



# NPDES Storm Water Construction Compliance

By: Bobbie Teixeira, Department of Health

November 13, 2019



## CLEAN WATER BRANCH

### New

#### TMT Request for Contested Case Hearing

Any interested party who submitted comments during the public notice period or submitted testimony during the public hearing may request a contested case hearing. Requests may be mailed to the Director of Health, 1250 Punchbowl Street, Honolulu, Hawaii 96813. The requirements for requesting a contested case are found in Hawaii Administrative Rules, Chapter 11-1. A copy of these rules is available at <https://health.hawaii.gov/opppd/files/2015/06/11-1.pdf>. Requests must include the requester's first and last name, mailing address, email, and phone number. The Director of Health will accept requests for a contested case hearing no later than August 9, 2019, by the close of business at 4:30 p.m.

To view the revised public hearing notice, the draft permit and rationale, the renewal application, and/or the original application please go to [Public Notices and Updates](#).

#### Amendments to Hawaii Administrative Rules (HAR), Chapter 11-55 (Water Pollution Control), Effective February 9, 2019.

The DOH-CWB amended HAR Chapter 11-55. Please go to the [Hawaii Administrative Rules \(HAR\), Chapter 11-55](#) page to view the latest amended rules including all Appendices.

To view the individual Appendices, including revised/renewed General Permits in Appendices C and L, please go to our [NPDES General Permits](#) page. You can view and/or download each General Permit and find information on how to apply for coverage.

## CWB

### Apoha says Aloha / E Komo Mai



- [Current Water Quality Advisories](#)
- [Clean Water Branch](#)
- [About CWB](#)
  - [History and Mission Statement](#)
- [Contact Us](#)
- [Library](#)
  - [CWB Standard Comments](#)
  - [Water Quality References](#)
  - [Workshop Presentations](#)
  - [Hawaii BEACH Monitoring Document](#)
  - [BEACH Monitoring Brochure](#)
- [Permitting](#)
  - [Forms](#)
    - [e-Permitting Portal](#)
  - [NPDES General Permits](#)
  - [Standard NPDES Permit Conditions](#)

## NPDES GENERAL PERMITS

### NPDES General Permits (HAR, Chapter 11-55, Appendices B through L)

The Department of Health (DOH), Clean Water Branch (CWB) has adopted the NPDES General Permits as Appendices to the Hawaii Administrative Rules (HAR), Chapter 11-55. If you would like to request coverage under one (1) of these NPDES General Permits, you are required to:

1. Download, read, and understand the NPDES General Permit for which you would like to request coverage. Please see below for the NPDES General Permits with Standard General Permit Conditions.
  - (EXPIRED) [HAR 11-55, Appendices B and A – NPDES General Permit Authorizing Discharges of Storm Water Associated with Industrial Activities \(Expired December 5, 2017\)](#)
  - [HAR 11-55, Appendices C and A – NPDES General Permit Authorizing Discharges of Storm Water Associated with Construction Activities \(Expires February 8, 2024\)](#)
  - [HAR 11-55, Appendices D and A – NPDES General Permit Authorizing Discharges of Treated Effluent from Leaking Underground Storage Tank Remedial Activities \(Expires July 12, 2023\)](#)

## Parts of the Permit

### Appendix C

#### Permit: When and for What

1. Coverage under the General Permit

2. Limitations of the General Permit

3. Term of the General Permit

#### Minimum Requirements/BMPs

4. Standard Conditions

5. Effluent Limitations

6. Water Quality Based Effluent Limitations

#### Design and Implement a Plan

7. SWPPP

8. SWPPP Implementation

9. Inspections

10. Corrective Actions

#### Paperwork Requirements

11. NOI Req.

12. Reporting Req.

13. Submittal Req.

14. Additional Conditions

15. Record Retention

16. No Falsifying

# When Do You Need a Permit/What Does it Allow

## Permit: When and for What

1. Coverage under  
the General Permit

2. Limitations of the  
General Permit

3. Term of the  
General Permit

- Earth disturbance (e.g. grading, grubbing, etc.) of 1 acre or more or apart of common plan of development
- Includes staging area, offsite area that are non-permanent
- Issued to owner or operator

- Discharge **ONLY** storm water

- Good for 5 years or less

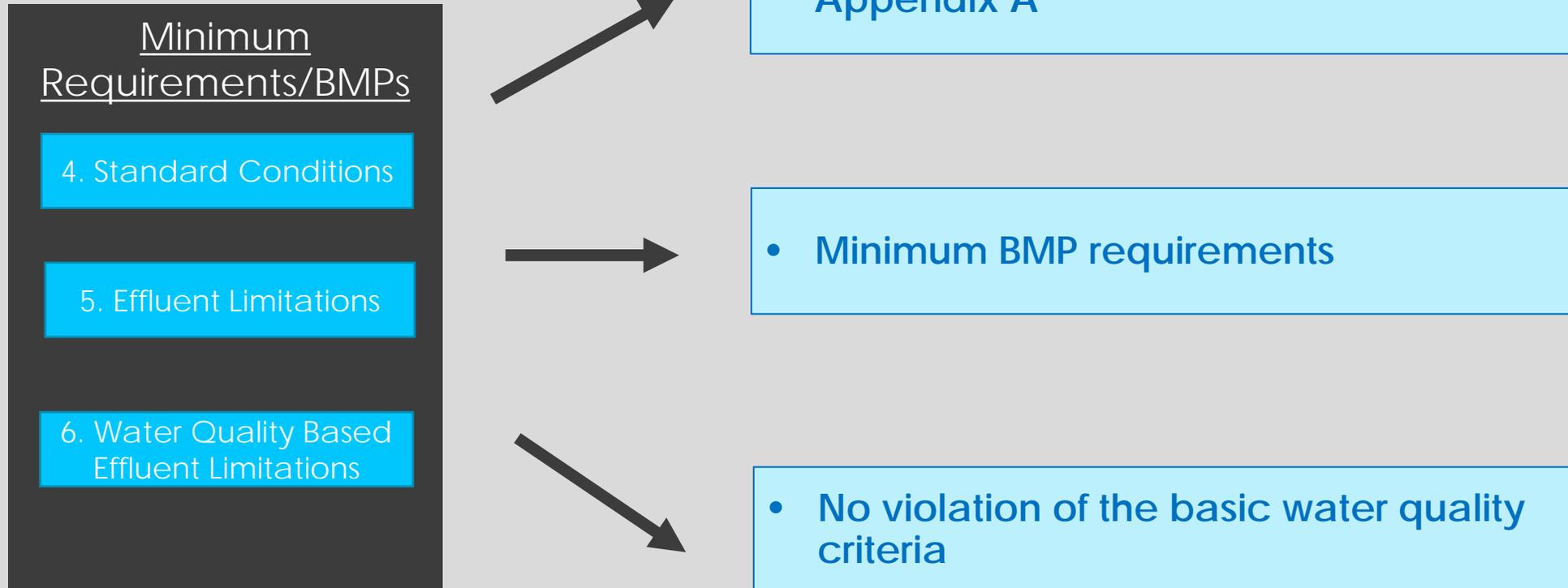
# NPDES Permits

- What your going to discharge
- Where your going to discharge it
- How much your going to discharge

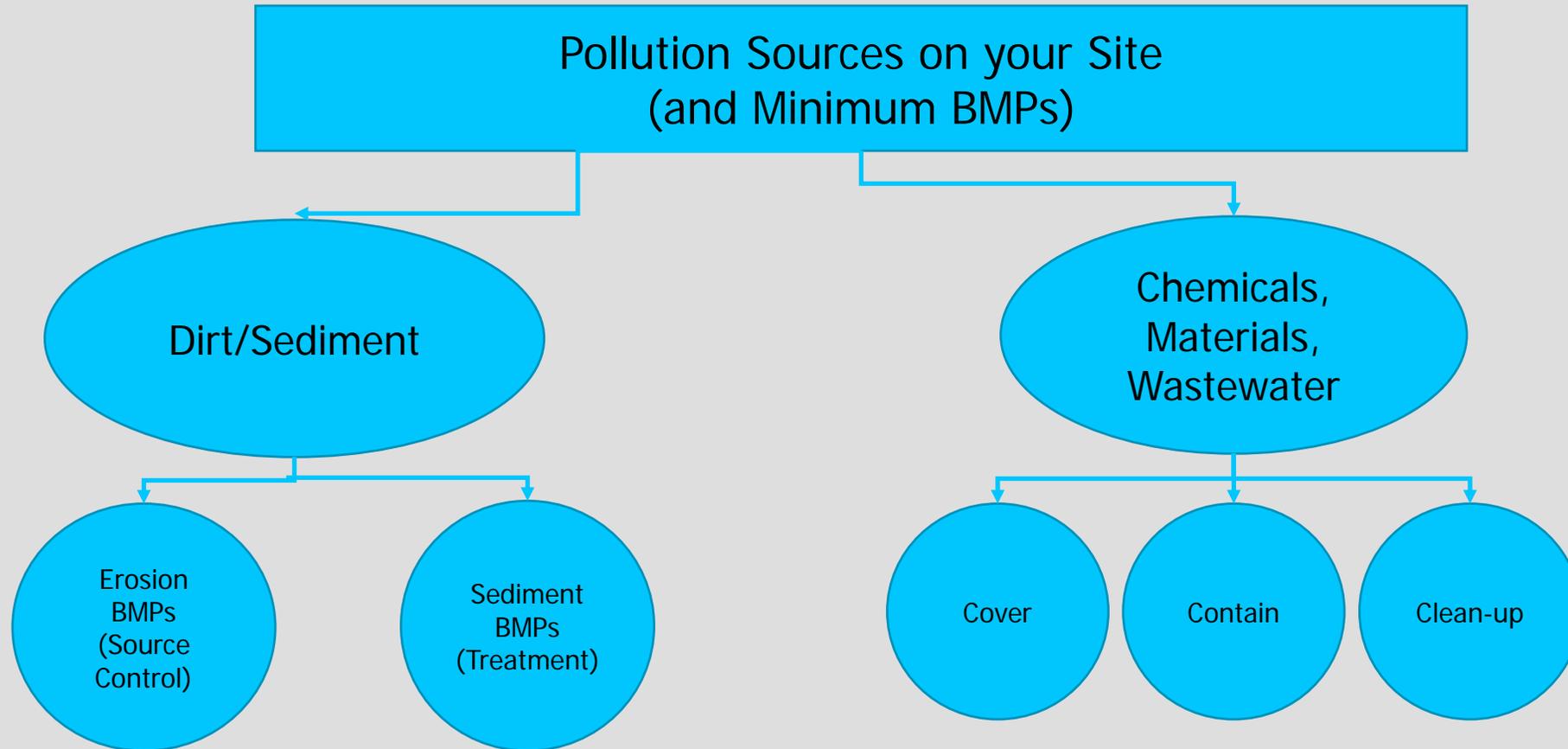
## Triggers For a New Permit

- Change in disturbed area
- Change in discharge location
- Change in receiving water

# What You Need To Do



# Minimum BMP Requirements



# Minimum BMPs

## BMPs for Dirt/Sediment

1. Perimeter Sediment Control- Silt Fence type BMPs (Double if by a stream or ocean)
2. Stockpile Protection- Cover small ones, perimeter control big ones
3. Minimize Dust- Water Truck
4. Deal with Steep Slopes- Intercept swales and/or EROSION CONTROL MATTING
5. Storm Drain Inlet Protection- last defense
6. Stabilize your entrances/exits- Don't Track Out or Wash Down
7. Treat contaminated soil differently- treat it like chemical waste

# Minimum BMPs

## Fueling, Equipment Maintenance, Material Chemical Storage

1. Isolate and Contain: Don't let storm water touch any chemicals
2. Clean up spills immediate: Have spill kits and people trained to use them

## Wash water, wastewater, drum rinse

1. Contain and dispose of legally
2. NO WASHWATER ON THE GROUND

# How You Need To Do It

## Design and Implement a Plan

7. SWPPP

8. SWPPP  
Implementation

9. Inspections

10. Corrective  
Actions

- Developed prior to submitting an NOI
- Contains the minimum requirements
- Include revisions
- On-site availability

- Only required during normal working hours
- Record rainfall

- Immediately stop, reduce, or modify

# Storm Water Pollution Prevention Plans

## Who, What, When, Where, Why and How of BMPs on your Site

1. Who- Identifies who is responsible for BMP implementation, maintenance, and reporting
2. What- What pollution sources are around and what BMPs are being used to deal with them
3. When- When does everything occur? Inspections? Maintenance? Reporting?
4. Where- Site Map
5. Why- Clearly defines why each BMP is being implemented
6. How- BMP specs, details on how to report, document, etc.

# Construction Storm Water Program

## Physical BMPs

Erosion Control

Sediment Control

## Administrative BMPs

Written Plan (SWPPP)

Training

Habits

Self Monitoring

Construction Practices

Inspections

Corrective Actions

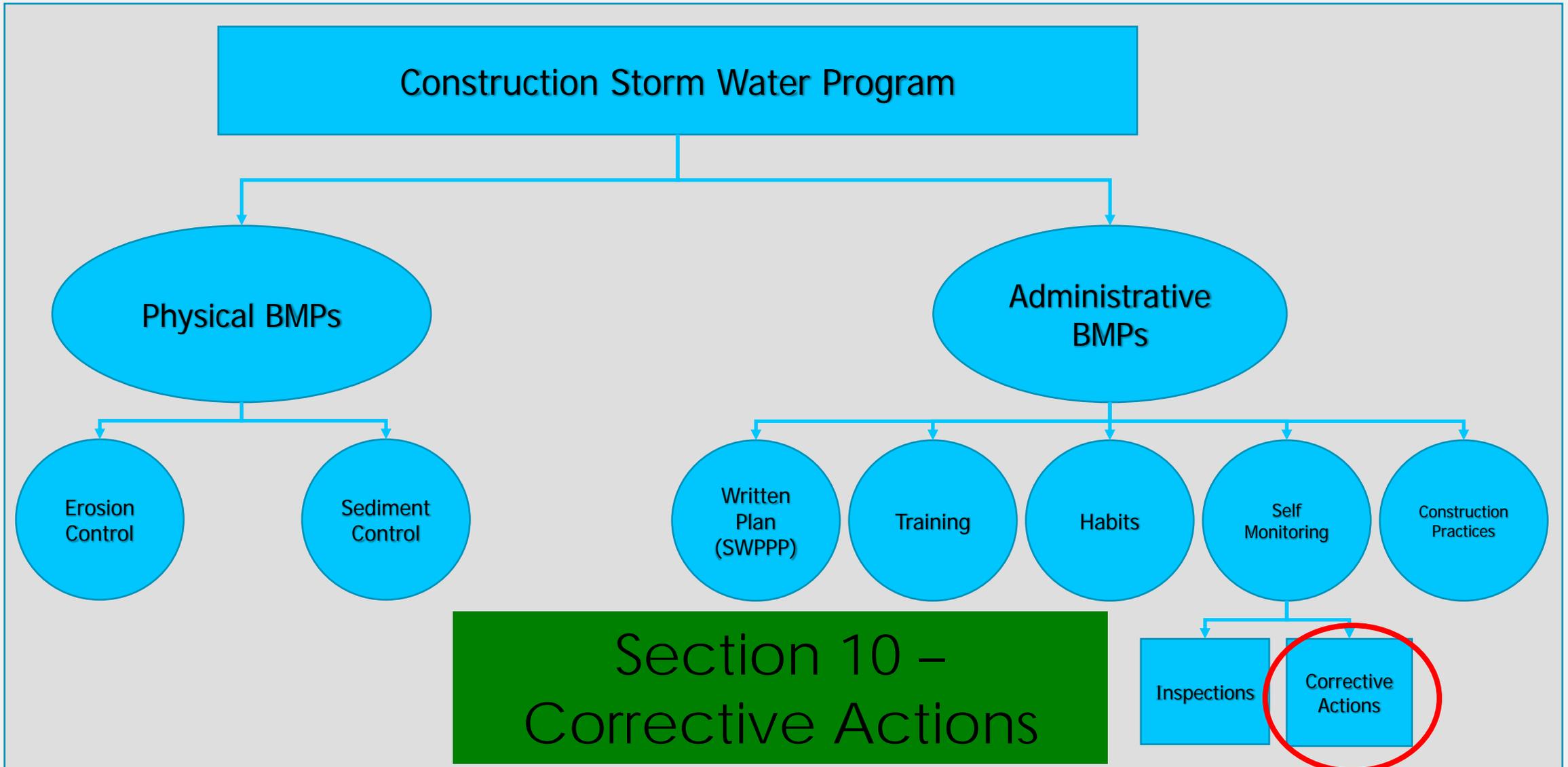
## Section 9 – Inspections

# Inspections

## Triggers, requirements, documentation

1. Weekly or every two weeks and whenever it rains 0.25" or more
2. Looks for BMPs, condition of BMPs and if there are sources that need BMPs
3. Conducted by someone who received Storm Water training
4. Includes a signed report
5. Onsite availability
6. Reports must be maintained for 3 years after permit expiration

**The Inspection Reports are IMPORTANT if you want to avoid fines**



# Corrective Actions

If it's Broke, fix it. If it keeps breaking, do something different

1. Stop Polluted Discharges if they are occurring
2. Replace/Rebuild BMPs as necessary
3. Redesign if that's the problem
4. Includes a signed corrective action report
5. Must Document
6. Must Report

# Reporting

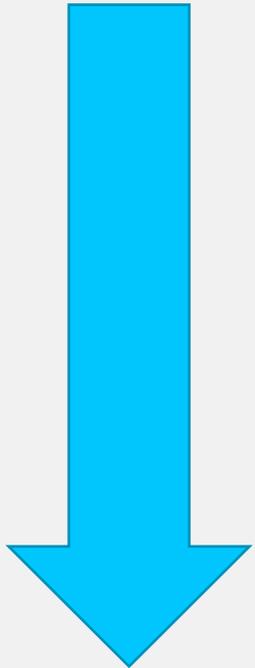
If you've had a polluted discharge, you must report it

1. Environmental health is about public health
2. Don't make protecting the public your decision, make it ours
3. If you don't report it, someone else probably will
4. Know the number to call
5. Have an SOP
6. Do the corrective action report
7. Submit your NOC when construction is complete

**The failure to report is an added violation for any enforcement action**

# What's the Expectation

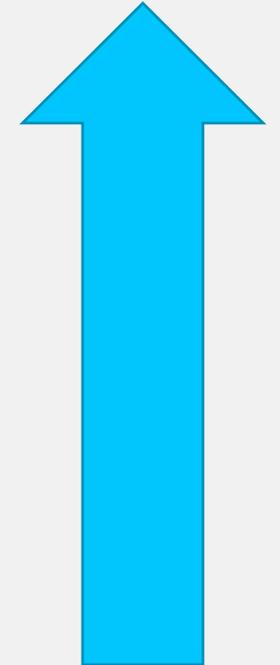
Easy to Do



Hard to Do

- Have your paperwork on site
- Do your training and inspections
- Have a tidy site (good housekeeping)
- Manage Storm water run on
- Phase construction to reduce pollution risk

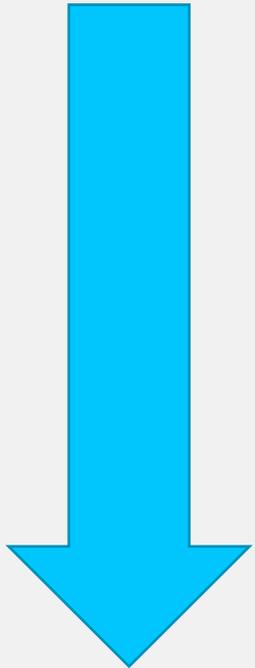
Least Effective



Most Effective

# How to Avoid a Fine

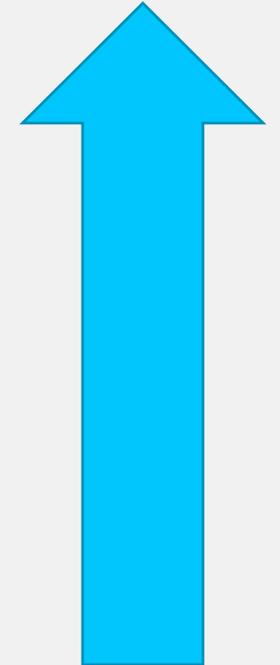
Easy to Do



Hard to Do

- Good BMP Design/Approach
- Good implementation/maintenance
- Good record keeping
- No discharge of pollutants
- NO DISCHARGE

Least Effective



Most Effective



# How To Reduce Your Chance of an Inspection

## What Were Looking For...

- Discharges/ Evidence of Discharges
- Risk level (size, slope, proximity)
- BMP Maintenance
- Site status (active, complete)

# Questions?



Clean Water Branch  
2827 Waimano Home Road #225  
Pearl City, Hawaii 96782  
Phone: 586-4309

