

Clean Water Branch Standard Comments

August 22, 2008

Clean Water Branch

The Clean Water Branch (CWB) protects the public health of residents and tourists who enjoy playing in and around Hawaii's coastal and inland water resources. The CWB also protects and restores inland and coastal waters for marine life and wildlife. This is accomplished through statewide coastal water surveillance and watershed-based environmental management through a combination of permit issuance, monitoring, enforcement, sponsorship of polluted runoff control projects, and public education.

Permit Issuance

- Any project and its potential impacts to State waters must meet the State's:
1) Antidegradation policy, which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected; 2) Designated uses, as determined by the classification of the receiving State waters; and 3) water quality criteria (Hawaii Administrative Rules (HAR), Chapter 11-54).
- The Army Corps of Engineers should be contacted at (808) 438-9258 to see if this project requires a Department of the Army (DA) permit. Permits may be required for work performed in, over, and under navigable waters of the United States. Projects requiring a DA permit also require a Section 401 Water Quality Certification (WQC) from our office.
- National Pollutant Discharge Elimination System (NPDES) permits are required for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, NPDES general permit coverage may be applied for by submitting a Notice of Intent (NOI) form: 1) storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi); 2) storm water associated with construction activities, including excavation, grading, clearing, demolition, uprooting of vegetation, equipment staging, and storage areas that result in the disturbance of equal to or greater than one (1) acre of total land area*; 3) treated effluent from leaking underground storage tank remedial activities; 4) once through cooling water less than one (1) million gallons per day; 5) hydrotesting water; 6) dewatering effluent; 7) treated effluent from petroleum bulk stations and terminals; 8) treated effluent from well drilling activities; 9) treated effluent from recycled water distribution systems; 10) storm water and certain non-storm water from a small municipal separate storm sewer system; and 11) circulation water from decorative ponds or tanks.

**The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.*

- A separate NOI form for each type of discharge must be submitted at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.
- For types of wastewater discharges not listed above or wastewater discharging into Class 1 or Class AA waters, you may need to obtain an NPDES individual permit. Class 1 waters include, but is not limited to, all State waters in natural reserves, preserves, sanctuaries, and refuges established by the Department of Land and Natural Resources (DLNR) under Hawaii Revised Statutes (HRS), Chapter 195, or similar reserves for the protection of aquatic life established under HRS, Chapter 195.
- An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge or start of construction activities. The NPDES application forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.
- You must also submit a copy of the NOI or NPDES permit application to the State DLNR, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.
- Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards.

Monitoring

- Effluent discharge and/or receiving water monitoring may be required as conditions of Section 401 Water Quality Certifications and NPDES General and Individual permits.

Enforcement

- Noncompliance with water quality requirements contained in HAR, Chapter 11-54 and/or permitting requirements specified in HAR, Chapter 11-55 may be subject to penalties of \$25,000 per day per violation.

Polluted Runoff Control Projects

- Projects addressing activities related to polluted runoff control as outlined in the State's Coastal Nonpoint Pollution Control Management Plan and/or Hawaii's Implementation Plan for Polluted Runoff Control may qualify for federal grants administered by our office.

- At a minimum, grant funds must be matched 100% with match funding or in-kind contributions from non-federal sources and are subject to the requirements of EPA 40 CFR Chapter 1 (7-1-98 Edition), Section 31.24 Matching or Cost Sharing.
- Request for Proposals to solicit qualified projects for grant funding are issued on an annual basis and interested parties can request to be placed on a mailing list to receive a copy of the RFP when it is issued. The deadline for submittal of a proposal is usually one (1) month from the date of the RFP. For more information, please read our website at: <http://www.hawaii.gov/health/environmental/water/cleanwater/about/prc/index.html>.