

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

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. Source waters with chlorine residuals may be used for once through cooling waters and chlorine may be used for the control of biofouling in cooling systems.
- (b) This general permit covers [~~all areas of the State~~] discharges to all State waters except for [~~discharges~~]:
 - (1) Discharges into natural freshwater lakes, saline lakes, [~~and~~] or anchialine pools[~~;~~]; or
 - (2) Discharges that occur within lands of exclusive federal jurisdiction.

2. Limitations on Coverage under this General Permit

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- (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~~[-]~~; and
 - (4) Facilities that use additives other than chlorine for the control of biofouling in cooling systems.
- (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) Prohibit discharges of waste from the physical cleaning of cooling systems;

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- (2) Prohibit discharges with observable deposits of floating solids, scum, sheen or other substances, an observable film, sheen or discoloration from oil and grease; or foam or substances that produce an observable change in color, odor, or cloudiness in the discharges; and
- (3) Prohibit discharges of compounds used in closed-loop systems.

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

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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:

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- (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,]~~ use of chlorine, if any ~~[used,]~~ in once through cooling water;
- (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.]~~ The treatment system plan to ensure the once through cooling effluent will meet

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the conditions of this general permit.
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:]~~ on forms specified by the director. Electronic forms are available online at the department's e-Permitting portal. The e-Permitting portal may be accessed at: <https://eha-cloud.doh.hawaii.gov/epermit>.

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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~~[-]~~, excluding conditions in section 1 (basic water quality criteria). In case of conflict between the conditions stated here and those specified in the standard general permit conditions, excluding conditions in section 1, 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]~~

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~~and prior to]~~ upstream of 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

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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~~

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~~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 shall inspect the effluent, 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 prohibitions as specified in section 2(c) (2) of this general permit.

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.]~~

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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.~~] prohibitions as specified in section 2(c)(2) of this general permit.

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).

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- (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.]~~
The Permittee or its duly authorized representative shall submit discharge monitoring reports on forms specified by the director. Electronic forms are available online at the department's e-Permitting portal. The e-Permitting portal may be accessed at:
<https://eha-cloud.doh.hawaii.gov/epermit>.
- (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) .

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- (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 between the MDL and the ML. The

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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)~~] prohibition specified in section 2(c)(2) of this general permit;
 - (B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or

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- (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.

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- (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~~] Use of Chlorine

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~~] quantities, if any, of chlorine (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.

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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:]~~ on forms specified by the director. Electronic forms are available online at the department's e-Permitting portal. The e-Permitting portal may be accessed at: <https://eha-cloud.doh.hawaii.gov/epermit>.

~~[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

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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

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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/>]~~

Electronic forms are available online at the department's e-Permitting portal. The e-Permitting portal may be accessed at:
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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 (Units)	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

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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.

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- {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.

General Permit Fact Sheet for HAR Chapter 11-55, Appendix E

(1) A brief description of the type of facility or activity which is the subject of the draft permit.

This general permit covers facilities in the State of Hawaii that discharge once through cooling water of a total flow of less than one million gallons per day.

"Once through cooling water" means water passed through the main cooling condensers one or two times for the purpose of removing waste heat.

This general permit is not intended for use by facilities which discharge once through cooling water of a total flow of one million gallons per day or greater nor for facilities which recirculate and reuse cooling water in excess of the definition of "once through cooling water."

As of 7/4/2025, two (2) facilities are covered by the 2022 discharges of once through cooling water less than one (1) MGD general permit. The permittees are:

1. National Oceanic and Atmospheric Administration (NOAA); and
2. IES Downstream, LLC.

(2) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged.

The allowed discharge is of cooling water of a total flow of less than one million gallons per day which is not commingled with other process water.

The most notable pollutant in the discharge is heat, however, additional pollutants may be present in the discharge depending on the source of the cooling water.

(3) For a PSD permit, the degree of increment consumption expected to result from operation of the facility or activity.

Not applicable.

(4) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by § 124.9 (for EPA-issued permits);

Basis for Discharge Limitations and Monitoring Requirements

The effluent limitations and monitoring requirements are based on the determinations established for the individual NPDES permits that had been issued for once-through, non-contact cooling water discharges of flow less than one (1) million gallons per day. Accordingly, the bases for the proposed effluent limitations are the HAR Chapter 11-54 Water Quality Standards.

Flow: The monitoring for flow is for quantification of the discharge.

Temperature: The temperature effluent limitation is based on HAR Chapter 11-54. Temperature criteria for all waterbody classification types require that the temperature not vary more than one degree Celsius from ambient conditions. This water temperature limitation as a discharge effluent limitation protects aquatic communities from thermal impacts.

Total Residual Oxidants: The permits established an effluent limitation for chlorine expressed as TRO. The source for the cooling water associated with these types of facilities are generally from, but not limited to, potable water systems or on-site ground water. The potable source water may contain chlorine residuals for disinfection purposes. Also, the application of chlorine may be performed for the operation and maintenance of the piping system in regards to biofouling. Therefore, the general permit includes TRO limitations based on HAR §11-54-4, freshwater and saltwater acute toxicity criteria for chlorine. These limitations protect freshwater and saltwater organisms from acute toxicity chlorine discharges.

Suspended Solids, Oil and Grease: The effluent limitations for suspended solids and oil and grease were based on the individual NPDES permits that were issued for this type of discharge. The limitation for oil and grease are to ensure that pumps and other mechanical equipment are being properly operated and maintained in regards to oily discharges. In addition, the general permit includes a discharge prohibition that there shall be no visible oil sheen in the effluent. The limitation for suspended solids is to ensure that the operation and maintenance of the cooling water system does not result in excessive discharge of particulate material. In addition, the general permit includes a discharge prohibition that there shall be no discharge of wastes from the physical cleaning of the cooling systems.

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

The general permit contains a discharge prohibition that there shall be no discharge of compounds used in closed-loop systems.

The discharges are not subject to regulations that govern the design and operation of intake structures [316(b) rule] as it has been determined that the discharges are short duration, of limited volume, and result in de minimis impacts.

The General Permit is divided into the following sections:

1. Coverage under this General Permit [*Revised*]
 2. Limitations on Coverage under this General Permit [*Revised*]
 3. Term of General Permit
 4. Notice of Intent Requirements [*Revised*]
 5. Standard Conditions [*Revised*]
 6. Effluent Limitations and Monitoring Requirements [*Revised*]
 7. Corrective Action [*Revised*]
 8. Reporting Requirements [*Revised*]
 9. Submittal Requirements [*Revised*]
 10. Additional Conditions
 11. Record Retention
 12. Falsifying Report
 13. Forms [*Revised*]
- Table 34.3 Effluent Limitation and Monitoring Requirements for Discharge of Once Through Cooling Water Less Than One (1) Million Gallons Per Day [*Revised*]

Sections 1 through 5 and 7 through 13 are basic requirements necessary to the General Permit. Section 6 and Table 34.3 detail the effluent limitations and monitoring requirements for once through cooling water discharges.

HAR Chapter 11-55, Appendix E Proposed Revisions

The General Permit currently in effect expires on January 14, 2027. The proposed General Permit will be effective for a term of 5 (five) years.

Revisions are proposed in the draft 2026 Appendix E.

The minor revision is proposed to:

1. Table 34.3 – add "(Units)" as a column label.

The other revisions are proposed to:

1. Section 1 - clarify the coverage under the general permit;
2. Section 2(a) - clarify the limitations on coverage under the general permit;
3. Section 2(c) – add discharge prohibitions (before deleting equivalent effluent limitations), and implement narrative water quality standards as discharge prohibitions;
4. Section 4(b) – clarify the requirements for information submitted in the notice of intent;
5. Sections 4(e), 8(a)(5), 9(a), and 13 - comply with federal electronic reporting regulations;
6. Sections 5, 6(b), 7, and 8(c)(1) - revise language that imposes or can be interpreted to impose compliance based on the conditions of receiving waters;
7. Section 6(a) – clarify the requirements for sampling points and test procedures;
8. Sections 6(d), 6(e), and 6(f) – delete effluent limitations (after adding equivalent discharge prohibitions); and
9. Sections 8(e) – clarify the requirements for reporting the use of chlorine, if any.

Section 1

Original: 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.

Revised: *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. Source waters with chlorine residuals may be used for once through cooling waters and chlorine may be used for the control of biofouling in cooling systems.*
- (b) *This general permit covers discharges to all State waters except for:*
 - (1) *Discharges into natural freshwater lakes, saline lakes, or anchialine pools; or*
 - (2) *Discharges that occur within lands of exclusive federal jurisdiction.*

Rationale: The source for the cooling water associated with these types of facilities is generally from, but not limited to, potable water systems or on-site ground water. Potable water sources may contain chlorine residuals for disinfection purposes. Also, the application of additions such as chlorine may be used for the operation and maintenance of the piping system in regards to biofouling.

DOH specifies effluent limitations for chlorine expressed as total residual oxidants (TRO) in Table 34.3. The effluent limitations for TRO are based on HAR §11-54-4, freshwater and saltwater acute toxicity criteria for chlorine. These limitations protect freshwater and saltwater organisms from acute toxicity chlorine discharges.

DOH clarifies that the coverage under this general permit includes the use of source waters with chlorine residuals and the use of chlorine for the control of biofouling of pipes in the cooling systems.

DOH also clarifies that this general permit regulates discharges instead of geographic areas by replacing “all areas of the State” with “discharges to all State waters”. This revision ensures consistency with the CWA and standard NPDES permit language.

DOH also specifies that this general permit does not authorize discharges within lands of exclusive federal jurisdiction. Lands of exclusive federal jurisdiction are lands in the U.S. where the federal government retains exclusive jurisdiction in relevant respects. Not all federal lands are lands of exclusive federal jurisdiction. Rather, exclusive federal jurisdiction is established only under limited circumstances pursuant to the Enclave Clause of the U.S. Constitution. These circumstances include (1) where the federal government purchases land with State consent to jurisdiction, consistent with the Enclave Clause; (2) where a State chooses to cede jurisdiction to the federal government; and (3) where the federal government reserved jurisdiction upon granting statehood [see background section in Modification to 2022 NPDES CGP for Stormwater Discharges from Construction Activities, 90 Fed. Reg. 15653 (Apr. 15, 2025) (amending 40 C.F.R. Part 122) <https://www.federalregister.gov/documents/2025/04/15/2025-06320/modification-to-2022-national-pollutant-discharge-elimination-system-npdes-construction-general>].

Within lands of exclusive federal jurisdiction, the State does not have NPDES permitting authority and EPA retains responsibility for administering the NPDES program. Dischargers must obtain coverage under an applicable EPA-issued permit.

Section 2(a)

Original: 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.

Revised: *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;*
- (3) *Facilities with cooling water intake structures subject to the requirements of Section 316(b) of the Clean Water Act; and*
- (4) *Facilities that use additives other than chlorine for the control of biofouling in cooling systems.*

Rationale: DOH clarifies that the coverage under this general permit is limited to the use of chlorine for the control of biofouling in cooling systems. DOH specifies effluent limitations for chlorine expressed as total residual oxidants (TRO) in Table 34.3. The use of other additives is not covered under this general permit.

Section 2(c)

Original: (Blank)

Revised: Permittees authorized by this general permit are required to comply with the following requirements:

- (1) Prohibit discharges of waste from the physical cleaning of cooling systems;
- (2) Prohibit discharges with observable deposits of floating solids, scum, sheen or other substances, an observable film, sheen or discoloration from oil and grease; or foam or substances that produce an observable change in color, odor, or cloudiness in the discharges; and
- (3) Prohibit discharges of compounds used in closed-loop systems.

Rationale: Effluent limitations for oil, waste from cleaning of cooling systems, and compounds used in closed-loop systems are respectively specified in sections 6(d), 6(e), and 6(f). DOH replaces the above effluent limitations with respective discharge prohibitions for oil, waste from cleaning of cooling systems, and compounds used in closed-loop systems in sections 2(c)(1), 2(c)(2), and 2(c)(3).

DOH revises the discharge prohibition for oil to include floating debris, grease, scum, other floating material, as well as color and taste. DOH retains the effluent limitation for oil and grease in Table 34.3. DOH specifies these discharge prohibitions since there are no numerical limits specified exist in HAR Chapter 11-54 for floating debris, grease, scum, other floating material, color, taste, waste from cleaning of cooling systems, and compounds used in closed-loop systems. 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 Chapter 11-54.

Section 4(b)

Original: 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.

Revised: *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 use of chlorine, if any in once through cooling water;*
- (7) The best estimate of the date on which the facility will begin to discharge; and*
- (8) The treatment system plan to ensure the once through cooling effluent will meet the conditions of this general permit. 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.*

Rationale: DOH clarifies the requirements for information that shall be submitted in the notice of intent.

DOH clarifies that this general permit covers the use of chlorine for the control of biofouling in cooling systems. DOH requires the applicant to indicate on the notice of intent the use of chlorine in once through cooling waters.

DOH clarifies the requirements of the treatment system plan for once through cooling waters. DOH expects that compliance with the conditions in this general permit will control discharges of once through cooling waters as necessary to meet applicable water quality standards as specified in HAR Chapter 11-54.

Section 4(e)

Original: 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~~

Revised: *The owner or operator shall submit a complete notice of intent on forms specified by the director. Electronic forms are available online at the department's e-Permitting portal. The e-Permitting portal may be accessed at: <https://eha-cloud.doh.hawaii.gov/epermit>.*

Rationale: The revision is required to comply with federal electronic reporting regulations, specifically the NPDES Electronic Reporting Rule (40 CFR Part 127) and CROMERR (40 CFR Part 3), which mandate that states collect NPDES program data electronically. This ensures legal compliance, improves administrative efficiency, and aligns DOH's program with national standards for environmental permitting.

Section 5

Original: 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.

Revised: *The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55, excluding conditions in section 1 (basic water quality criteria). In case of conflict between the conditions stated here and those specified in the standard general permit conditions, excluding conditions in section 1, the more stringent conditions shall apply.*

Rationale: On March 4, 2025, the U.S. Supreme Court ruled 5-4 in favor of the City and County of San Francisco in its dispute with the EPA ruling that "end-result" provisions, or provisions that tells permittees that a particular end result must be achieved, are not authorized by the Clean Water Act.

See https://www.supremecourt.gov/opinions/24pdf/23-753_f2bh.pdf for the Supreme Court Opinion. DOH has revised this language to comply with the Supreme Court opinion, notably revising any language that imposes or can be interpreted to impose compliance based on the conditions of receiving waters.

Section 6(a)

Original: 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.

Revised: *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 upstream of 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.*

(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).*

Rationale: DOH specifies in Table 34.3 an effluent limitation for total suspended solids. The total suspended solids limits are net increase restrictions of the effluent above that of the influent of once through cooling water. DOH clarifies in section 6(a)(1)(A) that influent samples of once through cooling water are taken upstream of the cooling system.

DOH clarifies the requirements for test procedures in section 6(a)(4). For the analysis of pollutants, the permittee must use test procedures that are approved under 40 CFR Part 136 and sufficiently sensitive to detect the applicable numerical limits as specified in HAR Chapter 11-54.

Section 6(b)

Original: ~~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.~~

Revised: *Inspections*

The permittee shall inspect the effluent, 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 prohibitions as specified in section 2(c)(2) of this general permit.

Note: When effluent commingles with offsite water or pollutant sources prior to discharging to the receiving water, inspect the effluent after it exits the site and prior to commingling.

Rationale: On March 4, 2025, the U.S. Supreme Court ruled 5-4 in favor of the City and County of San Francisco in its dispute with the EPA ruling that "end-result" provisions, or provisions that tells permittees that a particular end result must be achieved, are not authorized by the Clean Water Act.

See https://www.supremecourt.gov/opinions/24pdf/23-753_f2bh.pdf for the Supreme Court Opinion. DOH has revised this language to comply with the Supreme Court opinion, notably revising any language that imposes or can be interpreted to impose compliance based on the conditions of receiving waters.

Sections 6(d), 6(e), and 6(f)

Original: (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.~~

Revised: *(Blank)*

Rationale: Effluent limitations for oil, waste from cleaning of cooling systems, and compounds used in closed-loop systems are respectively specified in section 6(d), section 6(e), and section 6(f). DOH replaces the above effluent limitations with respective discharge prohibitions for oil, waste from cleaning of cooling systems, and compounds used in closed-loop systems in section 2(c)(1), section 2(c)(2), and section 2(c)(3).

DOH revises the discharge prohibition for oil to include floating debris, grease, scum, other floating material, as well as color and taste. DOH retains the effluent limitation for oil and grease in Table 34.3. DOH specifies these discharge prohibitions since there are no numerical limits specified exist in HAR Chapter 11-54 for floating debris, grease, scum, other floating material, color, taste, waste from cleaning of cooling systems, and compounds used in closed-loop systems.

Section 7

- Original:** 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.~~
- Revised:** *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 prohibitions as specified in section 2(c)(2) of this general permit.*
- Rationale:** On March 4, 2025, the U.S. Supreme Court ruled 5-4 in favor of the City and County of San Francisco in its dispute with the EPA ruling that "end-result" provisions, or provisions that tells permittees that a particular end result must be achieved, are not authorized by the Clean Water Act.
- See https://www.supremecourt.gov/opinions/24pdf/23-753_f2bh.pdf for the Supreme Court Opinion. DOH has revised this language to comply with the Supreme Court opinion, notably revising any language that imposes or can be interpreted to impose compliance based on the conditions of receiving waters.

Section 8(a)(5)

- Original:** ~~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.~~
- Revised:** *The permittee or its duly authorized representative shall submit discharge monitoring reports on forms specified by the director. Electronic forms are available online at the department's e-Permitting portal. The e-Permitting portal may be accessed at: <https://eha-cloud.doh.hawaii.gov/epermit>.*

Rationale: DOH clarifies the federal electronic reporting regulations, specifically the NPDES Electronic Reporting Rule (40 CFR Part 127) and CROMERR (40 CFR Part 3), which mandate that states collect NPDES program data electronically. This ensures legal compliance, improves administrative efficiency, and aligns DOH's program with national standards for environmental permitting.

Section 8(c)(1)

Original: 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; and
- (C) Unanticipated bypass or upset.

Revised: *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 prohibition specified in section 2(c)(2) of this general permit;*
- (B) *Discharge or noncompliance with effluent limitations which may endanger health or the environment; and*
- (C) *Unanticipated bypass or upset.*

Rationale: On March 4, 2025, the U.S. Supreme Court ruled 5-4 in favor of the City and County of San Francisco in its dispute with the EPA ruling that "end-result" provisions, or provisions that tells permittees that a particular end result must be achieved, are not authorized by the Clean Water Act.

See https://www.supremecourt.gov/opinions/24pdf/23-753_f2bh.pdf for the Supreme Court Opinion. DOH has revised this language to comply with the Supreme Court opinion, notably revising any language that imposes or can be interpreted to impose compliance based on the conditions of receiving waters.

Section 8(e)

Original: 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.

Revised: *Reporting Use of Chlorine*

The permittee shall submit to the director by the twenty-eighth of January of each year an annual summary of the quantities, if any, of chlorine (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.

Rationale: DOH clarifies that this general permit covers the use of chlorine for the maintenance of biofouling of cooling systems. DOH requires that an annual summary of the quantities of chlorine , if any, be submitted by the twenty-eighth of January each year.

Section 9(a)

Original: The permittee or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit ~~to the director at the following address or as otherwise specified:~~

~~Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378~~

Revised: *The permittee or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit on forms specified by the director. Electronic forms are available online at the department's e-Permitting portal. The e-Permitting portal may be accessed at: <https://eha-cloud.doh.hawaii.gov/epermit>.*

Rationale: The revision is required to comply with federal electronic reporting regulations, specifically the NPDES Electronic Reporting Rule (40 CFR Part 127) and CROMERR (40 CFR Part 3), which mandate that states collect NPDES program data electronically. This ensures legal compliance, improves administrative efficiency, and aligns DOH's program with national standards for environmental permitting.

Section 13

Original: ~~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/>.~~

Revised: Electronic forms are available online at the department's e-Permitting portal. The e-Permitting portal may be accessed at: <https://eha-cloud.doh.hawaii.gov/epermit>.

Rationale: DOH clarifies that all electronic forms may be accessed online at the e-Permitting Portal. This ensures legal compliance with federal electronic reporting regulations, improves administrative efficiency, and aligns DOH's program with national standards for environmental permitting.

(5) Reasons why any requested variances or alternatives to required standards do or do not appear justified;

Not applicable.

(6) A description of the procedures for reaching a final decision on the draft permit including:

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

Refer to HAR §11-1-51 procedures for adopting rules. The comment period has yet to be determined. Comments will be received via email to the cleanwaterbranch@doh.hawaii.gov, at the various District Health Offices, and at 2827 Waimano Home Road, #225, Pearl City, Hawaii 96782. The procedures for requesting a hearing shall follow 40 CFR §124.11.

(7) Name and telephone number of a person to contact for additional information.

Mr. Reef Migita
Engineering Section Supervisor
Clean Water Branch
Department of Health
Ph. (808) 586-4309

(8) For NPDES permits, provisions satisfying the requirements of § 124.56.

The CWA requires that discharges from existing facilities, at a minimum, must meet technology-based effluent limitations reflecting, among other things, the technological capability of permittees to control pollutants in their discharges. Water quality-based effluent limitations are required by CWA Section 301(b)(1)(C). Both technology-based and water quality-based effluent limitations are implemented through NPDES permits.

For this permit, the effluent limits are based on Hawaii's water quality standards because no effluent limitation guidelines apply.

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

Not applicable.