

CHAPTER 11-55 APPENDIX J

NPDES GENERAL PERMIT
AUTHORIZING UNINTENTIONAL DISCHARGES
FROM RECYCLED WATER SYSTEMS

This General Permit is effective on

January 19, 2024

and expires five years from this
date, unless amended earlier.

1. Coverage under this General Permit
 - (a) This general permit covers 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, defined as recycled water that has been oxidized, filtered, and disinfected to meet the corresponding standards set in chapter 11-62, is supplied from a treatment works and is conveyed or used by a recycled water system. Unintentional discharges are waters that are discharged rarely and were never planned to be discharged to State waters.
 - (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 this General Permit
 - (a) This general permit does not cover the following:

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- (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 with toxic parameter concentrations above the applicable water quality criteria in Chapter 11-54;
 - (6) Recycled water system discharges that the director finds more appropriately should be regulated under an individual permit; and
 - (7) Treatment works discharges that are not from a recycled water system approved by the department pursuant to chapter 11-62.
- (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in

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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 recycled water system discharges with controls to minimize discharges of pollutants, including appropriate controls to minimize erosion;
 - (2) Prohibit visible plumes from the discharge and prohibit the discharge of visible floating solids or foam;
 - (3) To the extent feasible, use vegetated, upland areas to infiltrate recycled water before discharge. State waters are prohibited from being used as part of the treatment area;
 - (4) At all points where recycled 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 the receiving waters.

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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 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 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 is submitted within sixty days

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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 (NOI) 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) A brief description of the recycled water system and the amount in gallons per day of R-1 water;
 - (3) Name of the owner or operator of treatment works producing or supplying the R-1 water, if different from the permittee;
 - (4) Documentation showing that the recycled water system has been approved pursuant to Chapter 11-62 by the department.

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- (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 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. Implementation of Best Management Practices

- (a) The permittee shall:

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- (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 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 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

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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.
- (5) Color photographs shall be taken during the unintentional discharges of the Recycled Water effluent. Copies of the color photographs shall contain the date and time the photos were taken and a written narrative description of what is being depicted in the photograph. A photograph orientation map shall also be submitted.

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All photographs shall be submitted to the DOH-CWB via the DOH e-Permitting Portal Compliance Submittal Form for Individual NPDES Permits and NGPCs. Photographs taken after the completion of the unintended discharges shall be submitted to the DOH-CWB within thirty (30) days after the completion of the discharges.

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

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shall be tabulated quarterly and submitted to the clean water 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 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.

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

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- (b) The permittee or its duly authorized representative shall include the following certification statement and an original signature, or as otherwise specified, 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).

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12. Record Retention

The permittee shall retain all records and information resulting from the 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 February 9, 2019, shall be automatically administratively extended. This administrative extension shall expire sixty days after the effective date of this general permit unless:

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

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- (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/>.

