

Fact Sheet, Hawaii Administrative Rules (HAR), Chapter 11-55, Water Pollution Control

Hawaii Administrative Rules (HAR), Chapter 11-55 Water Pollution Control regulates the National Pollutant Discharge Elimination System (NPDES) in Hawaii. The NPDES is a permit system required by Section 402 of the federal Clean Water Act that authorizes certain types of point source discharges, as well as some storm water discharges, to surface waters such as streams, lakes, or oceans. The U.S. Environmental Protection Agency (EPA) authorized the State of Hawaii, Department of Health (DOH) to administer the NPDES permit system in Hawaii.

In addition to providing policies and requirements for the NPDES program, HAR Chapter 11-55 also contains the NPDES General Permits in its appendices. The General Permits authorize a category of discharges and has one set of requirements for a group of similar types of activities or facilities such as once-through cooling water for air conditioning systems or storm water discharges from construction activities. A General Permit is an already written permit that requires an eligible owner or operator to notify the DOH that it wishes to be covered under the General Permit and that it will comply with all requirements of the permit. Coverage under a General Permit tends to be more expeditious than under the formal Individual Permit process.

The current revisions for this chapter include:

- Reissuance of NPDES general permits:
 - Appendix C authorizing discharges of storm water associated with construction activities
 - Appendix J authorizing unintentional discharges from recycled water systems
 - Appendix L authorizing discharges of circulation water from decorative ponds or tanks.
- References to HAR Chapter 11-54 in 11-55-42 Intake water.

Section	Current	Proposed	Rationale
Throughout		Various formatting, grammatical, and stylistic changes.	Various formatting, grammatical, and stylistic changes were made throughout the proposed rules. Such changes were minor and not substantive changes and will not be discussed in this rationale. All changes were identified following Ramseyer formatting requirements.
Title Page	Stamped adoption date.	Placeholder.	Left a placeholder for the adoption date to be stamped after rule making.

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Section	Current	Proposed	Rationale
Table of Contents	Appendix J NPDES General Permit Authorizing Occasional or Unintentional Discharges from Recycled Water Systems	Appendix J NPDES General Permit Authorizing Unintentional Discharges from Recycled Water Systems	Revised general permit name. Appendix J will only cover unintentional discharges.
11-55-34.02(b)(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;	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 _____;	Update issuance date of Appendix C.
11-55-34.02(b)(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;	Appendix J, titled “NPDES General Permit Authorizing Unintentional Discharges from Recycled Water Systems” for the discharge of treated process wastewater effluent from recycled water distribution systems, dated _____;	Update name and issuance date of Appendix J.
11-55-34.02(b)(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;	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 _____;	Update issuance date of Appendix L.

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Section	Current	Proposed	Rationale
11-55-42(e)(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.	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 <u>chapter 11-54</u> .	Revise reference of water quality criteria from “this chapter” to “chapter 11-54” due to the move of the intake water rule from 11-54 to 11-55.
11-55-42(j)	All other water quality criteria established under this chapter continue to apply.	All other water quality criteria established under chapter <u>11-54</u> continue to apply.	Revise reference of water quality criteria from “this chapter” to “chapter 11-54” due to the move of the intake water rule from 11-54 to 11-55.
Adoption text	Stamped adoption date and previous public hearing and hearing notice.	Placeholder	Left placeholders to be filled in after adoption.