implemented.

(ii) Actual or literature documentation of the estimated effectiveness of the proposed activities targeted to reduce the pollutants of concern such as total nitrogen, total phosphorus, total suspended solids, and/or turbidity in the impaired waterbody addressed by the TMDL, as applicable, to demonstrate consistency with the WLA reductions consistent with the assumptions in the associated TMDL document.

(iii) A detailed and quantitative analysis which demonstrates that the proposed activities would ensure consistency with the WLA reductions consistent with the assumptions of the associated TMDL document.

(iv) Information from pre and post monitoring activities to quantitatively demonstrate consistency with the WLA reductions consistent with the assumptions of the associated TMDL document.

(v) A monitoring plan which shall identify activities to demonstrate consistency with the WLA reductions consistent with the assumptions of the associated TMDL document.

9. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

10. Reporting Requirements

(a) Annual Report

The annual report shall be submitted by the permittee and received by the department by the twenty-eighth day of January of the following year. The annual report shall cover each calendar year during the term of this permit and include the following:

(1) Status of compliance with the terms and conditions of this permit;

(2) Assessment of the effectiveness of each component in its SWMP, including the status of achieving the measurable goals for each BMP; and

(3) Summary of the storm water activities planned to be undertaken during the next calendar year; and

(4) Status of TMDL compliance, including progress for the proposed activities in the I&M Plan and any milestone commitments for MS4 discharges to receiving waters with TMDLs adopted by the DOH and approved by the EPA and where the Permittee has assigned WLA(s) within the regulated MS4.

(b) Planned Changes

The permittee shall report planned changes to the permitted facility in accordance with 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

11. Submittal Requirements

(a) 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, HI 96801-3378

(b) 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 imprisonment for knowing violations."

(c) 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 or submittals may be a basis for delay of the processing of the document(s).

(d) All submittals shall be made on forms provided and specified by DOH.

12. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

13. Public Notice of Permit Actions and Public Comment Period

The DOH shall follow 40 CFR 124.10 for this general permit and as otherwise specified below.

(a) The Permittee shall publish, in accordance with HRS 1-28.5, the Director's proposal (i.e., Public Notice document) to authorize the MS4 to discharge under the general permit. The DOH will provide the Public Notice document to the Permittee at least two (2) weeks prior to the publication date as determined by DOH. The contents of Public Notice document shall include the

information in accordance with 40 CFR 124.10(d).

(b) All publication and mailing costs associated with the Public Notice document shall be paid by the Permittee to the appropriate publishing agency or agencies determined by the Director. The Permittee shall submit the original signed affidavit of publication to the department within four weeks of the publication date. Failure to provide and pay for public notification, as deemed appropriate by the Director, is a basis to deny coverage under this general permit.

14. Public Comments and Public Hearings

The DOH shall follow 40 CFR 124.11, 124.12 and 124.17, and HAR 11-55-13 and 11-55-14 for this general permit. Public comments shall comply with 40 CFR 124.13. Publication and payment for costs associated with the Public Hearing shall comply with Sections 13(a) and (b) of this general permit.

15. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

16. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

17. Renewal

Requests for coverage under a renewed (reissued) general permit must be received within the timeframe as specified in the reissued general permit. Requests must be made on forms provided by DOH.

18. Forms

Electronic notice of intent forms may be found at the Department's e-Permitting portal. The e-Permitting portal may be accessed via the Clean Water Branch's website at: http://health.hawaii.gov/cwb/

CHAPTER 11-55 APPENDIX L

NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES OF CIRCULATION WATER
FROM DECORATIVE PONDS OR TANKS

This General Permit is effective on

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and expires five years from this date,
unless amended earlier.

1. Coverage under this General Permit

   (a) This general permit covers discharges of circulation water from decorative ponds or tanks containing fish or other aquatic species, not including mammals. This general permit also covers discharges of circulation water from decorative ponds or tanks that do not contain fish or other aquatic species provided that the discharge complies with chapter 11-54 titled "Water Quality Standards."

   (b) This general permit covers all areas of the State except for natural freshwater lakes, saline lakes, and anchialine pools.

2. Limitations on Coverage Under the General Permit

   (a) This general permit does not cover the following:

      (1) Discharges of circulation water from decorative ponds or tanks into a sanitary sewer system and

      (2) Discharges of circulation water from decorative ponds or tanks which initially enter separate storm water

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drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s); except if the permittee is the owner of the drainage system.

(b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

(a) This general permit becomes effective ten days after filing with the office of the lieutenant governor.

(b) 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).

4. Notice of Intent Requirements

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(a) 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.

(b) The owner or its duly authorized representative shall include the following information in the notice of intent:

(1) Information required in section 34 of appendix A of chapter 11-55;

(2) Description of the decorative fish pond or tank and the type of aquatic species being housed. The description should include, but not be limited to: material type of the pond or tank; water volume contained; the type, size, and number of aquatic species being housed; and, the type(s) and quantity of food utilized;

(3) Description of the average frequency of flow and duration of any intermittent or seasonal discharge. The frequency of flow means the number of days or months per year when there is an intermittent discharge. Duration means the number of days or hours per discharge. Provide the best estimate for new discharges;

(4) Source(s) of the circulation water for the decorative fish pond or tank;

(5) Quantitative data on pollutant(s) that the owner or operator of the facility knows or reasonably should know are or

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will be present in the discharge and for which the pollutants numerical criteria for the existing or proposed receiving state waters are specified in chapter 11-54, especially section 11-54-4;

(6) Name and chemical composition of any water enhancement or treatment additives, if any used;

(7) Best management practices applied to minimize or eliminate the discharge of pollutants (e.g., feeding procedures, pond or tank cleaning operations, and control measures); and

(8) A brief description of any treatment system used or to be used. For discharges to Class AA or Class 1 waters, the treatment system plan shall be submitted with the notice of intent. For discharges to Class A or Class 2 waters, the treatment system plan shall be submitted with the notice of intent or thirty days before the start of discharge activities. The permittee shall retain the treatment system plan, and all subsequent revisions, on-site or at a nearby office.

(c) The director may require additional information to be submitted.

(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

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements

(a) The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.8.

(1) Sampling Points

The permittee shall collect representative discharge samples downstream from the decorative fish pond or tank circulation water discharge point(s) and prior to entering the receiving state water or separate storm water drainage systems or at a location that is approved by the department which is representative of the decorative fish pond or tank effluent water quality.

(2) Collection of Samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Types of Samples

(A) "Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.

(B) "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.

(4) Test Procedures

(A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, the permittee

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shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR §136.4.

(C) 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.

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

(1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

(2) 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.)

Note: When effluent commingles with offsite water or pollutant sources prior to discharging to the receiving water, in lieu of inspecting the receiving water, inspect the effluent after it exits the site and prior to commingling.

(c) There shall be no floating solids, foam, or visible oil sheen in the effluent.

(d) There shall be no discharge of pond or tank cleaning wastewaters that are generated during the cleaning of a pond or tank that has been drained of water below the normal operating level(s).

(e) There shall be no discharge of filter backwash effluent.

(f) There shall be no discharge of any water enhancement or treatment additives above applicable water quality standards or above detectable levels or quantities if no applicable water quality standard for such constituents exists.

7. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

8. Reporting Requirements

(a) Reporting of Monitoring Results

(1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1) or other form as specified by the director. The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.8 and other requirements of this general permit.

(2) 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.

(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.

(b) Monitoring Report

The permittee shall include the monitoring results in the calculation and reporting of the values required in the discharge monitoring report form.

(c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

(1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:

(A) Violation of an effluent limitation specified in Table 34.8

or a basic water quality criteria specified in section 6(b) of this general permit;

(B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or

(C) Unanticipated bypass or upset.

(2) 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.

(3) 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:

(A) Description of the noncompliance, unanticipated bypass, or upset and its cause;

(B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;

(C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and

(D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

(4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

(d) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities which might result in exceedance of effluent limitations. For purposes of this general permit only, maintenance shall include, but not be limited to, the routine cleaning of the pond or tank while filled with water and otherwise still operated under normal conditions. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

9. Submittal Requirements

(a) 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, HI 96801-3378

(b) 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."

(c) 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 or submittals may be a basis for delay of the processing of the document(s).

10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

13. 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.

14. Forms

Electronic notice of intent forms may be found at the Department's e-Permitting portal. The

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e-Permitting portal may be accessed via the Clean Water Branch's website at:
http://health.hawaii.gov/cwb/

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TABLE 34.8

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

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µg/l = micrograms per liter
NTU = Nephelometric Turbidity Units
no./100 ml = number per 100 milliliters

NOTES:

(1) 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.

(2) 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.

(3) Effluent limitation is the specific criteria established in sections 11-54-5 and 11-54-6 for the classification of the receiving state waters, as applicable.

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

(5) The pH shall be measured within fifteen minutes of obtaining the grab sample.

(6) Applicable if potentially present in the discharge.

(7) Effluent limitation is the specific criteria established in section 11-54-8 for the

classification of the receiving state waters, as applicable.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

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CHAPTER 11-55 APPENDIX M

NPDES GENERAL PERMIT
AUTHORIZING POINT SOURCE DISCHARGES FROM THE
APPLICATION OF PESTICIDES

This General Permit is effective on

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and expires five years from this date,
unless amended earlier.

1. Coverage under this General Permit.

This permit covers any Operator of a point source discharge of pollutants (i.e., discharge) resulting from the application of pesticides that meets the eligibility requirements identified in section 1(a) of this pesticide general permit (PGP) and if so required, submits a Notice of Intent (NOI) in accordance with section 1(e) of this general permit. For the purpose of this permit, an Operator is defined in section 11-55-01 to mean any entity associated with the application of pesticides which results in a discharge to state waters that meets either of the following two criteria: (1) any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities); or (2) any entity with control over the decision to perform pesticide applications including the ability to modify those decisions. Operators identified in (1) above are referred to in this permit as Applicators while Operators identified in (2) are referred to in this permit as Decision-makers. As defined, more than one Operator may be responsible for complying with this permit for any single discharge from the application of pesticides.

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For purposes of this permit, all Operators are defined as either an Applicator or a Decision-maker or both an Applicator and a Decision-maker.

When an Operator is both an Applicator and a Decision-maker, the Operator must comply with all applicable requirements imposed on both Applicators and Decision-makers. When the permit references all "Operators," both Applicators and Decision-makers must comply.

(a) Activities Covered.

This permit is available to Operators who discharge to state waters from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (collectively called pesticides), when the pesticide application is for at least one of the following pesticide use patterns:

(1) Mosquito and Other Flying Insect Pest Control - to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include mosquitoes and black flies.

(2) Weed and Algae Pest Control - to control weeds, algae, and pathogens that are pests in water and at water's edge, including ditches and/or canals.

(3) Animal Pest Control - to control animal pests in water and at water's edge. Animal pests in this use category

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include, but are not limited to, fish, lampreys, insects, mollusks, and pathogens.

(4) Forest Canopy Pest Control - application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where, to target the pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to water.

(b) Limitations on Coverage under this General Permit

(1) Discharges to Water Quality Impaired Waters.

Except for discharges from pesticide applications made in response to a declared pest emergency situation or as determined by the director, Operators are not eligible for coverage under this permit for any discharges from a pesticide application to state waters if the water is identified as impaired by a substance which either is an active ingredient in that pesticide or is a degradate of such an active ingredient. For purposes of this general permit, impaired waters are those that have been identified by the State pursuant to Section 303(d) of the CWA as not meeting applicable State water quality standards. Impaired waters, for the purposes of this general permit, consist of both waters with EPA-approved Total Maximum Daily

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Loads (TMDLs) and waters for which EPA has not yet approved a TMDL. Coverage under this general permit is allowed for discharges to impaired waters listed generically for "pesticides" where the specific pesticide for which the waterbody is impaired has not been identified and without additional information suggesting that the waterbody is impaired for a specific active ingredient or degradate of the active ingredient.

(2) Discharges to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."

Operators are not eligible for coverage under this permit for discharges from a pesticide application to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and discharges into natural freshwater lakes, saline lakes, and anchialine pools.

Except for discharges from the following pesticide applications:

(A) made in response to a declared pest emergency situation or as determined by the director;

(B) to protect the public health or the environment that either do not

degrade water quality or only degrade water quality on a short term basis; or

(C) to maintain water flow in agricultural irrigation ditches and canals if the pesticide application is for the activity covered in 1(a)(2) (i.e., weed and algae pest control) or is for the activity covered in 1(a)(3) (i.e., animal pest control) in flooded agricultural fields.

(3) Discharges to surface drinking water sources (for domestic use) and their tributaries up-stream are not eligible for coverage under this permit. Such discharges will require coverage under an individual NPDES permit.

Except in the following conditions:

(A) made in response to a declared pest emergency situation or as determined by the director; or

(B) the following:

(i) the NOI indicates whether the proposed application may discharge to surface drinking water sources; and

(ii) the application to surface drinking water sources is consistent with the FIFRA label, including but not limited to, following any

distance restriction and intended use; and

(iii) the Decision-maker provides the owner (e.g., municipality, private) of the surface drinking water source the following information, including but not limited to: the pesticide(s) to be applied, general location, and approximate frequency and the department receives written consent from the owner of the surface drinking water source for such discharges; and

(iv) the Operator adheres to the Safe Drinking Water Act and safe drinking water regulations; and

(v) the Operator shall coordinate with the owner of the surface drinking water source to prevent pesticide-treated water from entering the drinking water intake and distribution system (e.g., the valve to the drinking water source is shut, or by diversion).

(4) Discharges Currently or Previously Covered by another Permit.

Discharges are not eligible for coverage under this permit if any of the following circumstances apply:

(A) The discharge is covered by another NPDES permit, or

(B) The discharge was included in a permit that in the past five (5) years has been or is in the process of being denied, terminated, or revoked by the State or EPA (this does not apply to the routine reissuance of permits every five (5) years).

(5) Individual Permit

The Director may require any Operator authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

(c) Term of General Permit

(1) 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.

(2) 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 1(c)(3) of this general permit.

(3) 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:

(A) 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;

(B) 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

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

(d) How to Obtain Authorization.

The following discharges, consistent with the activities covered in section 1(a) and limitations on coverage under this general permit in section 1(b), are automatically authorized by this permit beginning when section 11-55-34.02(b)(12) becomes effective ten days after filing with the office of the lieutenant governor:

(1) Eligible discharges made prior to the Notice of Intent submission deadline. See Table 2;

(2) Eligible discharges for which submission of an NOI is not required. See sections 1(e) and 1(f).

To obtain authorization under this permit for all other eligible discharges, a Decision-maker must submit a complete, and accurate NOI consistent with the requirements of sections 1(e) and 1(f), be issued a Notice of General Permit Coverage (NGPC) and meet all conditions of the NGPC, unless the Operator claimed automatic coverage in writing under the automatic provision of section 11-55-34.09(e)(2) and assumes the risks in section 11-55-34.09(f); and this general permit to the satisfaction of the department.

(e) Decision-makers Required to Submit an NOI.

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Any "Decision-maker Who is or Will be Required to submit an NOI" is identified in Table 1.

For calculating annual treatment area totals for purposes of determining if an NOI must be submitted, see the definition for, "annual treatment area threshold" in section 11-55-01.

An NOI provides notice to the State that a Decision-maker intends to discharge to state waters from pesticide application activities eligible for coverage under this permit. Information required to be provided is on the NOI form. The NOI must identify the pest management area where the Decision-maker will conduct activities resulting in discharges to state waters to be covered under this permit.

If required to submit an NOI, a Decision-maker must submit the NOI once, in accordance with the deadlines in Section 1(f), Table 2. The Decision-maker must submit an updated NOI if the criteria in section 1(f), Table 3 are met. Late NOIs may be accepted, but authorization to discharge will not be retroactive.

Coverage will be available for the duration of this general permit for Decision-makers who file an NOI and are issued an NGPC and who meet all conditions of the NGPC and this general permit to the satisfaction of the department or for those rightfully (refer to the risks in section 11-55-34.09(f)) claiming coverage in writing under the automatic provision of section 11-55-

34.09(e)(2), including the Decision-makers' employees, contractors, subcontractors, and other agents, for all activities identified on the NOI unless coverage is terminated pursuant to appendix A of chapter 11-55. If a submitted NOI is not timely, accurate, or complete, and an NGPC is not issued or any condition not met, any employee, contractor, subcontractor or other entity that discharges is not covered by this permit.

Applicators who are not also Decision-makers do not need to submit an NOI, however they are still required to comply with other requirements, as applicable in this general permit.

(f) Discharge Authorization Date

Except for discharges identified in Tables 1 through 3, any Operator with eligible discharges is automatically authorized to discharge under this permit without submission of an NOI. Decision-makers with eligible discharges identified in Tables 1 through 3 are authorized under this permit consistent with the requirements in those tables.

On the basis of a review of an NOI or other information, the Director may delay authorization to discharge beyond any timeframe identified in Table 2, determine that additional technology-based and/or water quality-based effluent limitations or other conditions are necessary, or deny coverage under this permit and require submission of an application for an

individual NPDES permit, as detailed in section 1(b)(5).

All Decision-makers with eligible discharges for which an NOI is required are required to submit an NOI consistent with the earliest applicable due date identified in Table 1-2. Decision-makers may submit multiple NOIs with different activities on each of those NOIs such that discharges from different activities are authorized at different times.

Table 1. Decision-makers Required to Submit NOIs

PGP Section/ Pesticide Use	Which Decision-makers Must Submit NOIs?	For Which Pesticide Application Activities?
All four use patterns identified in section 1(a)	Any Decision-maker with an eligible discharge to water quality impaired waters; class 1, inland or class AA, marine waters, or areas restricted in accordance with the State's "no discharge" policy; or to surface drinking waters and their tributaries up-stream consistent with sections 1(b)(1), 1(b)(2), or 1(b)(3).	Activities resulting in a discharge to water quality impaired waters, class 1, inland or class AA, marine waters, or areas restricted in accordance with the State's "no discharge" policy, or to surface drinking waters and their tributaries up-stream.
1(a)(1) - Mosquito and Other Flying Insect Pest Control	Any Federal or State government entities for which pest management for land resource stewardship is an integral part of the organization's operations.	All mosquito and other flying insect pest control activities resulting in a discharge to state waters.
	Mosquito control districts, or similar pest control districts.	All mosquito and other flying insect pest control activities resulting in a discharge to state

		waters.
	Counties or other entities that exceed the annual treatment area threshold identified here.	Adulticide treatment if more than 6,400 acres during a calendar year. {1}
1(a)(2) - Weed and Algae Pest Control	Any Federal or State government entities for which pest management for land resource stewardship is an integral part of the organization's operations.	All weed and algae pest control activities resulting in a discharge to state waters.
	Irrigation and weed control districts, or similar pest control districts.	All weed and algae pest control activities resulting in a discharge to state waters.
	Counties or other entities that exceed the annual treatment area threshold identified here.	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water. {2}
1(a)(3) - Animal Pest Control	Any Federal or State government entities for which pest management for land resource stewardship is an integral part of the organization's	All animal pest control activities resulting in a discharge to state waters.

	operations.	
	Counties or other entities that exceed the annual treatment area threshold identified here.	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water. {2}
1(a)(4) - Forest Canopy Pest Control	Any Federal or State government entities for which pest management for land resource stewardship is an integral part of the organization's operations.	All forest canopy pest control activities resulting in a discharge to state waters.
	Counties or other entities that exceed the annual treatment area threshold identified here.	Treatment if more than 6,400 acres during a calendar year. {1}

Table 2. NOI Submittal Deadlines and Discharge Authorization Dates for Discharges from the Application of Pesticides

After the adjustment period, any eligible discharge for which an NOI is required must submit an NOI consistent with the earliest due date identified below. If the Director receives an NOI at least 30 calendar days before the end of the adjustment period, uninterrupted coverage may continue {3}. NOI due dates for any discharges occurring on or after the adjustment period are as follows:		
Operator Type	NOI Submission Deadline	Discharge Authorization Date {3}
Any Decision-maker with a discharge in response to a Declared Pest Emergency for which that activity triggers the NOI requirement identified in Section 1(e).	At least 30 calendar days after beginning discharge.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation {4}.
Any Decision-maker that exceeds any annual treatment area threshold.	At least 30 calendar days before exceeding an annual treatment area threshold.	Upon NGPC issuance {5} or if the operator claimed automatic coverage in writing under the automatic provision of section 11-55-34.09(e)(2) and assumes the risks in section 11-55-34.09(f).
Any Decision-maker otherwise required	At least 30 calendar days	Upon NGPC issuance {5} or if the

to submit an NOI as identified in Table 1.	before any discharge for which an NOI is required.	Operator claimed automatic coverage in writing under the automatic provision of section 11-55-34.09(e)(2) and assumes the risks in section 11-55-34.09(f).

Table 3. Change of Information, resulting in a Major Modification {6} of the NGPC, Submittal Deadlines and Discharge Authorization Dates

Operator Type	NOI Submission Deadline	Discharge Authorization Date
Any Decision-makers discharging to an class 1, inland water; class AA, marine water; or area restricted in accordance with the State's "no discharge" policy not specifically identified by name on a previously submitted NOI for this permit.	At least 30 calendar days before beginning to discharge in that newly identified class 1, inland water; class AA, marine water; or area restricted in accordance with the State's "no discharge" policy unless discharges are in response to a declared pest emergency in which case not later than 30 days after beginning discharge.	After reissuance of the NGPC to include the change {5}, unless discharges are in response to a declared pest emergency in which case coverage is available immediately upon beginning to discharge from activities conducted in response to declared pest emergency {4}.
Any Decision-maker with any discharge to state waters requiring permit coverage for a newly identified pest management area or new pesticide use	At least 30 calendar days before beginning to discharge in that newly identified pest management area or new pesticide use pattern not identified on a	After reissuance of the NGPC to include the change {5}, unless discharges are in response to a declared pest emergency in which case

pattern not identified on a previously submitted NOI for this permit. This includes changes in any treatment area, pesticide product, method or rate of application, or approximate dates of applications.	previously submitted NOI for this permit unless discharges are in response to a declared pest emergency in which case not later than 30 days after beginning discharge.	coverage is available immediately upon beginning to discharge from activities conducted in response to declared pest emergency {4}.

Notes:

{1} Treatment during a calendar year if more than 6,400 acres, as discussed for the categories "Mosquito and Other Flying Insect Pest Control" and "Forest Canopy Pest Control," refers to the total area to which pesticide applications (e.g. aerial spraying) are made, when any part of those areas is a state water and shall be treated as separate treatment areas to be additive in a calendar year. If the additive total areas in a calendar year to which pesticides application are made exceeds 6,400 acres, when any part of these areas is a state water, submittal of an NOI is required for those Decision-makers required to submit an NOI as identified in Table 1. For example, applying pesticides three times a year to the same three thousand acre site (i.e., total area to which pesticide applications are made, when any part of those areas is a state water) should be counted as nine thousand acres of treatment area.

(2) For the categories "Weed and Algae Pest Control" and "Animal Pest Control", "20 linear miles" means 20 linear miles of river, stream, riverbank, or other linear water feature subject to coverage under this permit, counting each bank of the water feature separately if pesticides are applied to both banks. This means that applications four times a year to both banks of a three-mile long reach of stream will count as a total of twenty four linear miles (three miles * two banks * for applications per year = twenty four miles to which pesticides are applied in a calendar year) and require submission of an NOI. For applications made to the water of a linear water feature, the length of the reach or surface area may be used to determine if the annual treatment area threshold is exceeded. Treatment during a calendar year if more than "80 acres of water (i.e., surface area)" means application of pesticides to a waterbody surface area of greater than 80 acres.

(3) On the basis of a review of an NOI or other information, the Director may delay authorization to discharge beyond any timeframe identified in Table 1, determine that additional technology-based and/or water quality-based effluent limitations or other conditions are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Section 1(b)(5).

(4) To remain authorized, an NOI must be submitted no later than 30 calendar days after beginning discharge and result in issuance of an NGPC. At no time, during the processing the NOI, shall the time between the department's request for more information, and its receipt from the Decision-maker be longer than 30 calendar days. If longer

than 30 calendar days, coverage under this general permit may be terminated automatically.

{5} All requirements in the NGPC must be complied with and in the timeframe as specified, including this general permit and any additional requirements as determined by the State to the satisfaction of the department.

{6} The department may require submittal of a new NOI if it is determined that the modification of the information is significant or more than one (1) change to the information used in the issuance of its NGPC is required.

(g) Standard Conditions

The Decision-maker shall comply with the standard conditions as specified in appendix A of chapter 11-55, excluding biocides as identified in section 1.a.(4) of appendix A. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, excluding biocides as identified in section 1.a.(4) of appendix A, the more stringent conditions shall apply.

(h) Other Federal and State Laws.

Operators must comply with all other applicable federal and state laws and regulations that pertain to pesticides. The pesticide must be registered by the EPA, licensed by the State Department of Agriculture or other lead state agency regulating pesticides, and used in a manner consistent with the labeling of the pesticide under the Federal, Insecticide,

Fungicide, and Rodenticide Act (FIFRA). This permit does not negate the requirements under FIFRA and its implementing regulations to use registered pesticides consistent with the product's labeling. In fact, applications in violation of certain FIFRA requirements could also be a violation of the permit and therefore a violation of the CWA (e.g. exceeding label application rates). Additionally, other laws and regulations might apply to certain activities that are also covered under this permit (e.g., United States Coast Guard regulations).

2. Technology-Based Effluent Limitations

This Section includes technology-based effluent limitations applicable to all Operators, as defined in section 11-55-01, for any discharges authorized under this permit, with compliance required upon beginning such discharge. All Operators are classified as either "Applicators" or "Decision-makers," as defined in section 11-55-01, or both. Applicators must perform the tasks identified in section 2(a) - Applicators' Responsibilities. Decision-makers must perform the tasks identified in section 2(b) - Decision-makers' Responsibilities. There may be instances when a single entity acts as both an Applicator and a Decision-maker.

As stated in section 1(h), this general permit requires all Operators to comply with all other applicable federal or state laws and regulations that pertain to application of pesticides by the Operator.

(a) Applicators' Responsibilities

To meet the effluent limitations of this permit, all Applicators must implement section 2(a) to minimize the discharge of pesticides to state waters from the application of pesticides, through the use of Pest Management Measures, as defined in section 11-55-01.

(1) To the extent not determined by the Decision-maker, use only the amount of pesticide and frequency of pesticide application necessary to control the target pest, using equipment and application procedures appropriate for this task.

(2) Maintain pesticide application equipment in proper operating condition, including requirement to calibrate, clean, and repair such equipment and prevent leaks, spills, or other unintended discharges.

(3) Assess weather conditions (e.g. temperature, precipitation and wind speed) in the treatment area to ensure application is consistent with all applicable federal requirements.

(b) Decision-makers' Responsibilities

For All Decision-makers

To meet the effluent limitations in section 2(b), all Decision-makers must minimize the discharge of pesticides to state waters from the application of pesticides, through the

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use of Pest Management Measures, as defined in section 11-55-01.

To the extent the Decision-maker determines the amount of pesticide or frequency of pesticide application, the Decision-maker must use only the amount of pesticide and frequency of pesticide application necessary to control the target pest.

For Any Decision-maker Who is or Will be Required to Submit an NOI.

To meet the effluent limitations of this permit, prior to pesticide application, any Decision-maker who is or will be required to submit an NOI as required in section 1(e) must also implement sections 2(b)(1) - 2(b)(4) to minimize the discharge of pesticides to state waters from the application of pesticides, through the use of Pest Management Measures, as defined in section 11-55-01.

(1) Mosquito and Other Flying Insect Pest Control

This section applies to discharges from the application of pesticides for mosquito and other flying insect pest control as defined in section 1(a)(1) of this general permit.

(A) Identify the Problem.

Prior to the first pesticide application covered under this permit that will result in a discharge to state waters, and at

least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in section 11-55-01:

(i) Establish densities for larval and adult mosquito or flying insect pest populations or identify environmental condition(s), either current or based on historical data, to serve as action threshold(s) for implementing Pest Management Measures;

(ii) Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;

(iii) Identify known breeding sites for source reduction, larval control program, and habitat management;

(iv) Analyze existing surveillance data to identify new or unidentified sources of mosquito or flying insect pest problems

as well as sites that have recurring pest problems; and

(v) In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in section 2(b)(1)(A) of this general permit.

(B) Pest Management Options.

Prior to the first pesticide application covered under this permit that will result in a discharge to state waters, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control mosquitoes or other flying insect pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

(i) No action

(ii) Prevention

(iii) Mechanical or physical methods

(iv) Cultural methods

(v) Biological control agents

(vi) Pesticides

(C) Pesticide Use.

If a pesticide is selected to manage mosquitoes or flying insect pests, and application of the pesticide will result in a discharge to a state water, any Decision-maker who is or will be required to submit an NOI must:

(i) Conduct larval and/or adult surveillance in an area that is representative of the pest problem or evaluate existing larval surveillance data, environmental conditions, or data from adjacent area(s) prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met;

(ii) Reduce the impact on the environment and on non-

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target organisms by applying the pesticide only when the action threshold(s) has been met;

(iii) In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide for mosquito or flying insect pest control when the larval action threshold(s) has been met; and

(iv) In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides for mosquito or flying insect pest control when the adult action threshold(s) has been met.

(2) Weed and Algae Pest Control

This section applies to discharges from the application of pesticides for control of weeds, algae, and pathogens as defined in section 1(a)(2) of this general permit.

(A) Identify the Problem.

Prior to the first pesticide application covered under this permit that will result in a discharge to state waters, and at least once each calendar year

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thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in section 11-55-01:

(i) Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);

(ii) Identify target pest(s);

(iii) Identify possible factors causing or contributing to the pest problem (e.g., nutrients, invasive species, etc.);

(iv) Establish any pest- and site-specific action threshold, as defined in HAR, Chapter 11-55-01, for implementing section 2(b)(2)(B); and

(v) In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in

section 2(b)(2)(A) of this general permit.

(B) Pest Management Options.

Prior to the first pesticide application covered under this permit that will result in a discharge to state waters, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

(i) No action

(ii) Prevention

(iii) Mechanical or physical methods

(iv) Cultural methods

(v) Biological control agents

(vi) Pesticides

(C) Pesticide Use.

If a pesticide is selected to manage pests, and application of the pesticide will result in a discharge to state waters, any Decision-maker who is or will be required to submit an NOI must:

(i) Conduct surveillance in an area that is representative of the pest problem prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met; and

(ii) Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met.

(3) Animal Pest Control

This section applies to discharges from the application of pesticides for control of animal pests as defined in section 1(a)(3) of this general permit.

(A) Identify the Problem.

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Prior to the first pesticide application covered under this permit that will result in a discharge to state waters, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in section 11-55-01:

(i) Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);

(ii) Identify target pest(s);

(iii) Identify possible factors causing or contributing to the problem (e.g., nutrients, invasive species);

(iv) Establish any pest- and site-specific action threshold, as defined in section 11-55-01, for implementing section 2(b)(3)(B); and

(v) In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in section 2(b)(3)(A).

(B) Pest Management Options.

Prior to the first pesticide application covered under this permit that will result in a discharge to state waters, and at least once each year thereafter prior to the first pesticide application during that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

(i) No action

(ii) Prevention

(iii) Mechanical or physical methods

(iv) Biological control agents

(v) Pesticides

(vi) Cultural Methods

(C) Pesticide Use.

If a pesticide is selected to manage pests, and application of the pesticide will result in a discharge to state waters, any Decision-maker who is or will be required to submit an NOI must:

(i) Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the action threshold(s) is met; and

(ii) Reduce the impact on the environment and non-target organisms by evaluating site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold(s) has been met.

(4) Forest Canopy Pest Control

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This section applies to discharges from the application of pesticides for forest canopy pest control as defined in section 1(a)(4) of this general permit.

(A) Identify the Problem.

Prior to the first pesticide application covered under this permit that will result in a discharge to state waters, and at least once each calendar year thereafter prior to the first pesticide application in that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in section 11-55-01:

(i) Establish any pest- and site-specific action threshold, as defined in section 11-55-01, for implementing section 2(b)(4)(B);

(ii) Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;

(iii) Identify current distribution of the target pest and assess potential

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distribution in the absence of Pest Management Measures; and

(iv) In the event there are no data for pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in section 2(b)(4)(A).

(B) Pest Management Options.

Prior to the first pesticide application covered under this permit that will result in a discharge to state waters, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

(i) No action

(ii) Prevention

(iii) Mechanical or physical methods

(iv) Cultural methods

(v) Biological control agents

(vi) Pesticides

(C) Pesticide Use.

If a pesticide is selected to manage forestry pests, and application of the pesticide will result in a discharge to state waters, any Decision-maker who is or will be required to submit an NOI must:

(i) Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the pest action threshold is met;

(ii) Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only

when the action threshold(s) has been met; and

(iii) Evaluate using pesticides against the most susceptible developmental stage.

3. Water Quality-Based Effluent Limitations

All Operators must control discharges as necessary to meet applicable numeric and narrative state water quality standards, as required in chapter 11-54, for discharges authorized under this permit, with compliance required upon beginning such discharge.

If at any time an Operator becomes aware (e.g., through self-monitoring or by notification from the state or EPA), or the Director determines, that the Operator's discharge causes or contributes to an excursion of any applicable water quality standard, the Operator must take corrective action as required in section 6 and section 7 of appendix A, chapter 11-55, up to and including the ceasing of the discharge, if necessary.

4. Monitoring

(a) Visual Monitoring Requirements for Pesticide Applicators.

During any pesticide application with discharges authorized under this permit, all Applicators must, when considerations for safety and feasibility allow, visually assess the area to and around where pesticides are applied for possible and observable adverse incidents, as defined in

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section 11-55-01, caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

(b) Visual Monitoring Requirements for all Operators.

During any Operator post-application surveillance of any pesticide application with discharges authorized under this permit, all Operators must visually assess the area to and around where pesticides were applied for possible and observable adverse incidents, as defined in section 11-55-01, caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

5. Pesticide Discharge Management Plan

Any Decision-maker who is or will be required to submit an NOI, as required in section 1(e), and is a large entity, as defined in section 11-55-01, must prepare a Pesticide Discharge Management Plan (PDMP) by the time the NOI is submitted to the department, except (for which a PDMP is not required to be developed) any applications made in response to a Declared Pest Emergency Situation, as defined in section 11-55-01.

The PDMP does not contain effluent limitations; the effluent limitations are specified in sections 2 and 3 of this general permit. The PDMP documents how Decision-makers will implement the effluent limitations in sections 2 and 3 of

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this general permit, including the evaluation and selection of Pest Management Measures to meet those effluent limitations in order to minimize discharges. In the PDMP, Decision-makers may incorporate by reference any procedures or plans in other documents that meet the requirements of this general permit. If Decision-makers rely upon other documents to comply with the effluent limitations in this general permit, such as a pre-existing pest management plan, the Decision-makers must attach to the PDMP a copy of any portions of any documents that are used to document the implementation of the effluent limitations.

(a) Contents of the Pesticide Discharge Management Plan.

The PDMP must include the following elements:

(1) Pesticide Discharge Management Team

Decision-makers must identify all the persons (by name and contact information) that compose the team as well as each person's individual responsibilities, including:

(A) Person(s) responsible for managing pests in relation to the pest management area;

(B) Person(s) responsible for developing and revising the PDMP; and

(C) Person(s) responsible for developing, revising, and

implementing corrective actions and other effluent limitation requirements.

(2) Problem Identification

(A) Pest problem description.

Document a description of the pest problem at the pest management area, including identification of the target pest(s), source(s) of the pest problem, and source of data used to identify the problem in sections 2(b)(1), 2(b)(2), 2(b)(3), and 2(b)(4).

(B) Action Threshold(s).

Describe the action threshold(s) for the pest management area, including data used in developing the action threshold(s) and method(s) to determine when the action threshold(s) has been met.

(C) General location map.

In the plan, include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the state water and

(D) Water quality standards.

Document any water(s) identified as impaired by a substance which either is an active ingredient or a degradate of such an active ingredient.

(3) Pest Management Options Evaluation

Decision-makers must document the evaluation of the pest management options, including combination of the pest management options, to control the target pest(s). Pest management options include the following: No action, prevention, mechanical/physical methods, cultural methods, biological control agents, and pesticides. In the evaluation, Decision-makers must consider the impact to water quality, impact to non-target organisms, feasibility, cost effectiveness, and any relevant previous Pest Management Measures.

(4) Response Procedures.

Decision-makers must document the following procedures in the PDMP:

(A) Spill Response Procedures.

At a minimum, Decision-makers must have:

(i) Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases to state waters.

Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the PDMP team.

(ii) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.

(B) Adverse Incident Response Procedures.

At a minimum, Decision-makers must have:

(i) Procedures for responding to any adverse incident resulting from pesticide applications;

(ii) Procedures for notification of the adverse incident, both internal to the Decision-maker's agency/organization and external.

Contact information for state/federal permitting agency, nearest emergency

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medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.

(5) Signature Requirements.

Decision-makers must sign, date and certify the PDMP in accordance with section 15 of appendix A, chapter 11-55.

(b) Pesticide Discharge Management Plan Modifications.

Decision-makers must modify the PDMP whenever necessary to address any of the triggering conditions for corrective action in section 6(a) or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to the PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, no later than 90 calendar days after any change in pesticide application activities. The revised PDMP must be signed and dated in accordance with section 15 of appendix A, chapter 11-55.

(c) Pesticide Discharge Management Plan Availability.

Decision-makers must retain a copy of the current PDMP, along with all supporting maps and documents, at each address provided in the NOI. The PDMP and all supporting documents must be readily available, upon

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request, and copies of any of these documents provided, upon request, to the state, EPA, or local agency governing discharges or pesticide applications within their respective jurisdictions; and representatives of the United States Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS). The Director may provide copies of the PDMP or other information related to this permit that is in its possession to members of the public. Any Confidential Business Information (CBI), as defined in 40 CFR Part 2, may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with 40 CFR Part 2; however, CBI must be submitted to the Director, if requested, and may not be withheld from those staff within EPA, FWS, and NMFS cleared for CBI review.

6. Corrective Action

All Operators must comply with the provisions of section 6 for any discharges authorized under this general permit, with compliance required upon beginning such discharge.

(a) Situations Requiring Revision of Pest Management Measures.

Operators must review and, as necessary, revise the evaluation and selection of Pest Management Measures consistent with section 2(a) and 2(b) for the following situations:

(1) An unauthorized release or discharge associated with the application of pesticides (e.g., spill, leak, or

discharge not authorized by this or another NPDES permit) occurs.

(2) Operators become aware, or the Director concludes, that Pest Management Measures are not adequate/sufficient for the discharge to meet applicable water quality standards.

(3) Any monitoring activities indicate failure to meet applicable technology-based effluent limitations in section 2.

(4) An inspection or evaluation of activities by the Director, an EPA official, local, or state entity, reveals that modifications to the Pest Management Measures are necessary to meet the effluent limitations in this general permit.

(5) Any Operator observes or is otherwise made aware of an adverse incident as defined in section 11-55-01.

(b) Corrective Action Deadlines.

If an Operator determines that changes to Pest Management Measures are necessary to eliminate any situation identified in section 6(a), such changes must be made before or, if not practicable, as soon as possible after the next pesticide application that results in a discharge.

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(c) Effect of Corrective Action.

The occurrence of a situation identified in section 6(a) of this general permit may constitute a violation of the permit. Correcting the situation according to section 6(a) of this general permit does not absolve the Operator of liability for any original violation. However, failure to comply with Section 6(a) of this general permit constitutes an additional permit violation. The Director will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

The Director, EPA or a court may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of Section 6(a) of this general permit if such requirements conflict.

(d) Adverse Incident Documentation and Reporting

(1) Twenty-Four (24) Hour Adverse Incident Notification

(A) Adverse Incident Notification Required

Except as provided for in section 6(d)(4), if an Operator observes or is otherwise made aware of an adverse incident, as defined in

section 11-55-01, which may have resulted from a discharge from a pesticide application, the Operator must immediately notify the Director. This notification must be made 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, within 24 hours of the Operator becoming aware of the adverse incident; and State Department of Agriculture or other state lead agency for pesticide regulation and must include at least the following information:

(i) The caller's name and telephone number;

(ii) Operator name and mailing address;

(iii) If covered under an NOI, the NPDES file number, if applicable;

(iv) The name and telephone number of a contact person, if different than the person providing the 24-hour notice;

(v) How and when the Operator became aware of the adverse incident;

(vi) Description of the location of the adverse incident;

(vii) Description of the adverse incident identified and the pesticide product, including EPA pesticide registration number, for each product applied in the area of the adverse incident;

(viii) Description of any steps the Operator has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects; and

(ix) If known, the identity of any other Operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident.

If an Operator is unable to notify the Clean Water Branch within 24 hours, the Operator must do so as soon as possible and also provide an appropriate rationale for why the Operator was unable to provide such notification within 24 hours.

The adverse incident notification and reporting requirements are in addition to what the registrant is required to submit under FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

(B) Adverse Incident Notification Not Required

Reporting of adverse incidents is not required under this permit in the following situations:

(i) An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;

(ii) An Operator has been notified by the Director, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;

(iii) An Operator receives information of an adverse incident, but that information is clearly erroneous; or

(iv) An adverse incident occurs to pests that are similar in

kind to potential target pests identified on the FIFRA label.

(2) Thirty (30) Calendar Day Adverse Incident Written Report.

Except as provided for in section 6(d)(4), within 30 calendar days of a reportable adverse incident pursuant to section 6(d)(1), Operators must provide a written report of the adverse incident to the Clean Water Branch and to the State Department of Agriculture or other state lead agency for pesticide regulation. The adverse incident report must include at least the following information:

(A) Information required to be provided in Section 6(d)(1);

(B) Date and time the Operator notified the Clean Water Branch and the State Department of Agriculture of the adverse incident and who the Operator spoke with and any instructions you received;

(C) Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc.);

(D) A description of the circumstances of the adverse incident including species affected, estimated number

of individual and approximate size of dead or distressed organisms;

(E) Magnitude and scope of the affected area (e.g. aquatic square area or total stream distance affected);

(F) Pesticide application rate; intended use site (e.g., on the bank, above waters, or directly to water); method of application; and the name of pesticide product and EPA registration number;

(G) Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);

(H) If laboratory tests were performed, an indications or which test(s) were performed, and when; additionally, a summary of the test results must be provided within five (5) calendar days after they become available if not available at the time of submission of the 30-day report;

(I) Description of actions to be taken to prevent recurrence of adverse incidents; and

(J) Signature, date, and certification in accordance with section 15 of appendix A, chapter 11-55.

(3) Adverse Incident to Threatened or Endangered Species or Critical Habitat

Notwithstanding any of the other adverse incident notification requirements of this section, if an Operator becomes aware of an adverse incident affecting a federally-listed threatened or endangered species or its federally-designated critical habitat, which may have resulted from a discharge from the Operator's pesticide application, the Operator must immediately notify the NMFS in the case of an anadromous or marine species, or the FWS in the case of a terrestrial or freshwater species. This notification must be made by telephone immediately upon the Operator becoming aware of the adverse incident and must include at least the following information:

(A) The caller's name and telephone number;

(B) Operator name and mailing address;

(C) The name of the affected species;

(D) How and when the Operator became aware of the adverse incident;

(E) Description of the location of the adverse incident;

(F) Description of the adverse incident and the pesticide product, including the EPA pesticide registration number for

each product applied in the area of the adverse incident; and

(G) Description of any steps the Operator has taken or will take to alleviate the adverse impact to the species.

Additional information on federally-listed threatened or endangered species and federally-designated critical habitat is available from NMFS (www.nmfs.noaa.gov) for anadromous or marine species or FWS (www.fws.gov) for terrestrial or freshwater species.

(4) Notification and Reporting for Adverse Incidents Involving Multiple Operators

Where multiple Operators are authorized for a discharge that results in an adverse incident, notification and reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of the written report required in section 6(d)(2) is also provided to all of the other authorized Operators within 30 calendar days of the reportable adverse incident.

(e) Reportable Spills and Leaks

(1) Spill, Leak, or Other Unpermitted Discharge Notification

Where a leak, spill, or other release into state waters containing a hazardous substance or oil in an amount

equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs in any 24-hour period, an Operator must notify 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 and the National Response Center immediately at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as the Operator has knowledge of the release. Contact information must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur.

State or local requirements may necessitate also reporting spills or leaks to local emergency response, public health, or drinking water supply agencies.

(2) Thirty-Day Spill, Leak, or Other Unpermitted Discharge Documentation

If an Operator becomes aware of a spill, leak, or other unpermitted discharge which triggers the notification in section 6(e)(1) and results in an adverse incident, then the Operator must report the incident per the guidelines in section 6(d)(1)

and 6(d)(2). If the spill, leak, or other unpermitted discharge triggers the notification in section 6(e)(1), but does not result in an adverse incident, then the Operator must document and retain the following information within 30 calendar days of becoming aware of the situation:

(A) Information required to be provided in section 6(e)(1);

(B) Summary of corrective action taken or to be taken, including date initiated and date completed or expected to be completed; and

(C) Any measures to prevent recurrence of such a spill or leak or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

(f) Other Corrective Action Documentation.

For situations identified in section 6(a), other than for adverse incidents (addressed in section 6(d)), or reportable spills or leaks (addressed in section 6(e)), Operators must document the situation triggering corrective action and planned corrective action within 30 calendar days of becoming aware of that situation, and retain a copy of this documentation. This documentation must include the following information:

(1) Identification of the condition triggering the need for corrective

action review, including any ambient water quality monitoring that assisted in determining that discharges did not meet water quality standards;

(2) Brief description of the situation;

(3) Date the problem was identified;

(4) Brief description of how the problem was identified, how the Operator learned of the situation, and date the Operator learned of the situation;

(5) Summary of corrective action taken or to be taken, including date initiated and date completed or expected to be completed; and

(6) Any measures to prevent reoccurrence of such an incident, including notice of whether PDMP modifications are required as a result of the incident.

7. Recordkeeping and Annual Reporting

The recordkeeping and annual reporting requirements vary depending on the type of Operator and whether a Decision-maker is a small or large entity. Table 4 references applicable requirements for the range of Operators covered under this permit.

Table 4: Applicable Recordkeeping and Annual Reporting Requirements for Different Types of Operators.

PGP Section	Applicable Type of Operator
7(a)	Recordkeeping: All Operators

7(b)	Recordkeeping: All Operators who are Applicators, as defined in section 11-55-01
7(c)	Recordkeeping: Any Decision-maker required to submit an NOI and who is a small entity{1}
7(d)	Recordkeeping: Any Decision-maker required to submit an NOI and who is a large entity{2}
7(e)	Retention of Records: All Operators
7(f)	Annual Reporting: Any Decision-maker required to submit an NOI and who is a large entity{2}

{1} Small Entity - As defined in section 11-55-01, is any (1) public entity that serves a population of 10,000 or less or (2) private enterprise that does not exceed the Small Business Administration size standard as identified at 13 CFR 121.201.

{2} Large Entity - As defined in section 11-55-01, is any (1) public entity that serves a population greater than 10,000 or (2) private enterprise that exceeds the Small Business Administration size standard as identified at 13 CFR 121.201.

Operators must keep written records as required in this permit for all discharges covered under this general permit. These records must be accurate and complete to demonstrate the Operator's compliance with the conditions of this general permit. Operator's may rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs, provided that all requirements of this general permit are satisfied.

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The Director recommends that all Decision-makers, who are or may be required to submit an NOI based on their annual treatment area, keep records of acres or linear miles treated for all applicable use patterns covered under this general permit. The records should be kept up-to-date to help Decision-makers determine if the annual treatment area threshold, is exceeded during any calendar year.

(a) Recordkeeping For All Operators.

All Operators must keep the following records:

(1) A copy of any Adverse Incident Reports (See section 6(d)(2));

(2) Rationale for any determination that reporting of an identified adverse incident is not required consistent with allowances identified in Section 6(d)(1)(B);

(3) A copy of any corrective action documentation (See section 6(f)); and

(4) A copy of any spill and leak or other unpermitted discharge documentation (See section 6(e)(2)).

(b) Recordkeeping for All Operators who are Applicators.

After the adjustment period, any Operator who is an Applicator, as defined in section 11-55-01, must retain the following records:

(1) Documentation of equipment calibration; and

(2) Information on each treatment area to which pesticides are discharged, including:

(A) Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters, either by name or by location, to which pesticide(s) are discharged;

(B) Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);

(C) Target pest(s);

(D) Documentation of any assessment of weather conditions in the treatment area prior to and during application to ensure application is consistent with all applicable federal requirements;

(E) Name of each pesticide product used including the EPA registration number;

(F) Quantity of each pesticide product applied to each treatment area;

(G) Pesticide application date(s); and

(H) Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not, and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

(c) Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Small Entity.

After the adjustment period, any Decision-maker required to submit an NOI that is defined as a small entity, must retain the following records at the address provided on the NOI.

(1) Copy of the NOI submitted to the Director, any correspondence exchanged between the Decision-maker and the Director specific to coverage under this permit, and a copy of the NGPC;

(2) Documentation of equipment calibration (only if Decision-maker is also the Applicator);

(3) Information on each treatment area to which pesticides are discharged, including:

(A) Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any state waters, either by name or by

location, to which pesticides are discharged;

(B) Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);

(C) Target pest(s) and explanation of need for pest control;

(D) Description of pest management measure(s) implemented prior to the first pesticide application;

(E) Company name and contact information for pesticide applicator;

(F) Name of each pesticide product used including the EPA registration number;

(G) Quantity of each pesticide product applied to each treatment area;

(H) Pesticide Application Start Date;

(I) Pesticide Application End Date; and

(J) Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

(d) Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Large Entity.

After the adjustment period, any Decision-maker required to submit an NOI that is defined as a large entity must retain the following records at the Operator's business address provided on the NOI:

(1) Copy of the NOI submitted to the Director, any correspondence exchanged between the Decision-maker and the Director specific to coverage under this permit, and a copy of the NGPC;

(2) A copy of your PDMP, including any modifications made to the PDMP during the term of this general permit.

(3) Copy of annual reports submitted to the Director;

(4) Documentation of equipment calibration (only if Decision-maker is also the Applicator);

(5) Information on each treatment area to which pesticides are discharged, including:

(A) Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any state waters, either by name or by location, to which pesticide(s) are discharged;

(B) Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);

(C) Target pest(s) and explanation of need for pest control;

(D) Action Thresholds;

(E) Method and/or data used to determine that action threshold(s) has been met;

(F) Description of pest management measure(s) implemented prior to the first pesticide application;

(G) Company name and contact information for pesticide applicator;

(H) Name of each pesticide product used including the EPA registration number;

(I) Quantity of each pesticide product applied to each treatment area;

(J) Pesticide application date(s); and

(K) Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

(e) Retention of Records for All Operators.

All required records must be documented as soon as possible but no later than 14 calendar days following completion of each pesticide application. Operators must retain any records required under this permit for at least five (5) years after the Operator's coverage under this permit expires or is terminated. Operators must make available to the State, including EPA or an authorized representative of EPA, all records kept under this permit upon request and provide copies of such records, upon request.

(f) Annual Reporting for Any Decision-maker Required to Submit an NOI and Who is a Large Entity.

Any Decision-makers required to submit an NOI and are defined as a large entity in section 11-55-01, must submit an annual report to the Director. Once a Decision-maker meets the obligation to submit an annual report, the Decision-maker must submit the annual report each calendar year thereafter for the duration of coverage under this general permit, whether or not the Decision-maker has discharges from the application of pesticides in any subsequent calendar year. The Decision-maker must submit the annual report to the Director no later than February 15, in pdf format (minimum of 300 dpi) on CD/DVD, of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. Annual reporting requirements begin with those

discharges occurring after the adjustment period.

Any Decision-maker required to submit an NOI based on an annual treatment area threshold must include information for the calendar year, with the first annual report required to include activities for the portion of the calendar year after the point at which the Decision-maker exceeded the annual treatment area threshold. If the Decision-maker first exceeds an annual treatment area threshold after December 1, an annual report is not required for that first partial year but an annual report is required thereafter, with the first annual report submitted also including information from the first partial year.

When Decision-makers terminate permit coverage, as specified in appendix A of chapter 11-55, an annual report must be submitted for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the next year.

The annual report must contain the following information:

(1) Decision-maker's name and contact information;

(2) NPDES file number

(3) Contact person name, title, e-mail address (if any), and phone number; and

(4) For each treatment area, report the following information:

(A) Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any state waters, either by name or by location, to which pesticide(s) are discharged;

(B) Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy) and target pest(s);

(C) Company name(s) and contact information for pesticide applicator(s), if different from the Decision-maker;

(D) Total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);

(E) Whether this pest control activity was addressed in the PDMP prior to pesticide application;

(F) The approximate date(s) of any discharge;

(G) If applicable, an annual report of any adverse incidents as a result of these treatment(s), for

incidents, as described in Section 6(d)(1) of this general permit; and

(H) If applicable, description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

(g) Submittal Requirements

(1) All submittals shall be addressed 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, HI 96801-3378

(2) 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

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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."

(3) 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 on future correspondence or submittals may be a basis for delay of the processing of the document(s).

8. Notice of Intent Requirements

(a) The owner or operator shall submit a complete NOI in accordance with the deadline in Section 1(f), Table 2 or thirty days before the expiration date of the applicable notice of general permit coverage.

(b) The owner or operator shall include the following information in the notice of intent:

(1) Information required in section 34 of appendix A of chapter 11-55;

(2) Pesticide use activities that trigger the PGP requirements;

(3) If the operator is a Large entity that triggers developing a PDMP and submittal of an annual report;

(4) Pest Management Area name and map of the location of the area or description of the Pest Management Area in detail; and

(5) Name of the water quality impaired waters; class 1, inland or class AA, marine waters, or areas restricted in accordance with the State's "no discharge" policy; or to surface drinking waters and their tributaries up-stream for which permit coverage is being requested and demonstration of eligibility for such discharges.

(c) The owner or operator shall submit Notice of Intent Forms on Forms specified by the CWB. Electronic notice of intent forms may be found at the Department's e-Permitting portal. The e-Permitting portal may be accessed via the Clean Water Branch's website at: http://health.hawaii.gov/cwb/ (see CWB NOI Form M).

9. 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:

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(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.

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