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NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES OF STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY

October 2007

1. Coverage under this General Permit
 - (a) This general permit covers discharges composed entirely of storm water runoff associated with construction activities, including, but not limited to, clearing, grading, and excavation that result in the disturbance of one acre or more of total land area. This general permit also covers activities that disturb less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more of total land area.
 - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
 - (c) "Disturbance of land" refers to the penetration, turning, or moving of soil or resurfacing of pavement with exposure of the base course or the exposure of bare soil or ground surface, including the land surface exposed by construction roads, baseyards, staging areas, demolition, headquarters, and parking areas. It does not include grass or weed cutting, bush or tree trimming or felling that leaves soil or ground intact.

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It includes "grubbing" in its normal meaning of the use of equipment to knock down and push vegetation out of the way, typically uprooting vegetation and disturbing the ground surface.

- (d) A "larger common plan of development or sale" means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. "Common plan" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

2. Limitations on Coverage under this General Permit

- (a) This general permit does not cover the following:
 - (1) Storm water discharges associated with construction activity which flow into a sanitary sewer system;
 - (2) Storm water discharges associated with construction activity that are regulated by existing individual permits;
 - (3) Storm water discharges in categories for which storm water discharge limitation guidelines have been promulgated by the EPA;

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- (4) Storm water discharges from a construction activity which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s);
 - (5) Storm water discharges for which the director has issued a notice of general permit coverage under another general permit specific to that type of construction or industrial activity; and
 - (6) Storm water discharges that the director finds more appropriately regulated under an individual permit.
- (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.
3. Term of General Permit
- (a) This general permit becomes effective when section 11-55-34.02(b)(2) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(2) are adopted, whichever is earlier.
 - (b) A notice of general permit coverage under this general permit expires:

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- (1) Five years after the effective date of this general permit;
- (2) When the notice of general permit coverage specifies; or
- (3) When amendments to section 11-55-34.02(b)(2) are adopted,

whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent Requirements

- (a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the construction activity or thirty days before the expiration date of the applicable notice of general permit coverage.
- (b) The owner or its duly authorized representative shall include the following information in the notice of intent:
 - (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) Construction site best management practices plan containing, at a minimum, the following information:
 - (A) Site characterization report which describes at a minimum, the history of the land use at the proposed construction site, the potential pollution source(s) in the history

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and from the operation of the proposed construction activity, the potential pollutant(s) present at the existing site, and any proposed corrective measures;

- (B) Description of the nature of the construction activity, including a proposed timetable for major activities with the date when the contractor will begin the site disturbance;
- (C) Total area of the site and the area of the site that is expected to be disturbed, including clearing, grading, excavation, staging or any combination of the above;
- (D) Quantity of storm water runoff, with supporting calculations;
- (E) Description of the nature of the fill material to be used and existing data describing the soil or the quality of any discharge from the site;
- (F) Site map showing, at a minimum:
approximate slopes anticipated after major grading activities;
areas of soil disturbance; drainage patterns; areas used for the storage of soils or wastes; the location where stabilization practices are expected to occur; the location of all structural controls; the areas where vegetative practices are to be

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implemented; the location of impervious structures (including buildings, roads, parking lots, etc.) after construction is completed; wetlands and other state water(s); and the boundaries of 100-year flood plains, if determined. A site-specific site map shall be submitted at least thirty days before the start of construction activities;

- (G) Descriptions of construction management techniques, vegetation controls, and structural controls. At a minimum, the requirement listed in section 11 of this general permit must be addressed;
- (H) A county-approved erosion and sediment control plan as appropriate for the activity and a schedule for implementing each control shall be submitted to the director with the notice of intent or thirty days before the start of construction activities. Construction may start before the end of the thirty day period as soon as the department accepts the county-approved erosion and sediment control plan;
- (I) Site-specific plan to minimize erosion of soil and discharge of other pollutants into state waters, including removal procedures for the construction site best management practices, shall be

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submitted to the director with the notice of intent or thirty days before the start of construction activities. The transmittal of the plan must be signed in accordance with section 11-55-34.08(f). The plan, and all subsequent revisions, shall be kept at the construction site or nearby field office;

- (J) Descriptions of measures that will minimize the discharge of pollutants via storm water discharges after construction operations have been finished. Examples include: open, vegetated swales and natural depressions; structures for storm water retention, detention, or recycle; velocity dissipation devices to be placed at the outfalls of detention structures or along with the length of outfall channels; and other appropriate measures;
- (K) The identification of all non-storm water sources that connect to the storm water drainage system and non-storm water pollution prevention measures that will be implemented during construction.
- (L) If the construction project discharges storm water to a state water for which a total maximum daily load has been approved by the EPA, the permittee shall incorporate measures or controls to comply with the total maximum daily

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load into the project's site-specific construction best management practices plan. The measures or controls shall be submitted to the director with the notice of intent or by the date the permittee claimed automatic coverage as specified in section 11-55-34.09(e)(2) or at least thirty days before the start of construction activities. The measures or controls to meet the total maximum daily load shall be implemented at the start of construction activities.

- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

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6. Implementation of the Construction Site Best Management Practices Plan
 - (a) The permittee shall design, operate, implement, and maintain the construction site best management practices plan to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable state water quality standards.
 - (b) The permittee shall implement the construction site best management practices plan as often as needed to improve the quality of storm water discharges or when instructed by the director.

7. Basic Water Quality Criteria and Inspections
 - (a) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.
 - (b) The permittee shall timely inspect the receiving state waters, storm water runoff and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-4. (e.g., the permittee shall look at storm water discharges and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

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8. Corrective Action

The permittee shall immediately stop, reduce, or modify construction, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

9. Reporting Requirements

- (a) The permittee shall immediately notify the director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in section 16 of appendix A of chapter 11-55.
- (b) The permittee shall notify the director of the start of the construction activities in writing within one week before the start of the construction activities.

10. Submittal Requirements

- (a) The owner or its duly authorized representative shall submit signed copies of all reports required by this general permit to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

- (b) The owner or its duly authorized representative shall include the following

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certification statement and an original signature on each submittal in accordance with section 11-55-34.08(e) or (f):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned notice of general permit coverage file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

11. Special Conditions for Land Disturbances

The following special conditions apply to all land disturbance work conducted under this general permit:

- (a) Construction Management Techniques

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- (1) Clearing and grubbing shall be held to the minimum necessary for grading and equipment operation.
- (2) Construction shall be sequenced to minimize the exposure time of the cleared surface area.
- (3) Construction shall be staged or phased for large projects. Areas of one phase shall be stabilized before another phase is initiated. Stabilization shall be accomplished by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.
- (4) Erosion and sediment control measures shall be in place and functional before earth moving operations begin. These measures shall be properly constructed and maintained throughout the construction period.
- (5) All control measures shall be checked and repaired as necessary, for example, weekly in dry periods and within twenty-four hours after any rainfall of 0.5 inches or greater within a twenty-four-hour period. During prolonged rainfall, daily checking is necessary. The permittee shall maintain records of checks and repairs.
- (6) The permittee shall maintain records of the duration and estimated volume of storm water discharge(s).

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- (7) A specific individual shall be designated to be responsible for erosion and sediment controls on each project site.
- (b) Vegetation Controls
- (1) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than twenty calendar days prior to land disturbance.
 - (2) Temporary soil stabilization with appropriate vegetation shall be applied on areas that will remain unfinished for more than thirty calendar days.
 - (3) Permanent soil stabilization with perennial vegetation or pavement shall be applied as soon as practical after final grading. Irrigation and maintenance of the perennial vegetation shall be provided for thirty calendar days or until the vegetation takes root, whichever is shorter.
- (c) Structural Controls
- (1) Storm water flowing toward the construction area shall be diverted by using appropriate control measures, as practical.
 - (2) Erosion control measures shall be designed according to the size of disturbed or drainage areas to detain runoff and trap sediment.

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- (3) Water must be discharged in a manner that the discharge shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

12. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

13. Record Retention

The permittee shall retain all records and information resulting from the activities required by this general permit for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

14. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.