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NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES OF CIRCULATION WATER
FROM DECORATIVE PONDS OR TANKS

This General Permit is effective on
JAN 29 2024

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;
 - (2) Discharges of circulation water from decorative ponds or tanks which initially enter separate storm water drainage systems, unless a permit,

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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 decorative ponds with toxic parameter concentrations above the applicable water quality criteria in chapter 11-54.
- (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 decorative pond discharges with controls to minimize discharges of pollutants. Appropriate controls to use downstream of decorative pond 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) To the extent feasible, use vegetated, upland areas to infiltrate decorative pond water before discharge. State waters are prohibited from being used as part of the treatment area.

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- (4) At all points where decorative pond 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.
- (5) Inspect, maintain, and replace filter media used in decorative pond devices according to 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

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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.

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- (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) 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 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;

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- (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 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

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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

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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 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

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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.,

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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

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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. 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

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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, $0.25 \times \text{MDL}$ shall be assigned for values less than the MDL and the numeric value of the MDL shall be assigned for values

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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.

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- (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 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:

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- (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.

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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, 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."

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(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 3420-35, HRS.

13. Administrative Extension

Any notice of general permit coverage issued under the general permit dated February 9, 2019, shall

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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/.](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 {2}	Type of Sample
Flow (GPD)	Report	Once/Quarter	Estimate
Total Nitrogen (µg/l)	{3}	Once/Quarter	Grab
Ammonia Nitrogen (µg/l)	{3}	Once/Quarter	Grab
Total Phosphorus (µg/l)	{3}	Once/Quarter	Grab
Total Suspended Solids (mg/l)	10	Once/Quarter	Grab
pH (standard units)	{4}	Once/Quarter	Grab {5}
Enterococcus (CFU/100 ml) {6}	130	Once/Quarter	Grab

GPD = gallons per day

mg/l = milligrams per liter

µg/l = micrograms per liter

NTU = Nephelometric Turbidity Units

CFU/100 ml = colony forming units per 100 milliliters

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

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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 per quarter that is representative of the discharge. If the permittee collects more than one sample during the quarter, the maximum value for each pollutant parameter for the quarter shall be reported. For pH, only report the minimum and maximum for the quarter. Laboratory results of all sampling shall be included with the discharge monitoring report.
- {3} 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.
- {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.