

Nonpoint Source Water Pollution Control Program- Theory and Basics

DOH Proposal to Address the Major
Sources of Water Pollution:
Presentation 1 of 2 in the series

11/2/2020

It's About the Water



PS vs. NPS – Quick Review

- Point Source and Nonpoint Sources- Not reflections of the real world but rather Regulatory Distinctions
- Point Sources: Regulated by the Federal Government (and through Federal State Agreements as in Hawaii).
 - Are subject to NPDES
 - Are often industrial in nature
 - Are sources that unto themselves cause a loss of use of the waterbody
- Nonpoint Sources: Regulated by the State (excluded from regulation by the Federal Government)
 - Are not subject to NPDES
 - Are often non-industrial in nature
 - Are sources that in combination cause a loss of use of a waterbody
 - Are sources explicitly exempted as a point source

The background of the slide features a vertical strip on the left side showing a close-up of ocean waves with white foam, transitioning into a dark teal gradient that covers the rest of the slide.

PS vs. NPS – Quick Review

Hawaii has a robust Point Source Program but no formal nonpoint source program

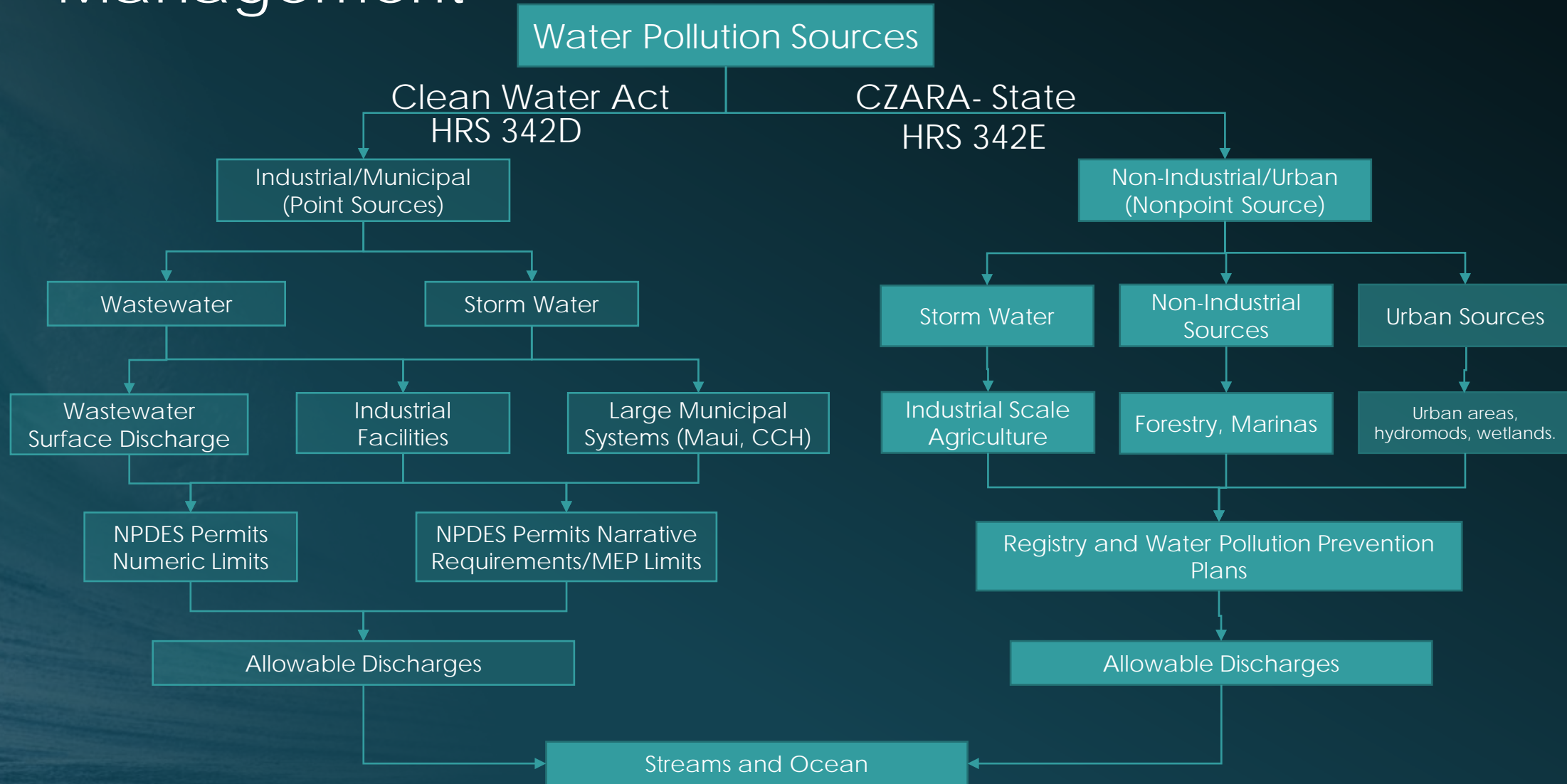
- Hawaii Point Source Regulation:
 - DOH- Clean Water Branch
 - Hawaii NPDES Permit Program
 - HAR 11-54 Water Quality Standards
 - HAR 11-55 Water Pollution Control
- Hawaii Nonpoint Source Regulation:
 - DOH Legally Authorized
 - Proposed Surface Water Protection Branch
 - HAR 11-54 Water Quality Standards
 - Proposed HAR 11-56 Nonpoint Source Water Pollution Control



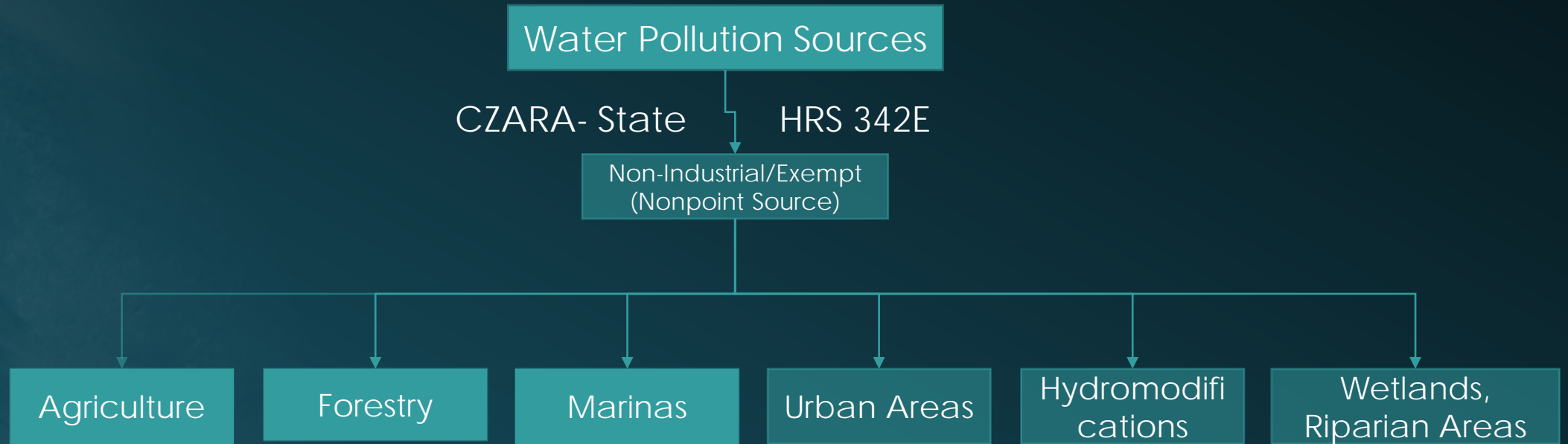
Proposed State Nonpoint Source (HAR 11-56)

- Began in 2019
- Follows the State's coastal nonpoint source strategy
- Identifies six major categories of nonpoint source pollution
 - Agriculture
 - Forestry
 - Marinas
 - Urban Areas
 - Hydromodifications
 - Wetlands, riparian areas

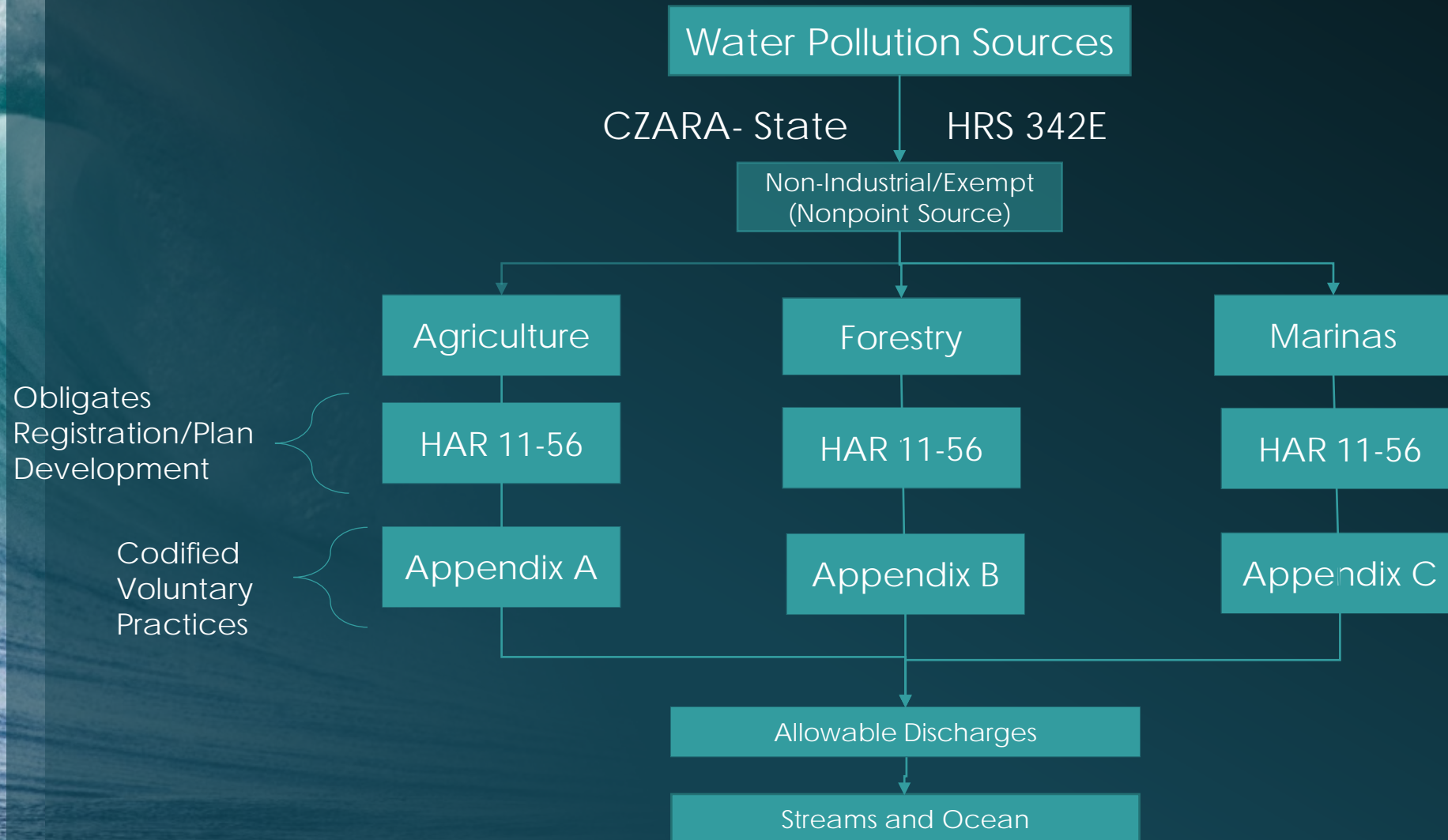
Proposed Construct Over Water Quality Management



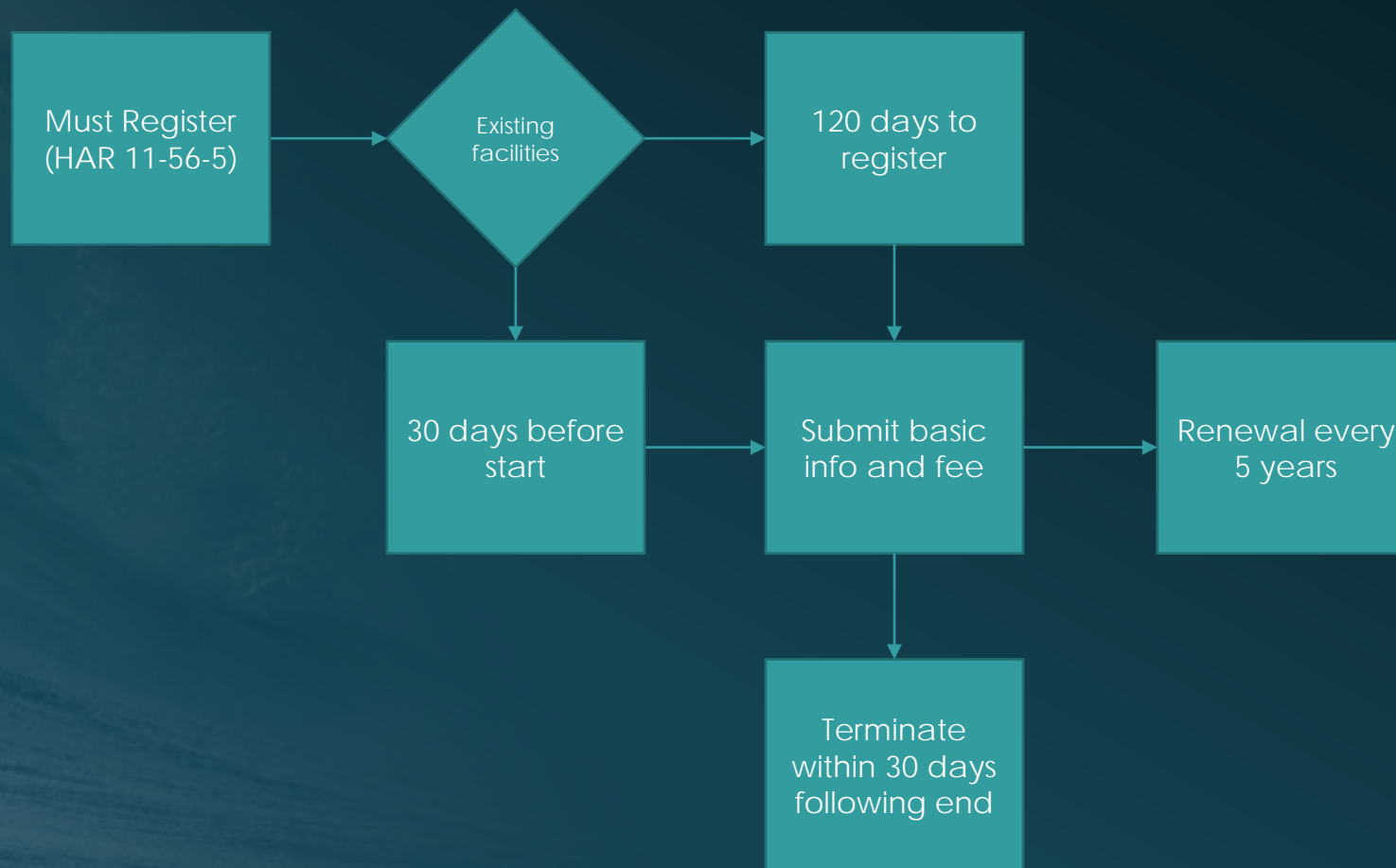
Major Nonpoint Source Categories (CZARA)



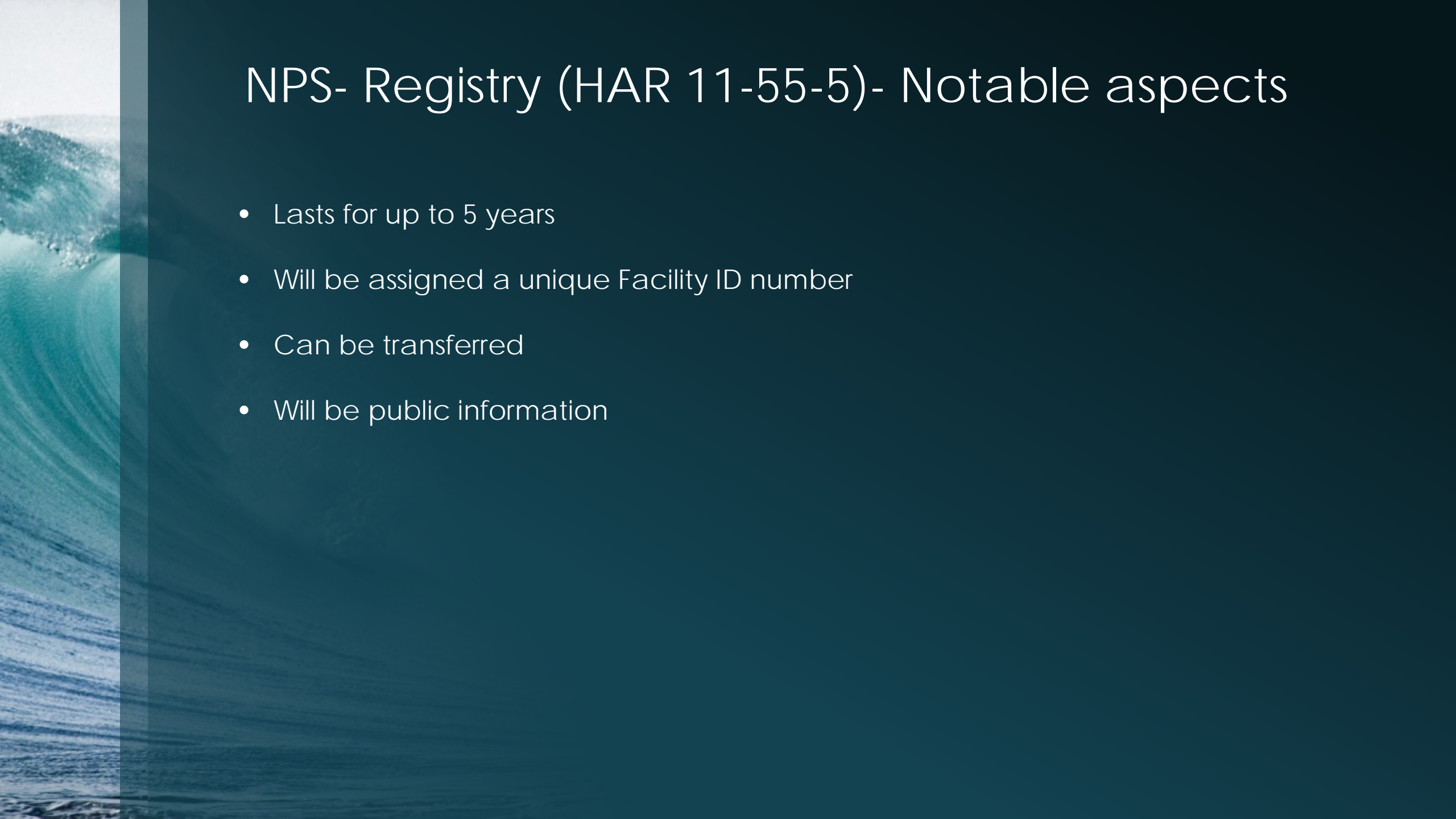
HAR 11-56: Proposed NPS rules



NPS- Registry (HAR 11-55-5)



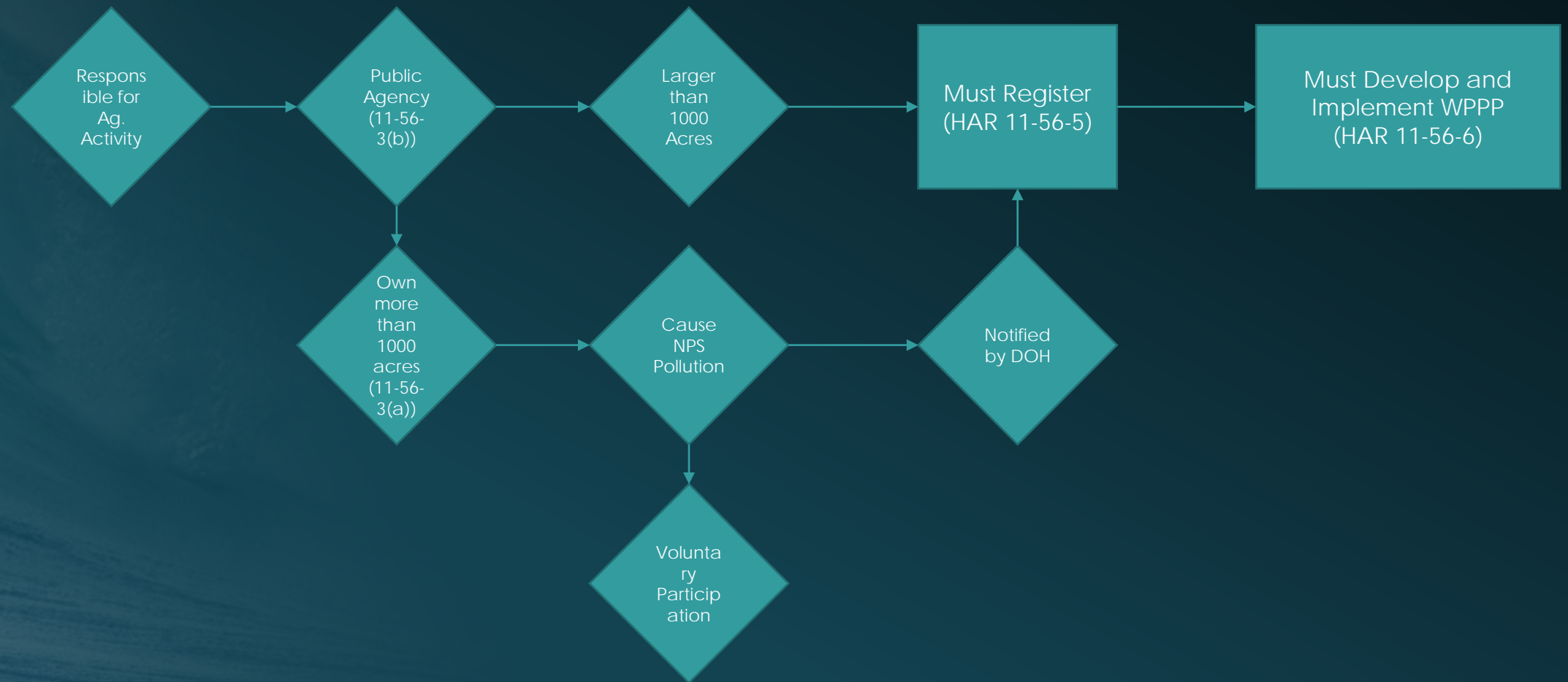
- Name
- Ownership Type
- Mailing Address
- Facility Address
- Tenants (if applicable)
- Description of Activity
- Certification



NPS- Registry (HAR 11-55-5)- Notable aspects

- Lasts for up to 5 years
- Will be assigned a unique Facility ID number
- Can be transferred
- Will be public information

NPS Pollution Prevention-Agriculture



Water Pollution Prevention Plans (HAR 11-55-6)



- Information from Registration
- Identification of Receiving Waters
- Disclosure of type of activity
- Description of Management Measures and other BMPs to be implemented
- Locations of measures
- Description of oversight

WPPP(HAR 11-55-6)- Notable aspects

- Will be the basis to determine compliance
- Inspections will determine appropriateness and adherence- Does the plan make sense and are you implementing it
- Requires update when there is a significant change to the activities or facility
- Includes self monitoring requirements
- Existing Management Plans qualify as “equivalents” provided they meet the objective of a WPPP
- Timeframes aligned with registration requirements but more time can be provided if requested

Water Pollution Prevention Plans (HAR 11-55-6)



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WPPP Reporting(HAR 11-55-7)- Notable aspects

- Annual Report
- Form based template
- Summary of if things worked, and if not, changes made
- Summary of sampling data IF sampling conducted
- Specialized technical staff should NOT be needed



Determining Compliance- Notable aspects

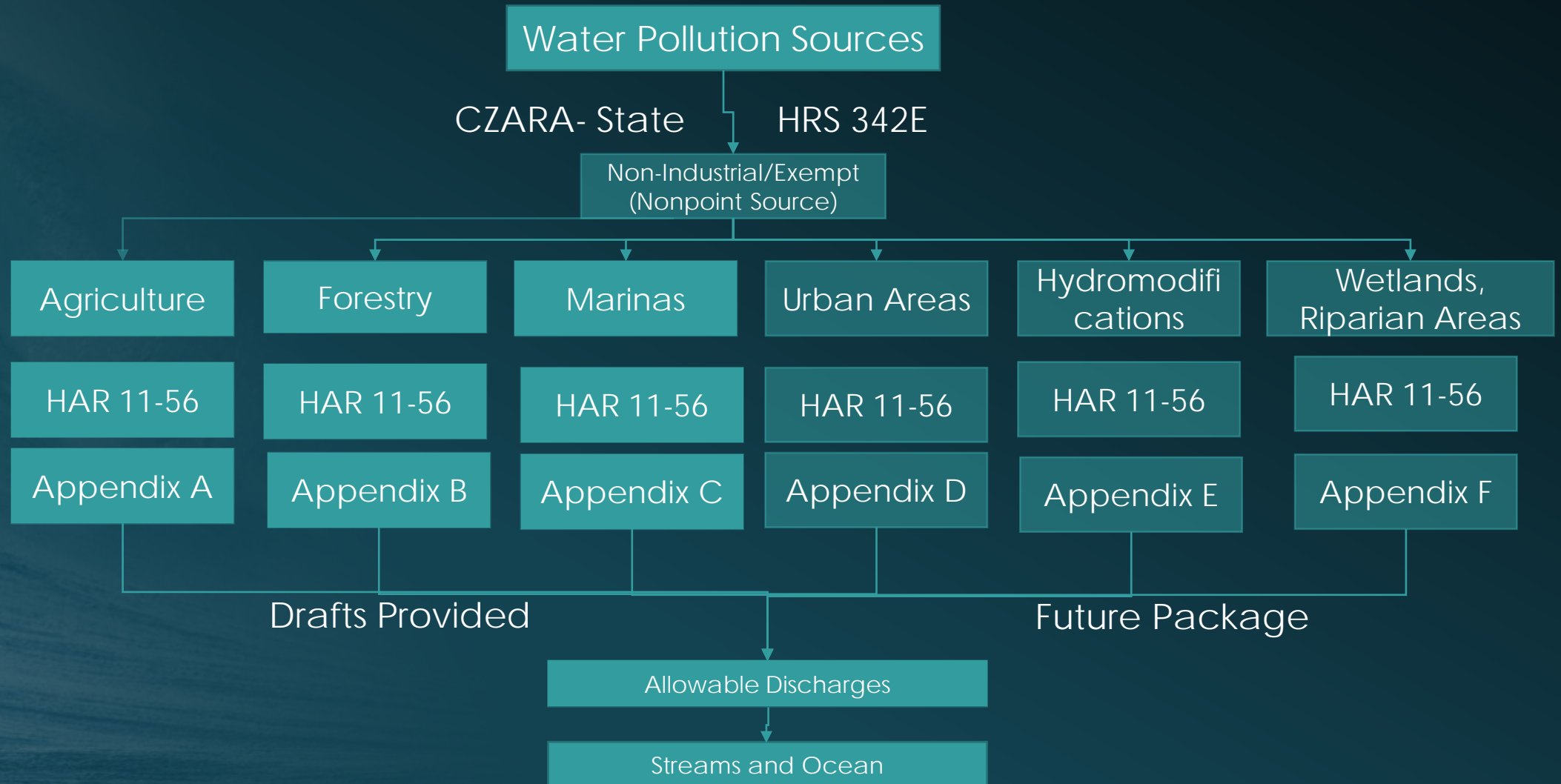
- Paperwork:
 - Must Register
 - Must Develop and Implement WPPP
 - Must Submit Annual Report
- On the ground:
 - Develop a plan that makes sense
 - Implement the management measures and BMPs appropriate for the activity
 - Conduct and document visual inspections to make sure the BMPs work and are maintained
 - Enforce the requirements
- Formal inspections
 - DOH will conduct compliance inspections
 - Inspections focus of appropriateness and implementation. Will also evaluate quality of discharge to determine effectiveness.



General Approach- early program (1-5 years)

- Outreach and Education-
 - DOH needs to inform people of the requirements; then,
 - Support development and implementation
 - DOH anticipates substantial technical assistance required for sister agencies
- Surface Water Protection Branch is constructed to take a more supportive role rather than punitive one

Major Nonpoint Source Categories (CZARA)



Inspection Targeting and Increased Penalties



By: Bobbie Teixeira

Commitments

-Protect human health and the environment

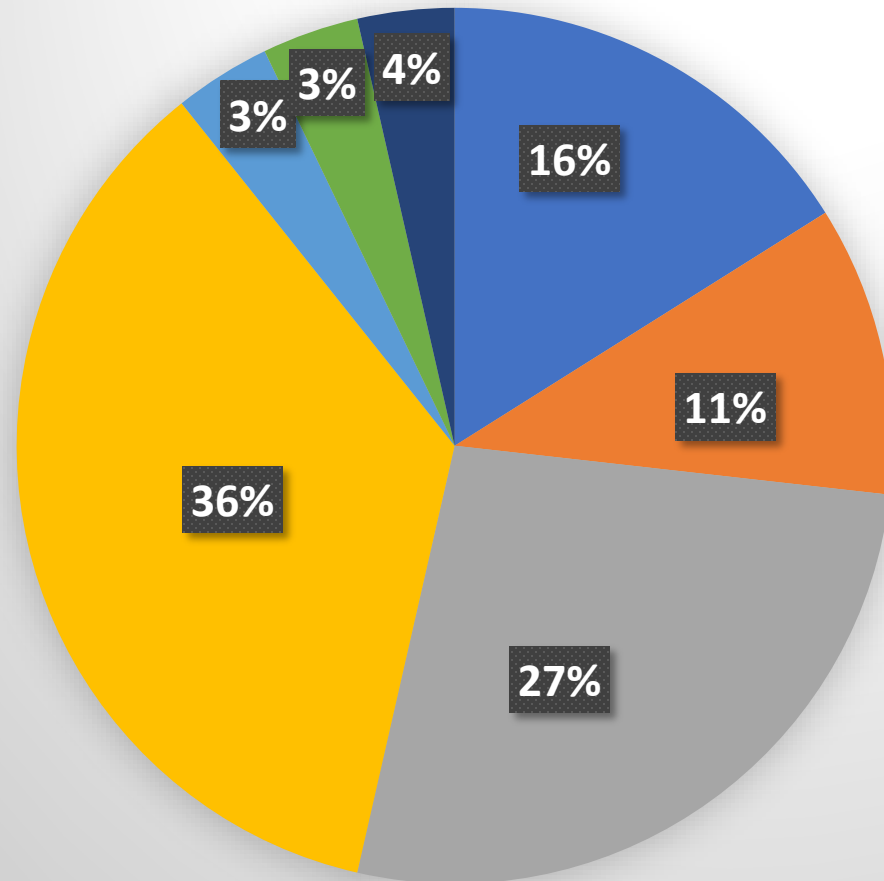
-NPDES Compliance Monitoring Strategy



Hawaii NPDES Compliance Monitoring Strategy

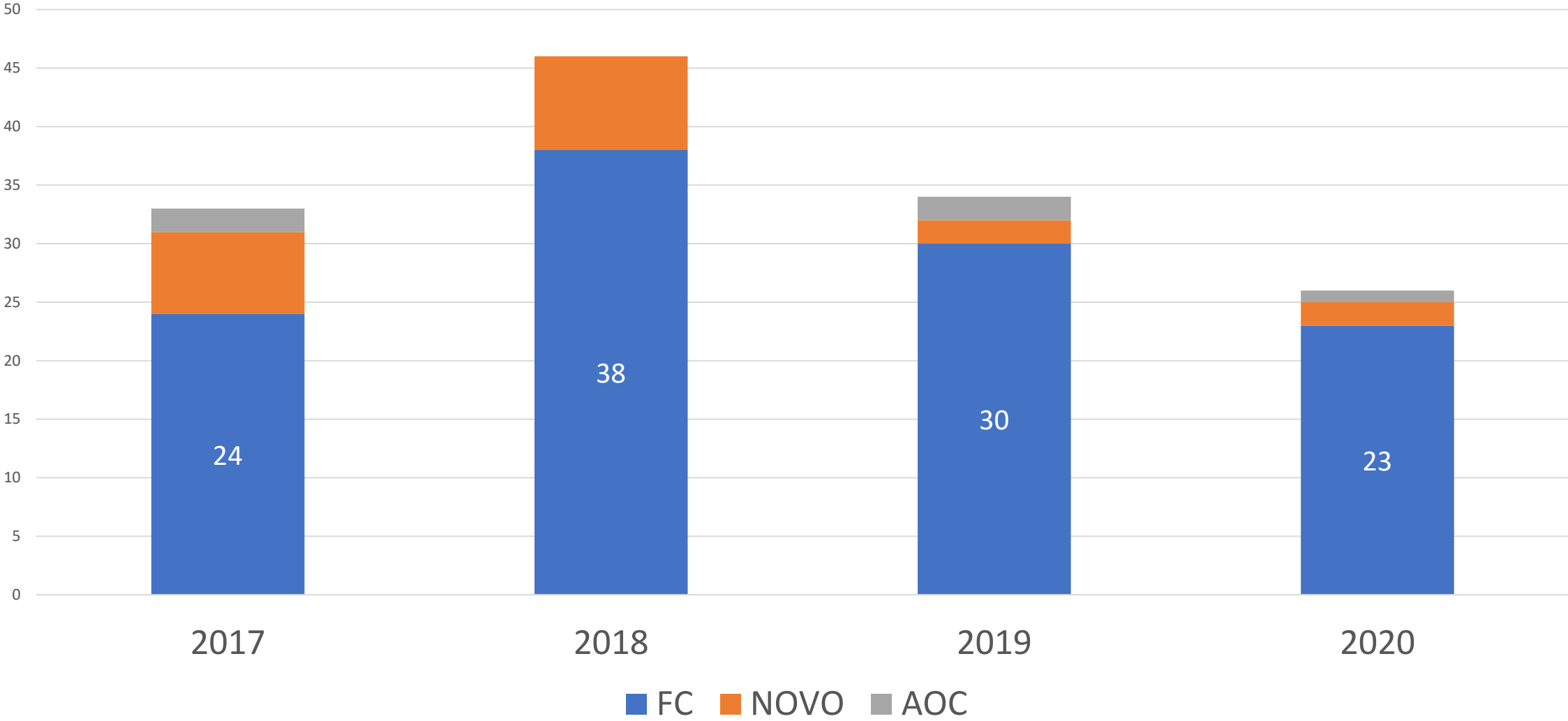
NPDES Permit Category	Minimum Inspection Frequency
Individual Major	Once every 2 years
Phase I and II MS4	Once per permit term
“Traditional” Non-Major	Once per permit term
Industrial Storm Water General	10 % of permit universe each year
Construction Storm Water General	10 % of permit universe each year

2020 Inspections



- NPDES Majors
- Individual Non-Major
- Industrial SW
- Construction SW
- Phase 1 MS4 Audit
- Phase 2 MS4 Audit
- SSO

Enforcement Actions Issued



NPDES Construction Storm Water

- 40 acres, with BMPs, discharge with minimal impacts
=\$10,000 / day
- 40 acres, without BMPs, discharge causing harm
= \$25,000 / day



Disturbance Area



Penalty

In-Water Work Activities and Discharges

- 7 days of work, with BMPs implemented
= \$500 / day
- 60 days of work, with BMPs implemented
= \$10,000 / day

Duration of activity = Magnitude of discharge

Unauthorized Discharge of Domestic Wastewater

- 10,000 gallons, tertiary treated or more
= \$8,000 / day
- 10,000 gallons, raw sewage
=\$25,000 / day



Volume



Penalty

Applicability

- Unlawful discharges which violate Hawaii Water Quality Standards;
- Violations of National Pollutant Discharge Elimination System (NPDES);
- Discharges of waste/wastewater regardless of the source;
- Discharges and/or activities without a DOH recognized permit;
- Discharges and/or activities without a required NPDES permit;
- Violations of general and categorical pretreatment requirements and local limits;
- Unauthorized or otherwise illegal discharges of pollutants;
- Violations of schedules, compliances orders, or other requirements; and
- Monitoring and reporting violations

Summary



Risk to human health
and environment



Neighbor Islands
MS4 Referrals
Non-Filers



In-water work

The Clean Water Branch protects the public health of residents and tourists who enjoy playing in and around Hawaii's coastal and inland water resources.



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<https://health.hawaii.gov/cwb/>