



2023 Protect Our Water Conference



Proposed Renewal of HAR Chapter 11-55 Appendix C

Presented by Robert Phan (Environmental Engineer)

Tuesday November 14, 2023



Hawaii State Department of Health (HDOH), Clean Water Branch (CWB)



Agenda

- **National Pollutant Discharge Elimination System (NPDES) Permit Program**
 - **Proposed Appendix C General Permit (Proposed CGP)**
 - **CGP Coverage**
 - **Contact Information**
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NPDES Permit Program

- HDOH is delegated by EPA to administer the NPDES program.
 - **NPDES program regulates discharges of pollutants from point sources into state waters.**
 - NPDES program is specified in HAR 11-55 entitled "Water Pollution Control."
 - **NPDES permits include individual and general permits with 5-year terms.**
 - **NPDES general permits are specified in Appendices B thru M of HAR 11-55.**
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NPDES Permit Program (continued)

HAR 11-55	TYPES OF DISCHARGES AUTHORIZED BY NPDES GENERAL PERMITS	EXPIRATION
Appendix B	Discharges of Storm Water Associated with Industrial Activities	01/14/27
Appendix C	Discharges of Storm Water Associated with Construction Activity	02/08/24
Appendix D	Discharges of Treated Effluent from Leaking Underground Storage Tank Remedial Activities	06/25/28
Appendix E	Discharge of Once Through Cooling Water Less Than One (1) Million Gallons Per day	01/14/27
Appendix F	Discharges of Hydrotesting Waters	01/14/27
Appendix G	Discharges Associated with Construction Activity Dewatering	01/14/27
Appendix H	Discharges of Treated Wastewater Associated with Petroleum Bulk Stations and Terminals	06/25/28
Appendix I	Discharges of Treated Process Wastewater Associated with Well Drilling Activities	06/25/28
Appendix J	Unintentional Discharges from Recycled Water Systems	02/08/24
Appendix K	Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems	01/14/27
Appendix L	Discharges of Circulating Water from Decorative Ponds or Tanks	02/08/24
Appendix M	Point Source Discharges from the Application of Pesticides	06/25/28



Proposed CGP – Major Revisions

- **Adds permit coverage for storm water discharges from snowmelt runoff.**
 - **Links pollution prevention controls and volume of pollutants.**
 - **Maintains uniformity with the requirements of water quality standards.**
 - **Streamlines documentation of corrective actions.**
 - **Clarifies renewal process of permit coverage under CGP.**
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Proposed CGP - Coverage

- Provides coverage for storm water discharges from construction activities and construction support activities that disturb one or more acre.
 - Provides coverage for storm water runoff, surface runoff, and **snowmelt runoff**.
 - Has a term of 5 years (starting from the approval date).
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Proposed CGP – Coverage (continued)

Does not provide coverage for storm water discharges:

- **Into natural freshwater lakes, saline lakes, and anchialine pools.**
 - **Into sanitary sewer systems.**
 - **Containing treatment chemicals from construction activities.**
 - **Containing ground water or accumulated water from dewatering activities.**
 - **Regulated by existing individual permits or under Section 404 permits.**
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Proposed CGP – Standard Conditions

- **Has standard conditions specified in Appendix A of HAR 11-55.**



Proposed CGP – Effluent Limitations

Specifies the following effluent limitations:

- Installation of storm water controls that account for **the most recent weather patterns and the volume of pollutants**. Storm water controls shall be **inspected and maintained** to ensure their effectiveness.
 - Implementation of stabilization measures that minimize exposed soil areas.
 - Infiltration of storm water runoff within the site, **unless deemed inadvisable**.
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Proposed CGP – Water Quality-Based Effluent Limitations

- Requires the implementation of controls, if necessary, to ensure discharges into state waters **meet applicable Water Quality Standards (WQS)** as specified in HAR 11-54.
 - Requires the implementation of additional controls, if necessary, to ensure discharges into impaired state waters meet applicable WQS.
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Proposed CGP – SWPPP Requirements

- Requires the development of a Storm Water Pollution Prevention Plan (SWPPP) for the construction site. Storm water controls shall be functioning properly, and **administrative controls** shall be in place before the start of construction activities.
 - Requires the modification of a SWPPP to reflect changing conditions. The current version of a SWPPP shall be readily accessible at the construction site.
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Proposed CGP – Inspection Requirements

- Requires scheduled inspections of the construction site to detect violations of applicable WQS. The **inspection frequencies** and **inspection requirements** depend on **the types of storm event**. All inspection reports shall be **readily accessible** at the construction site.
 - Does not require the inspection of areas that are considered unsafe to inspection personnel.
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Proposed CGP – Corrective Action Requirements

- Requires permittees to take corrective actions to stop or prevent any violations of applicable WQS. A SWPPP shall be modified to reflect any changes to storm water controls or administrative controls.
 - Requires the documentation of corrective actions taken in a **corrective action log**. The corrective action log shall be **readily accessible** at the construction site.
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CGP Coverage

- HAR 11-55 rules package including proposed CGP submitted for approval on September 1, 2023. Approval date of rules package is unknown.
- Depending on approval date, there are different actions to take when seeking coverage under CGP.
- No actions are required at this time.
- Two possible scenarios: “early approval” or “late approval”.



CGP Coverage (continued)

The CWB recommends not waiting until the rules package is approved.

The CWB recommends the following actions:

- **Reviewing the proposed CGP and determining if compliance is possible.**
 - **Making sure the certifying person can submit electronically.**
 - **Adding an authorized representative who can submit electronically.**
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CGP Coverage (continued)

NPDES Submission Type	Certifying Person	Authorized Representative
Notice of Intent	Yes	No
Individual NPDES Permit Application	Yes	No
Notification of Start	Yes	Yes
Notification of Non-Compliance	Yes	Yes
Discharge Monitoring Report	Yes	Yes
Certifying Person Information	Yes	No
Authorized Representative Information	Yes	No
General Contact Information	Yes	Yes
Reports and Other Documents	Yes	Yes
Transfer of Ownership	Yes	No
Owner Name Change	Yes	No
Modification Request	Yes	No
Notice of Cessation	Yes	Yes



Contact Information

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Mahalo for your attention, comments, and questions.

