

Nonpoint Source Water Pollution Control Program- The 800 Pound Water Pollution Gorilla

DOH begins addressing the Major
Sources of Water Pollution:
Presentation in Hawaii

11/2/2020

It's About the Water

Where do we face the worst water pollution?



Streams, Stream
mouths, Non-Urban
Areas, marinas, etc.



It's About the Water

When do we face the worst water pollution?

An average of about 100 BWAs a year due to storm water runoff



Environmental Health PORTAL CWB Clean Water Branch System

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Brown Water Advisory at Punaluu Beach Park, O'ahu
Brown Water Advisory

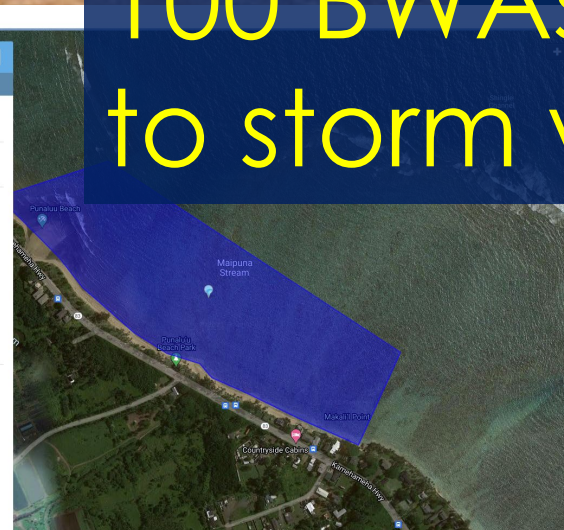
ISSUANCE DATE: Nov 1, 2021 CANCELLATION DATE: —

CAUSE: River flowing

ADVISEMENT: A Brown Water Advisory has been issued at Punaluu Beach Park on O'ahu. Heavy river flow from upstream rain has resulted in surface water runoff entering into coastal waters. The public is advised to stay out of surface water runoff due to possible pesticides, animal fecal matter, dead animals, pathogens, chemicals, and associated flood debris. Not all coastal areas may be impacted by runoff, however, if the water is brown stay out. Continue to practice good personal hygiene and follow-up with your primary care physician if you have any health concerns.

For more information please see: <https://eha-cloud.doh.hawaii.gov/cwb/#/event/1410/details/view>

Details >



Environmental Health PORTAL CWB Clean Water Branch System

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Brown Water Advisory at Kalahehi Beach Park, O'ahu
Brown Water Advisory

ISSUANCE DATE: Nov 1, 2021 CANCELLATION DATE: —

CAUSE: River flowing

ADVISEMENT: A Brown Water Advisory has been issued at Kalahehi Beach Park on O'ahu. Heavy river flow from upstream rain has resulted in surface water runoff entering into coastal waters. The public is advised to stay out of surface water runoff due to possible pesticides, animal fecal matter, dead animals, pathogens, chemicals, and associated flood debris. Not all coastal areas may be impacted by runoff, however, if the water is brown stay out. Continue to practice good personal hygiene and follow-up with your primary care physician if you have any health concerns.

For more information please visit: <https://eha-cloud.doh.hawaii.gov/cwb/#/event/1411/details/view>

Details >



It's About the Water

So what is the DOH doing about these things?

- The new Surface Water Protection Branch

And

DEPARTMENT OF HEALTH

Adoption of Chapter 11-56
Hawaii Administrative Rules

June 25, 2021

SUMMARY

Chapter 11-56, Hawaii Administrative Rules, entitled "Nonpoint Source Pollution Control", is adopted.



But what is a Point Source? And what is a Nonpoint Source?

- Point Source and Nonpoint Sources are:
 - Regulatory Distinctions
 - Constructs from the CWA
 - Categories for pollution sources that are either Federally regulated or not
- They are not:
 - Reflections of real-world differences
 - Limitations to control (as in regulated vs. not regulated)
 - A test of “can” or “cannot”
 - A test of “do” or “do not”

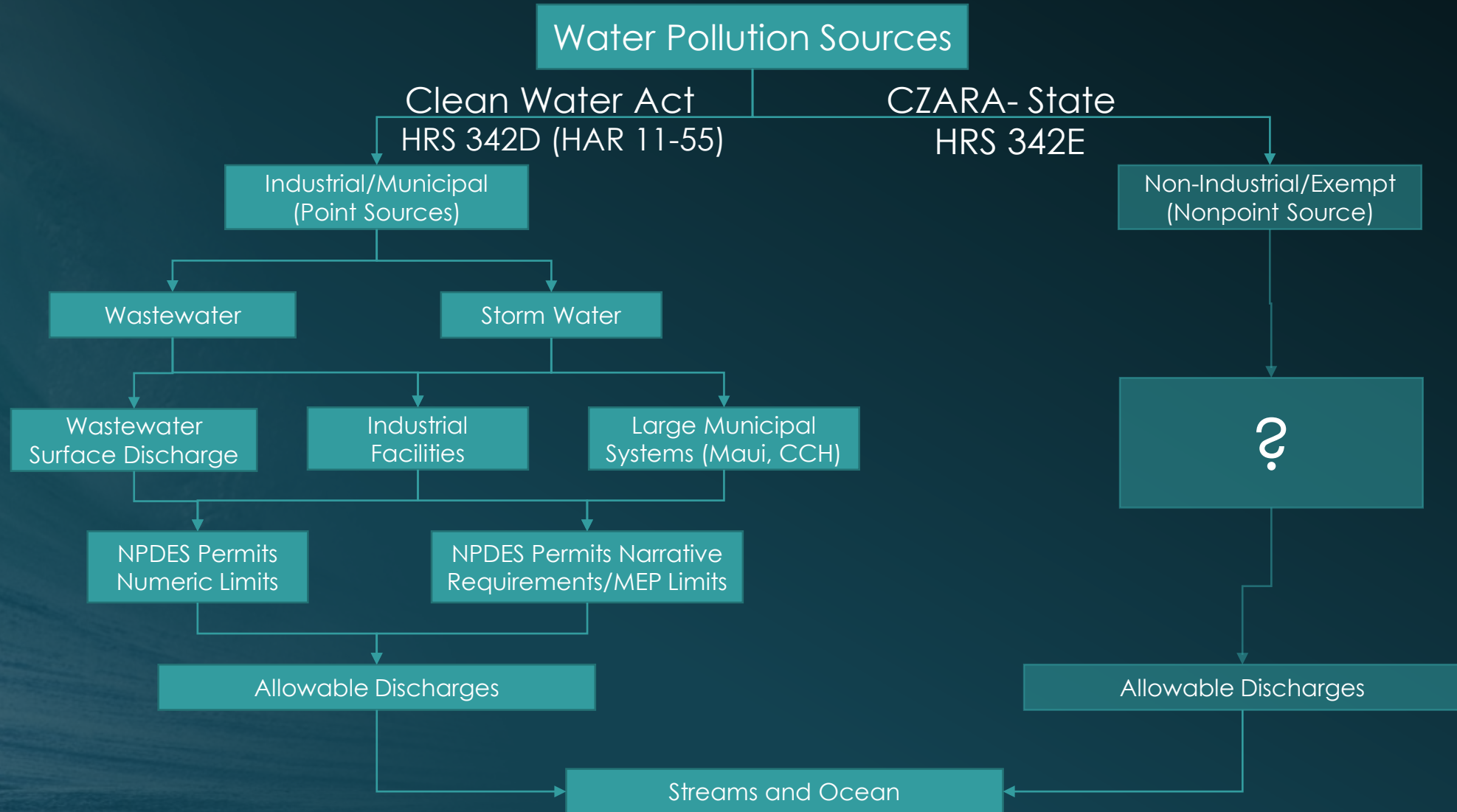


Why does this distinction matter?

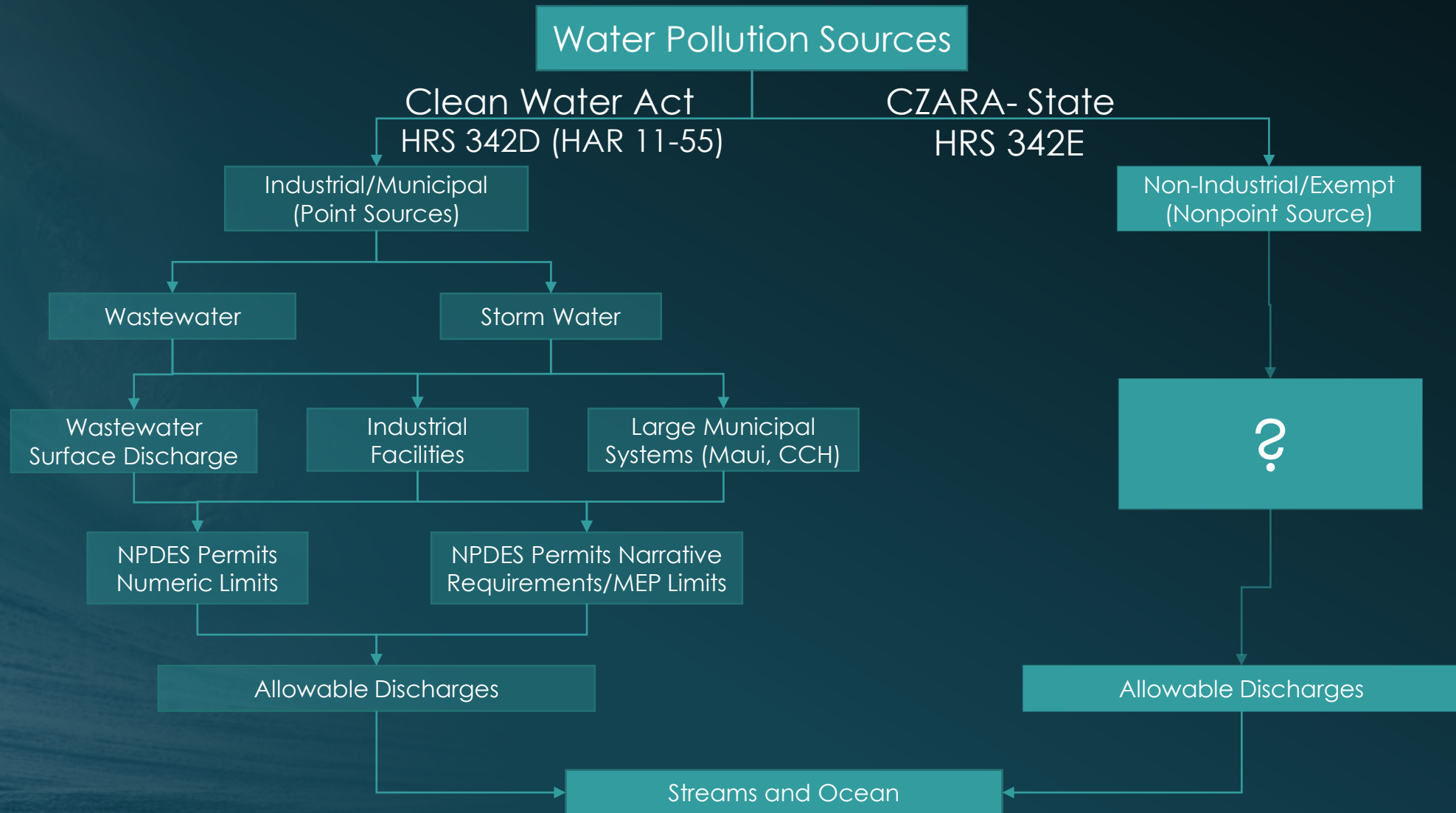
- Point Sources
 - Must meet Federal and State requirements
 - Have defined regulatory frameworks
 - Have been regulated for 40 years
 - Subject to NPDES permits
- Nonpoint sources
 - May have to meet State requirements
 - Have various regulatory frameworks around the nation
 - Are NOT subject to NPDES permits

If nonpoint sources of pollution are a problem, the State must take action

Current Construct Over Surface Water Quality Management



Current Construct Over Surface Water Quality Management

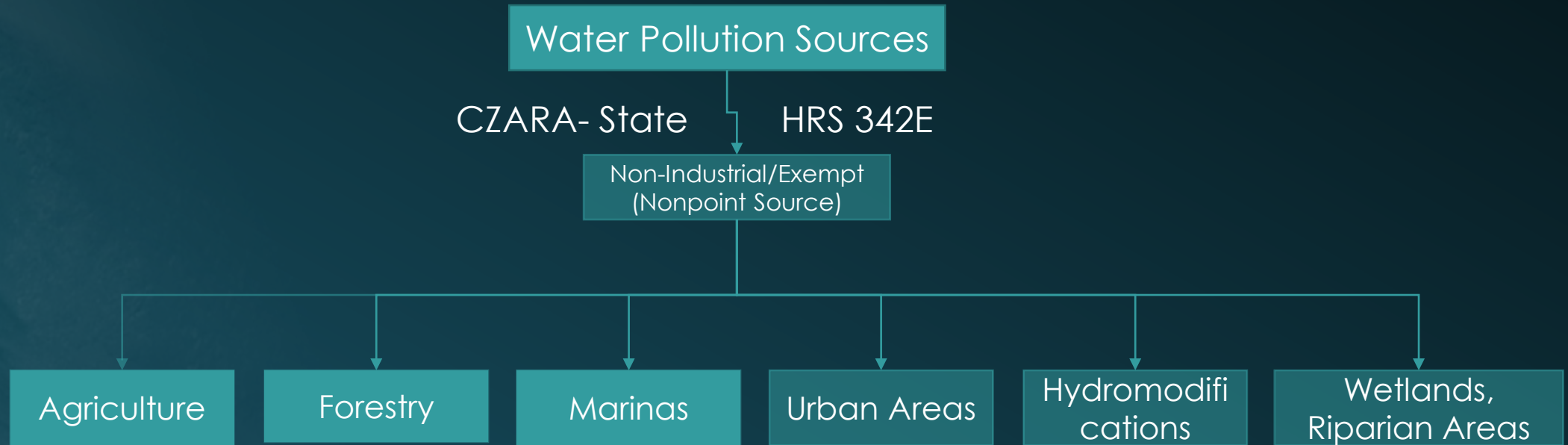


The background of the slide features a photograph of ocean waves. The waves are breaking, creating white foam and spray. The water is a deep blue-green color. The image is partially obscured by a dark teal overlay on the right side, where the text is located.

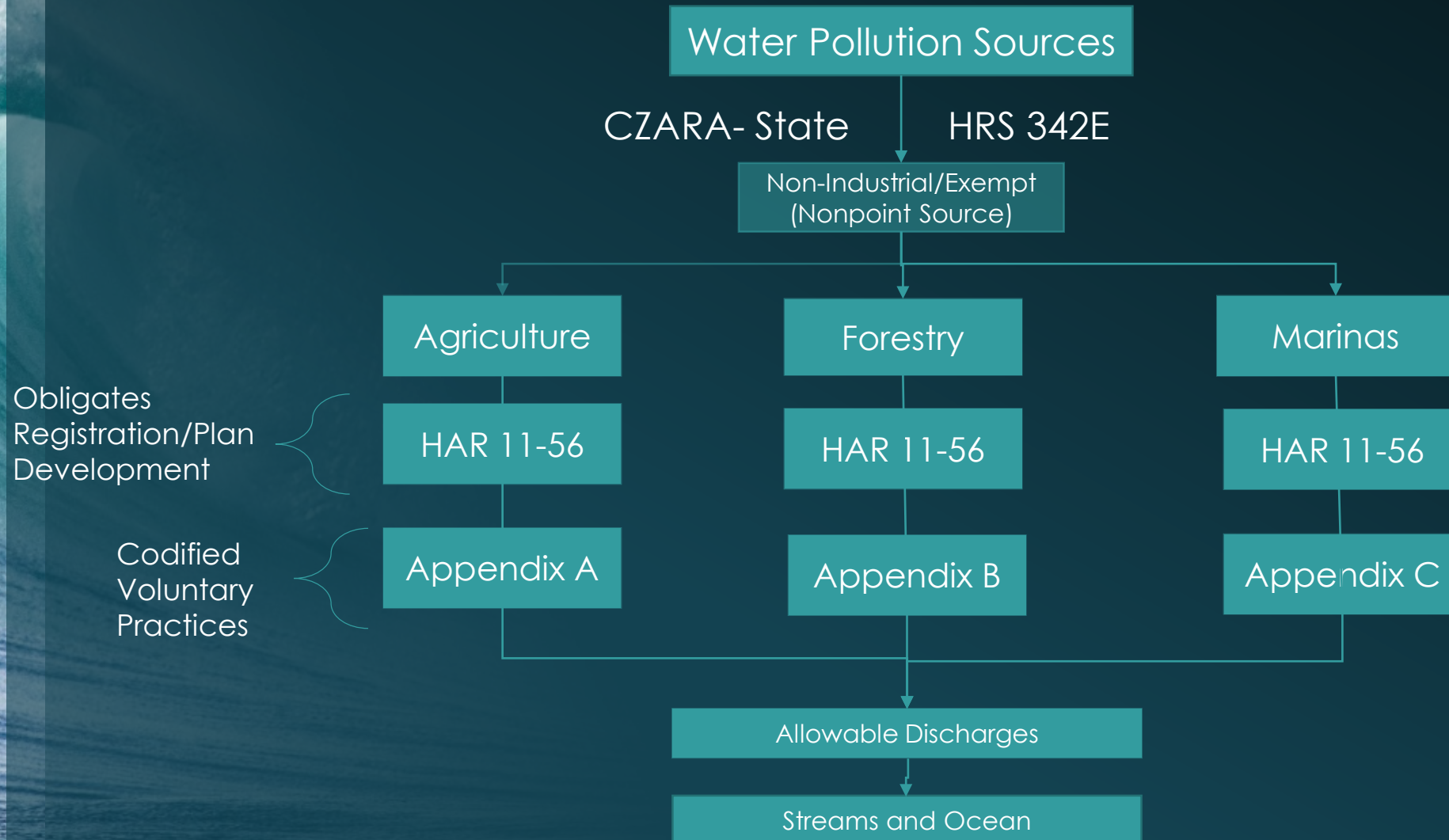
New State Nonpoint Source (HAR 11-56)

- Signed into Law, June 2021
- 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

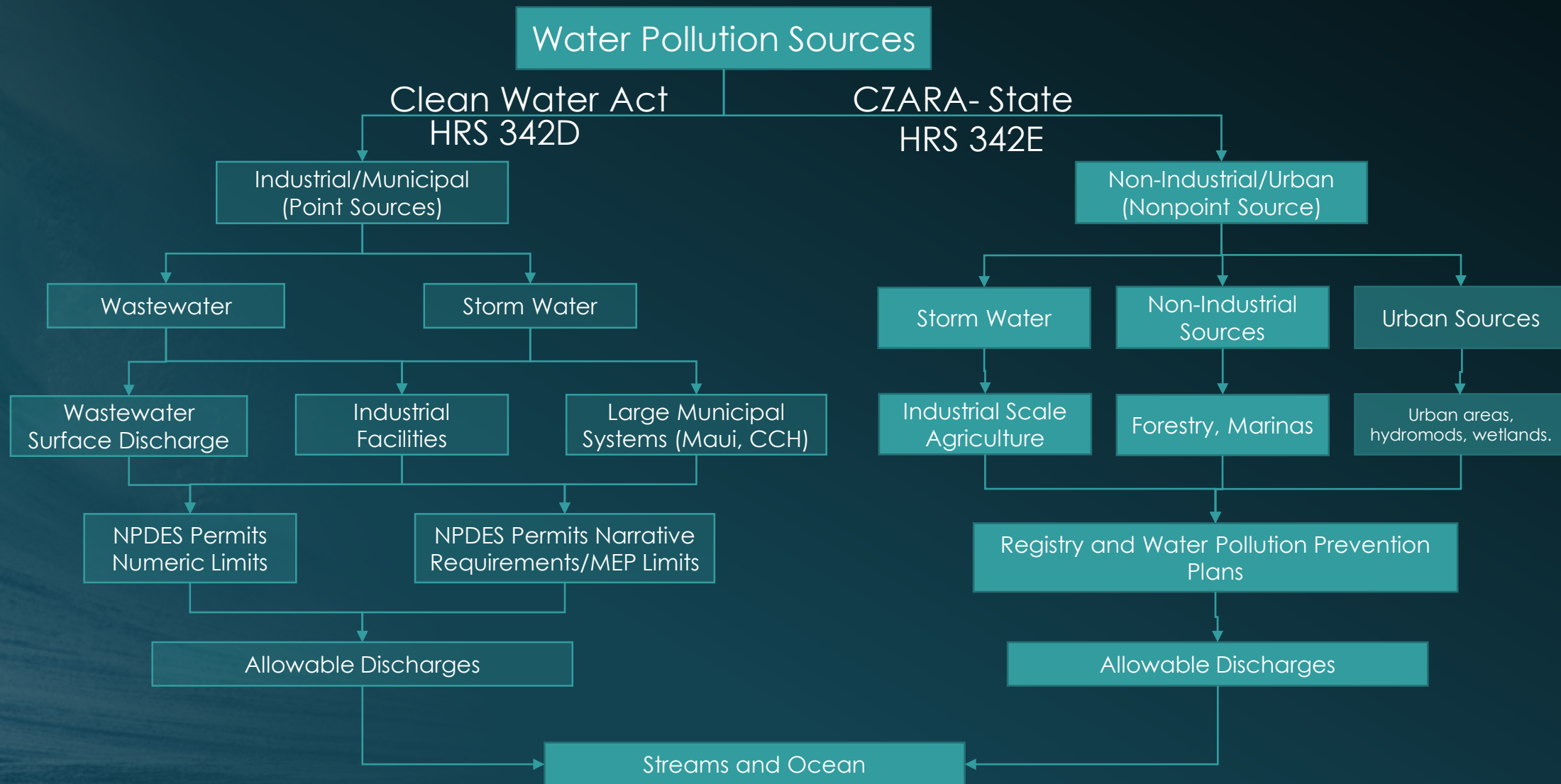
Major Nonpoint Source Categories (CZARA)



HAR 11-56: First NPS rules



Current Construct Over Surface Water Quality Management



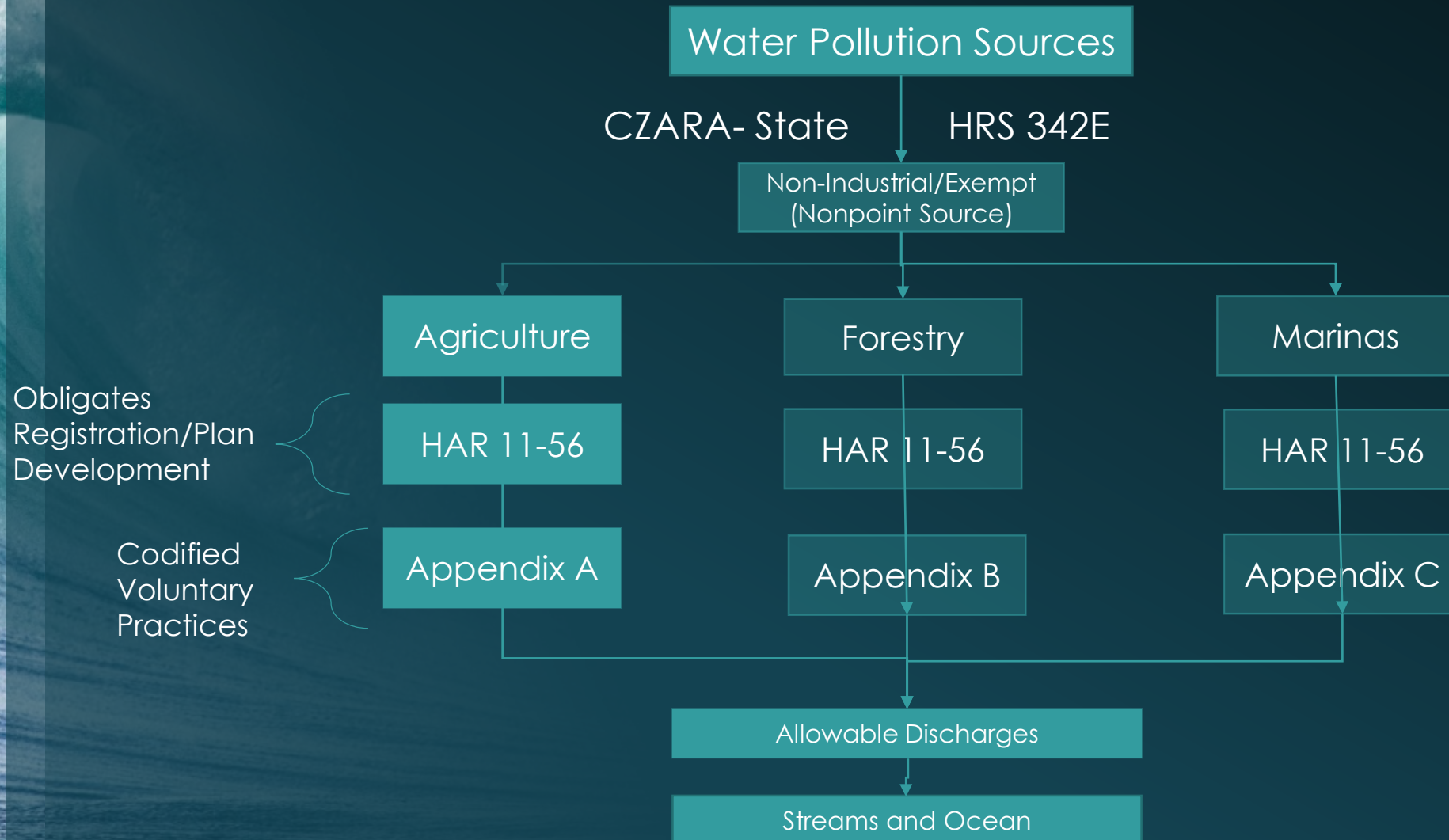


End- Part 1

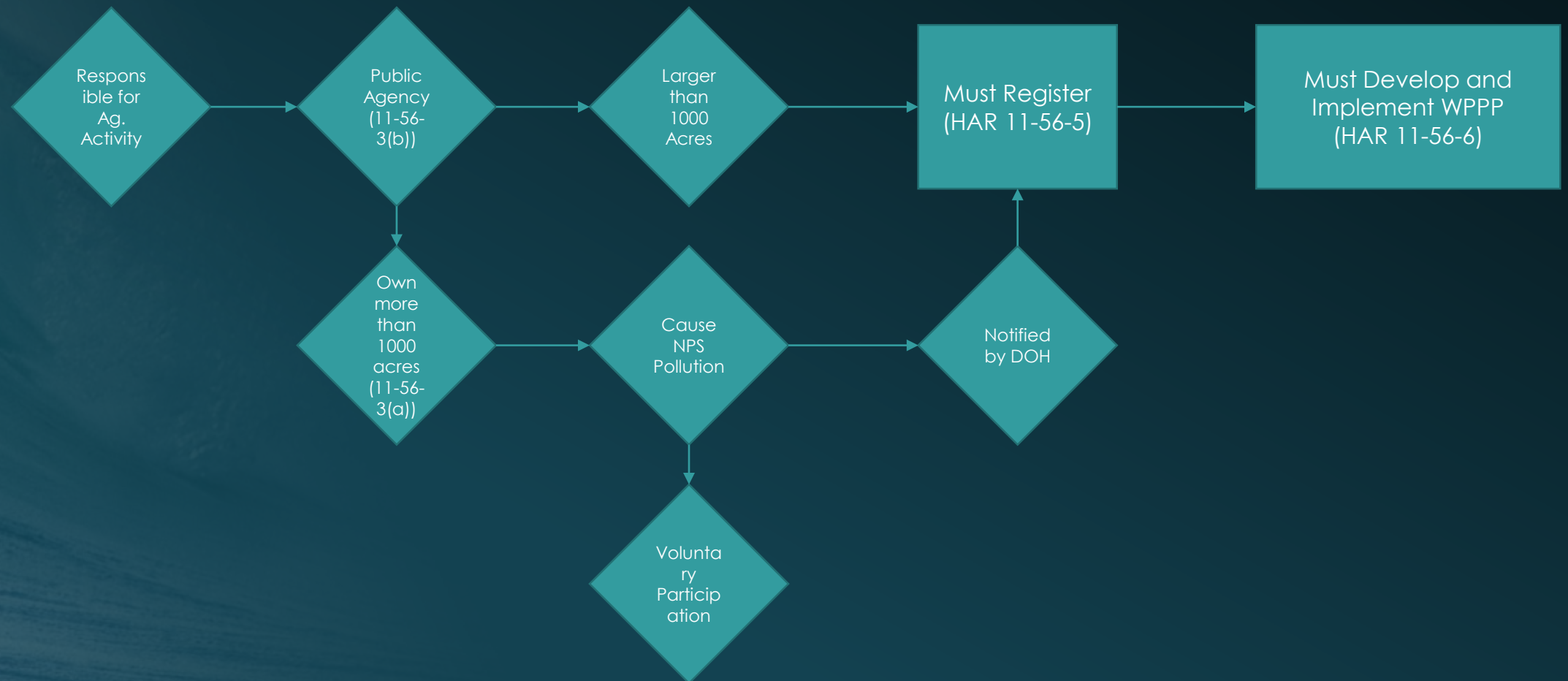
It's Not About the Regulation

It's About the Water

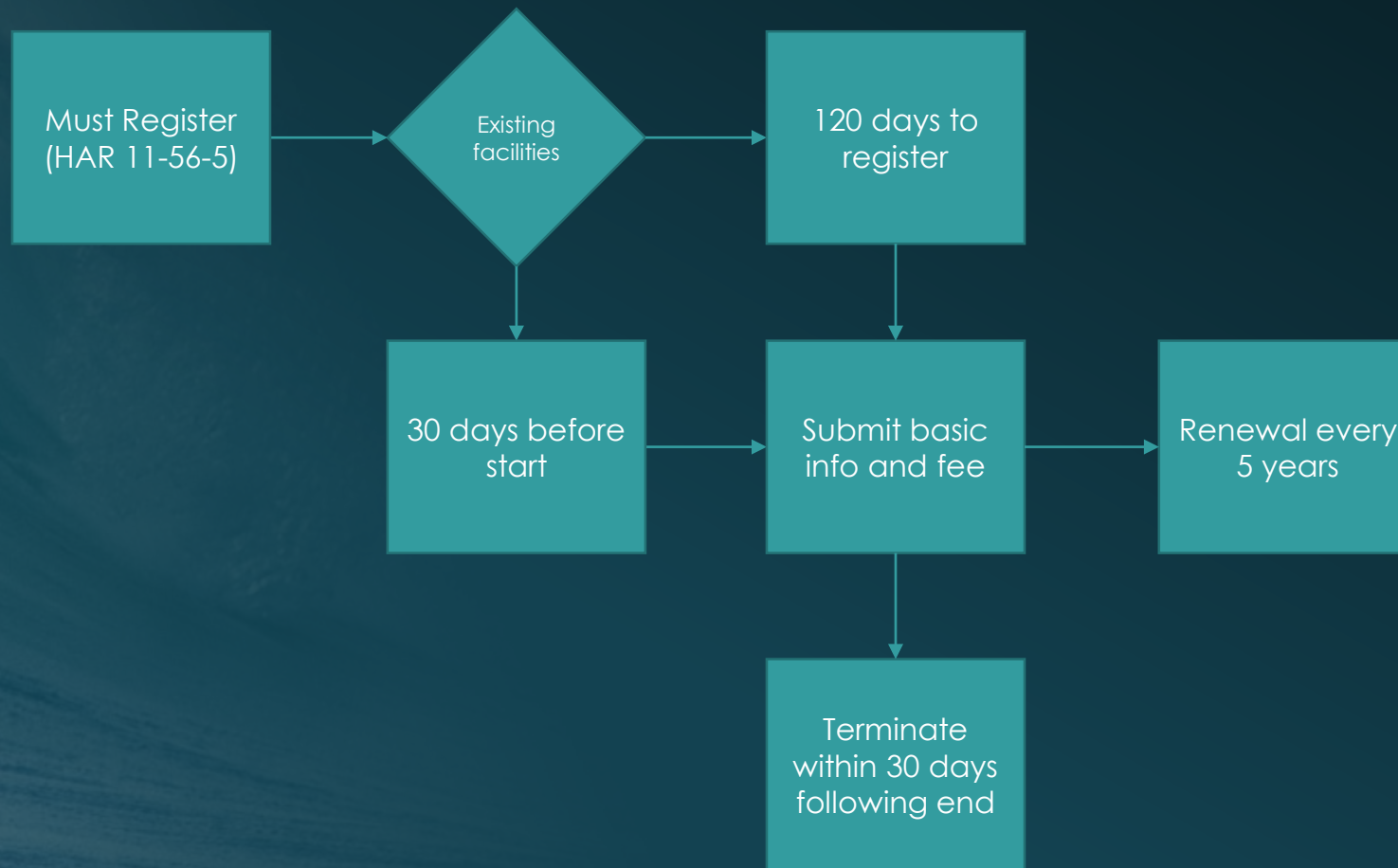
CZARA-Nonpoint Source Categories



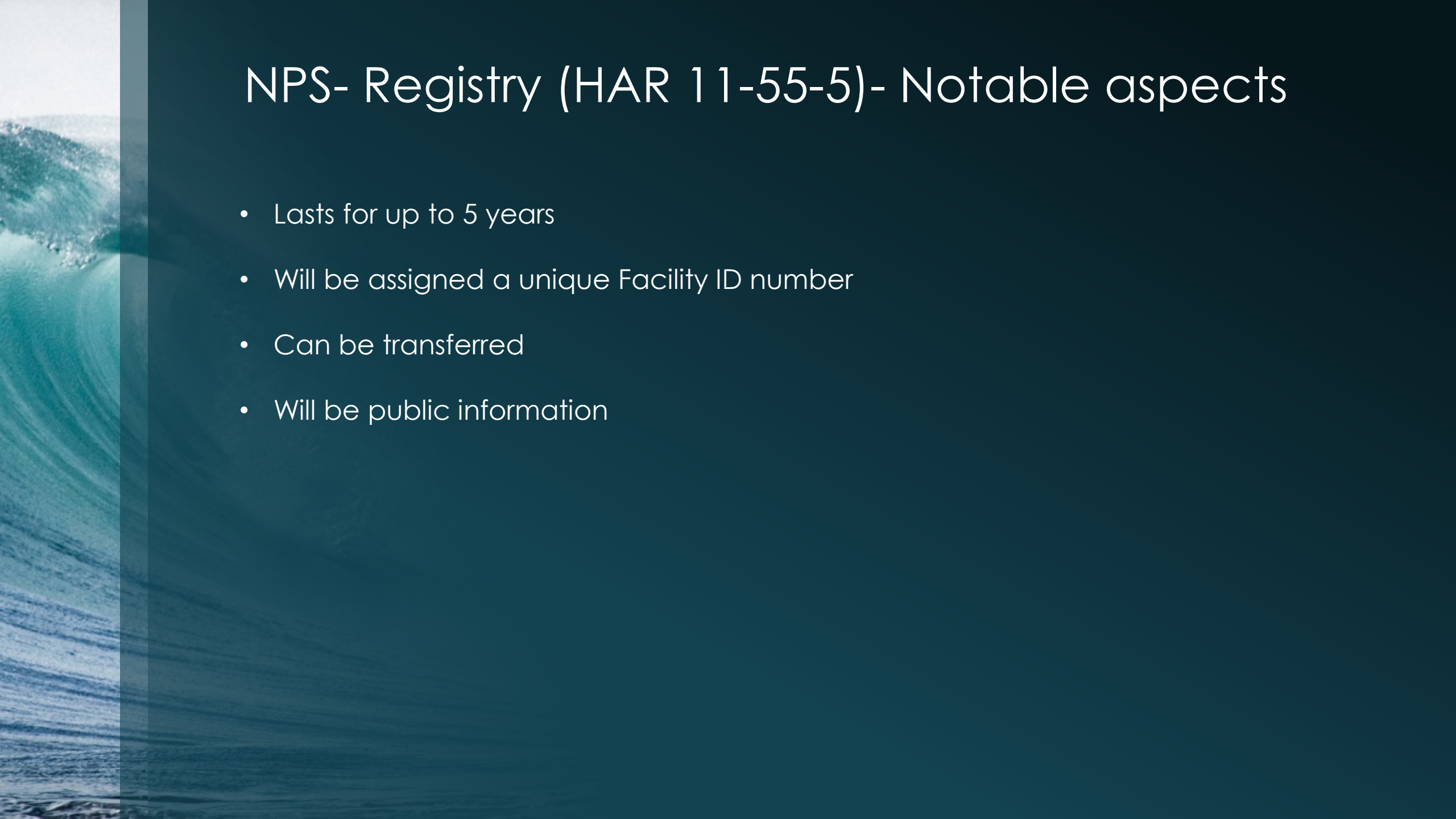
NPS Pollution Prevention-Agriculture



NPS- Registry (HAR 11-55-5)



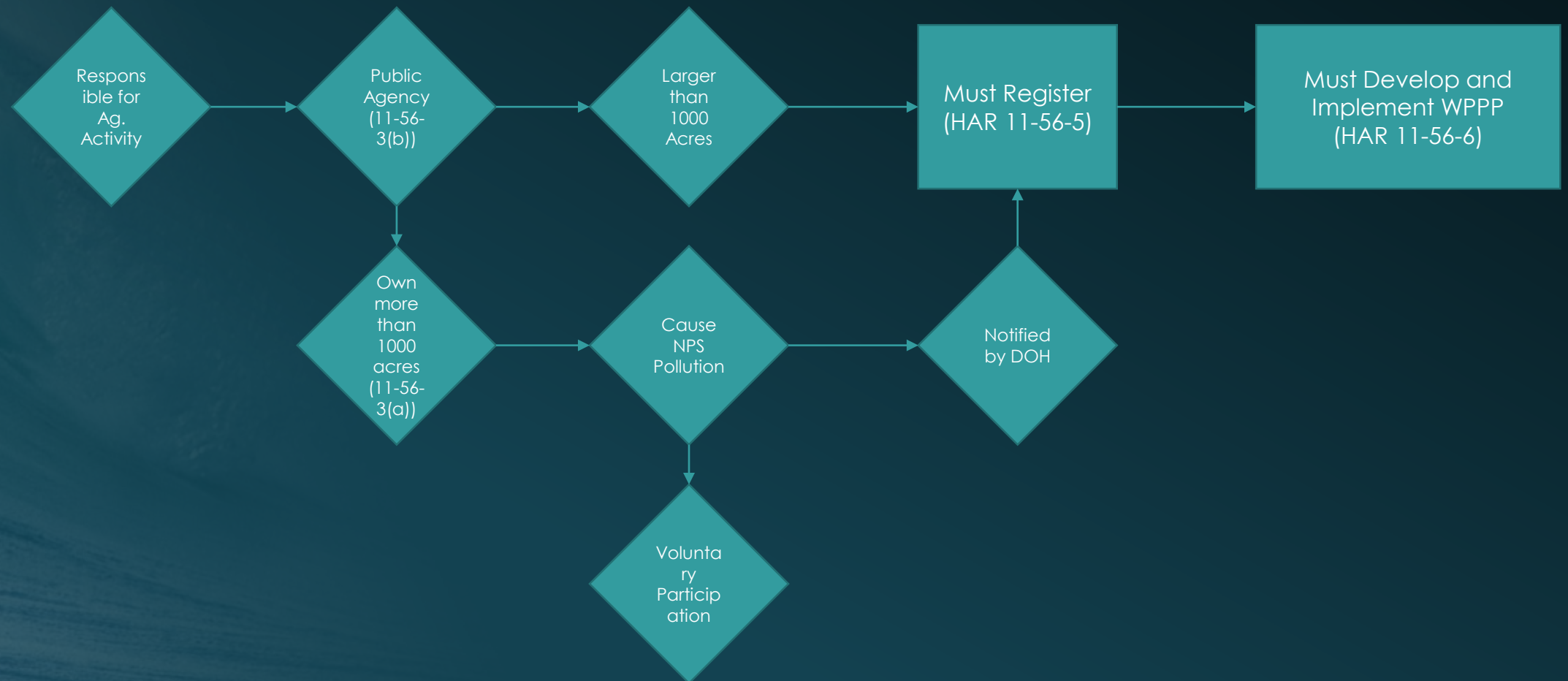
- Name
- Ownership Type
- Mailing Address
- Facility Address
- Tenants (if applicable)
- Description of Activity
- Certification



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

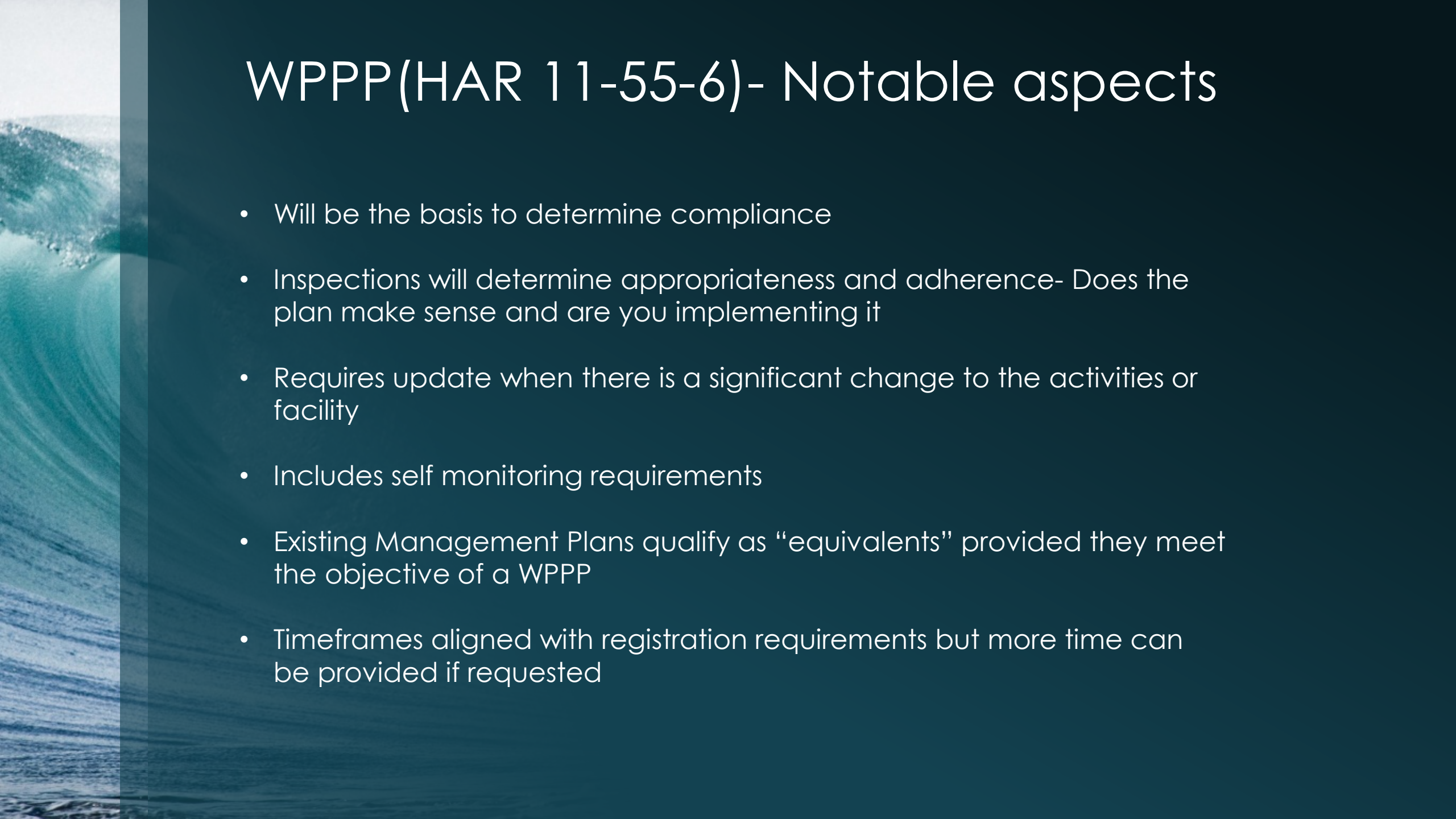
NPS Pollution Prevention-Agriculture



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

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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 on appropriateness and implementation. Will also evaluate quality of discharge to determine BMP 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)

