

- paper in accordance with section 11-263-22.
- (4) When delivering hazardous waste to a non-rail transporter a rail transporter must:
 - (i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and
 - (ii) Retain a copy of the manifest in accordance with section 11-263-22.
 - (5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.
 - (g) Transporters who transport hazardous waste out of the United States must:
 - (1) Indicate on the manifest the date the hazardous waste left the United States; and
 - (2) Sign the manifest and retain one copy in accordance with subsection 11-263-22(c); and
 - (3) Return a signed copy of the manifest to the generator; and
 - (4) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.
 - (h) A transporter transporting hazardous waste from a generator who generates greater than one-hundred kilograms but less than one-thousand kilograms of hazardous waste in a calendar month need not comply with the requirements of this section or those of section 11-263-22 provided that:
 - (1) The waste is being transported pursuant to a reclamation agreement as provided for in subsection 11-262-20(e);
 - (2) The transporter records, on a log or shipping paper, the following information for each shipment:
 - (i) The name, address, and U.S. EPA identification number of the generator of the waste;
 - (ii) The quantity of waste accepted;
 - (iii) All U.S. Department of Transportation-required shipping information;
 - (iv) The date the waste is accepted; and
 - (3) The transporter carries this record when transporting waste to the reclamation facility; and
 - (4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement. [Eff 6/18/94; am 3/13/99; comp] (Auth: HRS 342J-4, 342J-31, 342J-33, 342J-35) (Imp: 40 C.F.R. §263.20)

§11-263-21 Compliance with the manifest. (a) The transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:

- (1) The designated facility listed on the manifest; or
 - (2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or
 - (3) The next designated transporter; or
 - (4) The place outside the United States designated by the generator.
- (b) If the hazardous waste cannot be delivered in accordance with subsection (a), the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions. [Eff 6/18/94; comp] (Auth: HRS 342J-4, 342J-31, 342J-33, 342J-35) (Imp: 40 C.F.R. §263.21)

§11-263-22 Recordkeeping. (a) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(b) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information required in paragraph 11-263-20(e) (2) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(c) For shipments of hazardous waste by rail within the State:

- (1) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in paragraph 11-263-20(f) (2) for a period of three years from the date the hazardous waste was accepted by the initial transporter; and
- (ii) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(d) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(e) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the director. [Eff 6/18/94; comp]

(Auth: HRS §§342J-4, 342J-31, 342J-33, 342J-35) (Imp: 40 C.F.R. §263.22)

SUBCHAPTER C

HAZARDOUS WASTE DISCHARGES

§11-263-30 Immediate action. (a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(b) If a discharge of hazardous waste occurs during transportation and an official (State or county government or a Federal Agency) acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have an EPA identification number and without the preparation of a manifest.

(c) An air, rail, highway, or water transporter who has discharged hazardous waste must:

- (1) Give notice, if required by 49 CFR 171.15, to the federal National Response Center (800-424-8802 or 202-426-2675); and to the State Department of Health, Hazard Evaluation and Emergency Response Office via the State Hospital (808-247-2191) after business hours or directly at (808) 586-4249 during business hours; and
- (2) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.

(d) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 for oil and hazardous substances. [Eff 6/18/94; am 3/13/99; comp] (Auth: HRS 342J-4, 342J-31, 342J-33, 342J-35) (Imp: 40 C.F.R. §263.30)

§11-263-31 Discharge clean up. A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by Federal, State, or county officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment. [Eff 6/18/94; comp] (Auth: HRS 342J-4, 342J-31, 342J-33, 342J-35) (Imp: 40 C.F.R. §263.31)

Appendix G

Portions of HAR §4-66, Pesticides

TITLE 4 DEPARTMENT OF AGRICULTURE
SUBTITLE 6 DIVISION OF PLANT INDUSTRY
CHAPTER 66
PESTICIDES

- §4-66-1 Objectives
- §4-66-2 Definitions
- §4-66-3 Administration, enforcement and penalty
- §4-66-4 Contents of the pesticide label; generally
- §4-66-5 Label; name, brand, or trademark
- §4-66-6 Label; name and address of producer,
registrant or person for whom produced
- §4-66-7 Label; net weight or measure of contents
- §4-66-8 Label; product registration number
- §4-66-9 Label; producing establishment registration
number
- §4-66-10 Label; ingredient statement; generally
- §4-66-11 Label; position of ingredient statement
- §4-66-12 Label; names to be used in ingredient
statement
- §4-66-13 Label; statements of percentages
- §4-66-14 Label; accuracy of stated percentages
- §4-66-15 Label; deterioration
- §4-66-16 Label; inert ingredients
- §4-66-17 Label; warnings and precautionary statements;
generally
- §4-66-18 Label; required front panel statements
- §4-66-19 Label; other required warnings and
precautionary statements
- §4-66-20 Label; directions for use; generally
- §4-66-21 Label; placement of directions for use
- §4-66-22 Label; exceptions to requirement for
directions for use
- §4-66-23 Label; contents of directions for use
- §4-66-24 Label; statement of use classification;
generally
- §4-66-25 Label; general use classification
- §4-66-26 Label; restricted use classification
- §4-66-27 Label; prominence and legibility
- §4-66-28 Label; language to be used
- §4-66-29 Label; placement
- §4-66-30 Label; false or misleading statements
- §4-66-31 Label; final printed form
- §4-66-32 Restricted use pesticides
- §4-66-33 Pesticide licensing; exceptions
- §4-66-34 Applications for licensing

- §4-66-35 Pesticide licensing; effective date
- §4-66-36 Pesticide licensing; corrections
- §4-66-37 Special local need (SLN) registration
- §4-66-38 Special local need; unreasonable adverse effects
- §4-66-39 Special local need; label, packaging and coloration requirements
- §4-66-40 Special local need; classification
- §4-66-41 Special local need; notification and submission of data to Environmental Protection Agency
- §4-66-42 Coloration
- §4-66-43 Enforcement
- §4-66-44 Notice of judgement
- §4-66-45 Experimental use permits; generally
- §4-66-46 Experimental use permits; prohibitions
- §4-66-47 Experimental use permits; exceptions
- §4-66-48 Experimental use permits; provisions for issuance
- §4-66-49 Experimental use permits; restrictions
- §4-66-50 Experimental use permits; reports
- §4-66-51 Experimental use permits; monitoring and revocation
- §4-66-52 Restricted use pesticide dealer
- §4-66-53 Dealer's records and reports
- §4-66-54 Storage, display, and sale of pesticides
- §4-66-55 Disposal of pesticides and empty pesticide containers
- §4-66-56 Certification of applicators
- §4-66-57 General standards for certification of applicators
- §4-66-58 Specific standards for certification of applicators
- §4-66-59 Standards for certification of private applicators
- §4-66-60 Certification procedures
- §4-66-61 Conditions on the use of restricted pesticides
- §4-66-62 Commercial applicator recordkeeping
- §4-66-63 Single purchase certification
- §4-66-64 Conditions and limitations on pesticide application and sale
- §4-66-65 Posting of signs
- §4-66-66 Fees
- §4-66-67 Severability

Appendix H

HAR §11-55 (Water Pollution Control)

EPA Fact Sheet Listing Industrial Facilities Subject to NPDES Permitting

Form 3510-1, Form 3510-2F, and Signatory Form (Application for NPDES permit)

Storm Water Phase II Final Rule: Conditional No Exposure Exclusion for Industrial Activity

“No Exposure” Certification Form

HAR §11-55 (Water Pollution Control)

DEPARTMENT OF HEALTH

Amendment and Compilation of Chapter 11-55

Hawaii Administrative Rules

OCT - 8 2007

SUMMARY

1. Title amended.
2. \$11-55-01 is amended and compiled.
3. \$11-55-02 is compiled.
4. \$11-55-03 is compiled.
5. \$11-55-04 is amended and compiled.
6. \$11-55-05 is amended and compiled.
7. \$11-55-06 is amended and compiled.
8. \$11-55-07 is amended and compiled.
9. \$11-55-08 is amended and compiled.
10. \$11-55-09 is amended and compiled.
11. \$11-55-10 is amended and compiled.
12. \$11-55-11 is amended and compiled.
13. \$11-55-12 is amended and compiled.
14. \$11-55-13 is compiled.
15. \$11-55-14 is amended and compiled.
16. \$11-55-15 is amended and compiled.
17. \$11-55-16 is compiled.
18. \$11-55-17 is compiled.
19. \$11-55-18 is amended and compiled.
20. \$11-55-19 is amended and compiled.
21. \$11-55-20 is compiled.
22. \$11-55-21 is compiled.
23. \$11-55-22 is compiled.
24. \$11-55-23 is amended and compiled.
25. \$11-55-24 is compiled.
26. \$11-55-25 is compiled.
27. \$11-55-26 is compiled.
28. \$11-55-27 is compiled.

29. \$11-55-28 is compiled.
30. \$11-55-29 is compiled.
31. \$11-55-30 is amended and compiled.
32. \$11-55-31 is compiled.
33. \$11-55-32 is compiled.
34. \$11-55-33 is amended and compiled.
35. \$11-55-34 is amended and compiled.
36. \$11-55-34.01 is compiled.
37. \$11-55-34.02 is amended and compiled.
38. \$11-55-34.03 is compiled.
39. \$11-55-34.04 is amended and compiled.
40. \$11-55-34.05 is compiled.
41. \$11-55-34.06 is compiled.
42. \$11-55-34.07 is compiled.
43. \$11-55-34.08 is amended and compiled.
44. \$11-55-34.09 is amended and compiled.
45. \$11-55-34.10 is compiled.
46. \$11-55-34.11 is compiled.
47. \$11-55-34.12 is compiled.
48. \$11-55-35 is compiled.
49. \$11-55-36 is amended and compiled.
50. \$11-55-37 is compiled.
51. \$11-55-38 is amended and compiled.
52. \$11-55-39 is compiled.
53. A new \$11-55-40 is added and compiled.
54. Appendix A is amended and compiled.
55. Appendix B is amended and compiled.
56. Appendix C is amended and compiled.
57. Appendix D is amended and compiled.
58. Appendix E is amended and compiled.
59. Appendix F is amended and compiled.
60. Appendix G is amended and compiled.
61. Appendix H is amended and compiled.
62. Appendix I is amended and compiled.
63. Appendix J is amended and compiled.
64. Appendix K is amended and compiled.
65. Appendix L is amended and compiled.

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HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 55

WATER POLLUTION CONTROL

\$11-55-01	Definitions
\$11-55-02	General policy of water pollution control
\$11-55-03	General prohibition
\$11-55-04	Application for NPDES permit, notice of intent, or conditional "no exposure" exclusion
\$11-55-05	Receipt of federal information
\$11-55-06	Transmission of information to Regional Administrator
\$11-55-07	Identity of signatories to NPDES forms
\$11-55-08	Formulation of tentative determinations and draft permit
\$11-55-09	Public notice of applications
\$11-55-10	Fact sheet
\$11-55-11	Notice to other government agencies
\$11-55-12	Public access to information
\$11-55-13	Public hearings
\$11-55-14	Public notice of public hearings
\$11-55-15	Issuance of NPDES permits
\$11-55-16	Modification or revocation and reissuance of NPDES permits
\$11-55-17	Termination of permits and denial of renewal
\$11-55-18	Reporting discontinuance or dismantlement
\$11-55-19	Application of effluent standards and limitations, water quality standards, and other requirements
\$11-55-20	Effluent limitations in issued NPDES permits
\$11-55-21	Schedule of compliance in issued NPDES permits
\$11-55-22	Compliance schedule reports

55-1

\$11-55-23	Other terms and conditions of issued NPDES permits
\$11-55-24	National pretreatment standards and users of publicly owned treatment works
\$11-55-25	Transmission to Regional Administrator of proposed NPDES permits
\$11-55-26	Transmission to Regional Administrator of issued NPDES permits
\$11-55-27	Renewal of NPDES permits
\$11-55-28	Monitoring
\$11-55-29	Recording of monitoring activities and results
\$11-55-30	Reporting of monitoring results
\$11-55-31	Sampling and testing methods
\$11-55-32	Malfunction, maintenance, and repair of equipment
\$11-55-33	Agency board membership
\$11-55-34	General permit definitions
\$11-55-34.01	General permit policy
\$11-55-34.02	General permit authority and adoption
\$11-55-34.03	General permit terms
\$11-55-34.04	General permit conditions
\$11-55-34.05	Requiring an individual permit
\$11-55-34.06	Relationship of general and individual permits
\$11-55-34.07	Degree of waste treatment
\$11-55-34.08	Notice of intent
\$11-55-34.09	Notice of intent review, notice of general permit coverage, additional conditions, terms, renewals, effective dates, and automatic coverage
\$11-55-34.10	Review of coverage issues and notice of intent and notice of general permit coverage decisions
\$11-55-34.11	Notice of general permit coverage modification, revocation and reissuance, and termination
\$11-55-34.12	General permit compliance
\$11-55-35	Penalties and remedies
\$11-55-36	Hearings and appeals
\$11-55-37	Severability clause
\$11-55-38	Historic and burial sites review

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\$11-55-39	Public interest
\$11-55-40	Field citations
Appendix A	Department of Health Standard General Permit Conditions
Appendix B	NPDES General Permit Authorizing Discharges of Storm Water Associated with Industrial Activities
Appendix C	NPDES General Permit Authorizing Discharges of Storm Water Associated with Construction Activity
Appendix D	NPDES General Permit Authorizing Discharges of Treated Effluent from Leaking Underground Storage Tank Remedial Activities
Appendix E	NPDES General Permit Authorizing Discharges of Once Through Cooling Water Less Than One (1) Million Gallons Per Day
Appendix F	NPDES General Permit Authorizing Discharges of Hydrotreating Waters
Appendix G	NPDES General Permit Authorizing Discharges Associated with Construction Activity Dewatering
Appendix H	NPDES General Permit Authorizing Discharges of Treated Process Wastewater Associated with Petroleum Bulk Stations and Terminals
Appendix I	NPDES General Permit Authorizing Discharges of Treated Process Wastewater Associated with Well Drilling Activities
Appendix J	NPDES General Permit Authorizing Occasional or Unintentional Discharges from Recycled Water Systems
Appendix K	NPDES General Permit Authorizing Discharges of Storm Water and Certain Non-Storm Water Discharges from Small Municipal Separate Storm Sewer Systems

\$11-55-01

Appendix L NPDES General Permit Authorizing Discharges of Circulation Water from Decorative Ponds or Tanks

Historical Note: Chapter 55 of Title 11 is based substantially on Public Health Regulations, Chapter 37, Water Pollution Control, Department of Health, State of Hawaii. [Eff 5/25/74, am 1/20/75, 8/19/75, 1/31/81; R 11/27/81]

\$11-55-01 Definitions.

"40 CFR" means the Code of Federal Regulations, Title 40, Protection of Environment, revised as of July 1, 2006 unless otherwise specified.

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-483 and Public Law 97-117, 33 U.S.C. 1251 et. seq.

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or an authorized agent.

"Animal feeding operation" or "AFO" means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

- (1) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- (2) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

"Applicable effluent standards and limitations" means all state and federal effluent standards and limitations to which a discharge is subject under the Act; chapter 342D, HRS; and rules of the department

including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.

"Applicable water quality standards" means all water quality standards to which a discharge is subject under the Act; chapter 342D, HRS; rules of the department; and which have been:

- (1) Approved or permitted to remain in effect by the Administrator under Section 303(a) or Section 303(c) of the Act, 33 U.S.C. §1313(a) or §1313(c); or
- (2) Promulgated by the Administrator under Section 303(b) of the Act, 33 U.S.C. §1313(b).

"Best management practices" or "BMPs" means schedules of activities, prohibitions or designations of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of state waters. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Bypass" means the same thing as defined in 40 CFR §122.41(m).

"Concentrated animal feeding operation" or "CAFO" means an animal feeding operation that is defined as a large CAFO or as a medium CAFO under 40 CFR §122.23(b)(4) or (6), or that is designated as a AFO in accordance with 40 CFR §122.23(c). Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

"Continuous discharge" means a "discharge" which occurs without interruption throughout the operating hours of the facility, except for infrequent shut-downs for maintenance, process changes, or other similar activities.

"Cooling water" means water used for contact or noncontact cooling, including water used for equipment cooling, evaporative cooling tower makeup, and dilution of effluent heat content. The intended use of the cooling water is to absorb waste heat rejected from the process or processes used, or from auxiliary operations on the facility's premises. Cooling water that is used in a manufacturing process either before or after it is used for cooling is considered process water for the purposes of calculating the percentage of a facility's intake flow that is used for cooling purposes in 40 CFR §125.91(a)(4).

"Cooling water intake structure" means the total physical structure and any associated constructed waterways used to withdraw cooling water from state waters. The cooling water intake structure extends from the point at which water is withdrawn from the surface water source up to, and including, the intake pumps.

"Department" means the state department of health.

"Director" means the director of the department or an authorized agent.

"Draft permit" means a document prepared under 40 CFR §124.6 indicating the director's tentative decision to issue or modify, revoke and reissue, terminate, or reissue a "permit." A notice of intent to terminate a permit as discussed in 40 CFR §124.5(d) and defined in 40 CFR §124.2, and a notice of intent to deny a permit as defined in 40 CFR §124.2 are types of "draft permit." A denial of a request for modification, revocation and reissuance, or termination, as discussed in 40 CFR §124.5(b), is not a "draft permit."

"Effluent" means any substance discharged into state waters or publicly owned treatment works or sewerage systems, including but not limited to, sewage, waste, garbage, feculent matter, offal, filth, refuse, any animal, mineral, or vegetable matter or substance, and any liquid, gaseous, or solid substances.

"EPA" means the U.S. Environmental Protection Agency.

"Facility" or "activity" means any NPDES "point source" or any facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act.

"General permit" means an NPDES permit issued as a rule or document that authorizes a category of discharges into state waters from a category of sources within a geographical area.

"HRS" means the Hawaii Revised Statutes.

"Hawaiian fishponds" means the same thing as defined in section 183B-1, HRS.

"Indirect discharge" means the introduction of pollutants into a publicly owned treatment works from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

"Individual permit" means an NPDES permit, other than a general permit, issued under this chapter to a specified person to conduct a discharge at a specified location.

"Industrial user" means a source of indirect discharge.

"Large municipal separate storm sewer system" means the same thing as defined in 40 CFR \$122.26(b)(4).

"Major facility" means any NPDES facility or activity classified by the Regional Administrator in conjunction with the director.

"Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes and potentially contaminated laboratory wastes, dialysis wastes, and additional medical items as the Administrator shall prescribe by regulation.

"Medium municipal separate storm sewer system" means the same thing as defined in 40 CFR \$122.26(b)(7).

"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains as defined in 40 CFR \$122.26(b)(8)).

"Municipal separate storm sewer system" or "MS4" means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems under 40 CFR \$122.26(b)(4), (b)(7), and (b)(16) or that the director designates consistently with 40 CFR \$122.26(a)(1)(v). A "municipal separate storm sewer system" is also known as a "municipal separate storm water drainage system."

"National Pollutant Discharge Elimination System" or "NPDES" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Act.

"New discharger" means any building, structure, facility, activity, or installation:

- (1) From which there is or may be a discharge of pollutants;
- (2) That did not begin the discharge of pollutants at a particular site before August 13, 1979;
- (3) Which is not a new source; and
- (4) Which has never received a finally effective NPDES permit for discharges at the site.

"New source" means any building, structure, facility, activity, or installation from which there is or may be a "discharge of pollutants," the construction of which began:

- (1) After the adoption, by the director, of rules prescribing a standard of performance which will be applicable to the source; or
- (2) After the publication by the Administrator of regulations prescribing a standard of performance which will be applicable to the

source, if the standard is thereafter promulgated by the Administrator, whichever occurs first.

"No exposure" means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff or any combination of the above. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

"Notice of cessation" or "NOC" means a form used to notify the director, within a specified time, that a discharge or activity, or phase of discharge or activity has ceased. Submission of this form means that the permittee is no longer authorized to discharge from the facility or project under the NPDES program.

"Notice of general permit coverage" or "NGPC" means an authorization issued to the owner or operator by the department to comply with the NPDES general permit.

"Notice of intent" or "NOI" means a form used to notify the director, within a specified time, that a person seeks coverage under a general permit.

"NPDES form" means any form provided by the Administrator or director for use in obtaining or complying with the individual permit, notice of general permit coverage, or conditional "no exposure" exclusion. These forms include the NPDES permit applications, notice of intent forms, "no exposure" certification form, NPDES discharge monitoring report form, notice of cessation form, and other forms as specified by the director.

"NPDES permit" means an authorization, license, or equivalent control document issued by the EPA or the director to implement the requirements of 40 CFR Parts

122, 123, and 124. NPDES permit includes an NPDES general permit according to 40 CFR §122.28 and a notice of general permit coverage or NGPC, as the context requires. NPDES permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit.

"NPDES permit application" means a form used to apply for an individual permit.

"Once-through cooling water system" means a system designed to withdraw water from a natural or other water source, use it at the facility to support contact or noncontact or both cooling uses, and then discharge it to a waterbody without recirculation. Once-through cooling systems sometimes employ canals, channels, ponds, or nonrecirculating cooling towers to dissipate waste heat from the water before it is discharged.

"Owner" or "operator" means the person who owns or operates any "facility" or "activity" subject to regulation under the NPDES program.

"Person" means the same thing as defined in section 342D-1, HRS.

"Permittee" means the person to whom the individual permit or notice of general permit coverage is issued or the person who obtains automatic general permit coverage under section 11-55-34.09(e) (2).

"Pest" means

- (1) Any insect, rodent, nematode, fungus, weed, or
- (2) Any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under 7 U.S.C. §136w(c) (1).

"Pesticide" means

- (1) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest;

- (2) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; and
- (3) Any nitrogen stabilizer, except that the term "pesticide" shall not include any article that is a "new animal drug" within the meaning of 21 U.S.C. §321(v), that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of 21 U.S.C. §321(w) bearing or containing a new animal drug.

The term "pesticide" does not include liquid chemical sterilant products (including any sterilant or subordnate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in 21 U.S.C. §321. For purposes of the preceding sentence, the term "critical device" includes any device which is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term "semi-critical device" includes any device which contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body.

"Point source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff, except return flows from agriculture irrigated with reclaimed water. (See 40 CFR §122.3).

"Publicly owned treatment works" or "POTW" means any device or system used in the storage, treatment, recycling, and reclamation of municipal sewage or

industrial wastes of a liquid nature which is owned by a state or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.

"R-1 water" means recycled water that has been oxidized, filtered, and disinfected to meet the corresponding standards set in chapter 11-62.

"Recycled water" or "reclaimed water" means treated wastewater that by design is intended or used for a beneficial purpose.

"Regional Administrator" means the Regional Administrator of the U.S. Environmental Protection Agency Region 9 or an authorized agent.

"Representative storm" means a rainfall that accumulates more than 0.1 inch of rain and occurs at least seventy-two hours after the previous measurable (greater than 0.1 inch) rainfall event.

"Sewage sludge" means the same thing as defined in section 342D-1, HRS.

"Silvicultural point source" means the same thing as defined in 40 CFR §122.27.

"Site" means the land or water area where any "facility" or "activity" is physically located or conducted, including adjacent land used in connection with the "facility" or "activity."

"Small municipal separate storm sewer system" or "small MS4" means all separate storm sewers that are:

- (1) Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or under state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Act that discharges to state waters;

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- (2) Not defined as "large" or "medium" municipal separate storm sewer systems under 40 CFR \$122.2(b)(4) and (b)(7), or designated under section 11-55-04(a)(4) or 11-55-34.08(k)(2) or 40 CFR \$122.26(a)(1)(v); and
- (3) This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

"Standard of performance" means a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the director determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants; provided that the standard shall not be less stringent than required under Section 306 of the Act, 33 U.S.C. §1316.

"State waters" means the same thing as defined in section 342D-1, HRS.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm water discharge associated with industrial activity" means the same thing as defined in 40 CFR \$122.26(b)(14).

"Treatment works" means the plant or other facility and the various devices used in the treatment of wastes including the necessary intercepting sewers, outfall sewers or outlets, pumping, power, and other equipment.

"Treatment works treating domestic sewage" or "TWTDs" means a POTW or any other sewage sludge or waste water treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of

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municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices. For purposes of this definition, "domestic sewage" includes waste and waste water from humans or household operations that are discharged to or otherwise enter a treatment works.

"Upset" means the same thing as defined in 40 CFR \$122.41(n).

"Waste" means sewage, industrial and agricultural matter, and all other liquid, gaseous, or solid substance, including radioactive substance, whether treated or not, which may pollute or tend to pollute state waters.

"Water pollution" means the same thing as defined in section 342D-1, HRS.

The definitions of the following terms contained in Section 502 of the Act, 33 U.S.C. §1362, shall be applicable to the terms as used in this part unless the context otherwise requires: "biological monitoring," "contiguous zone," "discharge," "discharge of a pollutant," "effluent limitations," "municipality," "navigable waters," "ocean," "pollutant," "schedule of compliance," "territorial seas," and "toxic pollutant." [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; am and comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§6E-42(a), 183B-1, 342D-1, 342D-2, 342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subpart A and D; Part 125; §122.2)

\$11-55-02 General policy of water pollution control. (a) It is the public policy of this State:

- (1) To conserve state waters;
- (2) To protect, maintain, and improve the quality of state waters:

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- (A) For drinking water supply, and food processing;
- (B) For the growth, support, and propagation of shellfish, fish, and other desirable species of marine and aquatic life;
- (C) For oceanographic research;
- (D) For the conservation of coral reefs and wilderness areas; and
- (E) For domestic, agricultural, industrial, and other legitimate uses;
- (3) To provide that no waste be discharged into any state waters without first being given the degree of treatment necessary to protect the legitimate beneficial uses of the waters;
- (4) To provide for the prevention, abatement, and control of new and existing water pollution; and
- (5) To cooperate with the federal government in carrying out the objectives listed in paragraphs (1) through (4).
- (b) Any industrial, public, or private project or development which could be considered a new source of pollution or an increased source of pollution shall, in its initial project design and subsequent construction, provide the highest and best degree of waste treatment practicable under existing technology.
- (c) Permits issued under this chapter, and the related applications, processing, issuance, and post-issuance procedures and requirements, shall be at least as stringent as those required by 40 CFR §123.25(a). [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1251, 1288, 1311, 1312, 1316, 1317, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §123.25(a))

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\$11-55-03 General prohibition. No person shall violate any provision of section 342D-50, HRS, or any NPDES permit issued under this chapter. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 603-23; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50, 603-23; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125)

\$11-55-04 Application for NPDES permit, notice of intent, or conditional "no exposure" exclusion. (a) Before discharging any pollutant, or beginning construction activities that disturb one or more acres of land, or substantially altering the quality of any discharges, or substantially increasing the quantity of any discharges, a person shall submit a complete NPDES permit application (which shall include whole effluent toxicity testing data as specified in 40 CFR §122.21(j)(5)), submit a complete notice of intent, or, for certain storm water discharges, meet all requirements for a conditional "no exposure" exclusion. Submittal of a notice of intent for coverage under a general permit shall comply with and be regulated by sections 11-55-34.08 through 11-55-34.10. Conditional "no exposure" exclusions shall comply with and be regulated by subsection (e). An NPDES permit application shall be submitted:

- (1) At least one hundred eighty days before the discharge or construction begins or before the expiration date of the existing permit. The director may waive this one hundred eighty day requirement by issuing the permit with an effective date before the one hundred eighty days expire;
- (2) In sufficient time prior to the beginning of the discharge of pollutants to ensure compliance with the requirements of new

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source performance standards under Section 306 of the Act, 33 U.S.C. §1316, or with any applicable zoning or site requirements established under Section 208(b)(2)(C) of the Act, 33 U.S.C. §1288(b)(2)(C), and any other applicable water quality standards and applicable effluent standards and limitations;

- (3) For any storm water discharge associated with industrial activity from an existing facility that is owned or operated by a municipality with a population of less than 100,000 that is not authorized by a general or individual permit, other than an airport, power-plant, or uncontrolled sanitary landfill;
- (4) For any discharge from an existing regulated small municipal separate storm sewer system which is not qualified to obtain coverage under the general permit. The permit application shall be made under 40 CFR §122.33 if the small municipal separate storm sewer system is designated under 40 CFR §122.32(a)(1). A small municipal separate storm sewer system, including but not limited to systems operated by federal, state, and local governments, including state departments of transportation, is regulated when it is located in an urbanized area as determined by the latest decennial census by the Bureau of the Census. (If the small municipal separate storm sewer system is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated.) Small municipal separate storm sewer systems located outside of urbanized areas shall submit an NPDES permit application if the department determines that the system's storm water discharge results in or has the potential to result in exceedances of water quality standards, including

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impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts. The department shall evaluate the small municipal separate storm sewer system with the following elements, at a minimum: discharge to sensitive waters, high growth or growth potential, high population density, contiguity to an urbanized area, significant contributor of pollutants to state waters, and ineffective protection of water quality by other programs. The NPDES permit application shall be submitted within one hundred eighty days of notice from the department;

(5) (Reserved);

(6) (Reserved); or

(7) At least one hundred eighty days before the construction activity as identified in 40 CFR §122.26 (b)(14)(x) or small construction activity as defined in 40 CFR §122.26(b)(15)(i) begins and is not qualified to obtain coverage under the general permit.

(b) Application for an individual permit shall be made by the owner or operator on an NPDES permit application provided by the director. The NPDES permit application shall be submitted with complete data, site information, plan description, specifications, drawings, and other detailed information. The information submitted shall comply with 40 CFR §§122.21(f) through (l) and (r) to determine in what manner the new or existing treatment works or wastes outlet, including a facility described in 40 CFR §§122.23, 122.24, 122.25, 122.26, or 122.27, will be constructed or modified, operated, and controlled. When a facility or activity is owned by one person, but is operated by another person, it is the operator's duty to obtain a permit on behalf of the owner. The operator shall provide written evidence that the owner authorizes the operator to apply on behalf of the owner

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and that the owner agrees to comply with all permit conditions. Only one permit is required for a single facility or activity.

(c) The director may require the submission of additional information after an NPDES permit application has been submitted, and shall ensure that, if an NPDES permit application is incomplete or otherwise deficient, processing of the application shall not be completed until the owner or its duly authorized representative has supplied the missing information or otherwise corrected the deficiency.

(d) Every owner or operator applying for an individual permit or renewal of an individual permit shall pay a filing fee of \$1,000. This filing fee shall be submitted with the NPDES permit application and shall not be refunded nor applied to any subsequent NPDES permit application following final action of denial of the NPDES permit application.

- (1) When an NPDES permit application is submitted for an individual permit for a substantial alteration or addition to a treatment works or waste outlet and where an individual permit had previously been granted for the treatment works or waste outlet, the owner or operator shall pay a \$1,000 filing fee which shall be submitted with the NPDES permit application;
- (2) A new owner of a discharge facility covered by an individual permit shall submit a new NPDES permit application for a new individual permit unless the new owner submits a notice of automatic transfer that meets 40 CFR \$122.61(b). The owner or operator shall pay a \$500 filing fee which shall be submitted with the NPDES permit application or notice of automatic transfer that meets 40 CFR \$122.61(b);
- (3) An NPDES individual permittee shall submit a new NPDES permit application for the transfer of discharge from one permanent location to

another permanent location. The owner or operator shall pay the \$1,000 filing fee which shall be submitted with the NPDES permit application;

- (4) Fees shall be made payable to the "State of Hawaii" in the form of a pre-printed check, cashier's check, money order, or as otherwise specified by the director.

(e) Discharges composed entirely of storm water are not storm water discharges associated with industrial activity, and do not require an individual permit or general permit coverage, if there is "no exposure" of industrial materials and activities to rain, snow, snowmelt or runoff or any combination of the above, and the owner or operator of the discharge:

- (1) Meets the conditions of 40 CFR §§122.26(g)(1) through 122.26(g)(4), except 40 CFR \$122.26(g)(1)(iii);
- (2) Submits a properly completed and signed "no exposure" certification on a form provided by the director;
- (3) Submits a properly completed and signed "no exposure" certification form at least once every five years, or earlier if specified by the director or upon the change of ownership, operator, or location; and
- (4) Provides any additional information requested by the director after a "no exposure" certification has been submitted.

The conditional "no exposure" exclusion is effective upon receipt by the department of the certification, assuming all other conditions are met, and the director may specify the term of a conditional "no exposure" exclusion, or any renewal, for any period not to exceed five years. There is no filing fee for submittal of a "no exposure" certification.

(f) The applicant shall send a copy of the NPDES permit application to the state historic preservation division of the department of land and natural

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resources when review is required under section 11-55-38.

(g) Industrial activities, except construction activities under 40 CFR §122.26(b)(14)(x) and 40 CFR §122.26(b)(15), which provide calculations and certify that they do not discharge storm water to state waters are not required to obtain an individual permit or general permit coverage.

(h) The application of pesticides consistent with all relevant requirements under FIFRA (i.e., those relevant to protecting water quality) in the following two circumstances do not require an NPDES permit:

- (1) The application of pesticides directly to state waters in order to control pests. Examples of such applications include applications to control mosquito larvae, aquatic weeds, or other pests that are present in state waters; or
- (2) The application of pesticides to control pests that are present over state waters, including near such waters, where a portion of the pesticides will unavoidably be deposited to state waters in order to target the pests effectively; for example, when insecticides are aerially applied to a forest canopy where state waters may be present below the canopy or when pesticides are applied over or near water for control of adult mosquitoes or other pests.

The department reserves its authority to require NPDES permits for other pesticide applications. [Eff 11/27/81; am and comp 10/29/92; am 09/23/96; am and comp 09/22/97; am and comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp

OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§6E-42(a), 342D-2, 342D-4, 342D-5, 342D-6, 342D-13; 33 U.S.C. §§1251, 1288(b)(2)(C), 1316, 1342, 1370, 1251-1387;

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40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.21, 122.23, 122.24, 122.25, 122.26, 122.27, 122.61, 123.25(a), 124.3)

\$11-55-05 Receipt of federal information. The director shall receive any relevant information collected by the Regional Administrator prior to participation in the NPDES in a manner as the director and the Regional Administrator shall agree. Any agreement between the director and the Regional Administrator shall provide for at least the following:

- (1) Prompt transmittal to the director from the Regional Administrator of copies of any NPDES permit applications, or other relevant information collected by the Regional Administrator prior to the state or interstate agency's participation in the NPDES; and
- (2) A procedure to ensure that the director will not issue an individual permit on the basis of any NPDES permit application received from the Regional Administrator which the Regional Administrator has identified as incomplete or otherwise deficient until the director has received information sufficient to correct the deficiency to the satisfaction of the Regional Administrator. [Eff 11/27/81; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §123.42)

\$11-55-06 Transmission of information to Regional Administrator. The director shall transmit to the

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Regional Administrator copies of NPDES forms received by the State in a manner as the director and Regional Administrator shall agree. Any agreement between the State and the Regional Administrator shall provide for at least the following:

- (1) Prompt transmittal to the Regional Administrator of a complete copy of any NPDES form received by the State;
- (2) Procedures for the transmittal to the national data bank of a complete copy, or relevant portions thereof, of any appropriate NPDES forms received by the State;
- (3) Procedures for acting on the Regional Administrator's written waiver, if any, of the Regional Administrator's rights to receive copies of NPDES forms with respect to classes, types, and sizes within any category of point sources and with respect to minor discharges or discharges to particular state waters or parts thereof subject to the limits in 40 CFR §123.24(d);
- (4) An opportunity for the Regional Administrator to object in writing to deficiencies in any NPDES permit application or reporting form received by the Regional Administrator and to have the deficiency corrected. If the Regional Administrator's objection relates to an NPDES permit application, the director shall send the Regional Administrator any information necessary to correct the deficiency and shall, if the Regional Administrator so requests, not issue the individual permit until the department receives notice from the Regional Administrator that the deficiency has been corrected;
- (5) Procedures for the transmittal, if requested by the Regional Administrator, of copies of any notice received by the director from

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publicly owned treatment works under section 11-55-23(7) and 11-55-23(8); and

- (6) Variance applications shall be processed in accordance with the procedures set forth in section 342D-7, HRS, and 40 CFR §§122.21(m) through (o), 124.62, and 403.13. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6, 342D-14; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2; 342D-4, 342D-5, 342D-6, 342D-14; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.21(m), 122.21(n), 122.21(o), 123.25(a), 123.43, 123.44, 124.62, 403.13)

\$11-55-07 Identity of signatories to NPDES forms.

(a) Any NPDES form and its certification, as stated in 40 CFR §122.22(d), submitted to the director shall be signed as follows:

- (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - (B) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making

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major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively;
- (3) For a municipality, state, federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
 - (A) The chief executive officer of the agency, or
 - (B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA);
- (4) For a trust. By a trustee; or
- (5) For a limited liability company (LLC). By a manager or a member authorized to make management decisions for the LLC and who is in charge of a principal business function, or who performs similar policy- or decision-making functions for the LLC.

(b) All other reports or information required to complete the application or information to comply with the conditions of the individual permit or notice of general permit coverage or responses to requests for

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information required by the director shall be signed by a person designated in subsection (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.);
- (2) The authorization is made in writing by a person designated under subsection (a); and
- (3) The written authorization is submitted to the director.

(c) If an authorization under subsection (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (b) must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp

OCT 22 2007 1 (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.22, 123.25(a))

\$11-55-08 Formulation of tentative determinations and draft permit. (a) The director shall formulate and prepare tentative staff determinations with respect

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to an NPDES permit application in advance of public notice of the proposed issuance or denial of an individual permit. Tentative determinations shall include at least the following:

- (1) A proposed determination, including those contained in 40 CFR §122.44(m) if applicable, to issue or deny an individual permit for the discharge described in the NPDES permit application; and
- (2) If the determination is to issue the individual permit, the following additional tentative determinations:
 - (A) Proposed effluent limitations, identified under sections 11-55-19 and 11-55-20 for those pollutants proposed to be limited;
 - (B) A proposed schedule of compliance, if required, including interim dates and requirements, for meeting the proposed effluent limitations, identified under sections 11-55-21 and 11-55-22;
 - (C) Monitoring requirements identified under sections 11-55-28, 11-55-29, and 11-55-30; and
 - (D) A brief description of any other proposed special conditions (other than those required in section 11-55-23) which will have a significant impact upon the discharge described in the NPDES permit application.

(b) If a tentative determination is to issue an individual permit, the director shall organize the tentative determination under subsection (a) into a draft permit.

(c) The director shall prepare draft permits when required by 40 CFR §124.5(c) or (d). [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp

OCT 22 2007 1 (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2,

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342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122, 123, 124, Subparts A and D; 125; §§122.44(m), 123.25(a), 124.5, 124.6)

§11-55-09 Public notice of applications. (a)

The director shall notify the public of every complete application for an individual permit in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the proposed determination to issue an individual permit for the proposed discharge. Public notification of an application for a variance from an individual permit, under Section 316(a) of the Act, 33 U.S.C. §1326(a), and section 342D-7, HRS, shall also comply with the requirements contained in 40 CFR §124.57(a). Public notice procedures shall include at least the following:

- (1) Notice shall be circulated within the geographical areas of the proposed discharge; circulation includes any or all of the following:
 - (A) Posting in the post office and public places of the municipality nearest the premises of the owner or operator in which the effluent source is located;
 - (B) Posting near the entrance to the owner's or operator's premises and in nearby places; or
 - (C) Publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation;
- (2) Notice shall be mailed to any person or group upon request and the persons listed in 40 CFR §§124.10(c)(1)(i) through (v); and
- (3) The director shall add the name of any person, including those specified in 40 CFR §§124.10(c)(1)(ix) and (x), or group upon request to a mailing list to receive copies of notices for all NPDES permit

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applications within the State or within a certain geographical area.

(b) The director shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the NPDES permit application. All written comments submitted during the thirty-day comment period shall be retained by the director and considered in the formulation of the director's final determination with respect to the NPDES permit application. The director shall respond to comments, at a minimum, when and as required by 40 CFR §§124.17(a) and (c). The comment period may be extended at the discretion of the director.

(c) The public notice shall include at least the following:

- (1) Name and address of the agency issuing the public notice;
- (2) Name and address of each owner or operator or both and the name and address of the facility or activity;
- (3) A brief description of the activities or operations which result in the discharge described in the NPDES permit application;
- (4) Name of the state water to which each discharge is made, a short description of the location of each discharge, and whether the discharge is a new or an existing discharge;
- (5) A statement of the tentative determination to issue or deny an individual permit for the discharge described in the NPDES permit application;
- (6) A brief description of the procedures for the formulation of final determinations, including the procedures for public comment, requesting a public hearing, and any other means of public participation offered;

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(7) Name, address, and telephone number of a person at the state or interstate agency where interested persons may:

- (A) Obtain further information;
- (B) Request a copy of the draft permit prepared under section 11-55-08(b);
- (C) Request a copy of the fact sheet prepared under section 11-55-10 (if prepared); and
- (D) Inspect and copy NPDES forms and related documents; and

(8) Requirements applicable to cooling water intake structures under section 316(b) of the Act, in accordance with Part 125, Subparts I and J.

(d) All publication and mailing costs associated with the public notification of the director's tentative determinations with respect to the NPDES permit application shall be paid by the owner or operator to the appropriate publishing agency or agencies determined by the director. The owner or operator shall submit the original signed affidavit of publication to the department within four weeks of the publication date. Failure to provide and pay for public notification, as deemed appropriate by the director, is a basis to delay issuance of an individual permit. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp 05/22/2007] (Auth: HRS §§342D-4, 342D-5, 342D-6, 342D-13; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1326(a), 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§123.25(a), 124.10, 124.13, 124.17, 124.57)

\$11-55-10 Fact sheet. (a) The director shall prepare a fact sheet for every draft permit for a major facility or activity, for every class I sludge management facility, for every draft permit that

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incorporates a variance or requires an explanation under 40 CFR §124.56(b), and for every draft permit which the director finds is the subject of widespread public interest or raises major issues. The director shall send the fact sheet to the owner or operator, its authorized representative, and, upon request, to any other person.

(b) Fact sheets shall include at least the following information:

- (1) A sketch or detailed description of the location of the discharge described in the NPDES permit application; a brief description of the type of facility or activity which is the subject of the draft permit;
- (2) A quantitative description of the discharge described in the NPDES permit application which includes at least the following:
 - (A) The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow in gallons per day or million gallons per day or cubic feet per second;
 - (B) For thermal discharges subject to limitation under the Act, the average summer and winter temperatures in degrees Fahrenheit or Celsius; and
 - (C) The average daily discharge in pounds per day of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under Sections 301, 302, 306, or 307 of the Act, 33 U.S.C. §§1311, 1312, 1316 or 1317, and regulations published under those sections;
- (3) The tentative determinations required under section 11-55-08;
- (4) A brief citation, including a brief identification of the uses for which the receiving state waters have been classified,

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of the water quality standards, and effluent standards and limitations applied to the proposed discharge;

- (5) A more detailed description of the procedures for the formulation of final determinations than that given in the public notice including:

- (A) The thirty-day comment period required by section 11-55-09(b);
- (B) Procedures for requesting a public hearing and the nature thereof; and
- (C) Any other procedures by which the public may participate in the formulation of the final determinations;

- (6) The name and telephone number of a person to contact for additional information; and
- (7) The information required by

40 CFR §§124.8(b)(5), 124.56(a), 124.56(b), 124.56(c), 124.56(e), and Part 125, subpart M.

(c) The director shall add the name of any person or group upon request to a mailing list to receive copies of fact sheets. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1311, 1312, 1316, 1317, 1342, 1370, 1252-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 501; §§123.25(a), 124.8, 124.56, 125, Subpart M; 501.15(d)(4))

\$11-55-11 Notice to other government agencies.

- (a) The director shall notify other appropriate government agencies of each complete NPDES permit application for an individual permit and shall provide the agencies an opportunity to submit their written views and recommendations.

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(b) When notifying the public under section 11-55-09, a fact sheet shall be transmitted to the appropriate District Engineer of the Army Corps of Engineers of NPDES permit applications for discharges into state waters.

(c) The director and the District Engineer for each Corps of Engineers district within the State or interested area may arrange for:

- (1) Waiver by the District Engineer of the District Engineer's right to receive fact sheets with respect to classes, types, and sizes within any category of point sources and with respect to discharges to particular state waters or parts thereof; and
- (2) Any procedures for the transmission of forms, period for comment by the District Engineer (e.g., thirty days), and for objections of the District Engineer.

(d) A copy of any written agreement between the director and the District Engineer shall be forwarded to the Regional Administrator and shall be made available to the public for inspection and copying.

(e) The director shall mail copies of public notice (or, upon specific request, copies of fact sheets) of applications for individual permits to any federal, state, or local agency, upon request, and shall provide the agencies an opportunity to respond, comment, or request a public hearing. The notice and opportunity shall extend to at least the following:

- (1) The agency responsible for the preparation of an approved plan under Section 208(b) of the Act, 33 U.S.C. §1288(b); and
- (2) The state agency responsible for the preparation of a plan under an approved continuous planning process under Section 303(e) of the Act, 33 U.S.C. §1313(e), unless the agency is under the supervision of the director.

(f) The director shall notify and coordinate with appropriate public health agencies for the purpose of

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assisting the owner or its duly authorized representative in coordinating the applicable requirements of the Act with any applicable requirements of the public health agencies. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 10/22/2007] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1288(b), 1313(e), 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§123.25(a), 124.10)

§11-55-12 Public access to information. (a) In accordance with chapter 2-71, the director shall ensure that any NPDES forms (including the draft permit prepared under section 11-55-08(b)), any public comment upon those forms under section 11-55-09(b), or information required, kept, or submitted under section 11-55-24 shall be available to the public for inspection and copying during established office hours. The director, at the director's discretion, may also make available to the public any other records, reports, plans, or information obtained by the state agency under its participation in NPDES.

(b) The director shall protect any information (other than effluent data) as confidential upon a request and showing by any person at the time of submission that the information, if made public, would divulge methods or processes entitled to protection as trade secrets of a person. Any information obtained from a state and subject to a claim of confidentiality shall be treated in accordance with the regulations in 40 CFR Part 2 and section 92F-13, HRS. Claims of confidentiality shall be denied regarding the following: name and address of any owner or operator or permittee applying for an individual permit, notice of general permit coverage, or "no exposure" certification; NPDES permits; and effluent data.

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Information required by NPDES forms may not be claimed confidential. This includes information supplied in attachments to the NPDES forms. If, however, the information being considered for confidential treatment is contained in an NPDES form, the director shall forward the information to the Regional Administrator for the Regional Administrator's concurrence in any determination of confidentiality. If the Regional Administrator advises the director that the Regional Administrator does not concur in the withholding of the information, the director shall then make available to the public, upon request, that information determined by the Regional Administrator not to constitute trade secrets.

(c) Any information accorded confidential status, whether or not contained in an NPDES form, shall be disclosed, upon request, to the Regional Administrator, who shall maintain the disclosed information as confidential.

(d) The director shall provide facilities for the inspection of information relating to NPDES forms and shall ensure that state employees honor requests for inspection with due regard for the dispatch of other public duties. The director shall either:

- (1) Ensure that a machine or device for the copying of papers and documents is available for a reasonable fee; or
- (2) Otherwise provide for or coordinate with copying facilities or services so that requests for copies of nonconfidential documents may be honored promptly. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§92F-13, 342D-4, 342D-5, 342D-14; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-14, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts

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2; 122; 123; 124, Subparts A and D; 125; §§122.7, 123.25(a), 123.41)

§11-55-13 Public hearings. (a) The owner or operator, Regional Administrator, any interested agency, person, or group of persons may request or petition for a public hearing with respect to NPDES permit applications. Any request or petition for public hearing shall be submitted within the thirty-day period prescribed in section 11-55-09(b) and shall indicate the interest of the party submitting the request and the reasons why a hearing is warranted.

(b) The director shall provide the public notice of public hearing to the owner or operator or its duly authorized representative for publication according to section 11-55-14. The public notice shall include the information required by 40 CFR §§124.10(d)(1) and (d)(2).

(c) The director shall hold a hearing if the director determines that there is a significant public interest (including the submitting of requests or petitions for a hearing) in holding a hearing. Instances of doubt should be resolved in favor of holding the hearing. Any hearing brought under this subsection shall be held in the geographical area of the proposed discharge or other appropriate area, at the director's discretion, and may, as appropriate, consider related groups of NPDES permit applications.

(d) Any person may submit oral or written statements and data concerning the draft permit. The public comment period under section 11-55-09 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-57; 33

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U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§123.25(a), 124.10, 124.11, 124.12)

§11-55-14 Public notice of public hearings. (a) Public notice of any hearing held under section 11-55-13 shall be circulated as widely as the notice of the draft permit. Public notice for hearings held under section 11-55-13 shall be:

- (1) Published at least once in a newspaper of general circulation within the geographical area of the discharge;
 - (2) Sent to all persons and government agencies which received a copy of the notice or the fact sheet for the NPDES permit application;
 - (3) Mailed to any person or group upon request and the persons listed in 40 CFR §124.10(c)(1)(i) through (v), (ix), and (x); and
 - (4) Effected under paragraphs (1) and (3) at least thirty days in advance of the hearing.
- (b) The public notice of any hearing held under section 11-55-13 shall include at least the following information:
- (1) Name and address of the agency holding the public hearing;
 - (2) Name and address of each owner or operator or both whose NPDES permit application will be considered at the hearing and the name and address of the facility or activity;
 - (3) Name of the state water to which each discharge is made, a short description of the location of each discharge, and whether the discharge is a new or an existing discharge;
 - (4) A brief reference to the public notice for proposed action issued for each NPDES permit application, including identification number and date of issuance, if applicable;

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- (5) Information regarding the date, time, and location of the hearing;
- (6) The purpose of the hearing, including a concise statement of the issues raised by the persons requesting the hearing, as applicable;
- (7) A brief description of the nature of the hearing, including the rules and procedures to be followed; and
- (8) Name, address, and telephone number of a person at the state or interstate agency where interested persons may:
 - (A) Obtain further information;
 - (B) Request a copy of each draft permit prepared under section 11-55-08(b);
 - (C) Request a copy of the fact sheet prepared under section 11-55-10 (if prepared); and
 - (D) Inspect and copy NPDES forms and related documents.

(c) All publication and mailing costs associated with the public notification of the director's determinations to hold public hearing with respect to the NPDES permit application shall be paid by the owner or operator to the appropriate publishing agency or agencies determined by the director. The owner or operator shall submit the original signed affidavit of publication to the department within four weeks of the publication date. Failure to provide and pay for public notification, as deemed appropriate by the director, is a basis to delay issuance of an individual permit. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6, 342D-13; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§123.25(a), 124.10)

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§11-55-15 Issuance of NPDES permits. (a) The director may issue an NPDES permit for any period not exceeding five years and may renew a permit for any additional periods not exceeding five years.

(b) The director shall issue or renew an NPDES permit on the following basis:

- (1) The existing treatment works or waste outlet is designed, built, and equipped in accordance with:
 - (A) The best practicable control technology currently available or the best available technology economically achievable or the best conventional pollutant control technology for point sources other than publicly owned treatment works; and
 - (B) For publicly owned treatment works, secondary treatment or the best practicable waste treatment technology, so as to reduce wastes to a minimum;
- (2) New treatment works or waste outlets are designed and built in compliance with the applicable standards of performance;
- (3) The new or existing treatment works or waste outlet is designed and will be constructed or modified to operate without causing a violation of applicable rules of the department;
- (4) The new or existing treatment works or waste outlet will not endanger the maintenance or attainment of applicable water quality standards;
- (5) The facility shall comply with effluent standards and limitations, water quality standards and other requirements, as applicable in sections 11-55-19, 11-55-20, and 11-55-22; and
- (6) The facility shall comply with sections 11-55-27 through 11-55-32.

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(c) NPDES permits at a minimum shall include conditions and requirements at least as stringent as:

- (1) Those conditions contained in sections 11-55-16, 11-55-17, 11-55-23, and 40 CFR §122.41;
- (2) The requirement that the owner or operator provide the facilities as necessary for monitoring of the authorized waste discharge into state waters and the effects of the wastes on the receiving state waters. The monitoring program shall comply with sections 11-55-28 through 11-55-32;
- (3) The requirement of compliance with any applicable effluent standards and limitations, water quality standards, and other requirements imposed by the director under sections 11-55-19, 11-55-20, and 11-55-22; and
- (4) Conditions requested by the Corps of Engineers and other government agencies as described in 40 CFR §124.59.

(d) The director may issue a permit to an existing facility which does not or cannot presently comply with subsections (b) and (c) only if the permit includes a schedule of compliance with specific deadlines for bringing the facility into compliance with subsections (b) and (c). Schedule of compliance shall comply with section 11-55-21.

(e) In acting upon an NPDES permit application for an individual permit the director shall deny the application unless the information submitted shows that the new or existing treatment works or waste outlet described in the NPDES permit application can, conditionally or otherwise, meet the conditions of subsection (b) or (c).

(f) Notwithstanding the provisions of subsections (a) through (e), the director shall not issue a permit or grant a modification or variance for any of the following:

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- (1) Discharge of any radiological or biological warfare agent, or high-level radioactive waste into state waters;
 - (2) Discharge which the Secretary of the Army, acting through the Chief of Engineers, finds would substantially impair anchorage and navigation;
 - (3) Discharge to which the Regional Administrator has objected in writing under any right to object provided the Administrator in Section 402(d) of the Act, 33 U.S.C. §1342(d);
 - (4) Discharge from a point source which is in conflict with a plan or amendment thereto approved under Section 208(b) of the Act, 33 U.S.C. §1288(b); or
 - (5) When prohibited by 40 CFR §122.4.
- (g) The issuance of a permit does not convey any property rights of any sort or any exclusive privilege. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50; 33 U.S.C. §§1251, 1288(b), 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.4, 122.5, 122.41, 122.43, 122.44, 122.45, 122.46, 123.25(a), 124.5, 124.59)

\$11-55-16 Modification or revocation and reissuance of NPDES permits. (a) Each NPDES permit shall be subject to modification or revocation and reissuance by the director after notice and opportunity for a contested case hearing.

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(b) Permits may be modified for the reasons and under the procedures specified in 40 CFR §§122.62 and 122.63.

(c) Permits may be revoked and reissued for the reasons and under the procedures specified in 40 CFR §122.62.

(d) The procedures and criteria for minor permit modifications are those specified in 40 CFR §122.63.

(e) All applications made under section 342D-7, HRS, for a variance from the terms and conditions of an NPDES permit shall also be deemed as applications for a modification under this section. Any variances, if granted, shall be for a period not to exceed five years. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6, 342D-7, 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-7, 342D-50; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.5, 122.62, 122.63, 123.25(a), 124.5)

\$11-55-17 Termination of permits and denial of renewal.

(a) On the expiration date specified in the NPDES permit, the NPDES permit shall automatically terminate and the permittee shall be divested of all rights therein.

(b) Each NPDES permit renewal application shall be subject to denial and each issued NPDES permit shall be subject to termination by the director after notice and opportunity for a contested case hearing.

(c) The following are causes for terminating a permit during its term or for denying a permit renewal application:

- (1) Noncompliance by the permittee with any condition of the permit;
- (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the

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- permittee's misrepresentation of any relevant facts at any time;
- (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
 - (4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a publicly owned treatment works).
- (d) The director shall follow the applicable state procedures in terminating any NPDES permit under this section, except that if the entire discharge is permanently terminated by elimination of the flow or by connection to a publicly owned treatment works (but not by land application or disposal into a well), the director may terminate the permit by notice to the permittee. Termination by notice shall be effective thirty days after notice is sent ("expedited termination"), unless the permittee objects in writing during that time. If the permittee objects during that period, the director shall follow applicable state procedures for termination. Expedited termination is not available to permittees who are subject to pending state or federal or both enforcement actions including citizen suits brought under state or federal law. If requesting expedited termination, a permittee shall certify that it is not subject to any pending state or federal enforcement actions including citizen suits brought under state or federal law. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under 40 CFR §124.6. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp ~~01/22/2007~~] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50;

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33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §122.5, 122.64, 122.64(b), 123.25(a), 124.5, 124.5(d), 124.15(a))

S11-55-18 Reporting discontinuance or dismantlement. An NPDES permittee shall report within thirty days after the permanent discontinuance or dismantlement of that treatment works or waste outlet for which the NPDES permit had been issued by submitting a notice of cessation. [Eff 11/27/81; comp 10/29/92; comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp ~~01/22/2007~~] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50; 33 U.S.C. §§1252, 1342, 1370, 1251-1387; 40 CFR 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §122.64, 124.5)

S11-55-19 Application of effluent standards and limitations, water quality standards, and other requirements. (a) NPDES permits shall apply and ensure compliance with the following whenever applicable:

- (1) Effluent limitations under Sections 301 and 302 of the Act, 33 U.S.C. §§1311 and 1312;
- (2) Standards of performance for new sources;
- (3) Effluent standards, effluent prohibitions, and pretreatment standards under Section 307 of the Act, 33 U.S.C. §1317;
- (4) More stringent limitation, including those:
 - (A) Necessary to meet water quality standards, treatment standards, or schedules of compliance, established under any state law or rules (under authority preserved by Section 510 of the Act, 33 U.S.C. §1370);

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- (B) Necessary to meet any other federal law or regulations including, but not limited to:
- (i) Toxic pollutant effluent standards in 40 CFR Part 129;
 - (ii) Secondary treatment regulation in 40 CFR Part 133;
 - (iii) Effluent guidelines and standards in 40 CFR Chapter I, subchapter N, Parts 400 to 471;
 - (iv) Criteria and standards in 40 CFR Part 125, Subparts A, B, C, D, H, I, J, and M;
 - (v) Standards for sludge handling in 40 CFR §122.44(b)(2), 40 CFR Part 503 and state rules; and
 - (vi) Technical standards for concentrated animal feeding operations in 40 CFR §123.36 and 40 CFR Part 412; or
- (C) Required to implement any applicable water quality standards; the limitations to include any legally applicable requirements necessary to implement total maximum daily loads established under Section 303(d) of the Act, 33 U.S.C. §1313(d), or incorporated in the continuing planning process approved under Section 303(e) of the Act, 33 U.S.C. §1313(e), and any regulations and guidelines issued pursuant thereto;
- (5) More stringent legally applicable requirements necessary to comply with a plan approved under Section 208(b) of the Act, 33 U.S.C. §1288(b);
- (6) Prior to promulgation by the Administrator of applicable effluent standards and limitations under Sections 301, 302, 306, and 307 of the Act, 33 U.S.C. §§1311, 1312, 1316, and 1317, the conditions, as the director determines

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- are necessary to carry out the provisions of the Act; and
- (7) If the NPDES permit is for the discharge of pollutants into the state waters from a vessel or other floating craft, any applicable regulations promulgated by the secretary of the department in which the Coast Guard is operating, establishing specifications for safe transportation, handling, carriage, storage, and stowage of pollutants.
- (8) Other requirements developed under the continuing planning process under Section 303(e) of the Act and any regulations and guidelines issued under it.
- (b) In any case where an issued NPDES permit applies the effluent standards and limitations described in subsection (a)(1), (2), and (3), the director shall state that the discharge authorized by the permit shall not violate applicable water quality standards and shall have prepared some explicit verification of that statement. In any case where an issued NPDES permit applies any more stringent effluent limitation based upon applicable water quality standards, a waste load allocation shall be prepared to ensure that the discharge authorized by the permit is consistent with applicable water quality standards.
- [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp 01/22/07] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50; 33 U.S.C. §§1251, 1288(b), 1311, 1312, 1313, 1316, 1317, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125, Subparts A, B, C, D, H, I, J, K, L, M; 129; 133; 136; 401; 403; 405-432; 434-436; 439-440; 443; 446-447; 454-455; 457-460; 503; 400-471, Subparts N; §122.42, 122.43, 122.44, 123.25(a))

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\$11-55-20 Effluent limitations in issued NPDES permits. In the application of effluent standards and limitations, water quality standards, and other legally applicable requirements under section 11-55-19, each issued NPDES permit shall specify average and maximum daily quantitative limitations for the level of pollutants in the authorized discharge in terms of weight (except pH, temperature, radiation, and any other pollutants not appropriately expressed by weight). The director, at the director's discretion, in addition to the specification of daily quantitative limitations by weight, may specify other limitations, such as average or maximum concentration limits. [Eff 11/27/81; comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §122.45(f), 123.25(a))

\$11-55-21 Schedule of compliance in issued NPDES permits. (a) With respect to any discharge which is not in compliance with applicable effluent standards and limitations, applicable water quality standards, or other legally applicable requirements listed in section 11-55-19, the permit shall require the permittee to take specific steps to achieve compliance with the following:

- (1) In accordance with any legally applicable schedule of compliance contained in:
 - (A) Applicable effluent standards and limitations;
 - (B) If more stringent, effluent standards and limitations needed to meet water quality standards; or
 - (C) If more stringent, effluent standards and limitations needed to meet legally

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applicable requirements listed in section 11-55-19; or

- (2) In the absence of any legally applicable schedule of compliance, in the shortest, reasonable period of time, which shall be consistent with the guidelines and requirements of the Act.

(b) When a schedule specifies compliance longer than one year after permit issuance, the schedule of compliance shall specify interim requirements and the dates for their achievement and in no event shall more than one year elapse between interim dates. If the time necessary for completion of the interim requirement (such as the construction of a treatment facility) exceeds one year and is not readily divided into stages for completion, the schedule shall specify interim dates for the submission of reports of progress towards completion of the interim requirements. For each NPDES permit schedule of compliance, interim dates, reporting dates, and the final date for compliance shall, to the extent practicable, fall on the last day of the month of March, June, September, and December. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-50; 33 U.S.C. §§1251, 1342, 1370, 1251-1387 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §122.43, 122.47, 123.25(a))

\$11-55-22 Compliance schedule reports. (a) Either before or up to fourteen days following each interim date and the final date of compliance, the permittee shall provide the director with written notice of the permittee's compliance or noncompliance with the interim or final requirement.

(b) On the last day of the months of February, May, August, and November, the director shall transmit

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to the Regional Administrator a Quarterly Noncompliance Report (QNCR) which is a list of all instances, as of thirty days prior to the date of the report, of failure or refusal of a permittee to comply with an interim or final requirement or to notify the director of compliance or noncompliance with each interim or final requirement (as required under subsection (a)). The list shall be available to the public for inspection and copying and shall contain at least the following information with respect to each instance of noncompliance:

- (1) Name, address, and permit number of each noncomplying permittee;
 - (2) A short description of each instance of noncompliance for which 40 CFR §123.45(a)(2) requires reporting (e.g., failure to submit preliminary plans; two weeks delay in beginning construction of treatment facility; failure to notify director of compliance with interim requirement to complete construction by June 30th, etc.);
 - (3) The date(s) and a short description of any actions or proposed actions by the permittee or the director to comply or enforce compliance with the interim or final requirement; and
 - (4) Any details which tend to explain or mitigate an instance of noncompliance with an interim or final requirement (e.g., construction delayed due to materials shortage, plan approval delayed by objection from state fish and wildlife agency, etc.).
- (c) The first NPDES permit issued to a new source shall contain a schedule of compliance only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised after beginning construction but less than three years before beginning the relevant discharge. For permit renewals, a schedule of compliance shall be available only when necessary to allow a reasonable opportunity to attain

compliance with requirements issued or revised less than three years before beginning the discharge again.

(d) If a permittee fails or refuses to comply with an interim or final requirement in an NPDES permit, noncompliance shall constitute a violation of the permit for which the director may modify, revoke and reissue, or terminate the permit under sections 11-55-16 and 11-55-17 or may take direct enforcement action. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp 01/22/07] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.43, 122.47, 123.25(a), 123.45)

\$11-55-23 Other terms and conditions of issued NPDES permits. In addition to the requirements previously specified, each permit shall be subject to the following terms and conditions:

- (1) All discharges authorized by the NPDES permit shall be consistent with the terms and conditions of the NPDES permit;
- (2) The permittee shall report at least as required by 40 CFR §122.41(l), and where applicable, 40 CFR §122.42(a), (b), (c), (d), and (e);
- (3) Facility expansions, production increase, or process modifications which result in new or increased discharges of pollutants shall be reported by submission of a new NPDES permit application, or, if the discharge does not violate effluent limitations specified in the NPDES permit, by submission to the director of notice of the new or increased discharges of pollutants under 40 CFR §122.42(a);
- (4) The discharge of any pollutant more frequently than or at a level in excess of

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- that identified and authorized by the NPDES permit shall constitute a violation of the terms and conditions of the NPDES permit;
- (5) The permittee shall allow the director or an authorized agent, including a contractor of the Administrator, upon the presentation of credentials to:
- (A) Enter the permittee's premises in which an effluent source is located or in which any records are kept under terms and conditions of the NPDES permit;
 - (B) Have access to and copy any records kept under terms and conditions of the NPDES permit;
 - (C) Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the NPDES permit; or
 - (D) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location;
- (6) Any treatment facility treating domestic sewage and also receiving industrial waste from one or more indirect dischargers may be required to develop for the director's approval a pretreatment program in accordance with applicable requirements in 40 CFR Part 403. The pretreatment program approved by the director may then be incorporated into the NPDES permit as a permit condition;
- (7) If the NPDES permit is for a discharge from a publicly or privately owned treatment works, the permittee shall notify the director in writing of the following:
- (A) Any new introduction of pollutants into a publicly or privately owned treatment works from an indirect discharger which

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- would be subject to Sections 301 and 306 of the Act, 33 U.S.C. §1311 and §1316, if the indirect discharger were directly discharging those pollutants;
- (B) Any substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit;
 - (C) The quality and quantity of effluent to be introduced into a treatment works; and
 - (D) Any anticipated impact caused by a change in the quality or quantity of effluent to be discharged from a publicly or privately owned treatment works;
- (8) If the NPDES permit is for a discharge from a publicly owned treatment works with an approved pretreatment program under section 11-55-24, the director shall incorporate the approved pretreatment program into the NPDES permit as a permit condition. The permittee shall require any industrial user of the treatment works to comply with the requirements contained in the approved pretreatment program and the requirements of Sections 204(b), 307, and 308 of the Act, 33 U.S.C. §§1284, 1317, and 1318. The permittee shall also require each industrial user subject to the requirements of Section 307 of the Act, 33 U.S.C. §1317, to forward copies of periodic reports (over intervals not to exceed nine months) of progress towards full compliance with Section 307 of the Act, 33 U.S.C. §1317 requirements, to the permittee and the director;
- (9) The permittee at all times shall maintain in good working order and operate as efficiently

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as possible any facility or system of control installed by the permittee to achieve compliance with the terms and conditions of the NPDES permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit;

- (10) If a toxic effluent standard or prohibition (including any schedule of compliance specified in the effluent standards or prohibition) is promulgated under Section 307(a) of the Act, 33 U.S.C. §1317(a), for a toxic pollutant which is present in the permittee's discharge and the standard or prohibition is more stringent than any limitation upon the pollutant in the NPDES permit, the director shall revise or modify the permit in accordance with the toxic effluent standard or prohibition and notify the permittee; and
- (11) A copy of the NPDES permit application, notice of intent, "no exposure" certification, individual permit, notice of general permit coverage, and conditional "no exposure" exclusion, as applicable, shall be retained on-site or at a nearby office or field office. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; am and comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-8, 342D-50, 342D-55; 33 U.S.C. §§1251, 1284, 1311, 1316, 1317, 1318, 1342, 1370, 1251-1387;

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40 CFR Parts 122; 123; 124, Subparts A and D; 125; 403; §§122.41, 122.42, 122.44, 123.25(a))

\$11-55-24 National pretreatment standards and users of publicly owned treatment works. (a) Any county desiring to administer its own publicly owned treatment works pretreatment program shall submit to the director for approval a program description which shall at a minimum include the information set forth in 40 CFR §403.9(a) or 403.9(c).

(b) The director, upon receipt of the request for an approval of a pretreatment program, shall review and decide on the request in accordance with procedures described in 40 CFR §403.11.

(c) Any person discharging any pollutant or effluent into a publicly owned treatment works shall permit the director, upon presentation of credentials, to:

- (1) Enter the premises of a person subject to pretreatment requirements in which an effluent source is located or in which any records are kept under terms and conditions of a pretreatment requirement;
 - (2) Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations required by a pretreatment requirement; and
 - (3) Sample any discharge of pollutants or effluent.
- (d) No person shall introduce into any publicly owned treatment works any pollutant or effluent in violation of 40 CFR §403.5.

(e) The director may require any person discharging any pollutant or effluent into a publicly owned treatment works to:

- (1) Establish and maintain records;
- (2) Make reports;

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- (3) Install, use, and maintain monitoring equipment or methods;
- (4) Sample effluent and state waters;
- (5) Provide access to and copying of any records which are maintained; and
- (6) Provide other information as the department may require. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-8, 342D-50, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 403, §§122.41(1))

§11-55-25 Transmission to Regional Administrator of proposed NPDES permits. The director shall transmit to the Regional Administrator copies of NPDES permits proposed to be issued by the agency in a manner as the director and Regional Administrator shall agree upon or as stated in 40 CFR §123.44(j). Any agreement between the State and Regional Administrator shall provide for at least the following:

- (1) Except as waived under paragraph (4), the transmission by the director of any and all terms, conditions, requirements, or documents which are a part of the proposed NPDES permit or which affect the authorization by the proposed NPDES permit of the discharge of pollutants;
- (2) A period of time (up to ninety days) in which the Regional Administrator, under any right to object provided in Section 402(d) of the Act, 33 U.S.C. §1342(d), may comment upon, object to, or make recommendations with respect to the proposed NPDES permit;

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- (3) Procedures for state acceptance or rejection of a written objection by the Regional Administrator; and
- (4) Any written waiver by the Regional Administrator of the Regional Administrator's rights to receive, review, object to, or comment upon proposed NPDES permits for classes, types, or sizes within any category of point sources. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§123.24(d), 123.43, 123.44)

§11-55-26 Transmission to Regional Administrator of issued NPDES permits. The director shall transmit to the Regional Administrator a copy of every issued NPDES permit, immediately following issuance, along with any and all terms, conditions, requirements, or documents which are a part of the NPDES permit or which affect the authorization by the NPDES permit of the discharge of pollutants. [Eff 11/27/81; comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 123.43(a)(3))

§11-55-27 Renewal of NPDES permits. (a) The director shall review applications for reissuance of NPDES permits. Any permittee who wishes to continue to discharge after the expiration date of the permittee's

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NPDES permit shall submit for renewal of the permit at least one hundred eighty days prior to its expiration.

(b) The scope and manner of any review of an application for renewal of an NPDES permit shall be within the discretion of the director and shall be sufficiently detailed as to ensure the following:

- (1) The permittee is in compliance with or has substantially complied with all the terms, conditions, requirements, and schedules of compliance of the current or expired NPDES permit;
- (2) That the director has current information on the permittee's production levels; permittee's waste treatment practices; nature, contents, and frequency of permittee's discharge through the submission of new forms and applications or from monitoring records and reports submitted to the director by the permittee; and
- (3) That the discharge is consistent with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements, including any additions to, revisions, or modifications of the effluent standards and limitations, water quality standards, or other legally applicable requirements during the term of the permit.

(c) The director shall follow the notice and public participation procedures specified in this chapter in connection with each request for reissuance of an NPDES permit.

(d) Notwithstanding any other provision in this section, any point source, the construction of which began after October 18, 1972 and which is constructed to meet all applicable new source performance standards, shall not be subject to any more stringent new source performance standard, except as specified in 40 CFR §122.29(d)(2), for the earliest ending of the following period:

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- (1) A ten-year period beginning on the date of completion of the construction;
- (2) A ten-year period from the date the source begins to discharge process or other non-construction related wastewater; or
- (3) During the period of depreciation or amortization of the facility for the purposes of Section 167 or 169 or both of the Internal Revenue Code of 1954, whichever period ends first.

(e) Application for renewal of an NPDES permit shall comply with section 11-55-04. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.21(d), 122.29, 122.41(b), 122.41(1), 122.44, 123.25(a))

\$11-55-28. Monitoring. (a) Any discharge authorized by an NPDES permit may be subject to monitoring requirements as may be reasonably required by the director, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods).

(b) Any discharge authorized by an NPDES permit which:

- (1) Is not a minor discharge;
- (2) The Regional Administrator requests, in writing, be monitored; or
- (3) Contains toxic pollutants for which an effluent standard has been established by the Administrator under Section 307(a) of the Act, 33 U.S.C. §1317,

shall be monitored by the permittee for at least the items listed in subsection (c).

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- (c) Monitored items:
- (1) Flow (in gallons per day or cubic feet per second); and
- (2) All of the following pollutants:
 - (A) Pollutants (either directly or indirectly through the use of accepted correlation coefficient or equivalent measurements) which are subject to reduction or elimination under the terms and conditions of the NPDES permit;
 - (B) Pollutants which the director finds, on the basis of available information, could have a significant impact on the quality of state waters;
 - (C) Pollutants specified by the Administrator in regulations issued under the Act, as subject to monitoring; and
 - (D) Any pollutants in addition to the above which the Regional Administrator requests, in writing, to be monitored.
- (d) Each effluent flow or pollutant required to be monitored under subsection (c) shall be monitored at intervals sufficiently frequent to yield data which reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant. Variable effluent flows and pollutant levels shall be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370; (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-55; 33 U.S.C. §§1251, 1317, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §§122.41, 122.43, 122.48, 123.25(a))

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- \$11-55-29 Recording of monitoring activities and results. When any NPDES permit requires monitoring of the authorized discharge:
- (1) The permittee shall maintain records of all information resulting from any monitoring activities required by the NPDES permit;
 - (2) Any records of monitoring activities and results shall include for all samples:
 - (A) The date, exact place, and time of sampling or measurements;
 - (B) The individual(s) who performed the sampling or measurements;
 - (C) The date(s) the analyses were performed;
 - (D) The individual(s) who performed the analyses;
 - (E) The analytical techniques or methods used; and
 - (F) The results of the analyses; and
 - (3) The permittee shall retain for a minimum of five years any records of monitoring activities and results including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. 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. [Eff 11/27/81; comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 122.41(j))

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§11-55-30 Reporting of monitoring results. The director shall require periodic reporting (at a frequency of not less than once per year) on the proper NPDES discharge monitoring report form, or other form as specified by the director, of monitoring results obtained by a permittee under monitoring requirements in an NPDES permit. In addition to the NPDES discharge monitoring report form, or other form as specified by the director, the director may require submission of any other information regarding monitoring results as determined to be necessary. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp ^{OCT 22 2007}] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-6, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 122.41(l)(4), 122.44(i))

§11-55-31 Sampling and testing methods. (a) All sampling and testing shall be done in accordance with test procedures approved under 40 CFR Part 136 unless other test procedures have been specified in the permit or approved by the director and, when applicable, with guidelines establishing test procedures for the analysis of pollutants published by the Administrator in accordance with Section 304(h) of the Act, 33 U.S.C. §1314(h). All tests shall be made under the direction of persons knowledgeable in the field of water pollution control.

(b) The director may conduct tests of waste discharges from any source. Upon request of the director, the person responsible for the source to be tested shall provide necessary sampling stations and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the waste discharge. [Eff 11/27/81; comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp

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08/01/05; comp ^{OCT 22 2007}] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-55; 33 U.S.C. §§1251, 1314, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; §122.41(j)(4), 136)

§11-55-32 Malfunction, maintenance, and repair of equipment. (a) There shall be no shut-down of water pollution treatment facilities for purposes of maintenance unless a schedule or plan for the maintenance has been submitted to and approved by the director prior to the shut-down.

(b) In the case of a shut-down of water pollution control equipment for necessary maintenance, the intent to shut down the equipment shall be reported to and approved by the director at least twenty-four hours prior to the planned shut-down. The prior notice shall include, but is not limited to, the following:

- (1) Identification of the specific facility to be taken out of service, as well as its location and NPDES permit number;
- (2) The expected length of time that the water pollution control equipment will be out of service;
- (3) The nature and quantity of discharge of water pollutants likely to be emitted during the shut-down period;
- (4) Measures that will be taken to minimize the length of the shut-down period, such as the use of off-shift labor and equipment;
- (5) Identification of any adverse impacts to the receiving state waters which could be caused by the wastes which are to be bypassed; and
- (6) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

(c) In the event that any water pollution control equipment or related facility breaks down in a manner causing the discharge of water pollutants in violation

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of applicable rules, the person responsible for the equipment shall immediately notify the director of the failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The director shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-55; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125)

\$11-55-33 Agency board membership. (a) Any board or body which approves NPDES permit applications, notices of intent, or "no exposure" certifications, or portions thereof shall not include as a member any person who receives, or has during the previous two years received, a significant portion of the person's income directly or indirectly from permittees or persons applying for an NPDES permit.

(b) For the purposes of this section, the term "board or body" includes any individual, including the director, who has or shares authority to approve permit applications or portions thereof either in the first instance or on appeal.

(c) For the purposes of this section, the term "significant portion of the person's income" shall mean ten per cent or more of gross personal income for a calendar year, except that it shall mean fifty per cent or more of gross personal income for a calendar year if the recipient is over sixty years of age and is receiving that portion under retirement, pension, or similar arrangement.

(d) For the purposes of this section, the term "permittees or persons applying for an NPDES permit" shall not include any state department or agency.

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(e) For the purposes of this section, the term "income" includes retirement benefits, consultant fees, and stock dividends.

(f) For the purposes of this section, income is not received "directly or indirectly from permittees or persons applying for an NPDES permit" where it is derived from mutual fund payments or from other diversified investments over which the recipient does not know the identity of the primary sources of income. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§342D-3, 342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-3, 342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125; 123.25(c))

\$11-55-34 General permit definitions. As used in sections 11-55-34.01 through 11-55-34.12:

"Category of sources" means either:

- (1) Storm water point sources; or
- (2) A group of point sources other than storm water point sources if all sources in the group:
 - (A) Involve the same or substantially similar types of operations;
 - (B) Discharge the same types of wastes or engage in the same types of sludge use or disposal practices;
 - (C) Require the same effluent limitations, operating conditions, or standards for sewage sludge use or disposal;
 - (D) Require the same or similar monitoring; and
 - (E) In the opinion of the director, are more appropriately controlled under a general permit than under an individual permit.

"Geographical area" means existing geographical or political boundaries such as:

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- (1) Designated planning areas under Sections 208 and 303 of the Act;
- (2) Sewer districts or sewer authorities;
- (3) City, county, or state political boundaries;
- (4) State highway systems;
- (5) Standard metropolitan statistical areas as defined by the Office of Management and Budget;
- (6) Urbanized areas as designated by the Bureau of the Census according to criteria in 30 Federal Register 15202 (May 1, 1974); or
- (7) Any other appropriate division or combination of boundaries. [Eff and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §§122.2, 122.28, 123.25(a)(11))

S11-55-34.01 General permit policy. It is the policy of the State that general permits shall comply, at a minimum, with federal requirements for general permits, especially 40 CFR §122.28. [Eff and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28, 123.25(a)(11))

S11-55-34.02 General permit authority and adoption. (a) The director may adopt general permits. (b) The appendices located at the end of this chapter are adopted and incorporated by reference as

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general permits for the following applicable categories of sources:

- (1) Appendix B, titled "NPDES General Permit Authorizing Discharges of Storm Water Associated with Industrial Activities," dated October 2007, for discharges composed entirely of storm water associated with certain industrial activities as identified in 40 CFR §§122.26(b)' 4) (i) through 122.26(b)(14) (ix) and §122.26(b)(14) (xi);
- (2) Appendix C, titled "NPDES General Permit Authorizing Discharges of Storm Water Associated with Construction Activity," dated October 2007, for storm water discharges from construction activities which result in the disturbance of five acres or more of total land area or small construction activities which result in the disturbance of one to less than five acres of total land area;
- (3) Appendix D, titled "NPDES General Permit Authorizing Discharges of Treated Effluent from Leaking Underground Storage Tank Remedial Activities," dated October 2007, for the discharge of treated effluent from the leaking underground storage tank remedial activities;
- (4) Appendix E, titled "NPDES General Permit Authorizing Discharges of Once Through Cooling Water Less Than One (1) Million Gallons Per Day," dated October 2007, for the discharge of once-through, non-contact cooling water for one million gallons per day or less;
- (5) Appendix F, titled "NPDES General Permit Authorizing Discharges of Hydrotesting Waters," dated October 2007, for the discharge of non-polluted hydrotesting water;
- (6) Appendix G, titled "NPDES General Permit Authorizing Discharges Associated with Construction Activity Dewatering," dated

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- October 2007, for the discharge of dewatering effluent from a construction activity;
- (7) Appendix H, titled "NPDES General Permit Authorizing Discharges of Treated Process Wastewater Associated with Petroleum Bulk Stations and Terminals," dated October 2007, for the discharge of treated process wastewater effluent from petroleum bulk stations and terminals;
- (8) Appendix I, titled "NPDES General Permit Authorizing Discharges of Treated Process Wastewater Associated with Well Drilling Activities," dated October 2007, for the discharge of treated process wastewater effluent associated with well drilling activities;
- (9) Appendix J, titled "NPDES General Permit Authorizing Occasional or Unintentional Discharges from Recycled Water Systems," dated October 2007, for the discharge of treated process wastewater effluent from recycled water distribution systems;
- (10) Appendix K, titled "NPDES General Permit Authorizing Discharges of Storm Water and Certain Non-Storm Water Discharges from Small Municipal Separate Storm Sewer Systems," dated October 2007, for the discharge of storm water and certain non-storm water discharges from a small municipal separate storm sewer system as defined in 40 CFR \$122.26(b)(16); and
- (11) Appendix L, titled "NPDES General Permit Authorizing Discharges of Circulation Water from Decorative Ponds or Tanks," dated October 2007, for the discharge of circulation water from decorative ponds or tanks. [Eff and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007 1 (Auth: HRS \$S342D-4,

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342D-5; 33 U.S.C. \$S1342, 1370, 1251-1387; 40 CFR \$122.28) (Imp: HRS \$S342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. \$S1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 124; 125; \$S122.26, 122.28, 123.25(a)(11))

\$11-55-34.03 General permit terms. General permits shall be for terms of not more than five years. [Eff and comp 10/29/92; comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp OCT 22 2007 1 (Auth: HRS \$S342D-4, 342D-5; 33 U.S.C. \$S1342, 1370, 1251-1387; 40 CFR \$122.28) (Imp: HRS \$S342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. \$S1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; \$S122.26, 122.28, 122.46, 123.25(a)(11))

\$11-55-34.04 General permit conditions. (a) Discharges covered by general permits shall comply with the applicable sections of state water quality standards in chapter 11-54, and the applicable provisions of this chapter, including but not limited to, sections 11-55-18, 11-55-19, 11-55-20, 11-55-21, 11-55-22, 11-55-23, 11-55-28, 11-55-29, 11-55-30, 11-55-31, 11-55-32, and 11-55-34.07.

(b) Appendix A, titled "Department of Health Standard General Permit Conditions," dated October 2007, and located at the end of this chapter is adopted, incorporated by reference, and applies to each general permit.

(c) Special conditions apply as specified in each general permit, e.g., appendices B through L, respectively. [Eff and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007 1 (Auth: HRS \$S342D-4, 342D-5; 33 U.S.C. \$S1342, 1370, 1251-1387; 40 CFR \$122.28) (Imp: HRS \$S342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. \$S1311, 1318, 1319, 1321, 1323, 1342, 1345, 1370, 1251-1387; 40 CFR Parts 122; 123;

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124; 125; §§122.26, 122.28, 122.41, 122.42,
123.25(a) (11))

\$11-55-34.05 Requiring an individual permit.
Notwithstanding the provisions of a general permit, the director may require any person covered by a general permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

- (1) The discharger or "treatment works treating domestic sewage" is not in compliance with the conditions of the general permit;
- (2) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source or treatment works treating domestic sewage;
- (3) Effluent limitation guidelines are promulgated for point sources covered by the general permit;
- (4) A water quality management plan containing requirements applicable to the point sources is approved;
- (5) Circumstances have changed since the time of the request to be covered so that the permittee is no longer appropriately controlled under the general permit or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
- (6) Standards for sewage sludge use or disposal have been promulgated for the sludge use and disposal practice covered by the general permit; or
- (7) The discharge(s) is a significant contributor of pollutants to state waters. In making this determination, the director may consider the following factors:

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- (A) The location of the discharge with respect to state waters;
- (B) The size of the discharge;
- (C) The quantity and nature of the pollutants discharged to the state waters; and
- (D) Other relevant factors. [Eff and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28(b) (3) (i), 123.25(a) (11))

\$11-55-34.06 Relationship of general and individual permits. (a) Any owner or operator covered by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application with reasons supporting the request to the director.

(b) When an individual permit is issued to an owner or operator otherwise covered by a general permit, the coverage of the general permit to the individual permittee is automatically terminated on the effective date of the individual permit.

(c) A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked and that it be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply to the source. [Eff and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5,

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342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387;
40 CFR Parts 122; 123; 124; 125; §122.28(b)(3)(iii-v),
123.25(a)(11))

\$11-55-34.07 Degree of waste treatment. All discharges covered by a general permit shall receive treatment or corrective action to ensure compliance with the terms and conditions of the issued permit and with the following, whenever applicable:

- (1) Effluent limitations established by the EPA under Sections 301, 302, 306, 307, 318, and 405 of the Act;
- (2) Criteria and standards for best management practices established by the EPA under Section 304(e) of the Act;
- (3) Notwithstanding paragraphs (1) and (2), more stringent effluent limitations may be required as deemed necessary by the director:
 - (A) To meet any existing federal laws or regulations; or
 - (B) To ensure compliance with any applicable state water quality standards, effluent limitations, treatment standards, or schedule of compliance; and
- (4) Calculations and specifications of effluent limits and standards shall be made in accordance with the provisions of federal regulations, 40 CFR §122.45. [Eff and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp Oct 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1312, 1314, 1316, 1317, 1318, 1342, 1345, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28, 123.25(a)(11))

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\$11-55-34.08 Notice of intent. (a) Persons seeking coverage under a general permit shall submit a notice of intent.

- (b) A notice of intent shall:
 - (1) Be submitted on forms provided by the director;
 - (2) Comply with the notice of intent requirements of the respective general permit; and
 - (3) Be accompanied by all pertinent information which the director may require in order to establish effluent limitations or best management practices, including but not limited to, complete engineering reports, schedule of progress, plans, specifications, maps, measurements, quantitative and qualitative determinations, records, and all related materials.
- (c) The director may require that all reports, plans, specifications, and other material submitted to the director be prepared by a licensed professional engineer.
- (d) Material submitted shall be complete and accurate.
- (e) Any notice of intent form submitted to the director shall be signed in accordance with section 11-55-07(a).
- (f) All other reports or responses to requests for information required by the director shall be signed in accordance with section 11-55-07(b).
- (g) Any change in the written authorization submitted to the director under subsection (f) which occurs after the issuance of a permit shall be reported to the director by submitting a copy of a new written authorization which meets the requirements of subsections (e) and (f).
- (h) Any person signing a document under subsections (e) and (f) shall make a certification in accordance with 40 CFR §122.22(d).
- (i) Each owner or operator who submits a notice of intent to be covered under the general permit

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provisions or for renewal of general permit coverage shall pay a filing fee of \$500. This filing fee shall be submitted with the notice of intent and shall not be refunded nor applied to any subsequent NPDES permit application following final action denying coverage under the general permit provisions.

- (1) When a notice of intent is submitted to the director for a substantial alteration or addition to the treatment works or waste outlet and where a general permit authorization has previously been granted for the treatment works or waste outlet, the owner or operator shall be assessed the fee of \$500;
- (2) A new owner or operator or both of a discharge facility covered by the general permit provisions shall submit a new notice of intent unless the new owner submits a notice of automatic transfer that meets 40 CFR §122.61(b). The new owner or operator shall be assessed the fee of \$500;
- (3) Fees shall be made payable to the "State of Hawaii" in the form of a pre-printed check, cashier's check, money order, or as otherwise specified by the director.
- (j) A notice of intent shall be submitted to the director at least thirty days before the earlier of:
 - (1) The beginning of any discharge, which is not covered under Appendix C;
 - (2) The beginning of any construction activity which is covered under Appendix C;
 - (3) The expiration date of the existing general permit; or
 - (4) The expiration date of the existing notice of general permit coverage.
- (k) (Reserved).
- (l) (Reserved).
- (m) A notice of intent shall be submitted to the director for:

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- (1) Any storm water discharge associated with industrial activity from an existing facility that is owned or operated by a municipality with a population of less than 100,000 that is not authorized by a general or individual permit, other than an airport, power-plant, or uncontrolled sanitary landfill; or
- (2) Any discharge from an existing regulated small municipal separate storm sewer system which is qualified to obtain coverage under the general permit. A small municipal separate storm sewer system, including but not limited to systems operated by federal, state, and local governments, including state departments of transportation, is regulated when it is located in an urbanized area as determined by the latest decennial census by the Bureau of the Census. (If the small municipal separate storm sewer system is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated.) Small municipal separate storm sewer systems located outside of urbanized areas are designated to submit a notice of intent if the department determines that the storm water discharge results in or has the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts. The notice of intent shall be submitted within thirty days of notice from the department.
- (n) The applicant shall send a copy of the notice of intent to the state historic preservation division of the department of land and natural resources when review is required under section 11-55-38.
- (o) The submittal date is the date the department receives the notice of intent. The thirty day period includes weekends and holidays. If the director

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notifies the owner or operator or its duly authorized representative that the notice of intent is incomplete, the thirty day period shall start over upon receipt of the revised notice of intent. The director may waive this thirty day requirement by notifying the owner or operator in writing of a notice of general permit coverage before the thirty days expire. (Eff and comp 10/29/92; am 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp 01/22/2007) (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§6E-42(a), 342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §§122.22, 122.26, 122.28(b)(2)(ii) and (iii), 123.25(a)(ii))

\$11-55-34.09 Notice of intent review, notice of general permit coverage, additional conditions, terms, renewals, effective dates, and automatic coverage. (a) After receipt of a notice of intent, the director may notify the owner or operator or its duly authorized representative in writing that the notice of intent is complete or incomplete, whether the proposed activity or discharge(s) is covered under a general permit, or whether an individual permit application is required. The director may deny without prejudice the notice of intent to be covered by a general permit if the owner or operator or its duly authorized representative does not respond or failed to respond in writing within thirty days of the date of the director's written notification that the notice of intent is incomplete. (b) After receipt of the complete notice of intent, the director may notify the owner or operator in writing of a notice of general permit coverage. This includes issuing a notice of general permit coverage after automatic coverage applies under subsection (e)(2) even if the owner or operator has not waived automatic coverage. The director may impose conditions in a notice of general permit coverage or

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add conditions to an issued notice of general permit coverage to ensure that the activity or discharge(s) complies with the terms and conditions of the general permit and to ensure that state water quality standards will not be violated.

(c) A notice of general permit coverage may limit coverage under the general permit to a term of less than five years.

(d) The director may administratively extend a notice of general permit coverage upon receipt of a notice of intent for renewal of a notice of general permit coverage before the expiration of the general permit or the term of the notice of general permit coverage, whichever occurs first. The permittee who submits a notice of intent for renewal of the notice of general permit coverage shall be treated as an owner or operator applying for permit renewal under section 342D-6(h), HRS.

(e) Authorization to discharge under the general permit is effective upon the earlier of:

- (1) Notification by the director of general permit coverage under subsection (b); or
- (2) The thirtieth day after receipt at the clean water branch of the department of a complete notice of intent for a new notice of general permit coverage and the applicable filing fee, unless before the thirtieth day the director notifies the owner or its duly authorized representative that the notice of intent is incomplete. This paragraph does not apply to a notice of intent for renewal of a notice of general permit coverage.

(f) A person claiming coverage in writing under the automatic provision of subsection (e)(2), instead of under an issued notice of general permit coverage under subsections (a) through (d), assumes the risks that:

- (1) The notice of intent may later be found to be incomplete by the director or by a court;

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- (2) The person may not be covered under the terms of the general permit, even if the notice of intent is complete;
- (3) The person may be acting in noncompliance with the general permit or this chapter, even if the person is complying with its notice of intent; and
- (4) The director may modify, revoke and reissue, or terminate a notice of general permit coverage under section 11-55-34.11. The director may revoke automatic coverage and issue a notice of general permit coverage or terminate an automatic coverage under section 11-55-34.11.

The person claiming automatic coverage on the notice of intent shall submit all site-specific plans, general contractor information, and all necessary permits and approvals (i.e., county-approved erosion and sediment control plan or approved substitute, approval to connect or discharge to a separate storm sewer system, etc.). Nothing in or with the notice of intent shall be submitted less than thirty days before the start of construction activities.

(g) A person may waive automatic coverage under subsection (e) (2) by notifying the director in writing that the person will wait for a notice of general permit coverage before starting the activity or discharge.

(h) Written notification by the department under this section is complete upon mailing or sending a facsimile transmission or electronic mailing of the document or actual receipt of the document by the owner or its duly authorized representative.

(i) All submittals in compliance with a condition of the notice of general permit coverage shall be signed in accordance with section 11-55-34.08(e), (f), or (g) and include a certification in accordance with 40 CFR \$122.22(d). [Eff and comp 10/29/92; am 09/23/96; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; am and comp

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OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR \$122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; \$122.28, 123.25(a) (11))

\$11-55-34.10 Review of coverage issues and notice of intent and notice of general permit coverage decisions.

Any interested person may petition the director under section 91-8, HRS, for a declaratory ruling on whether an individual permit is required for, or a general permit covers, a discharge. The director's decision requiring a person to apply for an individual permit or excluding a person from general permit coverage shall remain effective pending the outcome of the petition. [Eff and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; \$11-55-34.1; am, ren, and comp 11/07/02; comp 08/01/05; comp

OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR \$122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; \$122.28, 123.25(a) (11))

\$11-55-34.11 Notice of general permit coverage modification, revocation and reissuance, and termination.

(a) A notice of general permit coverage and automatic coverage under section 11-55-34.09(e) (2) may be modified or revoked and reissued under the criteria and procedures of section 11-55-16.

(b) A notice of general permit coverage and automatic coverage under section 11-55-34.09(e) (2) may be terminated under the criteria of sections 11-55-17 and 11-55-34.05 and the procedures of section 11-55-17(d). [Eff and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387;

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40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28, 123.25(a) (11))

\$11-55-34.12 General permit compliance. Any person who discharges under a general permit shall comply with section 11-55-34.04, all general permit standard conditions, all applicable special conditions, and all applicable additional notice of general permit coverage conditions. [Eff and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1342, 1370, 1251-1387; 40 CFR §122.28) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-50; 33 U.S.C. §§1311, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124; 125; §122.28, 123.25(a) (11))

\$11-55-35 Penalties and remedies. Any person who violates any provision of this chapter or the terms or conditions of any permit issued under this chapter shall be subject to the penalties and remedies provided in chapter 342D, HRS. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; am and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-30, 342D-31, 342D-32, 342D-33, 342D-34, 342D-35; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5, 342D-9, 342D-11, 342D-17, 342D-30, 342D-31, 342D-32, 342D-33, 342D-34, 342D-35; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125)

\$11-55-36 Hearings and appeals. Hearings before the director on any violations of these rules and appeals from any of the director's decisions shall

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comply with chapters 91 and 342D, HRS. [Eff 11/27/81; am and comp 10/29/92; am and comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-12, 342D-56, 342D-57; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS Ch. 91 and §§342D-2, 342D-4, 342D-5, 342D-6, 342D-9, 342D-11, 342D-12, 342D-31; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125)

\$11-55-37 Severability clause. If any provision of this chapter, or its application to any person or circumstance, is held invalid, the application of the provision to other persons or circumstances, and the remainder of this chapter, shall not be affected. [Eff 11/27/81; comp 10/29/92; comp 09/22/97; comp 01/06/01; comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370) (Imp: HRS §§342D-2, 342D-4, 342D-5; 33 U.S.C. §§1251, 1342, 1370, 1251-1387; 40 CFR Parts 122; 123; 124, Subparts A and D; 125)

\$11-55-38 Historic and burial sites review. (a) For a new project, activity, or site, a person submitting to the department an NPDES permit application for individual permit, a notice of intent for general permit coverage under Appendix C, or a notice of intent specified by the department, shall demonstrate to the satisfaction of the department that:

- (1) The project, activity, or site covered by the application or notice of intent has been or is being reviewed by the state historic preservation division of the department of land and natural resources; or
- (2) A copy of the application or notice of intent has been submitted to the state historic preservation division of the department of land and natural resources for review.

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Failure to comply is a ground for the department to find the NPDES permit application or notice of intent incomplete and suspend processing or return the application or notice of intent.

(b) Based on case-by-case review or experience, the department may excuse an application or notice of intent or class of applications or notices of intent from subsection (a). [Eff and comp 11/07/02; comp 08/01/05; am and comp OCT 22 2007] (Auth: HRS ch. 6E, §§6E-1, 6E-42(a)) (Imp: HRS ch. 6E, §§6E-1, 6E-42(a))

\$11-55-39 Public interest. (a) A person submitting an NPDES permit application shall explain in writing why the proposed action meets the public interest as defined in section 342D-6(g), HRS. The explanation shall address:

- (1) The environmental impact of the proposed action beside the water quality effects already covered in the application and supporting materials;
- (2) Any adverse environmental effects which cannot be avoided should the action be implemented;
- (3) The alternatives to the proposed action;
- (4) The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity;
- (5) Any irreversible and irretrievable commitment of resources which would be involved in the proposed action should it be implemented; and
- (6) The optimum balance between economic development and environmental quality.

(b) The person submitting an NPDES permit application may submit a document prepared for another permit, license, or approval, including an environmental assessment or environmental impact statement prepared under chapter 343, HRS, or other similar document. The person submitting the NPDES

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permit application may also submit supplementary documents to meet this section. In either case, the department shall review the document(s) submitted for compliance with this section. The department shall seek to avoid redundant work.

(c) The department may consider other information relevant to the public interest, including information in an environmental assessment; environmental impact statement; other document prepared for another permit, license, or approval; or elsewhere. If the department considers information unknown to the applicant, the department shall notify the applicant and allow the applicant to respond in a timely manner. [Eff and comp 11/07/02; comp 08/01/05; comp OCT 22 2007] (Auth: HRS §§342D-4, 342D-5, 342D-6) (Imp: HRS §§342D-4, 342D-5, 342D-6)

\$11-55-40 Field citations. This section authorizes citations to effectively and quickly settle easily verifiable violations of chapter 342D, HRS, and this chapter.

(1) Offer to settle; penalties.

(A) A field citation is an offer to settle an administrative case against a specific violation on a specific day. Instead of issuing a formal notice and finding of violation and order, the director may, in the director's sole discretion, through any authorized employee, issue a field citation by personal service or certified mail to:

- (i) Any person who causes or allows a discharge of pollutants into state waters or municipal separate storm sewer systems without coverage under an individual permit or notice of general permit coverage or

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- conditional "no exposure" exclusion;
- (ii) Any person who begins any construction activity which involves the disturbance of one acre or more of total land area or any construction activity that involves the disturbance of 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 and who has not obtained coverage under an individual permit or notice of general permit coverage;
 - (iii) Any person who fails to correctly install, implement, maintain, or repair site best management practices as called for in their storm water pollution control plan or best management practices plan or other plan;
 - (iv) Any person who fails to retain a copy of the NPDES permit application or notice of intent or "no exposure" certification; storm water pollution control plan or best management practices plan or other plan, and all subsequent revisions; individual permit or notice of general permit coverage or conditional "no exposure" exclusion on-site or at a nearby office or field office.
- (B) A field citation shall assess the following penalties for violations:

- (i) Any person who violates paragraph (1)(A)(i) shall be fined \$500 for first violation, and \$1,000 for a subsequent violation;
 - (ii) Any person who violates paragraph (1)(A)(ii) shall be fined \$500 for the first violation, and \$1,000 for a subsequent violation;
 - (iii) Any person who violates paragraph (1)(A)(iii) shall be fined \$500 for first violation, and \$1,000 for a subsequent violation;
 - (iv) Any person who violates paragraph (1)(A)(iv) shall be fined \$100 for first violation, and \$200 for a subsequent violation.
- (2) Resolution of field citation.
- (A) A person issued a field citation may accept the citation by:
- (i) Signing the field citation;
 - (ii) Paying the full amount assessed by the field citation. Payment shall be made payable to the "State of Hawaii" in the form of a pre-printed check, cashier's check, money order, or as otherwise specified by the director;
 - (iii) Mailing or delivering the signed citation and full payment to the clean water branch in Honolulu or to the district health office for the county where the violation occurred. The department must receive the signed field citation and full payment within twenty days after the person receives the field citation; and

§11-55-40

- (iv) Correction within seven days, or unless otherwise specified on the field citation, of any violation of section 11-55-03;
- (B) By signing the field citation, the person to whom it was issued agrees to:
 - (i) Give up the right to a contested case hearing under chapter 91 or 342D, HRS, or otherwise challenge the field citation;
 - (ii) Pay the penalty assessed; and
 - (iii) Correct the violation;
- (C) If the field citation is not accepted in compliance with paragraph (2)(A), the director may seek for that cited violation any remedies available under this chapter; chapter 342D, HRS; or any other law. For all other violations the director retains authority to seek any available remedies.
- (3) Form of citation. The department shall prescribe a field citation form." (Eff and comp ²⁰⁰⁷) (Auth: HRS §§321-11, 342D-1, 342D-4, 342D-5) (Imp: HRS §§321-11, 342D-2, 342D-4, 342D-5, 342D-9, 342D-18, 342D-30, 342D-31, 342D-50, 603-23)

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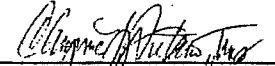
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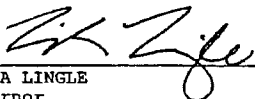
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Amendments to and compilation of chapter 11-55
Hawaii Administrative Rules, titled Water Pollution
Control, on the summary page dated OCT - 8 2007,
were adopted on OCT - 8 2007, following a public
hearing held on Oahu on September 6, 2007, after public
notice was given in the Honolulu Star-Bulletin, West
Hawaii Today, The Garden Isle, The Maui News, and the
Hawaii Tribune-Herald on August 6, 2007.

The amendments and compilation shall take effect
ten days after filing with the Office of the Lieutenant
Governor.

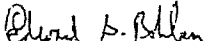

CHYOME L. FUKUOKA, M.D.
Director of Health
Dated: OCT - 8 2007

APPROVED:


LINDA LINGLE
Governor
State of Hawaii
Dated: OCT 19 2007

Filed: _____
Effective Date: OCT 22 2007

APPROVED AS TO FORM:


Edward G. Boehlen
Deputy Attorney General

07 OCT 11 AM '07

OFFICE
LIEUTENANT GOVERNOR

2007.08.04

EPA Fact Sheet Listing Industrial Facilities Subject to NPDES Permitting

Who is subject to Phase I the NPDES Storm Water Program and needs a Permit?

The term "Storm Water Discharges Associated with Industrial Activity", defined in federal regulations 40 CFR 122.26(b)(14)(i)-(xi), determined which industrial facilities are potentially subject to Phase I of the storm water program. If you are subject to the program you need to apply for a permit. The definition uses either SIC (Standard Industrial Classification) codes or narrative descriptions to characterize the activities. You are responsible for identifying your facility's SIC code. The definition's 11 categories ((i) - (xi)) are listed below. You should review these 11 categories and decide if your type of facility is described by any of them (either by SIC code or by narrative descriptions). Please note that categories iii, viii, and xi have special conditions, or exceptions (described below) which may make a facility NOT subject to the program, and therefore not required to apply, even though the facility's activity matches one of the SIC codes.

category (i)

Facilities subject to storm water effluent limitations guideline, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi)). These types of facilities include the following:

- 40 CFR Subchapter N
- 405 Dairy products processing
 - 406 Grain mills
 - 407 Canned & preserved fruits & veg. processing *
 - 408 Canned & preserved seafood processing
 - 409 Beet, crystalline & liquid cane sugar refining
 - 410 Textile mills
 - 411 Cement manufacturing
 - 412 Feedlots
 - 414 Organic Chemicals plastics and synthetic fibers
 - 415 Inorganic chemical manufacturing *
 - 417 Soap and detergent manufacturing
 - 418 Fertilizer manufacturing
 - 419 Petroleum refining
 - 420 Iron and steel manufacturing
 - 421 Ferrous metal manufacturing
 - 422 Phosphate manufacturing *
 - 423 Steam electric power
 - 424 Ferroalloy manufacturing *
 - 425 Leather tanning and finishing
 - 426 Glass manufacturing *
 - 427 Asbestos manufacturing
 - 428 Rubber manufacturing
 - 429 Timber products processing
 - 430 Pulp, paper, and paperboard *
 - 431 Builder's paper and board mills
 - 432 Meat products
 - 433 Metal finishing
 - 434 Coal Mining *
 - 436 Mineral mining & processing *
 - 439 Pharmaceutical manufacturing *
 - 440 Ore mining & dressing *
 - 443 Paving and roofing materials
 - 446 Paint formulating
 - 447 Ink formulating
 - 455 Pesticide Chemicals *
 - 458 Carbon Black manufacturing
 - 461 Battery manufacturing
 - 463 Plastics molding and forming
 - 464 Metal molding and casting
 - 465 Coil coating
 - 466 Porcelain enameling
 - 467 Aluminum forming
 - 468 Copper forming *
 - 469 Electrical & electronic component
 - 471 Nonferrous metal forming & powders
- * some facilities in group do not have limits or standards, see 40 CFR subchapter N to verify.

category (ii)

Facilities classified by the following SIC codes:

- SIC Code
- 24 lumber and wood products (except 2434 wood kitchen cabinets, see (xi))
 - 26 paper & allied products (except 265 paperboard containers, 267 converted paper, see (xi))
 - 28 chemicals & allied products (except 283 drugs, see (xi))
 - 29 petroleum & coal products
 - 311 leather tanning & finishing
 - 32 stone, clay & glass production (except 323 products of purchased glass, see (xi))
 - 33 primary metal industry
 - 3444 fabricated structural metal
 - 373 ship and boat building and repair

category (iii) Mineral Industry

Facilities classified as SIC codes 10-14 including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990), and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim).

- SIC Code
- 10 metal mining (metallic mineral/ores)
 - 12 coal mining
 - 13 oil and gas extraction
 - 14 non-metallic minerals except fuels

Oil and gas operations that discharge contaminated storm water at any time between November 16, 1987 and October 1, 1992, and that are currently not authorized by an NPDES permit, must apply for a permit. Operators of oil and gas exploration, production, processing, or treatment operations or transmission facilities, that are not required to submit a permit application as of October 1, 1992 in accordance with 40 CFR 122.26(c)(1)(iii), but that after October 1, 1992 have a discharge of a reportable quantity of oil or a hazardous substance (in a storm water discharge) for which notification is required pursuant to either 40 CFR 110.6, 117.21, or 302.6, must apply for a permit.

category (iv) Hazardous Waste

Hazardous waste treatment, storage, or disposal facilities including those that are operating under interim status or a permit under Subtitle C of RCRA.

category (v) Landfills

Landfills, land application sites, and open dumps that receive or have received any industrial waste (waste that is received from any of the facilities described under categories (i) - (xi)) including those that are subject to regulations under Subtitle D of RCRA.

category (vi)

Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as SIC 5015 (used motor vehicle parts) and 5093 (scrap and waste materials).

category (vii) Steam Electric Plants

Steam electric power generating facilities, including coal handling sites.

category (viii) Transportation

Transportation facilities classified by the SIC codes listed below which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under categories (i)-(vii) or (ix)-(xi) are associated with industrial activity, and need permit coverage.

- SIC Code
- 40 railroad transportation
 - 41 local and interurban passenger transit

- 42 trucking & warehousing (except 4221-25, see (xi))
- 43 US postal service
- 44 water transportation
- 45 transportation by air
- 5171 petroleum bulk stations and terminals

category (ix) Treatment Works

Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act.

category (x) Construction

Construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than 5 acres of total land area which are not part of a larger common plan of development or sale.

[The construction "operator" must apply for permit coverage under the General Storm Water Permit for Construction Activities. The "operator" is the party or parties that either individually or taken together meet the following two criteria: 1) they have operational control over the site specification; 2) they have the day-to-day operational control of those activities at the site necessary to ensure compliance. For a typical commercial construction site, the owner and general contractor must both apply. For a typical residential development, the developer and all builders must apply. Each builder must apply even if they individually disturb less than 5 acres if the overall development is 5 or more acres. Only one Pollution Prevention Plan is required per site even though there may be multiple parties.]

category (xi) Light Industry

Facilities classified by the following SIC codes:

- SIC Code
- 20 food and kindred product
 - 21 tobacco products
 - 22 textile mill products
 - 23 apparel and other textile product
 - 2434 wood kitchen cabinets
 - 25 furniture and fixtures
 - 265 paperboard containers and boxes
 - 267 miscellaneous converted paper products
 - 27 printing and publishing
 - 283 drugs
 - 285 paints and allied products
 - 30 rubber and miscellaneous plastic
 - 31 leather and products (except 311)
 - 323 products of purchased glass
 - 34 fabricated metal products (except 3441)
 - 35 industrial machinery and equipment
 - 36 electronic and other electric equipment
 - 37 transportation equipment (except 373)
 - 38 instruments and related products
 - 39 miscellaneous manufacturing
 - 4221 farm product storage
 - 4222 refrigerated storage
 - 4225 general warehouse and storage

(and which are not otherwise included in categories (ii) - (x)) with storm water discharges from all areas (except access roads and rail lines) where material handling equipment, or activities, raw materials, immediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate produce, finished product, by-product, or waste product.

updated 9/4/97

Form 3510-1, Form 3510-2F, and Signatory Form
(Guidelines and applications for NPDES individual permit for industrial discharge)

Permits Division



Application Form 1 – General Information

Consolidated Permits Program

This form must be completed by all persons applying for a permit under EPA's Consolidated Permits Program. See the general instructions to Form 1 to determine which other application forms you will need.

DESCRIPTION OF CONSOLIDATED PERMIT APPLICATION FORMS	FORM 1 PACKAGE TABLE OF CONTENTS
<p>The Consolidated Permit Application Forms are:</p> <p>Form 1 – General Information (<i>included in this part</i>);</p> <p>Form 2 – Discharges to Surface Water (<i>NPDES Permits</i>):</p> <p>2A. Publicly owned Treatment Works (<i>Reserved - not included in this package</i>),</p> <p>2B. Concentrated Animal Feeding Operations and Aquatic Animal Production Facilities (<i>not included in this package</i>),</p> <p>2C. Existing Manufacturing, Commercial, Mining, and Silvicultural Operations (<i>not included in this package</i>), and</p> <p>2D. New Manufacturing, Commercial, Mining, and Silvicultural Operations (<i>Reserved - not included in this package</i>);</p> <p>Form 3 – Hazardous Waste Application Form (<i>RCRA Permits - not included in this package</i>);</p> <p>Form 4 – Underground Injection of Fluids (<i>UIC Permits - Reserved - not included in this package</i>); and</p> <p>Form 5 – Air Emissions in Attainment Areas (<i>PSD Permits - Reserved - not included in this package</i>).</p>	<p>Section A. General Instructions</p> <p>Section B. Instructions for Form 1</p> <p>Section C. Activities Which Do Not Require Permits</p> <p>Section D. Glossary</p> <p>Form 1 (<i>two copies</i>)</p>

SECTION A – GENERAL INSTRUCTIONS

Who Must Apply

With the exceptions described in Section C of these instructions, Federal laws prohibit you from conducting any of the following activities without a permit.

NPDES (*National Pollutant Discharge Elimination System Under the Clean Water Act, 33 U.S.C. 1251*). Discharge of pollutants into the waters of the United States.

RCRA (*Resource Conservation and Recovery Act, 42 U.S.C. 6901*). Treatment, storage, or disposal of hazardous wastes.

UIC (*Underground Injection Control Under the Safe Drinking Water Act, 42 U.S.C. 300f*). Injection of fluids underground by gravity flow or pumping.

PSD (*Prevention of Significant Deterioration Under the Clean Air Act, 72 U.S.C. 7401*). Emission of an air pollutant by a new or modified facility in or near an area which has attained the National Ambient Air Quality Standards for that pollutant.

Each of the above permit programs is operated in any particular State by either the United States Environmental Protection Agency (EPA) or by an approved State agency. You must use this application form to apply for a permit for those programs administered by EPA. For those programs administered by approved states, contact the State environmental agency for the proper forms.

If you have any questions about whether you need a permit under any of the above programs, or if you need information as to whether a particular program is administered by EPA or a State agency, or if you need to obtain application forms, contact your EPA Regional office (*listed in Table 1*).

Upon your request, and based upon information supplied by you, EPA will determine whether you are required to obtain a permit for a particular facility. Be sure to contact EPA if you have a question, because Federal laws provide that you may be heavily penalized if you do not apply for a permit when a permit is required.

Form 1 of the EPA consolidated application forms collects general information applying to all programs. You must fill out Form 1 regardless of which permit you are applying for. In addition, you must fill out one of the supplementary forms (*Forms 2 – 5*) for each permit

needed under each of the above programs. Item II of Form 1 will guide you to the appropriate supplementary forms.

You should note that there are certain exclusions to the permit requirements listed above. The exclusions are described in detail in Section C of these instructions. If your activities are excluded from permit requirements then you do not need to complete and return any forms.

NOTE: Certain activities not listed above also are subject to EPA administered environmental permit requirements. These include permits for ocean dumping, dredged or fill material discharging, and certain types of air emissions. Contact your EPA Regional office for further information.

Table 1. Addresses of EPA Regional Contacts and States Within the Regional Office Jurisdictions

REGION 1

Permit Contact, Environmental and Economic Impact Office, U.S. Environmental Protection Agency, 1 Congress St., Suite 1100, Boston, MA 02114-2023, Phone: (617) 918-1111, Fax: (617) 918-1809, Toll free within Region 1: (888) 372-7341, <http://www.epa.gov/region01/>.
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

REGION 2

Permit Contact, Permits Administration Branch, U.S. Environmental Protection Agency, 290 Broadway, New York, NY 10007-1866, Phone: (212) 637-3000, Fax: (212) 637-3526, <http://www.epa.gov/region02/>.
New Jersey, New York, Virgin Islands, and Puerto Rico.

REGION 3

Permit Contact (3 EN 23), U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone: (215) 814-5000, Fax: (215) 814-5103, Toll free: (800) 438-2474, <http://www.epa.gov/region03/>.
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

SECTION A – GENERAL INSTRUCTIONS

REGION 4

Permit Contact, Permits Section, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, GA 30303-3104, Phone: (404) 562-9900, Fax: (404) 562-8174, Toll free: (800) 241-1754, <http://www.epa.gov/region04/>.
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

REGION 5

Permit Contact (SEP), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604-3507, Phone: (312) 353-2000, Fax: (312) 353-4135, Toll free within Region 5: (800) 621-8431, <http://www.epa.gov/region5/>.
Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

REGION 6

Permit Contact (6AEP), U.S. Environmental Protection Agency, Fountain Place 12th Floor, Suite 1200, 1445 Ross Avenue, Dallas, TX 75202-2733, Phone: (214) 665-2200, Fax: (214) 665-7113, Toll free within Region 6: (800) 887-6063, <http://www.epa.gov/region06/>.
Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

REGION 7

Permit Contact, Permits Branch, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, KS 66101, Phone: (913) 551-7003, Toll free: (800) 223-0425, <http://www.epa.gov/region07/>.
Iowa, Kansas, Missouri, and Nebraska.

REGION 8

Permit Contact (8E-WF), U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, CO 80202-2466, Phone: (303) 312-6312, Fax: (303) 312-6339, Toll free: (800) 227-8917, <http://www.epa.gov/region08/>.
Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

REGION 9

Permit Contact, Permits Branch (E-4), U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105, Phone: (415) 947-8000, Fax: (415) 947-3553, Toll free within Region 9: (866) EPA-WEST, <http://www.epa.gov/region09/>.
Arizona, California, Hawaii, Nevada, Guam, American Samoa, and Trust Territories.

REGION 10

Permit Contact (M/S 521), U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101, Phone: (206) 553-1200, Fax: (206) 553-2955, Toll free: (800) 424-4372, <http://www.epa.gov/region10/>.
Alaska, Idaho, Oregon, and Washington.

Where to File

The application forms should be mailed to the EPA Regional office whose Region includes the State in which the facility is located (see Table 1).

If the State in which the facility is located administers a Federal permit program under which you need a permit, you should contact the appropriate State agency for the correct forms. Your EPA Regional office (Table 1) can tell you to whom to apply and can provide the appropriate address and phone number.

When to File

Because of statutory requirements, the deadlines for filing applications vary according to the type of facility you operate and the type of permit you need. These deadlines are as follows:¹

Table 2. Filing Dates for Permits

FORM (permit)	WHEN TO FILE
2A (NPDES)	180 days before your present NPDES permit expires.
2B (NPDES)	180 days before your present NPDES permit expires ² , or 180 days prior to startup if you are a new facility.
2C (NPDES)	180 days before your present NPDES permit expires ² .
2D (NPDES)	180 days prior to startup.
3 (Hazardous Waste)	Existing facility: Six months following publication of regulations listing hazardous wastes. New facility: 180 days before commencing physical construction.
4 (UIC)	A reasonable time prior to construction for new wells; as directed by the Director for existing wells.
5 (PSD)	Prior to commencement of construction.

¹ Please note that some of these forms are not yet available for use and are listed as "Reserved" at the beginning of these instructions. Contact your EPA Regional office for information on current application requirements and forms.

² If your present permit expires on or before November 30, 1980, the filing date is the date on which your permit expires. If your permit expires during the period December 1, 1980–May 31, 1981, the filing date is 90 days before your permit expires.

Federal regulations provide that you may not begin to construct a new source in the NPDES program, a new hazardous waste management facility, a new injection well, or a facility covered by the PSD program before the issuance of a permit under the applicable program. Please note that if you are required to obtain a permit before beginning construction, as described above, you may need to submit your permit application well in advance of an applicable deadline listed in Table 2.

Fees

The U.S. EPA does not require a fee for applying for any permit under the consolidated permit programs. (However, some States which administer one or more of these programs require fees for the permits which they issue.)

Availability of Information to Public

Information contained in these application forms will, upon request, be made available to the public for inspection and copying. However, you may request confidential treatment for certain information which you submit on certain supplementary forms. The specific instructions for each supplementary form state what information on the form, if any, may be claimed as confidential and what procedures govern the claim. No information on Forms 1 and 2A through 2D may be claimed as confidential.

Completion of Forms

Unless otherwise specified in instructions to the forms, each item in each form must be answered. To indicate that each item has been considered, enter "NA," for not applicable, if a particular item does not fit the circumstances or characteristics of your facility or activity.

If you have previously submitted information to EPA or to an approved State agency which answers a question, you may either repeat the information in the space provided or attach a copy of the previous submission. Some items in the form require narrative explanation. If more space is necessary to answer a question, attach a separate sheet entitled "Additional Information."

Financial Assistance for Pollution Control

There are a number of direct loans, loan guarantees, and grants available to firms and communities for pollution control expenditures. These are provided by the Small Business Administration, the Economic Development Administration, the Farmers Home Administration, and the Department of Housing and Urban Development. Each EPA Regional office (Table 1) has an economic assistance coordinator who can provide you with additional information.

EPA's construction grants program under Title II of the Clean Water Act is an additional source of assistance to publicly owned treatment works. Contact your EPA Regional office for details.

SECTION B - FORM 1 LINE BY LINE INSTRUCTIONS

This form must be completed by all applicants.

Completing This Form

Please type or print in the unshaded areas only. Some items have small graduation marks in the fill-in spaces. These marks indicate the number of characters that may be entered into our data system. The marks are spaced at 1/6" intervals which accommodate elite type (12 characters per inch). If you use another type you may ignore the marks. If you print, place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response.

Item I

Space is provided at the upper right hand corner of Form 1 for insertion of your EPA Identification Number. If you have an existing facility, enter your Identification Number. If you don't know your EPA Identification Number, please contact your EPA Regional office (Table 1), which will provide you with your number. If your facility is new (not yet constructed), leave this item blank.

Item II

Answer each question to determine which supplementary forms you need to fill out. Be sure to check the glossary in Section D of these instructions for the legal definitions of the **bold faced words**. Check Section C of these instructions to determine whether your activity is excluded from permit requirements.

If you answer "no" to every question, then you do not need a permit, and you do not need to complete and return any of these forms.

If you answer "yes" to any question, then you must complete and file the supplementary form by the deadline listed in Table 2 along with this form. (The applicable form number follows each question and is enclosed in parentheses.) You need not submit a supplementary form if you already have a permit under the appropriate Federal program, unless your permit is due to expire and you wish to renew your permit.

Questions (I) and (J) of Item II refer to major new or modified sources subject to Prevention of Significant Deterioration (PSD) requirements under the Clean Air Act. For the purpose of the PSD program, major sources are defined as: (A) Sources listed in Table 3 which have the potential to emit 100 tons or more per year emissions; and (B) All other sources with the potential to emit 250 tons or more per year. See Section C of these instructions for discussion of exclusions of certain modified sources.

Table 3. 28 Industrial Categories Listed in Section 169(1) of the Clean Air Act of 1977

Fossil fuel-fired steam generators of more than 250 million BTU per hour heat input;
Coal cleaning plants (with thermal dryers);
Kraft pulp mills;
Portland cement plants;
Primary zinc smelters;
Iron and steel mill plants;
Primary aluminum ore reduction plants;
Primary copper smelters;
Municipal incinerators capable of charging more than 250 tons of refuse per day;
Hydrofluoric acid plants;
Nitric acid plants;
Sulfuric acid plants;
Petroleum refineries;
Lime plants;
Phosphate rock processing plants;
Coke oven batteries;
Sulfur recovery plants;
Carbon black plants (furnace process);
Primary lead smelters;
Fuel conversion plants;
Sintering plants;
Secondary metal production plants;
Chemical process plants;
Fossil fuel boilers (or combination thereof) totaling more than 250 million BTU per hour heat input;

Table 3 (continued)

Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
Taconite ore processing plants;
Glass fiber processing plants; and
Charcoal production plants.

Item III

Enter the facility's official or legal name. Do not use a colloquial name.

Item IV

Give the name, title, and work telephone number of a person who is thoroughly familiar with the operation of the facility and with the facts reported in this application and who can be contacted by reviewing offices if necessary.

Item V

Give the complete mailing address of the office where correspondence should be sent. This often is not the address used to designate the location of the facility or activity.

Item VI

Give the address or location of the facility identified in Item III of this form. If the facility lacks a street name or route number, give the most accurate alternative geographic information (e.g., section number or quarter section number from county records or at intersection of Rts. 425 and 22).

Item VII

List, in descending order of significance, the four 4-digit standard industrial classification (SIC) codes which best describe your facility in terms of the principal products or services you produce or provide. Also, specify each classification in words. These classifications may differ from the SIC codes describing the operation generating the discharge, air emissions, or hazardous wastes.

SIC code numbers are descriptions which may be found in the "Standard Industrial Classification Manual" prepared by the Executive Office of the President, Office of Management and Budget, which is available from the Government Printing Office, Washington, D.C. Use the current edition of the manual. If you have any questions concerning the appropriate SIC code for your facility, contact your EPA Regional office (see Table 1).

Item VIII-A

Give the name, as it is legally referred to, of the person, firm, public organization, or any other entity which operates the facility described in this application. This may or may not be the same name as the facility. The operator of the facility is the legal entity which controls the facility's operation rather than the plant or site manager. Do not use a colloquial name.

Item VIII-B

Indicate whether the entity which operates the facility also owns it by marking the appropriate box.

Item VIII-C

Enter the appropriate letter to indicate the legal status of the operator of the facility. Indicate "public" for a facility solely owned by local government(s) such as a city, town, county, parish, etc.

Items VIII-D-H

Enter the telephone number and address of the operator identified in Item VIII-A.

Item IX

Indicate whether the facility is located on Indian Lands.

Item X

Give the number of each presently effective permit issued to the facility for each program or, if you have previously filed an application but have not yet received a permit, give the number of the application, if any. Fill in the unshaded area only. If you have more than one currently effective permit for your facility under a particular permit program, you may list additional permit numbers on a separate sheet of paper. List any relevant environmental Federal (e.g., permits

SECTION B - FORM 1 LINE BY LINE INSTRUCTIONS

under the Ocean Dumping Act, Section 404 of the Clean Water Act or the Surface Mining Control and Reclamation Act), State (e.g., State permits for new air emission sources in nonattainment areas under Part D of the Clean Air Act or State permits under Section 404 of the Clean Water Act), or local permits or applications under "other."

Item XI

Provide a topographic map or maps of the area extending at least to one mile beyond the property boundaries of the facility which clearly show the following:

The legal boundaries of the facility;

The location and serial number of each of your existing and proposed intake and discharge structures;

All hazardous waste management facilities;

Each well where you inject fluids underground; and

All springs and surface water bodies in the area, plus all drinking water wells within 1/4 mile of the facility which are identified in the public record or otherwise known to you.

If an intake or discharge structure, hazardous waste disposal site, or injection well associated with the facility is located more than one mile from the plant, include it on the map, if possible. If not, attach additional sheets describing the location of the structure, disposal site, or well, and identify the U.S. Geological Survey (or other) map corresponding to the location.

On each map, include the map scale, a meridian arrow showing north, and latitude and longitude at the nearest whole second. On all maps of rivers, show the direction of the current, and in tidal waters, show the directions of the ebb and flow tides. Use a 7-1/2 minute series map published by the U.S. Geological Survey, which may be obtained through the U.S. Geological Survey Offices listed below. If a 7-1/2 minute series map has not been published for your facility site, then you may use a 15 minute series map from the U.S. Geological Survey. If neither a 7-1/2 nor 15 minute series map has been published for your facility site, use a plat map or other appropriate map, including all the requested information; in this case, briefly describe land uses in the map area (e.g., residential, commercial).

You may trace your map from a geological survey chart, or other map meeting the above specifications. If you do, your map should bear a note showing the number or title of the map or chart it was traced from. Include the names of nearby towns, water bodies, and other prominent points. An example of an acceptable location map is shown in Figure 1-1 of these instructions. (NOTE: Figure 1-1 is provided for purposes of illustration only, and does not represent any actual facility.)

Item XII

Briefly describe the nature of your business (e.g., products produced or services provided).

Item XIII

Federal statutes provide for severe penalties for submitting false information on this application form.

18 U.S.C. Section 1001 provides that "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes or uses any false writing or document knowing some to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Section 309(c)(2) of the Clean Water Act and Section 113(c)(2) of the Clean Air Act each provide that "Any person who knowingly makes any false statement, representation, or certification in any application, . . . shall upon conviction, be punished by a fine of no more than \$10,000 or by imprisonment for not more than six months, or both."

In addition, Section 3008(d)(3) of the Resource Conservation and Recovery Act provides for a fine up to \$25,000 per day or imprisonment up to one year, or both, for a first conviction for making a false statement in any application under the Act, and for double these penalties upon subsequent convictions.

FEDERAL REGULATIONS REQUIRE THIS APPLICATION TO BE SIGNED AS FOLLOWS:

A. For a corporation, by a principal executive officer of at least the level of vice president. However, if the only activity in Item II which is marked "yes" is Question G, the officer may authorize a person having responsibility for the overall operations of the well or well field to sign the certification. In that case, the authorization must be written and submitted to the permitting authority.

B. For partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

C. For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.

U.S.G.S. OFFICES	AREA SERVED
Eastern Mapping Center National Cartographic Information Center U.S.G.S. 536 National Center Reston, VA 22092 Phone No. (703) 860-6336	Ala., Conn., Del., D.C., Fla., Ga., Ind., Ky., Maine, Md., Mass., N.H., N.J., N.Y., N.C., S.C., Ohio, Pa., Puerto Rico, R.I., Tenn., Vt., Va., W. Va., and Virgin Islands
Mid Continent Mapping Center National Cartographic Information Center U.S.G.S. 1400 Independence Road Rolla, MO 65401 Phone No. (314) 341-0851	Ark., Ill., Iowa, Kans., La., Mich., Minn., Miss., Mo., N. Dak., Nebr., Okla., S. Dak., and Wis.
Rocky Mountain Mapping Center National Cartographic Information Center U.S.G.S. Stop 504, Box 25046 Federal Center Denver, CO 80225 Phone No. (303) 234-2326	Alaska, Colo., Mont., N. Mex., Tex., Utah, and Wyo.
Western Mapping Center National Cartographic Information Center U.S.G.S. 345 Middlefield Road Menlo Park, CA 94025 Phone No. (415) 323-8111	Ariz., Calif., Hawaii, Idaho, Nev., Oreg., Wash., American Samoa, Guam, and Trust Territories

SECTION C - ACTIVITIES WHICH DO NOT REQUIRE PERMITS

1. National Pollutant Discharge Elimination System Permits Under the Clean Water Act. You are not required to obtain an NPDES permit if your discharge is in one of the following categories, as provided by the Clean Water Act (CWA) and by the NPDES regulations (40 CFR Parts 122-125). However, under Section 510 of CWA a discharge exempted from the federal NPDES requirements may still be regulated by a State authority; contact your State environmental agency to determine whether you need a State permit.

A. DISCHARGES FROM VESSELS. Discharges of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, and any other discharge incidental to the normal operation of a vessel do not require NPDES permits. However, discharges of rubbish, trash, garbage, or other such materials discharged overboard require permits, and so do other discharges when the vessel is operating in a capacity other than as a means of transportation, such as when the vessel is being used as an energy or mining facility, a storage facility, or a seafood processing facility, or is secured to the bed of the ocean, contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development.

B. DREDGED OR FILL MATERIAL. Discharges of dredged or fill material into waters of the United States do not need NPDES permits if the dredging or filling is authorized by a permit issued by the U.S. Army Corps of Engineers or an EPA approved State under Section 404 of CWA.

C. DISCHARGES INTO PUBLICLY OWNED TREATMENT WORKS (POTW). The introduction of sewage, industrial wastes, or other pollutants into a POTW does not need an NPDES permit. You must comply with all applicable pretreatment standards promulgated under Section 307(b) of CWA, which may be included in the permit issued to the POTW. If you have a plan or an agreement to switch to a POTW in the future, this does not relieve you of the obligation to apply for and receive an NPDES permit until you have stopped discharging pollutants into waters of the United States.

(NOTE: Dischargers into privately owned treatment works do not have to apply for or obtain NPDES permits except as otherwise required by the EPA Regional Administrator. The owner or operator of the treatment works itself, however, must apply for a permit and identify all users in its application. Users so identified will receive public notice of actions taken on the permit for the treatment works.)

D. DISCHARGES FROM AGRICULTURAL AND SILVICULTURAL ACTIVITIES. Most discharges from agricultural and silvicultural activities to waters of the United States do not require NPDES permits. These include runoff from orchards, cultivated crops, pastures, range lands, and forest lands. However, the discharges listed below do require NPDES permits. Definitions of the terms listed below are contained in the Glossary section of these instructions.

1. Discharges from Concentrated Animal Feeding Operations. (See Glossary for definitions of "animal feeding operations" and "concentrated animal feeding operations." Only the latter require permits.)

2. Discharges from Concentrated Aquatic Animal Production Facilities. (See Glossary for size cutoffs.)

3. Discharges associated with approved Aquaculture Projects.

4. Discharges from Silvicultural Point Sources. (See Glossary for the definition of "silvicultural point source.") Nonpoint source silvicultural activities are excluded from NPDES permit requirements. However, some of these activities, such as stream crossings for roads, may involve point source discharges of dredged or fill material which may require a Section 404 permit. See 33 CFR 209.120.

E. DISCHARGES IN COMPLIANCE WITH AN ON-SCENE COORDINATOR'S INSTRUCTIONS.

II. Hazardous Waste Permits Under the Resource Conservation and Recovery Act. You may be excluded from the requirement to obtain a permit under this program if you fall into one of the following categories:

Generators who accumulate their own hazardous waste on-site for less than 90 days as provided in 40 CFR 262.34;

Farmers who dispose of hazardous waste pesticide from their own use as provided in 40 CFR 262.51;

Certain persons treating, storing, or disposing of small quantities of hazardous waste as provided in 40 CFR 261.4 or 261.5; and

Owners and operators of totally enclosed treatment facilities as defined in 40 CFR 260.10.

Check with your Regional office for details. Please note that even if you are excluded from permit requirements, you may be required by Federal regulations to handle your waste in a particular manner.

III. Underground Injection Control Permits Under the Safe Drinking Water Act. You are not required to obtain a permit under this program if you:

Inject into existing wells used to enhance recovery of oil and gas or to store hydrocarbons (*note, however, that these underground injections are regulated by Federal rules*); or

Inject into or above a stratum which contains, within 1/4 mile of the well bore, an underground source of drinking water (*unless your injection is the type identified in Item II-H, for which you do need a permit*). However, you must notify EPA of your injection and submit certain required information on forms supplied by the Agency, and your operation may be phased out if you are a generator of hazardous wastes or a hazardous waste management facility which uses wells or septic tanks to dispose of hazardous waste.

IV. Prevention of Significant Deterioration Permits Under the Clean Air Act. The PSD program applies to newly constructed or modified facilities (*both of which are referred to as "new sources"*) which increase air emissions. The Clean Air Act Amendments of 1977 exclude small new sources of air emissions from the PSD review program. Any new source in an Industrial category listed in Table 3 of these instructions whose potential to emit is less than 100 tons per year is not required to get a PSD permit. In addition, any new source in an industrial category not listed in Table 3 whose potential to emit is less than 250 tons per year is exempted from the PSD requirements.

Modified sources which increase their net emissions (*the difference between the total emission increases and total emission decreases at the source*) less than the significant amount set forth in EPA regulations are also exempt from PSD requirements. Contact your EPA Regional office (Table 1) for further information.

SECTION D – GLOSSARY

NOTE: This Glossary includes terms used in the instructions and in Forms 1, 2B, 2C, and 3. Additional terms will be included in the future when other forms are developed to reflect the requirements of other parts of the Consolidated Permits Program. If you have any questions concerning the meaning of any of these terms, please contact your EPA Regional office (*Table 1*)

ALIQOT means a sample of specified volume used to make up a total composite sample.

ANIMAL FEEDING OPERATION means a lot or facility (*other than an aquatic animal production facility*) where the following conditions are met;

A. Animals (*other than aquatic animals*) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and

B. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

ANIMAL UNIT means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by 1.0; Plus the number of mature dairy cattle multiplied by 1.4; Plus the number of swine weighing over 25 kilograms (*approximately 55 pounds*) multiplied by 0.4; Plus the number of sheep multiplied by 0.1; Plus the number of horses multiplied by 2.0.

APPLICATION means the EPA standard national forms for applying for a permit, including any additions, revisions, or modifications to the forms; or forms approved by EPA for use in approved States, including any approved modifications or revisions. For RCRA, "application" also means "Application, Part B."

APPLICATION, PART A means that part of the Consolidated Permit Application forms which a RCRA permit applicant must complete to qualify for interim status under Section 3005(e) of RCRA and for consideration for a permit. Part A consists of Form 1 (*General Information*) and Form 3 (*Hazardous Waste Application Form*).

APPLICATION, PART B means that part of the application which a RCRA permit applicant must complete to be issued a permit. (*NOTE: EPA is not developing a specific form for Part B of the permit application, but an instruction booklet explaining what Information must be supplied is available from the EPA Regional office.*)

APPROVED PROGRAM or **APPROVED STATE** means a State program which has been approved or authorized by EPA under 40 CFR Part 123.

AQUACULTURE PROJECT means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals. "Designated area" means the portions of the waters of the United States within which the applicant plans to confine the cultivated species, using a method of plan or operation (*Including, but not limited to, physical confinement*) which, on the basis of reliable scientific evidence, is expected to ensure the specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants and be harvested within a defined geographic area.

AQUIFER means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

AREA OF REVIEW means the area surrounding an injection which is described according to the criteria set forth in 40 CFR Section 146.06.

AREA PERMIT means a UIC permit applicable to all or certain wells within a geographic area, rather than to a specified well, under 40 CFR Section 122.37.

ATTAINMENT AREA means, for any air pollutant, an area which has been designated under Section 107 of the Clean Air Act as having ambient air quality levels better than any national primary or secondary ambient air quality standard for that pollutant. Standards have

been set for sulfur oxides, particulate matter, nitrogen dioxide, carbon monoxide, ozone, lead, and hydrocarbons. For purposes of the Glossary, "attainment area" also refers to "unclassifiable area," which means, for any pollutants, an area designated under Section 107 as unclassifiable with respect to that pollutant due to insufficient information.

BEST MANAGEMENT PRACTICES (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP's include treatment requirements, operation procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BIOLOGICAL MONITORING TEST means any test which includes the use of aquatic algal, invertebrate, or vertebrate species to measure acute or chronic toxicity, and any biological or chemical measure of bioaccumulation.

BYPASS means the intentional diversion of wastes from any portion of a treatment facility.

CONCENTRATED ANIMAL FEEDING OPERATION means an animal feeding operation which meets the criteria set forth in either (A) or (B) below or which the Director designates as such on a case-by-case basis:

A. More than the numbers of animals specified in any of the following categories are confined:

1. 1,000 slaughter or feeder cattle,
2. 700 mature dairy cattle (*whether milked or dry cows*),
3. 2,500 swine each weighing over 25 kilograms (*approximately 55 pounds*),
4. 500 horses,
5. 10,000 sheep or lambs,
6. 55,000 turkeys,
7. 100,000 laying hens or broilers (*if the facility has a continuous overflow watering*),
8. 30,000 laying hens or broilers (*if the facility has a liquid manure handling system*),
9. 5,000 ducks, or
10. 1,000 animal units; or

B. More than the following numbers and types of animals are confined:

1. 300 slaughter or feeder cattle,
2. 200 mature dairy cattle (*whether milked or dry cows*),
3. 750 swine each weighing over 25 kilograms (*approximately 55 pounds*),
4. 150 horses,
5. 3,000 sheep or lambs,
6. 16,500 turkeys,
7. 30,000 laying hens or broilers (*if the facility has continuous overflow watering*),
8. 9,000 laying hens or broilers (*if the facility has a liquid manure handling system*),
9. 1,500 ducks, or
10. 300 animal units; AND

SECTION D – GLOSSARY

Either one of the following conditions are met: Pollutants are discharged into waters of the United States through a manmade ditch, flushing system or other similar manmade device (*"man-made" means constructed by man and used for the purpose of transporting wastes*); or Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

Provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding operation discharges only in the event of a 25 year, 24 hour storm event.

CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY means a hatchery, fish farm, or other facility which contains, grows or holds aquatic animals in either of the following categories, or which the Director designates as such on a case-by-case basis:

A. Cold water fish species or other cold water aquatic animals including, but not limited to, the Salmonidae family of fish (e.g., *trout and salmon*) in ponds, raceways or other similar structures which discharge at least 30 days per year but does not include:

1. Facilities which produce less than 9,090 harvest weight kilograms (*approximately 20,000 pounds*) of aquatic animals per year; and
2. Facilities which feed less than 2,272 kilograms (*approximately 5,000 pounds*) of food during the calendar month of maximum feeding.

B. Warm water fish species or other warm water aquatic animals including, but not limited to, the Ameiuridae, Cetrarchidae, and Cyprinidae families of fish (e.g., *respectively, catfish, sunfish, and minnows*) in ponds, raceways, or other similar structures which discharge at least 30 days per year, but does not include;

1. Closed ponds which discharge only during periods of excess runoff; or
2. Facilities which produce less than 45,454 harvest weight kilograms (*approximately 100,000 pounds*) of aquatic animals per year.

CONTACT COOLING WATER means water used to reduce temperature which comes into contact with a raw material, intermediate product, waste product other than heat, or finished product.

CONTAINER means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

CONTIGUOUS ZONE means the entire zone established by the United States under article 24 of the convention of the Territorial Sea and the Contiguous Zone.

CWA means the Clean Water Act (*formerly referred to the Federal Water Pollution Control Act*) Pub. L. 92-500, as amended by Pub. L. 95-217 and Pub. L. 95-576, 33 U.S.C. 1251 *et seq.*

DIKE means any embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

DIRECT DISCHARGE means the discharge of a pollutant as defined below.

DIRECTOR means the EPA Regional Administrator or the State Director as the context requires.

DISCHARGE (OF A POLLUTANT) means:

- A. Any addition of any pollutant or combination of pollutants to waters of the United States from any point source; or
- B. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes discharges into waters of the United States from: Surface runoff which is collected or channelled by man; Discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to POTW's;

and Discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

DISPOSAL (in the RCRA program) means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that the hazardous waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters, including ground water.

DISPOSAL FACILITY means a facility or part of a facility at which hazardous waste is intentionally placed into or on land or water, and at which hazardous waste will remain after closure.

EFFLUENT LIMITATION means any restriction imposed by the Director on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean.

EFFLUENT LIMITATION GUIDELINE means a regulation published by the Administrator under Section 304(b) of the Clean Water Act to adopt or revise effluent limitations.

ENVIRONMENTAL PROTECTION AGENCY (EPA) means the United States Environmental Protection Agency.

EPA IDENTIFICATION NUMBER means the number assigned by EPA to each generator, transporter, and facility.

EXEMPTED AQUIFER means an aquifer or its portion that meets the criteria in the definition of USDW, but which has been exempted according to the procedures in 40 CFR Section 122.35(b).

EXISTING HWM FACILITY means a Hazardous Waste Management facility which was in operation, or for which construction had commenced, on or before October 21, 1976. Construction had commenced if (A) the owner or operator had obtained all necessary Federal, State, and local preconstruction approvals or permits, and either (B1) a continuous on-site, physical construction program had begun, or (B2) the owner or operator had entered into contractual obligations, which could not be cancelled or modified without substantial loss, for construction of the facility to be completed within a reasonable time.

(NOTE: This definition reflects the literal language of the statute. However, EPA believes that amendments to RCRA now in conference will shortly be enacted and will change the date for determining when a facility is an "existing facility" to one no earlier than May of 1980; indications are the conferees are considering October 30, 1980. Accordingly, EPA encourages every owner or operator of a facility which was built or under construction as of the promulgation date of the RCRA program regulations to file Part A of its permit application so that it can be quickly processed for interim status when the change in the law takes effect. When those amendments are enacted, EPA will amend this definition.)

EXISTING SOURCE or EXISTING DISCHARGER (in the NPDES program) means any source which is not a new source or a new discharger.

EXISTING INJECTION WELL means an injection well other than a new injection well.

FACILITY means any HWM facility, UIC underground injection well, NPDES point source, PSD stationary source, or any other facility or activity (*including land or appurtenances thereto*) that is subject to regulation under the RCRA, UIC, NPDES, or PSD programs.

FLUID means material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

GENERATOR means any person by site, whose act or process produces hazardous waste identified or listed in 40 CFR Part 261.

GROUNDWATER means water below the land surface in a zone of saturation.

HAZARDOUS SUBSTANCE means any of the substances designated under 40 CFR Part 116 pursuant to Section 311 of CWA. (NOTE: These substances are listed in Table 2c-4 of the instructions to Form 2C.)

SECTION D – GLOSSARY

HAZARDOUS WASTE means a hazardous waste as defined in 40 CFR Section 261.3 published May 19, 1980.

HAZARDOUS WASTE MANAGEMENT FACILITY (HWM facility) means all contiguous land, structures, appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous wastes. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

IN OPERATION means a facility which is treating, storing, or disposing of hazardous waste.

INCINERATOR (in the RCRA program) means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste. Examples of incinerators are rotary kiln, fluidized bed, and liquid injection incinerators.

INDIRECT DISCHARGER means a nondomestic discharger introducing pollutants to a publicly owned treatment works.

INJECTION WELL means a well into which fluids are being injected.

INTERIM AUTHORIZATION means approval by EPA of a State hazardous waste program which has met the requirements of Section 3006(c) of RCRA and applicable requirements of 40 CFR Part 123, Subparts A, B, and F.

LANDFILL means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

LAND TREATMENT FACILITY (in the RCRA program) means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

LISTED STATE means a State listed by the Administrator under Section 1422 of SDWA as needing a State UIC program.

MGD means millions of gallons per day.

MUNICIPALITY means a city, village, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of CWA.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of CWA. The term includes an approved program.

NEW DISCHARGER means any building, structure, facility, or installation: (A) From which there is or may be a new or additional discharge of pollutants at a site at which on October 18, 1972, it had never discharged pollutants; (B) Which has never received a finally effective NPDES permit for discharges at that site; and (C) Which is not a "new source." This definition includes an indirect discharger which commences discharging into waters of the United States. It also includes any existing mobile point source, such as an offshore oil drilling rig, seafood processing vessel, or aggregate plant that begins discharging at a location for which it does not have an existing permit.

NEW HWM FACILITY means a Hazardous Waste Management facility which began operation or for which construction commenced after October 21, 1976.

NEW INJECTION WELL means a well which begins injection after a UIC program for the State in which the well is located is approved.

NEW SOURCE (in the NPDES program) means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

A. After promulgation of standards of performance under Section 306 of CWA which are applicable to such source; or

B. After proposal of standards of performance in accordance with Section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

NON-CONTACT COOLING WATER means water used to reduce temperature which does not come into direct contact with any raw material, intermediate product, waste product (other than heat), or finished product.

OFF-SITE means any site which is not "on-site".

ON-SITE means on the same or geographically contiguous property which may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way which the person controls and to which the public does not have access, is also considered on-site property.

OPEN BURNING means the combustion of any material without the following characteristics:

A. Control of combustion air to maintain adequate temperature for efficient combustion;

B. Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

C. Control of emission of the gaseous combustion products.

(See also "incinerator" and "thermal treatment").

OPERATOR means the person responsible for the overall operation of a facility.

OUTFALL means a point source.

OWNER means the person who owns a facility or part of a facility.

PERMIT means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR Parts 122, 123, and 124.

PHYSICAL CONSTRUCTION (in the RCRA program) means excavation, movement of earth, erection of forms or structures, or similar activity to prepare a HWM facility to accept hazardous waste.

PILE means any noncontainerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage.

POINT SOURCE means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

POLLUTANT means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended [42 U.S.C. Section 2011 et seq.]), heat, wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal, and agriculture waste discharged into water. It does not mean:

A. Sewage from vessels; or

B. Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

(NOTE: Radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, byproduct, or special nuclear materials. Examples of materials not covered include radium and accelerator produced isotopes. See *Train v. Colorado Public Interest Research Group, Inc.*, 426 U.S. 1 [1976].)

SECTION D – GLOSSARY

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) means the national permitting program under 40 CFR 52.21 to prevent emissions of certain pollutants regulated under the Clean Air Act from significantly deteriorating air quality in attainment areas.

PRIMARY INDUSTRY CATEGORY means any industry category listed in the NRDC Settlement Agreement (*Natural Resources Defense Council v. Train*, 8 ERC 2120 [D.D.C. 1976], modified 12 ERC 1833 [D.D.C. 1979]).

PRIVATELY OWNED TREATMENT WORKS means any device or system which is: (A) Used to treat wastes from any facility whose operator is not the operator of the treatment works; and (B) Not a POTW.

PROCESS WASTEWATER means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PUBLICLY OWNED TREATMENT WORKS or POTW means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a State or municipality. This definition includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

RENT means use of another's property in return for regular payment.

RCRA means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (*Pub. L. 94-580, as amended by Pub. L. 95-609, 42 U.S.C. Section 6901 et seq.*).

ROCK CRUSHING AND GRAVEL WASHING FACILITIES are facilities which process crushed and broken stone, gravel, and riprap (see 40 CFR Part 436, Subpart B, and the effluent limitations guidelines for these facilities).

SDWA means the Safe Drinking Water Act (*Pub. L. 95-523, as amended by Pub. L. 95-1900, 42 U.S.C. Section 300ff et seq.*).

SECONDARY INDUSTRY CATEGORY means any industry category which is not a primary industry category.

SEWAGE FROM VESSELS means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under Section 312 of CWA, except that with respect to commercial vessels on the Great Lakes this term includes graywater. For the purposes of this definition, "graywater" means galley, bath, and shower water,

SEWAGE SLUDGE means the solids, residues, and precipitate separated from or created in sewage by the unit processes of a POTW. "Sewage" as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.

SILVICULTURAL POINT SOURCE means any discernable, confined, and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States. This term does not include nonpoint source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. However, some of these activities (such as stream crossing for roads) may involve point source discharges of dredged or fill material which may require a CWA Section 404 permit. "Log sorting and log storage facilities" are facilities whose discharges result from the holding of unprocessed wood, e.g., logs or roundwood with bark or after removal of bark in self-contained bodies of water (*mill ponds or log ponds*) or stored on land where water is applied intentionally on the logs (*wet decking*). (See 40 CFR Part 429, Subpart J, and the effluent limitations guidelines for these facilities.)

STATE means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands (except in the case

of RCRA), and the Commonwealth of the Northern Mariana Islands (except in the case of CWA).

STATIONARY SOURCE (in the PSD program) means any building, structure, facility, or installation which emits or may emit any air pollutant regulated under the Clean Air Act. "Building, structure, facility, or installation" means any grouping of pollutant-emitting activities which are located on one or more contiguous or adjacent properties and which are owned or operated by the same person (or by persons under common control).

STORAGE (in the RCRA program) means the holding of hazardous waste for a temporary period at the end of which the hazardous waste is treated, disposed, or stored elsewhere.

STORM WATER RUNOFF means water discharged as a result of rain, snow, or other precipitation.

SURFACE IMPOUNDMENT or IMPOUNDMENT means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

TANK (in the RCRA program) means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

THERMAL TREATMENT (in the RCRA program) means the treatment of hazardous waste in a device which uses elevated temperature as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning").

TOTALLY ENCLOSED TREATMENT FACILITY (in the RCRA program) means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

TOXIC POLLUTANT means any pollutant listed as toxic under Section 307(a)(1) of CWA.

TRANSPORTER (in the RCRA program) means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

TREATMENT (in the RCRA program) means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

UNDERGROUND INJECTION means well injection.

UNDERGROUND SOURCE OF DRINKING WATER or USDW means an aquifer or its portion which is not an exempted aquifer and:

- A. Which supplies drinking water for human consumption; or
- B. In which the ground water contains fewer than 10,000 mg/l total dissolved solids.

UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

SECTION D – GLOSSARY

WATERS OF THE UNITED STATES means:

- A. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- B. All interstate waters, including interstate wetlands;
- C. All other waters such as intrastate lakes, rivers, streams (*including intermittent streams*), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, and natural ponds, the use, degradation, or destruction of which would or could affect interstate or foreign commerce including any such waters;
 - 1. Which are or could be used by interstate or foreign travelers for recreational or other purposes,
 - 2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce,
 - 3. Which are used or could be used for industrial purposes by industries in interstate commerce;
- D. All impoundments of waters otherwise defined as waters of the United States under this definition;
- E. Tributaries of waters identified in paragraphs (A) – (D) above;
- F. The territorial sea; and
- G. Wetlands adjacent to waters (*other than waters that are themselves wetlands*) identified in paragraphs (A) – (F) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet requirement of CWA (*other than cooling ponds as defined in 40 CFR Section 423.11(m) which also meet the criteria of this definition*) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (*such as a disposal area in wetlands*) nor resulted from the impoundments of waters of the United States.

WELL INJECTION or UNDERGROUND INJECTION means the subsurface emplacement of fluids through a bored, drilled, or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

WETLANDS means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

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CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)

A. FIRST										B. SECOND									
C	7									C	7								
15	16									15	16								
C. THIRD										D. FOURTH									
C	7									C	7								
15	16									15	16								

VIII. OPERATOR INFORMATION

A. NAME																				B. Is the name listed in Item VIII-A also the owner? <input type="checkbox"/> YES <input type="checkbox"/> NO														
C	8																																	
15	16																																	
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box: if "Other," specify.)																				D. PHONE (area code & no.)														
F = FEDERAL S = STATE P = PRIVATE										M = PUBLIC (other than federal or state) O = OTHER (specify)										A														
E. STREET OR P.O. BOX																																		
F. CITY OR TOWN																				G. STATE					H. ZIP CODE					IX. INDIAN LAND Is the facility located on Indian lands? <input type="checkbox"/> YES <input type="checkbox"/> NO				
C																																		
B																																		
15	16																																	

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)										D. PSD (Air Emissions from Proposed Sources)																			
C	T	I								C	T	I																	
9	N									9	P																		
15	16	17	18							15	16	17	18																
B. UIC (Underground Injection of Fluids)										E. OTHER (specify)																			
C	T	I								C	T	I								(specify)									
9	U									9																			
15	16	17	18							15	16	17	18																
C. RCRA (Hazardous Wastes)										E. OTHER (specify)																			
C	T	I								C	T	I								(specify)									
9	R									9																			
15	16	17	18							15	16	17	18																

MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers, and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

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XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)																														B. SIGNATURE																														C. DATE SIGNED																													

COMMENTS FOR OFFICIAL USE ONLY

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Instructions – Form 2F
Application for Permit to Discharge Storm Water
Associated with Industrial Activity

Who Must File Form 2F

Form 2F must be completed by operators of facilities which discharge storm water associated with industrial activity or by operators of storm water discharges that EPA is evaluating for designation as a significant contributor of pollutants to waters of the United States, or as contributing to a violation of a water quality standard.

Operators of discharges which are composed entirely of storm water must complete Form 2F (EPA Form 3510-2F) in conjunction with Form 1 (EPA Form 3510-1).

Operators of discharges of storm water which are combined with process wastewater (process wastewater is water that comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, waste product, or wastewater) must complete and submit Form 2F, Form 1, and Form 2C (EPA Form 3510-2C).

Operators of discharges of storm water which are combined with nonprocess wastewater (nonprocess wastewater includes noncontact cooling water and sanitary wastes which are not regulated by effluent guidelines or a new source performance standard, except discharges by educational, medical, or commercial chemical laboratories) must complete Form 1, Form 2F, and Form 2E (EPA Form 3510 2E).

Operators of new sources or new discharges of storm water associated with industrial activity which will be combined with other nonstormwater new sources or new discharges must submit Form 1, Form 2F, and Form 2D (EPA Form 3510-2D).

Where to File Applications

The application forms should be sent to the EPA Regional Office which covers the State in which the facility is located. Form 2F must be used only when applying for permits in States where the NPDES permits program is administered by EPA. For facilities located in States which are approved to administer the NPDES permits program, the State environmental agency should be contacted for proper permit application forms and instructions.

Information on whether a particular program is administered by EPA or by a State agency can be obtained from your EPA Regional Office. Form 1, Table 1 of the "General Instructions" lists the addresses of EPA Regional Offices and the States within the jurisdiction of each Office.

Completeness

Your application will not be considered complete unless you answer every question on this form and on Form 1. If an item does not apply to you, enter "NA" (for not applicable) to show that you considered the question.

Public Availability of Submitted Information

You may not claim as confidential any information required by this form or Form 1, whether the information is reported on the forms or in an attachment. Section 402(j) of the Clean Water Act requires that all permit applications will be available to the public. This information will be made available to the public upon request.

Any information you submit to EPA which goes beyond that required by this form, Form 1, or Form 2C you may claim as confidential, but claims for information which are effluent data will be denied.

If you do not assert a claim of confidentiality at the time of submitting the information, EPA may make the information public without further notice to you. Claims of confidentiality will be handled in accordance with EPA's business confidentiality regulations at 40 CFR Part 2.

Definitions

All significant terms used in these instructions and in the form are defined in the glossary found in the General Instructions which accompany Form 1.

EPA ID Number

Fill in your EPA Identification Number at the top of each odd numbered page of Form 2F. You may copy this number directly from item I of Form 1.

Item I

You may use the map you provided for item XI of Form 1 to determine the latitude and longitude of each of your outfalls and the name of the receiving water.

Item 11-A

If you check "yes" to this question, complete all parts of the chart, or attach a copy of any previous submission you have made to EPA containing the same information.

Item 11-B

You are not required to submit a description of future pollution control projects if you do not wish to or if none is planned.

Item III

Attach a site map showing topography (or indicating the outline of drainage areas served by the outfall(s) covered in the application if a topographic map is unavailable) depicting the facility including:

each of its drainage and discharge structures;

the drainage area of each storm water outfall;

paved areas and building within the drainage area of each storm water outfall, each known past or present areas used for outdoor storage or disposal of significant materials, each existing structural control measure to reduce pollutants in storm water runoff, materials loading and access areas, areas where pesticides, herbicides, soil conditioners and fertilizers are applied;

each of its hazardous waste treatment, storage or disposal facilities (including each area not required to have a RCRA permit which is used for accumulating hazardous waste for less than 90 days under 40 CFR 262.34);

each well where fluids from the facility are injected underground; and

springs, and other surface water bodies which receive storm water discharges from the facility;

Item IV-A

For each outfall, provide an estimate of the area drained by the outfall which is covered by impervious surfaces. For the purpose of this application, impervious surfaces are surfaces where storm water runs off at rates that are significantly higher than background rates (e.g., predevelopment levels) and include paved areas, building roofs, parking lots, and roadways. Include an estimate of the total area (including all impervious and pervious areas) drained by each outfall. The site map required under item III can be used to estimate the total area drained by each outfall.

Item IV-B

Provide a narrative description of significant materials that are currently or in the past three years have been treated, stored, or disposed in a manner to allow exposure to storm water; method of treatment, storage or disposal of these materials; past and present materials management practices employed, in the last three years, to minimize contact by these materials with storm water runoff; materials loading and access areas; and the location, manner, and frequency in which pesticides, herbicides, soil conditioners, and fertilizers are applied. Significant materials should be identified by chemical name, form (e.g., powder, liquid, etc.), and type of container or treatment unit. Indicate any materials treated, stored, or disposed of together. "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101 (14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

Item IV-C

For each outfall, structural controls include structures which enclose material handling or storage areas, covering materials, berms, dikes, or diversion ditches around manufacturing, production, storage or treatment units, retention ponds, etc. Nonstructural controls include practices such as spill prevention plans, employee training, visual inspections, preventive maintenance, and housekeeping measures that are used to prevent or minimize the potential for releases of pollutants.

Item V

Provide a certification that all outfalls that should contain storm water discharges associated with industrial activity have been tested or evaluated for the presence of non-storm water discharges which are not covered by an NPDES permit. Tests for such non-storm water discharges may include smoke tests, fluorometric dye tests, analysis of accurate schematics, as well as other appropriate tests. Part B must include a description of the method used, the date of any testing, and the onsite drainage points that were directly observed during a test. All non-storm water discharges must be identified in a Form 2C or Form 2E which must accompany this application (see beginning of instructions under section titled "Who Must File Form 2F" for a description of when Form 2C and Form 2E must be submitted).

Item VI

Provide a description of existing information regarding the history of significant leaks or spills of toxic or hazardous pollutants at the facility in the last three years.

Item VII-A, B, and C

These items require you to collect and report data on the pollutants discharged for each of your outfalls. Each part of this item addresses a different set of pollutants and must be completed in accordance with the specific instructions for that part. The following general instructions apply to the entire item.

General Instructions

Part A requires you to report at least one analysis for each pollutant listed. Parts B and C require you to report analytical data in two ways. For some pollutants addressed in Parts B and C, if you know or have reason to know that the pollutant is present in your discharge, you may be required to list the pollutant and test (sample and analyze) and report the levels of the pollutants in your discharge. For all other pollutants addressed in Parts B and C, you must list the pollutant if you know or have reason to know that the pollutant is present in the discharge, and either report quantitative data for the pollutant or briefly describe the reasons the pollutant is expected to be discharged. (See specific instructions on the form and below for Parts A through C.) Base your determination that a pollutant is present in or absent from your discharge on your knowledge of your raw materials, material management practices, maintenance chemicals, history of spills and releases, intermediate and final products and byproducts, and any previous analyses known to you of your effluent or similar effluent.

- A. Sampling:** The collection of the samples for the reported analyses should be supervised by a person experienced in performing sampling of industrial wastewater or storm water discharges. You may contact EPA or your State permitting authority for detailed guidance on sampling techniques and for answers to specific questions. Any specific requirements contained in the applicable analytical methods should be followed for sample containers, sample preservation, holding times, the collection of duplicate samples, etc. The time when you sample should be representative, to the extent feasible, of your treatment system operating properly with no system upsets. Samples should be collected from the center of the flow channel, where turbulence is at a maximum, at a site specified in your present permit, or at any site adequate for the collection of a representative sample.

For pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, and fecal coliform, grab samples taken during the first 30 minutes (or as soon thereafter as practicable) of the discharge must be used (you are not required to analyze a flow-weighted composite for these parameters). For all other pollutants both a grab sample collected during the first 30 minutes (or as soon thereafter as practicable) of the discharge and a flow-weighted composite sample must be analyzed. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period of greater than 24 hours.

All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area.

A grab sample shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable), and a flow-weighted composite shall be taken for the entire event or for the first three hours of the event.

Grab and composite samples are defined as follows:

Grab sample: An individual sample of at least 100 milliliters collected during the first thirty minutes (or as soon thereafter as practicable) of the discharge. This sample is to be analyzed separately from the composite sample.

Flow-weighted Composite sample: A flow-weighted composite sample may be taken with a continuous sampler that proportions the amount of sample collected with the flow rate or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire event or for the first three hours of the event, with each aliquot being at least 100 milliliters and collected with a minimum period of fifteen minutes between aliquot collections. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically. Where GC/MS Volatile Organic Analysis (VOA) is required, aliquots must be combined in the laboratory immediately before analysis. Only one analysis for the composite sample is required.

Data from samples taken in the past may be used, provided that:

All data requirements are met;

Sampling was done no more than three years before submission; and

All data are representative of the present discharge.

Among the factors which would cause the data to be unrepresentative are significant changes in production level, changes in raw materials, processes, or final products, and changes in storm water treatment. When the Agency promulgates new analytical methods in 40 CFR Part 136, EPA will provide information as to when you should use the new methods to generate data on your discharges. Of course, the Director may request additional information, including current quantitative data, if they determine it to be necessary to assess your discharges. The Director may allow or establish appropriate site-specific sampling procedures or requirements including sampling locations, the season in which the sampling takes place, the minimum duration between the previous measurable storm event and the storm event sampled, the minimum or maximum level of precipitation required for an appropriate storm event, the form of precipitation sampled (snow melt or rainfall), protocols for collecting samples under 40 CFR Part 136, and additional time for submitting data on a case-by-case basis.

- B. Reporting:** All levels must be reported as concentration and mass (note: grab samples are reported in terms of concentration). You may report some or all of the required data by attaching separate sheets of paper instead of filling out pages VII-1 and VII-2 if the separate sheets contain all the required information in a format which is constant with pages VII-1 and VII-2 in spacing and identification of pollutants and columns. Use the following abbreviations in the columns headed "Units."

Concentration		Mass	
ppm	parts per million	lbs	pounds
mg/l	milligrams per liter	ton	tons (English tons)
ppb	parts per billion	mg	milligrams
ug/l	micrograms per liter	g	grams
kg	kilograms	T	tonnes (metric tons)

All reporting of values for metals must be in terms of "total recoverable metal," unless:

- (1) An applicable, promulgated effluent limitation or standard specifies the limitation for the metal in dissolved, valent, or total form; or
- (2) All approved analytical methods for the metal inherently measure only its dissolved form (e.g., hexavalent chromium); or
- (3) The permitting authority has determined that in establishing case-by-case limitations it is necessary to express the limitations on the metal in dissolved, valent, or total form to carry out the provisions of the CWA. If you measure only one grab sample and one flow-weighted composite

sample for a given outfall, complete only the "Maximum Values" columns and insert "1" into the "Number of Storm Events Sampled" column. The permitting authority may require you to conduct additional analyses to further characterize your discharges.

If you measure more than one value for a grab sample or a flow-weighted composite sample for a given outfall and those values are representative of your discharge, you must report them. You must describe your method of testing and data analysis. You also must determine the average of all values within the last year and report the concentration and mass under the "Average Values" columns, and the total number of storm events sampled under the "Number of Storm Events Sampled" columns.

- C. Analysis:** You must use test methods promulgated in 40 CFR Part 136; however, if none has been promulgated for a particular pollutant, you may use any suitable method for measuring the level of the pollutant in your discharge provided that you submit a description of the method or a reference to a published method. Your description should include the sample holding time, preservation techniques, and the quality control measures which you used. If you have two or more substantially identical outfalls, you may request permission from your permitting authority to sample and analyze only one outfall and submit the results of the analysis for other substantially identical outfalls. If your request is granted by the permitting authority, on a separate sheet attached to the application form, identify which outfall you did test, and describe why the outfalls which you did not test are substantially identical to the outfall which you did test.

Part VII-A

Part VII-A must be completed by all applicants for all outfalls who must complete Form 2F.

Analyze a grab sample collected during the first thirty minutes (or as soon thereafter as practicable) of the discharge and flow-weighted composite samples for all pollutants in this Part, and report the results except use only grab samples for pH and oil and grease. See discussion in General Instructions to Item VII for definitions of grab sample collected during the first thirty minutes of discharge and flow-weighted composite sample. The "Average Values" column is not compulsory but should be filled out if data are available.

Part VII B

List all pollutants that are limited in an effluent guideline which the facility is subject to (see 40 CFR Subchapter N to determine which pollutants are limited in effluent guidelines) or any pollutant listed in the facility's NPDES permit for its process wastewater (if the facility is operating under an existing NPDES permit). Complete one table for each outfall. See discussion in General instructions to item VII for definitions of grab sample collected during the first thirty minutes (or as soon thereafter as practicable) of discharge and flow-weighted composite sample. The "Average Values" column is not compulsory but should be filled out if data are available.

Analyze a grab sample collected during the first thirty minutes of the discharge and flow-weighted composite samples for all pollutants in this Part, and report the results, except as provided in the General Instructions.

Part VII-C

Part VII-C must be completed by all applicants for all outfalls which discharge storm water associated with industrial activity, or that EPA is evaluating for designation as a significant contributor of pollutants to waters of the United States, or as contributing to a violation of a water quality standard. Use both a grab sample and a composite sample for all pollutants you analyze for in this part except use grab samples for residual chlorine and fecal coliform. The "Average Values" column is not compulsory but should be filled out if data are available. Part C requires you to address the pollutants in Table 2F-2, 2F-3, and 2F-4 for each outfall. Pollutants in each of these Tables are addressed differently.

Table 2F-2: For each outfall, list all pollutants in Table 2F-2 that you know or have reason to believe are discharged (except pollutants previously listed in Part VII-B). If a pollutant is limited in an effluent guideline limitation which the facility is subject to, the pollutant must be analyzed and reported in Part VII-B. If a pollutant in Table 2F-2 is indirectly limited by an effluent guideline limitation through an indicator (e.g., use of TSS as an indicator to control the discharge of iron and aluminum), you must analyze for it and report the data in Part VII-B. For other pollutants listed in Table 2F-2 (those not limited directly or indirectly by an effluent limitation guideline), that you know or have reason to believe are discharged, you must either report quantitative data or briefly describe the reasons the pollutant is expected to be discharged.

Table 2F-3: For each outfall, list all pollutants in Table 2F-3 that you know or have reason to believe are discharged. For every pollutant in Table 2F-3 expected to be discharged in concentrations of 10 ppb or greater, you must submit quantitative data. For acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4,6 dinitrophenol, you must submit quantitative data if any of these four pollutants is expected to be discharged in concentrations of 100 ppb or greater. For every pollutant expected to be discharged in concentrations less than 10 ppb (or 100 ppb for the four pollutants listed above), then you must either submit quantitative data or briefly describe the reasons the pollutant is expected to be discharged.

Small Business Exemption - If you are a "small business," you are exempt from the reporting requirements for the organic toxic pollutants listed in Table 2F-3. There are two ways in which you can qualify as a small business". If your facility is a coal mine, and if your probable total annual production is less than 100,000 tons per year, you may submit past production data or estimated future production (such as a schedule of estimated total production under 30 CFR 795.14(c)) instead of conducting analyses for the organic toxic pollutants. If your facility is not a coal mine, and if your gross total annual sales for the most recent three years average less than \$100,000 per year (in second quarter 1980 dollars), you may submit sales data for those years instead of conducting analyses for the organic toxic pollutants. The production or sales data must be for the facility which is the source of the discharge. The data should not be limited to production or sales for the process or processes which contribute to the discharge, unless those are the only processes at your facility. For sales data, in situations involving intracorporate transfer of goods and services, the transfer price per unit should approximate market prices for those goods and services as closely as possible. Sales figures for years after 1980 should be indexed to the second quarter of 1980 by using the gross national product price deflator (second quarter of 1980=100). This index is available in National Income and Product Accounts of the United States (Department of Commerce, Bureau of Economic Analysis).

Table 2F-4: For each outfall, list any pollutant in Table 2F-4 that you know or believe to be present in the discharge and explain why you believe it to be present. No analysis is required, but if you have analytical data, you must report them. Note: Under 40 CFR 117.12(a)(2), certain discharges of hazardous substances (listed at 40 CFR 177.21 or 40 CFR 302.4) may be exempted from the requirements of section 311 of CWA, which establishes reporting requirements, civil penalties, and liability for cleanup costs for spills of oil and hazardous substances. A discharge of a particular substance may be exempted if the origin, source, and amount of the discharged substances are identified in the NPDES permit application or in the permit, if the permit contains a requirement for treatment of the discharge, and if the treatment is in place. To apply for an exclusion of the discharge of any hazardous substance from the requirements of section 311, attach additional sheets of paper to your form, setting forth the following information:

1. The substance and the amount of each substance which may be discharged.
2. The origin and source of the discharge of the substance.
3. The treatment which is to be provided for the discharge by;
 - a. An onsite treatment system separate from any treatment system treating your normal discharge;
 - b. A treatment system designed to treat your normal discharge and which is additionally capable of treating the amount of the substance identified under paragraph 1 above; or
 - c. Any combination of the above.

See 40 CFR 117.12(a)(2) and (c), published on August 29, 1979, in 44 FR 50766, or contact your Regional Office (Table I on Form 1, Instructions), for further information on exclusions from section 311.

Part VII-D

If sampling is conducted during more than one storm event, you only need to report the information requested in Part VII-D for the storm event(s) which resulted in any maximum pollutant concentration reported in Part VII-A, VII-B, or VII-C.

Provide flow measurements or estimates of the flow rate, and the total amount of discharge for the storm event(s) sampled, the method of flow measurement, or estimation. Provide the data and duration of the storm event(s) sampled, rainfall measurements, or estimates of the storm event which generated the sampled runoff and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

Part VII-E

List any toxic pollutant listed in Tables 2F-2, 2F-3, or 2F-4 which you currently use or manufacture as an intermediate or final product or byproduct. In addition, if you know or have reason to believe that 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) is discharged or if you use or manufacture 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); 2,4,5-trichlorophenol (TCP); or hexachlorophene (HCP); then list TCDD. The Director may waive or modify the requirement if you demonstrate that it would be unduly burdensome to identify each toxic pollutant and the Director has adequate information to issue your permit. You may not claim this information as confidential; however, you do not have to distinguish between use or production of the pollutants or list the amounts.

Item VIII

Self explanatory. The permitting authority may ask you to provide additional details after your application is received.

Item X

The Clean Water Act provides for severe penalties for submitting false information on this application form.

Section 309(c)(4) of the Clean Water Act provides that "Any person who knowingly makes any false material statement, representation, or certification in any application, . . . shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or by both. If a conviction of such person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both." 40 CFR Part 122.22 requires the certification to be signed as follows:

(A) For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegation of authority to responsible corporate officers identified in 122.22(a)(1)(i) The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate position under 122.22(a)(1)(ii) rather than to specific individuals.

(B) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(C) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

**Table 2F-1
Codes for Treatment Units**

Physical Treatment Processes

1-A	Ammonia Stripping	1-M	Grit Removal
1-B	Dialysis	1-N	Microstraining
1-C	Diatomaceous Earth Filtration	1-O	Mixing
1-D	Distillation	1-P	Moving Bed Filters
1-E	Electrodialysis	1-Q	Multimedia Filtration
1-F	Evaporation	1-R	Rapid Sand Filtration
1-G	Flocculation	1-S	Reverse Osmosis (Hyperfiltration)
1-H	Flotation	1-T	Screening
1-I	Foam Fractionation	1-U	Sedimentation (Setting)
1-J	Freezing	1-V	Slow Sand Filtration
1-K	Gas-Phase Separation	1-W	Solvent Extraction
1-L	Grinding (Comminutors)	1-X	Sorption

Chemical Treatment Processes

2-A	Carbon Adsorption	2-G	Disinfection (Ozone)
2-B	Chemical Oxidation	2-H	Disinfection (Other)
2-C	Chemical Precipitation	2-I	Electrochemical Treatment
2-D	Coagulation	2-J	Ion Exchange
2-E	Dechlorination	2-K	Neutralization
2-F	Disinfection (Chlorine)	2-L	Reduction

Biological Treatment Processes

3-A	Activated Sludge	3-E	Pre-Aeration
3-B	Aerated Lagoons	3-F	Spray Irrigation/Land Application
3-C	Anaerobic Treatment	3-G	Stabilization Ponds
3-D	Nitrification-Denitrification	3-H	Trickling Filtration

Other Processes

4-A	Discharge to Surface Water	4-C	Reuse/Recycle of Treated Effluent
4-B	Ocean Discharge Through Outfall	4-D	Underground Injection

Sludge Treatment and Disposal Processes

5-A	Aerobic Digestion	5-M	Heat Drying
5-B	Anaerobic Digestion	5-N	Heat Treatment
5-C	Belt Filtration	5-O	Incineration
5-D	Centrifugation	5-P	Land Application
5-E	Chemical Conditioning	5-Q	Landfill
5-F	Chlorine Treatment	5-R	Pressure Filtration
5-G	Composting	5-S	Pyrolysis
5-H	Drying Beds	5-T	Sludge Lagoons
5-I	Elutriation	5-U	Vacuum Filtration
5-J	Flotation Thickening	5-V	Vibration
5-K	Freezing	5-W	Wet Oxidation
5-L	Gravity Thickening		

Table 2F-2

Conventional and Nonconventional Pollutants

Bromide
Chlorine, Total Residual
Color
Fecal Coliform
Fluoride
Nitrate-Nitrite
Nitrogen, Total Organic
Oil and Grease
Phosphorus, Total
Radioactivity
Sulfate
Sulfite
Surfactants
Aluminum, Total
Barium, Total
Boron, Total
Cobalt Total
Iron, Total
Magnesium, Total
Molybdenum, Total
Manganese, Total
Tin, Total
Titanium, Total

Table 2F-3

Toxic Pollutants

Toxic Pollutants and Total Phenol

Antimony, Total
Arsenic, Total
Beryllium, Total
Cadmium, Total
Chromium, Total

Copper, Total
Lead, Total
Mercury, Total
Nickel, Total
Selenium, Total

Silver, Total
Thallium, Total
Zinc, Total
Cyanide, Total
Phenols, Total

GC/MS Fraction Volatiles Compounds

Acrolein
Acrylonitrile
Benzene
Bromoform
Carbon Tetrachloride
Chlorobenzene
Chlorodibromomethane
Chloroethane
2-Chloroethylvinyl Ether
Chloroform

Dichlorobromomethane
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene
1,2-Dichloropropane
1,3-Dichloropropylene
Ethylbenzene
Methyl Bromide
Methyl Chloride
Methylene Chloride

1,1,2,2-Tetrachloroethane
Tetrachloroethylene
Toluene
1,2-Trans-Dichloroethylene
1,1,1-Trichloroethane
1,1,2-Trichloroethane
Trichloroethylene
Vinyl Chloride

Acid Compounds

2-Chlorophenol
2,4-Dichlorophenol
2,4-Dimethylphenol
4,6-Dinitro-O-Cresol

2,4-Dinitrophenol
2-Nitrophenol
4-Nitrophenol
p-Chloro-M-Cresol

Pentachlorophenol
Phenol
2,4,6-Trichlorophenol
2-methyl-4,6 dinitrophenol

Base/Neutral

Acenaphthene
Acenaphthylene
Anthracene
Benzidine
Benzo(a)anthracene
Benzo(a)pyrene
3,4-Benzo(a)fluoranthene
Benzo(ghi)perylene
Benzo(k)fluoranthene
Bis(2-chloroethoxy)methane
Bis(2-chloroethyl)ether
Bis(2-chloroisopropyl)ether
Bis(2-ethylhexyl)phthalate
4-Bromophenyl Phenyl Ether
Butylbenzyl Phthalate

2-Chloronaphthalene
4-Chlorophenyl Phenyl Ether
Chrysene
Dibenzo(a,h)anthracene
1,2-Dichlorobenzene
1,3-Dichlorobenzene
1,4-Dichlorobenzene
3,3'-Dichlorobenzidine
Diethyl Phthalate
Dimethyl Phthalate
Di-N-Butyl Phthalate
2,4-Dinitrotoluene
2,6-Dinitrotoluene
Di-N-Octylphthalate
1,2-Diphenylhydrazine (as Azobenzene)

Fluoranthene
Fluorene
Hexachlorobenzene
Hexachlorobutadiene
Hexachloroethane
Indeno(1,2,3-cd)pyrene
Isophorone
Naphthalene
Nitrobenzene
N-Nitrosodimethylamine
N-Nitrosodi-N-Propylamine
N-Nitrosodiphenylamine
Phenanthrene
Pyrene
1,2,4-Trichlorobenzene

Pesticides

Aldrin
Alpha-BHC
Beta-BHC
Gamma-BHC
Delta-BHC
Chlordane
4,4'-DDT
4,4'-DDE
4,4'-DDD

Dieldrin
Alpha-Endosulfan
Beta-Endosulfan
Endosulfan Sulfate
Endrin
Endrin Aldehyde
Heptachlor
Heptachlor Epoxide
PCB-1242

PCB-1254
PCB-1221
PCB-1232
PCB-1248
PGB-1260
PCB-1016
Toxaphene

Table 2F-4

Hazardous Substances

Toxic Pollutant

Asbestos

Hazardous Substances

Acetaldehyde
 Allyl alcohol
 Allyl chloride
 Amyl acetate
 Aniline
 Benzonitrile
 Benzyl chloride
 Butyl acetate
 Butylamine
 Carbaryl
 Carbofuran
 Carbon disulfide
 Chlorpyrifos
 Coumaphos

Cresol
 Crotonaldehyde

Cyclohexane
 2,4-D (2,4-Dichlorophenoxyacetic acid)
 Diazinon
 Dicamba
 Dichlobenil
 Dichlorone
 2,2-Dichloropropionic acid
 Dichlorvos
 Diethyl amine
 Dimethyl amine

Dinitrobenzene
 Diquat
 Disulfoton
 Diuron
 Epichlorohydrin
 Ethion
 Ethylene diamine
 Ethylene dibromide
 Formaldehyde
 Furfural
 Guthion
 Isoprene
 Isopropanolamine
 Kelthane

Kepone
 Malathion

Mercaptodimethur
 Methoxychlor

Methyl mercaptan
 Methyl methacrylate
 Methyl parathion
 Mevinphos
 Mexacarbate
 Monoethyl amine
 Monomethyl amine
 Naled

Napthenic acid
 Nitrotoluene
 Parathion
 Phenolsulfonate
 Phosgene
 Propargite
 Propylene oxide
 Pyrethrins
 Quinoline
 Resorcinol
 Stronthium
 Strychnine
 Styrene
 2,4,5-T (2,4,5-Trichlorophenoxyacetic acid)
 TDE (Tetrachlorodiphenyl ethane)
 2,4,5-TP [2-(2,4,5-Trichlorophenoxy) propanoic acid]
 Trichlorofan
 Triethylamine
 Trimethylamine
 Uranium
 Vanadium
 Vinyl acetate
 Xylene
 Xylenol
 Zirconium

FORM
2F
NPDES



Application for Permit to Discharge Storm Water Discharges Associated with Industrial Activity

Public reporting burden for this application is estimated to average 28.6 hours per application, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate, any other aspect of this collection of information, or suggestions for improving this form, including suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, or Director, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

[illegible][illegible]

Attach a site map showing topography (or indicating the outline of drainage areas served by the outfalls(s) covered in the application if a topographic map is unavailable) depicting the facility including: each of its intake and discharge structures; the drainage area of each storm water outfall; paved areas and buildings within the drainage area of each storm water outfall, each known past or present areas used for outdoor storage of disposal of significant materials, each existing structural control measure to reduce pollutants in storm water runoff, materials loading and access areas, areas where pesticides, herbicides, soil conditioners and fertilizers are applied; each of its hazardous waste treatment, storage or disposal units (including each area not required to have a RCRA permit which is used for accumulating hazardous waste under 40 CFR 262.34); each well where fluids from the facility are injected underground; springs, and other surface water bodies which received storm water discharges from the facility.

Continued from the Front

IV. Narrative Description of Pollutant Sources

A. For each outfall, provide an estimate of the area (include units) of impervious surfaces (including paved areas and building roofs) drained to the outfall, and an estimate of the total surface area drained by the outfall.

Outfall Number	Area of Impervious Surface (provide units)	Total Area Drained (provide units)	Outfall Number	Area of Impervious Surface (provide units)	Total Area Drained (provide units)

B. Provide a narrative description of significant materials that are currently or in the past three years have been treated, stored or disposed in a manner to allow exposure to storm water; method of treatment, storage, or disposal; past and present materials management practices employed to minimize contact by these materials with storm water runoff; materials loading and access areas, and the location, manner, and frequency in which pesticides, herbicides, soil conditioners, and fertilizers are applied.

--

C. For each outfall, provide the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of the treatment the storm water receives, including the schedule and type of maintenance for control and treatment measures and the ultimate disposal of any solid or fluid wastes other than by discharge.

Outfall Number	Treatment	List Codes from Table 2F-1

V. Nonstormwater Discharges

A. I certify under penalty of law that the outfall(s) covered by this application have been tested or evaluated for the presence of nonstormwater discharges, and that all nonstormwater discharged from these outfall(s) are identified in either an accompanying Form 2C or Form 2E application for the outfall.

Name and Official Title (type or print)	Signature	Date Signed

B. Provide a description of the method used, the date of any testing, and the onsite drainage points that were directly observed during a test.

--

VI. Significant Leaks or Spills

Provide existing information regarding the history of significant leaks or spills of toxic or hazardous pollutants at the facility in the last three years, including the approximate date and location of the spill or leak, and the type and amount of material released.

--

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.

Table VII-A, VII-B, VII-C are included on separate sheets numbers VII-1 and VII-2.

E. Potential discharges not covered by analysis – is any toxic pollutant listed in table 2F-2, 2F-3, or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

☐ Yes (list all such pollutants below)☐ No (go to Section IX)**VIII. Biological Toxicity Testing Data**

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

☐ Yes (list all such pollutants below)☐ No (go to Section IX)**IX. Contract Analysis Information**

Were any of the analyses reported in Item VII performed by a contract laboratory or consulting firm?

☐ Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below)☐ No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. Certification

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 and imprisonment for knowing violations.

A. Name & Official Title (Type Or Print)	B. Area Code and Phone No.
C. Signature	D. Date Signed

Part A – You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details.

Part B - List each pollutant that is limited in an effluent guideline which the facility is subject to or any pollutant listed in the facility's NPDES permit for its process wastewater (if the facility is operating under an existing NPDES permit). Complete one table for each outfall. See the instructions for additional details and requirements.

Continue on Reverse

Continued from the Front

Part C - List each pollutant shown in Table 2F-2, 2F-3, and 2F-4 that you know or have reason to believe is present. See the instructions for additional details and requirements. Complete one table for each outfall.

[illegible]

Part D – Provide data for the storm event(s) which resulted in the maximum values for the flow weighted composite sample.

1. Date of Storm Event	2. Duration of Storm Event (in minutes)	3. Total rainfall during storm event (in inches)	4. Number of hours between beginning of storm measured and end of previous measurable rain event	5. Maximum flow rate during rain event (gallons/minute or specify units)	6. Total flow from rain event (gallons or specify units)

7. Provide a description of the method of flow measurement or estimate.



State of Hawaii
Department of Health
Clean Water Branch

Do NOT submit
this document.

**Guidelines for the Signatory and Certification Statement
to NPDES Permit Applications**

The following requirements supercede those contained in EPA Form 3510-1: General Information with Signatory and Certification Statement to NPDES Permit Applications (Rev. 10-80).

Please complete and submit the "Signatory and Certification Statement to NPDES Permit Applications" with your application.

1. The permit application shall be signed as follows:
 - a. **For a corporation** – by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - ii. The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility or facilities including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. **For a partnership or sole proprietorship** – by a general partner or the proprietor, respectively; or
 - c. **For a municipality, State, Federal or other public agency** – by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - i. The chief executive officer of the agency, or
 - ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. All reports or responses to requests for information required by this office shall be signed by a person described in paragraph 1. above or by a duly authorized representative only if:
 - a. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.);
 - b. The authorization is made in writing by the signer of the permit application; and
 - c. The written authorization is submitted (with the application and filing fee) to the Director of Health at the street or mailing address listed below:
 - i. Street Address
Clean Water Branch
State Department of Health
919 Ala Moana Boulevard, Room 301
Honolulu, Hawaii 96814-4920
 - ii. Mailing Address
Clean Water Branch
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378
3. Changes to authorization. If an authorization under paragraph 2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph 2 must be submitted to the Director of Health prior to or together with any reports, information, or applications to be signed by a duly authorized representative.



State of Hawaii, Department of Health, Clean Water Branch

**Signatory and Certification Statement to
National Pollutant Discharge Elimination System (NPDES)
Permit Applications**

Alteration of the following text will result in the invalidation of this Statement. The person signing this Statement must meet one of the following descriptions.

Date of Cover Letter: _____

Name of Facility: _____

Description of Document: _____

- ☐ I certify that for a municipal agency, I am a principal executive officer or ranking elected official.
- ☐ I certify that for a state agency, I am a principal executive officer or ranking elected official.
- ☐ I certify that for a non-federal public agency, I am a principal executive officer or ranking elected official.
- ☐ I certify that for a federal agency, I am the chief executive officer of the agency, or I am the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- ☐ I certify that I am a general partner for a partnership.
- ☐ I certify that I am the proprietor for a sole proprietorship.
- ☐ I certify that for a corporation, I am the President, Vice President, Secretary, or Treasurer of the corporation and in charge of a principal business function, or I perform similar policy or decision-making functions for the corporation.
- ☐ I certify that for a corporation, I am the Manager of one or more manufacturing, production, or operating facilities and am authorized to make management decisions which govern the operation of the regulated facility or facilities including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations. I can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements and authority to sign documents has been assigned or delegated to me in accordance with corporate procedures.
- ☐ I certify that for a trust, I am a trustee.
- ☐ I certify that for a limited liability company (LLC), I am the Manager or a Member authorized to make management decisions for the LLC and am in charge of a principal business function, or I perform similar policy or decision-making functions for the LLC.

Certification Statement continued on next page.

Certification Statement (continued)

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 and imprisonment for knowing violations.

Signature: _____ Date: _____

Printed Name & Title: _____

Company/Organization Name: _____

Phone No.: () _____ Fax No.: () _____

Forms NOI – General and NOI - B
(Guidelines and applications for NPDES general permit
for discharge of storm water from industrial facilities)



State of Hawaii
Department of Health
Clean Water Branch

**Do NOT submit
this document.**

**General Guidelines for NOI Forms B through L and
CWB NOI General Form (CWBNOI_General.pdf)**

**General Guidelines for Notice of Intent for
Hawaii Administrative Rules, Chapter 11-55, Appendices B through L
National Pollutant Discharge Elimination System (NPDES)
Notice of General Permit Coverage (NGPC)**

For coverage under a specific NPDES General Permit, the following items are required to be submitted to the Clean Water Branch (CWB):

- A. **CWB NOI General Form** (CWBNOI_General.pdf) with Certifying Person's original signature [via "Submit via Email" button and hard copy]
- B. **General Permit Specific CWB NOI Form B, C, D, E, F, G, H, I, K, or L** (CWBNOI_B.pdf through CWBNOI_L.doc) [via "Submit via Email" button, as applicable, and hard copy]
- C. **All applicable attachments** [via hard copy]
- D. **\$500 Filing Fee** [Check made payable to "State of Hawaii"]
- E. **Additional copies as required for Islands other than Oahu** [see Notes V.D. and V.E. of the General Guidelines]

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General Information Applicable to All NOI Forms

I. Introduction to the NPDES General Permit

- A. The State of Hawaii, Department of Health (DOH), is delegated by the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) Permit program in Hawaii. The NPDES permit program is described in and administered through the Hawaii Administrative Rules (HAR), Chapter 11-55, entitled "Water Pollution Control."
- B. Appendices B through L of HAR, Chapter 11-55 are the specific NPDES General Permits authorizing various types of discharges to State waters. Appendix A of HAR, Chapter 11-55 lists the Standard Conditions for the NPDES General Permits. HAR, Chapter 11-55 and its appendices may be downloaded from <http://www.hawaii.gov/health/about/rules/admrules.html>.
- C. The Notice of Intent (NOI), according to HAR, Section 11-55-01, is "a form used to notify the director, within a specified time, that a person seeks coverage under a general permit." The following table indicates the NOI Forms to be submitted for each type of NPDES General Permit coverage.

HAR, Chapter 11-55	Types of Discharges Authorized by an NPDES General Permit	CWB NOI Forms (Filenames)
Appendix B	Storm Water Associated with Industrial Activities	CWB NOI General Form and CWB NOI Form B (CWBNOI_General.pdf and CWBNOI_B.pdf)
Appendix C	Storm Water Associated with Construction Activity	CWB NOI General Form and CWB NOI Form C (CWBNOI_General.pdf and CWBNOI_C.pdf)
Appendix D	Treated Effluent from Leaking Underground Storage Tank Remedial Activities	CWB NOI General Form and CWB NOI Form D (CWBNOI_General.pdf and CWBNOI_D.*)
Appendix E	Once Through Cooling Water Less Than One (1) Million Gallons Per Day	CWB NOI General Form and CWB NOI Form E (CWBNOI_General.pdf and CWBNOI_E.*)
Appendix F	Hydrotesting Waters	CWB NOI General Form and CWB NOI Form F (CWBNOI_General.pdf and CWBNOI_F.*)
Appendix G	Construction Activity Dewatering Effluent	CWB NOI General Form and CWB NOI Form G (CWBNOI_General.pdf and CWBNOI_G.*)
Appendix H	Treated Process Wastewater from Petroleum Bulk Stations and Terminals	CWB NOI General Form and CWB NOI Form H (CWBNOI_General.pdf and CWBNOI_H.*)
Appendix I	Treated Process Wastewater from Well Drilling Activities	CWB NOI General Form and CWB NOI Form I (CWBNOI_General.pdf and CWBNOI_I.*)

HAR, Chapter 11-55	Types of Discharges Authorized by an NPDES General Permit	CWB NOI Forms (Filenames)
Appendix J	Occasional or Unintentional Discharges from Recycled Water Systems	WWB-NOI Form J (wwb-noij.*)
Appendix K	Discharges of Storm Water and Certain Non-Storm Water Discharges from Small Municipal Separate Storm Sewer Systems	CWB NOI General Form and CWB NOI Form K (CWBNOI_General.pdf and CWBNOI_K.*)
Appendix L	Circulation Water from Decorative Ponds or Tanks	CWB NOI General Form and CWB NOI Form L (CWBNOI_General.pdf and CWBNOI_L.*)

* = The file extensions are "pdf" for Adobe Acrobat documents and/or "doc" for MSWord documents.

- D. The Notice of General Permit Coverage (NGPC) is defined in HAR, Section 11-55-01 as "an authorization issued to the owner or operator by the department to comply with the NPDES general permit."

II. Class of Receiving State Waters Not Covered by NPDES General Permits

NPDES General Permits cover all areas of the State except for discharges in or to State waters classified by the DOH as "Class 1, Inland Waters," "Class AA, Marine Waters," and areas restricted in accordance with the State's "No Discharge" policy in HAR, Chapter 11-54, entitled "Water Quality Standards."

III. Discharge Activities Covered by an NPDES General Permit

The requirements for each NPDES General Permit are listed in the Appendices of HAR, Chapter 11-55. The following excerpts from the appendices are descriptions of applicable discharge activities covered by the NPDES General Permits.

A. HAR, Chapter 11-55, Appendix B

This NPDES General Permit covers discharges composed entirely of storm water runoff associated with an industrial activity(ies), as categorized in 40 CFR §122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi). The following facilities are regulated under this NPDES General Permit.

Subpart

Description

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutants effluent standards under 40 CFR, Subchapter N [except facilities with toxic pollutant effluent standards which are exempt under category (xi) in 40 CFR 122.26(b)(14)].
- (ii) Facilities classified as:

SIC 24 (except 2434)	Lumber and Wood Products
SIC 26 (except 265 & 267)	Paper and Allied Products
SIC 28 (except 283 & 285)	Chemicals and Allied Products
SIC 29	Petroleum and Coal Products
SIC 311	Leather Tanning and Finishing
SIC 32 (except 323)	Stone, Clay, and Glass Products
SIC 33	Primary Metal Industries
SIC 3441	Fabricated Structural Metal

SIC 373 Ship and Boat Building and Repairing

- (iii) Facilities including active or inactive mining operations; oil and gas exploration; production, processing, or treatment operations; or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations. Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner or operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

SIC 10 Metal Mining
SIC 11 Anthracite Mining
SIC 12 Coal Mining
SIC 13 Oil and Gas Extraction
SIC 14 Nonmetallic Minerals, except Fuels

- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA).
- (v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of the Resource Conservation and Recovery Act (RCRA).
- (vi) Facilities involved in the recycling of material, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including, but limited to those classified as:
- SIC 5015 Motor Vehicle Parts, Used
SIC 5093 Scrap and Waste Materials
- (vii) Steam electric power generating facilities, including coal handling sites.
- (viii) Transportation facilities which have vehicle maintenance shops, equipment cleaning operations, or airport de-icing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport de-icing operations, or which are otherwise identified under 40 CFR §122.26(b)(14)(i)-(vii) or (ix)-(xi) are associated with industrial activity.

SIC 40 Railroad Transportation
SIC 41 Local and Suburban Transit
SIC 42 (except 4221-25) Motor Freight and Warehousing
SIC 43 U.S. Postal Service
SIC 44 Water Transportation
SIC 45 Transportation by Air
SIC 5171 Petroleum Bulk Stations and Terminals

- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the CWA.

(xi) Facilities which are not otherwise included in 40 CFR §122.26(b)(14)(ii)-(x).

SIC 20	Food and Kindred Products
SIC 21	Tobacco Products
SIC 22	Textile Mill Products
SIC 23	Apparel and Other Textile Products
SIC 2434	Wood Kitchen Cabinets
SIC 25	Furniture and Fixtures
SIC 265	Paperboard Containers and Boxes
SIC 267	Converted Paper and Paper Board Products (except containers and boxes)
SIC 27	Printing and Publishing
SIC 283	Drugs
SIC 285	Paints, Varnishes, Lacquer, Enamels
SIC 30	Rubber and Miscellaneous Plastic Products
SIC 31 (except 311)	Leather and Leather Products
SIC 323	Products of Purchased Glass
SIC 34 (except 3441)	Fabricated Metal Products
SIC 35	Industrial Machinery and Equipment, except Electrical
SIC 36	Electronic and Other Electric Equipment
SIC 37 (except 373)	Transportation Equipment
SIC 38	Instruments and Related Products
SIC 39	Miscellaneous Manufacturing Industries
SIC 4221	Farm Products Warehousing and Storage
SIC 4222	Refrigerated Warehousing and Storage
SIC 4225	General Warehousing and Storage

B. HAR, Chapter 11-55, Appendix C

This NPDES General Permit shall cover discharges composed entirely of storm water runoff associated with construction activities, including clearing, grading, and excavation that result in the disturbance of one (1) acre or more of total land area. This general permit also covers activities that disturb less than one (1) acre of total land area that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more of total land area (40 CFR §122.26(b)(15)).

1. A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. The following are examples of activities which are and are not considered to be a "common plan of development or sale:"
 - a. A 20-acre lot which a developer plans to build the infrastructure and intends to construct homes or other structures sometime in the near future would be considered to be a "common plan of development or sale" if the homes or other structures are included on the developer's original site plan.
 - b. A 20-acre lot which a developer plans to build the infrastructure and sell the parcels (which are less than one (1) acre) to separate, independent builders would be considered to be a "part of a larger common plan of development" if the homes or other structures are included on the developer's original site plan. The separate, independent builders would be required to obtain NPDES General Permit coverage.
 - c. A 20-acre lot which a developer plans to build the infrastructure and sell the parcels (which are less than one (1) acre) to separate, independent builders would not be considered to be a "part of a larger common plan of development" if the homes or other structures are not included on the developer's original site plan. The separate, independent builders would not be required to obtain NPDES General Permit coverage.

2. My Project Will Disturb Less Than One Acre, but It May Be Part of a "Larger Common Plan of Development or Sale." How Can I tell and What Must I Do?

If your smaller project is part of a larger common plan of development or sale that collectively will disturb one (1) or more acres (e.g., you are building on three (3) half-acre residential lots in a 10-acre development or are putting in a parking lot in a large retail center) you need permit coverage. The "plan" in a common plan of development or sale 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. You must still meet the definition of operator in order to be required to get permit coverage, regardless of the acreage you personally disturb. As a subcontractor, it is unlikely you would need a permit (63 FR 7859-7860).

3. When Can You Consider Future Construction on a Property To Be Part of a Separate Plan of Development or Sale?

In many cases, a common plan of development or sale consists of many small construction projects that collectively add up to one (1) or more acres of total disturbed land. For example, an original common plan of development for a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development. All these areas would remain part of the common plan of development or sale until the intended construction occurs. After this initial plan is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development, and would then be subject to the one-acre cutoff for storm water permitting purposes (63 FR 7860).

- C. HAR, Chapter 11-55, Appendix D

This NPDES General Permit covers discharges of treated effluent from facilities where petroleum hydrocarbons have been released from underground storage tanks and the cleanup or remedial action involves a release or discharge to State waters.

- D. HAR, Chapter 11-55, Appendix E

This NPDES General Permit covers discharges of once through cooling water of a total flow of less than one (1) million gallons per day (mgd) to State waters. "Once through cooling water" means water passed through the main cooling condensers one or two times for the purpose of removing waste heat.

- E. HAR, Chapter 11-55, Appendix F

This NPDES General Permit covers discharges of hydrotesting waters from facilities or activities to State waters. "Hydrotesting Waters" means water used to test the integrity of a tank or pipeline.

- F. HAR, Chapter 11-55, Appendix G

This NPDES General Permit covers discharges from the dewatering process of construction activities of any size.

- G. HAR, Chapter 11-55, Appendix H

This NPDES General Permit covers discharges of treated process wastewater effluent from petroleum bulk stations and terminals. Treated process wastewater effluent covered by this NPDES General Permit includes tank water draws; product displacement process wastewater; wash down and fire hydrant system test waters; service station tank draws;

recovered groundwater; and contaminated storm water runoff from the product storage and handling areas.

H. HAR, Chapter 11-55, Appendix I

This NPDES General Permit covers discharges of treated process wastewater effluent associated with well drilling activities. Treated process wastewater covered by this NPDES General Permit includes well drilling slurries, lubricating fluids wastewaters, and well purge wastewaters.

I. HAR, Chapter 11-55, Appendix J

This NPDES General Permit covers discharges composed entirely of R-1 water or R-1 water with any combination of stormwater or potable water or water used primarily for irrigation where the R-1 water is supplied from a treatment works and is conveyed or used by a recycled water system.

J. HAR, Chapter 11-55, Appendix K

This NPDES General Permit covers storm water and certain non-storm water discharges, provided they do not cause or contribute to any violation of Water Quality Standards, to State waters from small municipal separate storm sewer systems.

Non-storm water discharges authorized by this general permit, provided that they do not cause or contribute to any violation of water quality standards, include:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows;
- (4) Rising ground waters;
- (5) Uncontaminated ground water infiltration (as defined in 40 CFR §35.2005(20));
- (6) Uncontaminated pumped ground water;
- (7) Discharges from potable water sources and foundation drains;
- (8) Air conditioning condensate;
- (9) Irrigation water;
- (10) Springs;
- (11) Water from crawl space pumps and footing drains;
- (12) Lawn watering runoff;
- (13) Water from individual residential car washing;
- (14) Flows from riparian habitats and wetlands;
- (15) Dechlorinated swimming pool discharges;
- (16) Residual street wash water; and
- (17) Discharges or flows from fire fighting activities.

K. HAR, Chapter 11-55, Appendix L

This NPDES General Permit covers discharges of circulation water from decorative ponds or tanks containing fish or other aquatic species, not including mammals. This general permit also covers discharges of circulation water from decorative ponds or tanks that do not contain fish or other aquatic species provided that the discharge complies with HAR, Chapter 11-54, titled "Water Quality Standards."

IV. Availability of NOI Forms

The NOI Forms are MSWord and Adobe Acrobat documents. Hard copies and electronic files are available. The NOI Forms and Guidelines may be downloaded from the CWB website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/index.html>. See Section V.A.1. and V.A.2. of these guidelines for the CWB and WWB mailing and street addresses.

V. Inquiries and Submittals

- A. CWB NOI Form questions should be directed to the Engineering Section of the CWB at (808) 586-4309 or fax number (808) 586-4352 and submissions should be directed to the street or mailing address listed below:
1. Street Address
Clean Water Branch
State Department of Health
919 Ala Moana Boulevard, Room 301
Honolulu, Hawaii 96814-4920
 2. Mailing Address
Clean Water Branch
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378
- B. WWB-NOI Form J questions should be directed to the WWB at (808) 586-4294 or fax number (808) 586-4300 and submissions should be directed to the street or mailing address listed below:
1. Street Address
Wastewater Branch
State Department of Health
919 Ala Moana Boulevard, Room 309
Honolulu, HI 96814-4920
 2. Mailing Address
Wastewater Branch
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378
- C. For facilities/projects on the island of Oahu, submit one (1) copy of the CWB NOI General Form, applicable discharge form (e.g., CWB NOI Form C), and supporting documents with the certifying person's original signature and \$500 Filing Fee.
- D. For facilities/projects on the island of Hawaii, submit three (3) copies of the CWB NOI General Form, applicable discharge form (e.g., CWB NOI Form C), and supporting documents. One copy of the CWB NOI General Form shall include the certifying person's original signature and \$500 Filing Fee.
- E. For facilities/projects located on islands other than Oahu and Hawaii, submit two (2) copies of the CWB NOI General Form, applicable discharge form (e.g., CWB NOI Form C), and supporting documents. One copy of the CWB NOI General Form shall include the certifying person's original signature and \$500 Filing Fee.
- F. The submittal date is the date the CWB or WWB receives the NOI Form(s). The 30 day period includes weekends and holidays (aka 30 calendar days).
1. For CWB NOI Form C: Any new construction activity which results in the disturbance of greater or equal to one (1) acre shall submit an NOI at least 30 calendar days before the construction activity begins.
 2. For all other NOI Forms: The complete NOI Form(s) shall be submitted no later than 30 calendar days before the proposed starting date of any discharge activities or before the potential discharge of pollutants to State waters.
- G. Retain a copy of the NOI Form and supporting documents for the owner's or operator's or duly authorized representative's records.

VI. Filing Fee

- A. Every owner or operator, including federal, state, and county government agencies, seeking coverage under an NPDES General Permit shall pay a filing fee of \$500 for each NOI Form submitted to the CWB or WWB.
- B. The filing fee shall be submitted with the applicable NOI Form and shall be made payable to the "State of Hawaii" in the form of a cashier's check or money order.
- C. The filing fee shall not be refunded nor applied to any subsequent NPDES individual permit application following final action denying coverage under the NPDES General Permit provisions.

VII. Completeness of the NOI Form

- A. The NOI Form will not be considered complete unless every item is appropriately addressed. If an item does not apply, enter "N/A," for "not applicable," to show that the item was considered.
- B. An incomplete NOI Form will delay the issuance of the NGPC and also disqualify the owner or operator from obtaining automatic coverage.

VIII. Supporting Documents (Attachments to NOI)

If reference is made in the NOI to attached supporting documents, the referencing statement should be written as follows, "Refer to Attachment No. __, entitled "_____", dated ____, on page ____, and paragraph ____, with the blanks filled in as applicable. In addition, a separate list of all attached supporting documents shall be submitted with the NOI.

IX. Notification

A. Acknowledgment of NOI Form

The Director will notify the owner or operator or its duly authorized representative of receipt of the NOI Form within 30 calendar days of receipt. The director may waive this 30 calendar day requirement by notifying the owner or operator in writing of an NGPC before the 30 calendar days expire.

B. Automatic Coverage

- 1. The owner or operator may be authorized to discharge under an NPDES General Permit with risks on the 30th calendar day after the DOH receives the complete NOI Form, including supporting documents, all site-specific plans, operator and/or general contractor information, necessary permits, and the applicable filing fee.
- 2. The owner or operator may not begin to discharge to State waters if, before the 30th calendar day, the Director notifies the owner or its duly authorized representative that the NOI Form was incomplete. The 30 calendar day period shall start over upon receipt of the revised NOI Form.
- 3. The Director may issue an NGPC to the owner or operator after automatic coverage applies under HAR, Section 11-55-34.09(e)(2). The Director may impose conditions in an NGPC or add conditions to an issued NGPC to ensure that the activity or discharge(s) complies with the terms and conditions of the NPDES General Permit and to ensure that State Water Quality Standards will not be violated.
- 4. Automatic coverage may not be selected for renewal of an NGPC.

- C. An NGPC may limit coverage under the NPDES General Permit to a term of less than five (5) years.

- D. See the "NPDES General Permit Coverage Processing Flowchart" dated June 17, 1997 on the next page.

X. Abbreviations and Acronyms

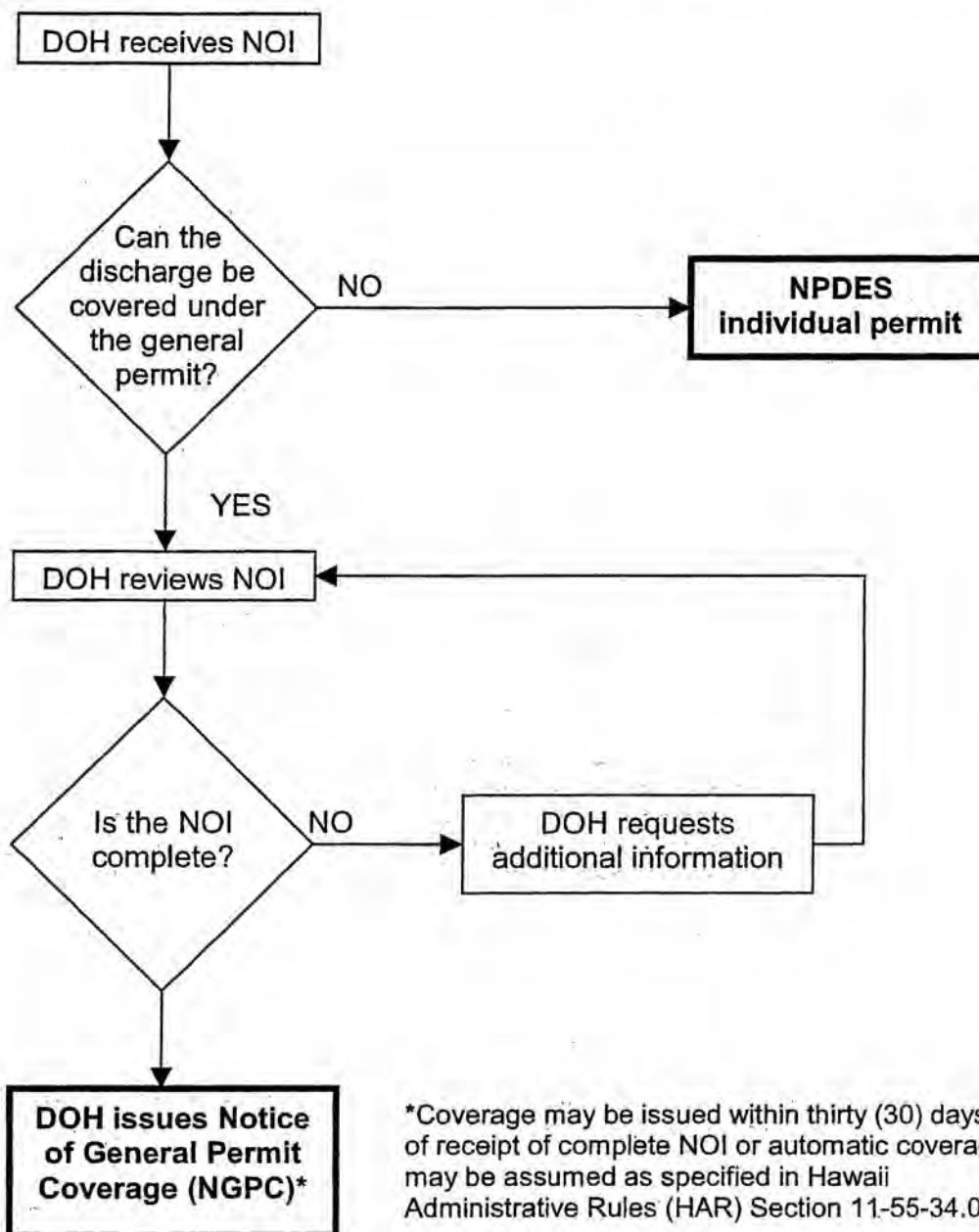
A. Documents

BMPs	-	Best Management Practices
CFR	-	Code of Federal Regulations
CWA	-	Clean Water Act
CWB	-	Clean Water Branch of the Department of Health, State of Hawaii
DA	-	Department of the Army (U.S. Army Corps of Engineers issues a DA Permit under Section 404 of the CWA)
DOH	-	State of Hawaii Department of Health
FR	-	Federal Regulations
HAR	-	Hawaii Administrative Rules
HRS	-	Hawaii Revised Statutes
NAICS	-	North American Industrial Classification System
NGPC	-	Notice of General Permit Coverage
NOI	-	Notice of Intent
NOC	-	Notice of Cessation
NPDES	-	National Pollutant Discharge Elimination System
RCRA	-	Resource Conservation and Recovery Act
SARA	-	Superfund Amendment and Reauthorization Act
SIC	-	Standard Industrial Classification
SWPCP	-	Storm Water Pollution Control Plan
WQC	-	Water Quality Certification (issued by the Clean Water Branch - Section 401 of the CWA)
WWB	-	Wastewater Branch

B. Units

cfs	-	cubic feet per second
mgd	-	million gallons per day
mg/l	-	milligrams per liter = 1000 micrograms per liter
µg/l	-	micrograms per liter
NTU	-	Nephelometric Turbidity Units
SF	-	square foot or square feet

NPDES General Permit Coverage Processing Flowchart



*Coverage may be issued within thirty (30) days of receipt of complete NOI or automatic coverage may be assumed as specified in Hawaii Administrative Rules (HAR) Section 11-55-34.09.

06-17-97

General Guidelines for CWB NOI General Form (CWBNOI_General.pdf)

- A. General Instructions - This is a fillable Adobe Acrobat form. Please:
1. SAVE the blank form file in Adobe Acrobat Reader 8.0 or newer. If the form is completed while open in the web browser, it will NOT be saved and data will be lost.
 2. Insert the required information
 3. Save the completed form
 4. Submit via the "Submit by Email" button. Please insert the NGPC File No. or New Project Name in the subject line (remove the text within the parentheses).
 5. Print with "Print Form" button
 6. Sign
 7. Submit with the applicable discharge specific CWB NOI Form, attachments, and \$500 Filing Fee. Please see Section V - Inquiries and Submittals and Section VI - Filing Fee above for more submittal information.
- B. Top of CWB NOI General Form - Selection of:
1. Appendix - Please see Section I.c. and/or Section III above for the Types of Discharges Authorized by an NPDES General Permit.
 2. NGPC Renewal Information - For an Existing Facility or Project with an NGPC
 - a. If this is a submittal for an NGPC renewal, provide the NGPC file number previously assigned to this facility or project in the space provided. Skip to Item 1 of the CWB NOI General Form.
 - b. If this is a a submittal for a new facility or project, go to the Automatic Coverage selection portion of the CWB NOI General Form.
 3. Automatic Coverage Selection - For a New Facility or Project
 - a. Claiming Automatic Coverage - The owner or operator may request automatic coverage under the applicable NPDES General Permit if the CWB NOI Form is for a new discharge and he/she believes that the CWB NOI Form is complete, the filing fee has been paid, and that they are complying with the applicable NPDES General Permit requirements. The risks involved with claiming automatic coverage include:
 - i. The CWB NOI Form may later be found to be incomplete by the Director or by a court;
 - ii. The owner or operator may not be covered under the terms of the General Permit, even if the CWB NOI Form is complete;
 - iii. The owner or operator may be acting in conflict with the NPDES General Permit or HAR, Chapter 11-55 even if the owner or operator is complying with its CWB NOI Form; and
 - iv. The Director may modify, revoke and reissue, or terminate an NGPC under HAR, Section 11-55-34.11.
 - b. Waiving Automatic Coverage - The owner or operator agrees to wait until receipt of the NGPC issued by the Department before starting the activity or discharge.
- C. Remainder of CWB NOI General Form
1. Owner Information
 - a. The contact person may be the staff person with direct responsibility for the facility or project, not necessarily the certifying or "responsible" person as indicated in Item 7 of the CWB NOI General Form.

- b. The acknowledgment of receipt of the NOI may be sent to the fax number provided for this item. The NGPC will be sent to the street or mailing address provided for this item.

CWB NOI Form	Form Specific Owner Information
B	The owner is the organization or person who owns the activity or facility, not necessarily the owner of the land.
C	The owner may be the land owner or developer.
D	The owner is the organization or person who owns or leases the facility or land where the leaking underground storage tank is located.
E	The owner may be the owner of the facility.
F	The owner may be the land owner, land developer, or utility owner.
G	The owner may be the land owner, land developer, or utility owner.
H	The owner is the organization or person who owns the activity, not necessarily the owner of the land.
I	The owner may be the land owner, land developer, or utility owner.
J	See Guidelines for WWB-NOI Form J.
K	The owner is the government agency to which the small municipal separate storm sewer system (Small MS4) belongs, not necessarily the owner of the land.
L	The owner may be the pond or tank owner.

2. Owner Type - Indicate the category type or types of the owner. Options for Owner Type include:

- Industrial - Private Facility or Project
- Municipal - City, County, or State Government Facility or Project
- Federal - Federal Government Facility or Project
- MS4 - Municipal Separate Storm Sewer System

3. Operator or General Contractor Information

CWB NOI Form	Form Specific Operator or General Contractor Information
B	The operator is the organization or person who manages the daily activities at the facility.
C	The operator is the general contractor. Provide the information in this item or check the space provided to indicate that the information will be submitted at least 30 calendar days before the start of construction activities.
D	The operator is the organization or person who manages the daily activities at the facility.
E	The operator is the organization or person who manages the daily activities at the facility.
F	The operator is the organization or person who manages the daily activities at the facility. For the general contractor, provide the information in this item or check the space provided to indicate that the information will be submitted at least 30 calendar days before the start of hydrotesting activities at the project.
G	The operator is the general contractor. Provide the information in this item or check the space provided to indicate that the information will be submitted at least 30 calendar days before the start of construction activities.
H	The operator is the organization or person who manages the daily activities at the facility.
I	Provide the information in this item.
J	See Guidelines for WWB-NOI Form J.

CWB NOI Form	Form Specific Operator or General Contractor Information
K	The operator is the organization or person who manages the daily activities of the small MS4.
L	Provide the information in this item.

4. Facility or Project Information - The street address is the facility or project location with respect to identifiable street names or adjacent developments or properties (i.e., 1234 15th Drive or northwest corner of 1st Street and X Avenue): The mailing address may be the mailing address of the facility's or project's contact person.

CWB NOI Form	Form Specific Facility or Project Information
B	For facilities which are part of a larger corporation, indicate the corporation name and the name by which the facility is known to the employees (i.e., ABC Inc. - DEF Facility).
C	For projects which are part of a larger plan of development or sale, indicate the project name and the phase(s) of the project.
D	For facilities which are part of a larger corporation, indicate the corporation name and the name by which the facility is known to the employees (i.e., ABC Inc. - DEF Facility).
E	For facilities which are part of a larger corporation, indicate the corporation name and the name by which the facility is known to the employees (i.e., ABC Inc. - DEF Facility).
F	For facilities which are part of a larger corporation, indicate the corporation name and the name by which the facility is known to the employees (i.e., ABC Inc. - DEF Facility). For projects which are part of a larger plan of development or sale, indicate the project name and the phase(s) of the project.
G	For projects which are part of a larger plan of development or sale, indicate the project name and the phase(s) of the project.
H	For facilities which are part of a larger corporation, indicate the corporation name and the name by which the facility is known to the employees (i.e., ABC Inc. - DEF Facility).
I	Provide the information in this item.
J	See Guidelines for WWB-NOI Form J.
K	If the Small MS4 is at a facility that is part of a larger government agency, then indicate the facility name and the name by which the small MS4 is known to the employees (i.e., State of Hawaii, Department of ABC - DEF Small MS4 System).
L	Provide the information in this item.

5. Receiving State Water(s) Information

a. Receiving State Water(s) Name

- i. State waters means "all waters, fresh, brackish, or salt around and within the State, including, but not limited to, coastal waters, streams, rivers, drainage ditches, ponds, reservoirs, canals, ground waters, and lakes; provided that drainage ditches, ponds, and reservoirs required as part of a water pollution control system are excluded" (from HRS, Section 342D-1).
- ii. Identify the receiving State water name in relation to the facility or construction site based on the topography or contours of the land, excluding evaporation, percolation, retention, detention, etc. If the discharge from the facility or construction site directly enters the State water, provide the name of that State water body. If the discharge first enters a separate storm drainage system, provide the name of the receiving State water body that the storm drainage system enters and complete Item 5.b. Sample responses for this item include:

Pacific Ocean at Sandy Beach, Honolulu Harbor, Pearl Harbor, Aiea Stream, unnamed stream, Kaloi Gulch, unnamed dry gulch, or gully, etc.

- iii. Provide the coordinates of the discharge point where discharge from the facility or construction site first enters the receiving State water. If the discharge first enters a storm drainage system, provide the discharge point coordinates for the outfall where the storm drainage system enters State waters to the nearest one (1) second. Methods available to obtain the discharge point coordinates include using: a Global Positioning System (GPS) receiver, a U.S. Geological Survey (USGS) Topographic Map to interpolate the coordinates (find the applicable map at <http://mac.usgs.gov/maplists/index.html>), or internet siting tools (e.g., http://www.epa.gov/tri/report/siting_tool/index.htm, Google Earth, etc.).
- iv. State water classification is available on the Water Quality Standards Map dated October 1987 or in HAR, Chapter 11-54. The maps are available on the CWB website at <http://www.hawaii.gov/health/environmental/water/cleanwater/wqsmaps/index.htm>. HAR, Chapter 11-54 is available on the DOH website at <http://www.hawaii.gov/health/about/rules/11-54.pdf>.
- v. If there are two (2) additional discharge points, insert the requested information on the form. If there are more than two (2) additional discharge points, attach the information requested in Item 5.a. on a separate sheet. Properly label the discharge points with numbers (i.e., Discharge Point No. 1, Discharge Point No. 2, etc.) which correspond to the location map(s) and flow chart(s) submitted. If there are multiple drainage structures (i.e., inlets) and multiple discharge points, designate which inlets lead to each discharge point.

vi.

CWB NOI Form	Form Specific Receiving Water Information
C	If the storm water discharge enters the receiving State water as a sheet flow, provide the coordinates based on the limits of discharge (i.e., Latitude 21°27'46"N, Longitude 158°01'27"W to Latitude 21°27'55"N, Longitude 158°01'44"W).
G	This general permit covers <u>discharges</u> to State waters, therefore, receiving State water(s) information must be provided.
J	See Guidelines for WWB-NOI Form J.

- b. Receiving Separate Drainage System - For Item 5.b., provide the discharge point coordinates to the nearest one (1) second for each drainage structure where the discharge enters the storm drainage system or where the discharges enter the right-of-way which flows into the storm drainage system. Methods available to obtain the discharge point coordinates include using: a GPS receiver, a USGS Topographic Map to interpolate the coordinates (find the applicable map at <http://mac.usgs.gov/maplists/index.html>), or internet siting tools (e.g., http://www.epa.gov/tri/report/siting_tool/index.htm, Google Earth, etc.). If the approval to discharge into the storm drainage system is pending, submit a copy of the application or letter requesting approval. A copy of the approval to discharge letter or permit shall be submitted at least 30 calendar days before the start of construction activities.

6. Authorization of Representative

- a. Alteration of the text in this item will result in the invalidation of the authorization statement(s).
- b. If the person being duly authorized as the representative is the same person signing the certification page (Item 7), do not complete this item.

- c. Authorization statements are provided for the owner to complete as required. Options include statement(s): "A" or "B" or "C" or "A" & "C" or "D." If choosing "A" & "C," the owner may specify one representative in option "A" and another in option "C." Do not select "A" & "B" or "B" & "C" - this will cause a delay in the issuance of the NGPC.
- i. Option "A": This authorization begins with NOI processing and ends upon the owner's or operator's receipt of the NGPC. The Owner authorizes the duly authorized representative to submit additional information/documents necessary to complete the NOI Form. After issuance of the NGPC, the duly authorized representative is no longer recognized by the CWB and the owner corresponds directly with the CWB. The Owner is responsible for all information/documents submitted by the duly authorized representative for completion of the NOI, and upon issuance of the NGPC, will comply with and be responsible for all NGPC conditions.
 - ii. Option "B": This authorization begins with NOI processing and ends upon receipt of the CWB Notice of Cessation (NOC) Form by the CWB. The Owner authorizes the duly authorized representative to submit additional information/documents necessary to complete the NOI Form and to submit information/documents to comply with the NGPC conditions. The Owner is responsible for all information/documents submitted by the duly authorized representative for completion of the NOI and for compliance with the NGPC conditions. The Owner is required to sign the NOC Form for the project or phase of the project. After receipt of the NOC for the project, the duly authorized representative is no longer recognized by the CWB.
 - iii. Option "C": This authorization begins upon the owner's receipt of the NGPC and ends upon receipt of the CWB NOC Form by the CWB. The Owner authorizes the duly authorized representative to submit information/documents to comply with the NGPC conditions. The Owner is responsible for all information/documents submitted by the duly authorized representative for compliance with the NGPC conditions. The Owner is required to sign the NOC Form for the project or phase of the project. After receipt of the NOC for the project, the duly authorized representative is no longer recognized by the CWB.
 - iv. Option "D": If authorization statements a, b, and/or c do not meet the intent of the authorization, the owner or operator may attach a separate authorization statement specifying the limited authorization of the representative.
- d. Additional information will be requested from the authorized representative (with a copy to the owner) at the street or mailing address or phone or fax number provided for this item, as applicable.
- e. Provide the duly authorized representative's information in the applicable item(s). There shall be only one duly authorized representative at any time (e.g., a multi-phase construction project may have only one duly authorized representative for the entire project). The designated duly authorized representative may be changed by the owner at any time during the processing of the CWB-NOI Form or the term of the NGPC. The duly authorized representative will no longer be authorized effective on the date of receipt of any new authorization statement from the owner.
- f. Pursuant to HAR, Section 11-55-34.08(f), all other reports or responses to requests for information required by the director shall be signed by a person designated in HAR, Section 11-55-07(a) or by a duly authorized representative of that person.
- g. HAR, Sections 11-55-07(b) and (c) state:
- "(b) A person is a duly authorized representative only if:
- (1) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, superintendent, or position of

equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.);

(2) The authorization is made in writing by a person designated under subsection (a); and

(3) The written authorization is submitted to the director.

(c) If an authorization under subsection (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (b) must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative."

7. Certification

- a. Do not alter the statements in or format of this item. Alteration of this item will result in the invalidation of this CWB-NOI Form submittal.
- b. The person certifying this CWB-NOI Form must meet one of the descriptions as indicated in this item and be employed by the owner or be an administrator of the sole proprietorship, trust, or LLC listed in Item 1. **The contractor, consultant, and/or duly authorized representative is not authorized to sign.**

General Guidelines for NOI Forms B through L (CWBNOI_*.*)

1. North American Industrial Classification System (NAICS) United States Structure Codes as applicable to CWB NOI Forms B, D, E, and H

NAICS United States Structure Codes (four- to six-digit industry code) replaced the U.S. Standard Industrial Classification (SIC) Codes. See <http://www.census.gov/epcd/www/naics.html> to determine the NAICS code(s) and description(s) for your facility.

2. Glossary of Chemicals as applicable to CWB NOI Forms B, D, F, G, H, I, and L

This glossary is for general use and is not intended to be a complete or definitive reference. The parameters are categorized into Metals, Organonitrogen Compounds, Pesticides, Phenols, Phthalates, Polynuclear Aromatic Hydrocarbons, Volatile Organics, and Others and are listed alphabetically.

The information was obtained primarily from Environmental Protection Agency (EPA) Ambient Water Quality Criteria documents which are referenced in EPA's Quality Criteria for Water (EPA 440/5-86-001), updated May 1, 1987. Additional information was obtained from the EPA pamphlet "Suspended, Cancelled and Restricted Pesticides," January 1985; The Condensed Chemical Dictionary, 10th Ed. (Van Nostrand Reinhold Co., Inc., New York, 1981); and The Farm Chemicals Handbook (Meister Publishing Company, Willoughby, OH, 1988).

Information on organotin was obtained from the International Organotin Symposium held at Halifax, Nova Scotia in September 1987 and published in Volume 4 of the Oceans '87 Proceedings, by the Marine Technology Society, Washington D.C., and IEEE Ocean Engineering Society, Piscataway, NJ.

a. Metals

Antimony - A metal used as a hardening alloy for lead, particularly in lead-acid batteries. Also used as a semiconductor and in pyrotechnics.

Arsenic - A metal used as an alloy with lead and copper in shot, batteries, and cables.

Arsenic trioxide is used as a pigment and as an insecticide, rodenticide, herbicide, sheep and cattle dip, hide preservative, and wood preservative. It was used as a pesticide in the production of canec panels in Hilo. Use in houses is restricted to concentrations below 1.5 percent. Carcinogen.

Beryllium - A metal for various high-technology uses including nuclear reactor moderator and structural material. Carcinogen.

Cadmium - A metal used in electroplating and coating, alloys, nickel-cadmium batteries, pigments, and in a variety of other industrial areas.

Chromium - A metal used in plating, alloys and in pigments. Hexavalent forms are most toxic and are used in cooling tower additives.

Copper - A metal used in wiring, plumbing, electroplating, alloys, insecticides, and in anti-fouling paints.

Lead - A metal used in batteries, gasoline additives, solder, and ammunition.

Mercury - A metal used in dentistry, electronics, instruments, lamps, metallurgy and formerly in anti-fouling paints.

Nickel - A metal used in alloys, electroplating, and batteries.

Selenium - A metalloid element used in electronics, rubber production, dandruff shampoo, and a trace element in animal feed.

Silver - A metal with various electronic, chemical, plating, photographic, and dental uses.

Thallium - A metal. Pesticide registration of thallium sulfate cancelled.

Tributyltin - Tributyltin is of environmental concern primarily because of its use in marine anti-fouling paints. This use has recently been restricted by Congress. Organotins have also been used in agriculture and residential areas to control fungi and insects including moths, houseflies, cockroaches, and mosquito larvae. The largest use is in stabilizing polyvinyl chloride polymers used in construction materials and food packaging.

Zinc - A metal used in alloys, electroplating, galvanizing, batteries, and cathodic protection.

b. Organonitrogen Compounds

Benzidine - Aromatic amine used in dye production. Carcinogen.

Dinitro-o-cresol - Pesticide, fungicide, insecticide and miticide. Also used as a blossom-thinning agent on fruit trees.

Dinitrotoluene - Commercial and military explosive.

Diphenylhydrazine - Used as a reagent for the sugars arabinose and lactose and for the production of phenylbutanone and benzidine.

Nitrobenzene - Used in the production of aniline dyes, rubber, medicinals, metal polish, shoe black, perfume, and as a combustion propellant and chemical reaction, and crystallizing solvent.

Nitrosamines - Only small quantities are synthesized for research and rubber and pesticide production. Primary environmental exposure is probably due to the nitrosation of amine

and amide precursors in reactions in air, soil, water, food, and animal systems.
Carcinogen.

c. Pesticides

Aldrin - Insecticide used in ground injection for termite control and non-food plant dip.
Registration for other uses cancelled. Metabolizes to dieldrin. Carcinogen.

Chlordane - Insecticide used for termite control and non-food plant dip. Registration for other
uses cancelled. Carcinogen.

Chlorpyrifos - Organophosphorus insecticide (a.k.a. Dursban, Lorsban). Used locally for
termite control.

DDT - Persistent lipid-soluble chlorinated pesticide. Formerly most widely used. All pesticide
uses cancelled except by government agencies and physicians. Metabolizes to DDE
and TDE. Carcinogen.

Demeton - Systemic insecticide and acaricide applied as a foliage spray and soil drench.

Dieldrin - Persistent insecticide used in ground injection for termite control and as non-food
plant dip. Registration for other uses cancelled. Carcinogen.

Endosulfan - Insecticide and acaricide (a.k.a. Thiodan). Used on pineapples in Hawaii.

Endrin - Pesticide, rodenticide, and avicide. Used on sugarcane to control the sugarcane
beetle. Registration cancelled for control of the sugarcane borer. Teratogen.

Guthion - Organophosphorus pesticide used for many pests on various fruits, melons, nuts,
vegetables, field crops, ornamental, and shade trees.

Heptachlor - Insecticide registered for termite control and non-food plant dip. Registration for
other uses cancelled. Carcinogen.

Lindane - Broad spectrum insecticide used in livestock sprays, forestry, christmas trees,
structural treatments, hardwood logs and lumber, dog sprays, dusts and dips, flea
collars, moth sprays, seed treatments, shelf paper, and household sprays. Carcinogen.

Malathion - Organophosphorus insecticide used for many insects including: aphids, spider
mites, scale insects, house flies, mosquitos, and for insects attacking fruits, vegetables,
ornamental and stored products. Used in public health programs to control mosquitos.

Methoxychlor - Organochlorine pesticide.

Mirex - Organophosphorus insecticide. Registration cancelled 12/01/77. Mirex was used to
control fire ants on pineapples in Hawaii.

Parathion - Organophosphorus pesticide used on fruit, nut, vegetable, and field crops.

TDE - Metabolite of DDT. Carcinogen.

Toxaphene - 175 compounds of chlorinated camphene. Formerly the most heavily used
pesticide. Registration cancelled in 1982 with exceptions for cattle, pineapples, and
bananas. No U.S. production. Persistent in the environment. Carcinogen.

d. Phenols

Chlorinated Phenols - (Includes chlorinated cresols). Synthesis of dyes, pigments, resins, pesticides, herbicides and used directly as flea repellents, fungicides, wood preservatives, mold inhibitors, antiseptics, disinfectants, and anti-gumming agents in gasoline. Chlorinated phenol pesticide products include 2,4-D, 2,4-DCP, 2,4,5-T, 2,3,4,6-TCP, and PCP. Some forms carcinogenic.

2-Chlorophenol - Intermediate in chemical production of fungicides, slimicides, bactericides, antiseptics, disinfectants, and wood and glue preservatives. Can be produced in the chlorination of drinking water and sewage. May be biodegraded.

2,4-Dichlorophenol - Used in the production of herbicides (2,4-D) and in mothproofing, antiseptics, and seed disinfectants. Metabolic and photodegradation product of the above.

Nitrophenols - 2,4,6 trinitrophenol (picric acid) has been used as an explosive, dye intermediate, reagent, germicide, fungicide, staining agent and tissue fixative, and in photochemicals, pharmaceuticals, and metal etching. Mono and dinitrophenols would occur in the environment primarily from discharges from manufacturing plants or possibly from the degradation of pesticides. They are used in the production of dyes, photochemicals, pesticides, wood preservatives, explosives, and leather treatments. See also 2,4 dinitro-o-cresol.

Pentachlorophenol - Very common pesticide, fungicide, and bactericide (a.k.a. PCP).

Phenol - Used in production of epoxy and phenolic resins, pharmaceuticals, germicides, fungicides, slimicides, herbicides, dyes and acids, and as a disinfectant and antiseptic.

e. Phthalates

Phthalate Esters - Plasticizers used especially in Polyvinyl chloride (PVC) production. Easily extractable and up to 60 percent of the total weight of plastic. Also used in the production of pesticide carriers, cosmetics, fragrances, munitions, industrial oils, and insect repellents.

f. Polynuclear Aromatic Hydrocarbons

Acenaphthene - Coal tar product used in the manufacturing of dyes and plastics and as an insecticide and fungicide. Also detected in cigarette smoke and gasoline exhaust.

Fluoranthene - A polynuclear aromatic hydrocarbon. Primarily a pyrolysis product formed in frying, smoking, incineration, etc. Natural as well as man-made sources. Carcinogen.

Naphthalene - Primary parameter of coal tar. Used in dye production, formulation of solvents, and chemical synthesis. Also used in lubricants and motor fuels, and as a moth repellent, insecticide, anthelmintic, vermicide, and intestinal antiseptic.

Polynuclear Aromatic Hydrocarbons - Diverse class of compounds formed by incomplete combustion of organics with insufficient oxygen. Examples include benzo[a]pyrene and benz[a]anthracene. Carcinogen.

g. Volatile Organics

Acrolein - Biocide for weed, algae, mollusk and slime control, and to protect liquid fuels from microorganisms. Also used in leather tanning, tissue fixation, paper, textiles, crease-proofing cotton, and as a chemical intermediate, plasticizer, copolymer in photography, builder in laundry and dishwashing detergents, and coating for aluminum and steel.

Acrylonitrile - Copolymer used in the production of fibers and plastics (e.g., ABS Acrylonitrile-Butadiene-Styrene plastic), and latexes and chemicals. Banned as a resin for soft drink containers and as a fumigant. Similar toxic effects as cyanide. Carcinogen.

Benzene - Coal tar and petroleum product used in pharmaceutical and chemical synthesis, including the production of styrene, detergents, pesticides, thinners, and inks. Also used as a cleaner and degreaser, solvent, and gasoline anti-knock additive. Carcinogen.

BHC - Benzene hexachloride. See hexachlorocyclohexane and lindane. Carcinogen.

Carbon Tetrachloride - Solvent and grain fumigant also used in fire extinguishers. Carcinogen.

Chlorinated Benzenes - Solvents for fats, oils and greases, also used as fumigants, degreasers, lubricants, dielectrics, dye carriers, wood preservatives; in chemical, pesticide, and herbicide production; heat transfer; military pyrotechnics; and termite control. Carcinogen.

Chlorinated Ethanes - Used in the production of tetraethyl lead and vinyl chloride and as solvents and chemical intermediates. Some forms carcinogenic.

Chloroalkyl ethers - Used in organic synthesis, textiles, ion exchange resins, pesticides, and reaction solvents.

Chloroform - Chemical solvent. Formed in the chlorination of sewage and water supplies. Carcinogen.

Dichlorobenzenes - Used in air deodorants, insecticides, chemical production, dyes, herbicides, and degreasers.

Dichlorobenzidine - Used in the production of dyes and pigments and a curing agent for polyurethanes. Carcinogen.

Dichloroethylenes - Intermediate in chemical production, and polyvinylidene chloride copolymers in food packaging materials (e.g., plastic wrap) and tank coatings. Degradation products of larger chlorinated hydrocarbons. Carcinogen.

Dichloropropane - Soil fumigant for nematodes, oil and fat solvent, and degreaser.

Dichloropropene - Soil fumigant for nematodes, used in Hawaii on pineapples. Also oil and fat solvent and degreaser.

Ethylbenzene - Up to 20 percent of gasoline. Widespread commercial use including production of styrene, diluents in paints, and used as insecticides.

Hexachlorobutadiene - Organic solvent used in chlorine production recovery, in rubber and lubricant production, and as a gyroscope fluid. Carcinogen.

Hexachlorocyclohexane - Broad spectrum insecticide (a.k.a. BHC). Only the gamma isomer, lindane, is currently registered and produced. Carcinogen.

Hexachlorocyclopentadiene - Base of several chlorinated pesticides including: aldrin, dieldrin, chlordane, heptachlor, endrin, isodrin, kepone, mirex, endosulfan, and pentac. Also used in the production of flame retardants.

Isophorone - Solvent for fats, oils, gums, natural and synthetic resins, cellulose derivatives, lacquers, pesticides and herbicides. Used in chemical and plant growth retardant production.

Tetrachloroethylene - Solvent in textile and dry cleaning, metal cleaning, and chemical production (a.k.a. perchloroethylene or PCE). Carcinogen.

Toluene - Aviation fuel and high-octane blending stock, chemical intermediate, thinner, solvent for paints, gums, resins, oils, rubber, and vinyl, and used in plastic cement, chemicals, explosives, and detergents.

Trichlorinated ethanes - Metal degreaser, chemical intermediate, adhesive and resin solvent, pesticide, dry cleaning solvent, formerly used as a fumigant 1,1,2 isomer carcinogenic.

Trichloroethylene - Degreasing solvent in metal industries. Formerly dry cleaning solvent and extractive solvent in foods (a.k.a. TCE). Carcinogen.

Vinyl chloride - Polymerized in the production of PVC, the most widely used material in the manufacture of plastics. All pesticide uses cancelled (whether an active or inert ingredient) for uses in the home, food handling establishments, hospitals, and enclosed areas. Degradation product of larger chlorinated hydrocarbons. Carcinogen.

h. Others

Chlorine - Chlorine is commonly used to disinfect wastewater and water supplies and to control fouling organisms in cooling water systems.

Cyanide - Used and formed in many industrial processes including steel, petroleum, plastics, synthetic fibers, metal plating, mining, and chemical industries.

Dioxin - Trace contaminant of chlorinated phenols, chlorinated phenoxy acids (especially the herbicide 2,4,5-T and Silvex), and hexachlorophene. Carcinogen.

Polychlorinated biphenyls (PCBs) - Used as a transformer and capacitor fluid. Also used as a heat transfer, hydraulic, compressor, and vacuum pump fluid, plasticizer, and in lubricants and wax extenders. No longer manufactured in the United States. All pesticide uses eliminated. Carcinogen.

3. Submittal to Department of Land and Natural Resources, State Historic Preservation Division (SHPD) for Review as applicable to CWB NOI Forms C and I

- a. Failure to comply is a ground for the DOH to find the NOI incomplete and suspend processing or return the NOI.
- b. Renewals and administrative extensions of NGPCs do not require another SHPD review.
- c. If the new project, activity, or site to be covered by CWB NOI Form C has already been reviewed by SHPD prior to submittal of the NOI to DOH, the owner or operator shall identify any applicable prior comments, recommendations, or other communications by the SHPD and submit copies or a summary of SHPD materials in CWB NOI Form C. Extensive materials should be summarized or listed.
- d. If the new project, activity, or site to be covered by CWB NOI Form C is to be reviewed by the SHPD at the time of the NOI submittal to DOH, the owner or operator shall also submit a copy of the NOI to SHPD for their review and submit a copy of the transmittal to SHPD.
- e. Contact SHPD through the information below or check their website for updated contact information at www.hawaii.gov/dlnr/hpd/hpcontact.htm:

- i. O'ahu Office
 - (1) Kakuhihewa Building, 601 Kamokila Blvd., Suite 555, Kapolei, Hawai'i 96707
 - (2) Mailing address: P.O. Box 621, Honolulu, Hawai'i 96809
 - (3) Ph: (808) 692-8015
 - (4) Fax: (808) 692-8020
- ii. Kaua'i Office
 - (1) 5532 Tapa Street, Koloa, Hawai'i 96756
 - (2) Ph: (808) 742-7033
 - (3) Fax: (808) 742-7329
- iii. Maui Office
 - (1) 150 Mahalani Street, Wailuku, Hawai'i 96793
 - (2) Ph: (808) 243-5169
 - (3) Fax: (808) 243-5838
- iv. Hawai'i Island Office
 - (1) P.O. Box 67, Hilo, Hawai'i 96720
 - (2) Ph: (808) 933-0482
 - (3) Fax: (808) 933-0483



CWB NOI General Form for Appendix B

Previously assigned
NGPC File No
(for renewal NOI only): HI _____

Automatic Coverage (for New NOI only) ☐ I elect to **claim** automatic coverage per HAR, Section 11-55-34.09(f).
☐ I elect to **waive** automatic coverage per HAR, Section 11-55-34.09(g).

1. Owner Information

Owner Legal Name _____
Owner Department _____
Owner Division _____
Owner Mailing Address _____
Owner Mailing City _____ Owner Mailing State HI Owner Mailing Zip+4 _____
Owner Street Address _____
Owner City _____ Owner State HI Owner Zip+4 _____
Owner Contact Person First Name _____ Owner Contact Person Last Name _____
Owner Contact Person Position Title _____
Owner Phone No _____ Owner Fax No _____
Owner Contact Person Email _____

2. Owner Type

Options for Owner Type:

Industrial - Private Facility or Project
Municipal - City, County, or State Government Facility or Project
Federal - Federal Government Facility or Project
MS4 - Municipal Separate Storm Sewer System

3. Operator or General Contractor Information

☐ For CWB-NOI Forms C, F, G, and I only
The general contractor information will be submitted at least 30 calendar days before the start of construction activities.

Operator Legal Name _____
Operator Department _____
Operator Division _____
Operator Mailing Address _____
Operator Mailing City _____ Oper. Mailing State HI Operator Mailing Zip+4 _____
Operator Street Address _____
Operator City _____ Operator State HI Operator Zip+4 _____
Operator Contact Person First Name _____ Oper. Contact Person Last Name _____
Operator Contact Person Position Title _____
Operator Phone No _____ Operator Fax No _____
Operator Contact Person Email _____

4. Facility or Project Information

Facility Legal Name _____
Facility Mailing Address _____
Facility Mailing City _____ Facility Mailing State HI Facility Mailing Zip+4 _____
Facility Street Address _____
Facility City _____ Facility State HI Facility Zip+4 _____
Facility Contact Person First Name _____ Facility Contact Person Last Name _____
Facility Contact Person Position Title _____
Facility Phone No _____ Facility Fax No _____
Facility Contact Person Email _____

Island of Facility Oahu If there are multiple Plat and/or Parcel Numbers, please separate them with semi-colons.
If there are more Tax Map Keys (TMKs), please attach a separate sheet.

TMK Division	Zone	Section	Plat	Parcel or Lot
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

5. Receiving State Water(s) Information

a. Number of Receiving State Waters 1

5.a.i. Receiving Waters Name

Receiving Waters Classification _____

Latitude Degrees (N) _____ Latitude Minutes _____ Latitude Seconds _____
Longitude Degrees (W) _____ Longitude Minutes _____ Longitude Seconds _____

5.a.ii. Additional Receiving Waters Name

Receiving Waters Classification _____

Latitude Degrees (N) _____ Latitude Minutes _____ Latitude Seconds _____
Longitude Degrees (W) _____ Longitude Minutes _____ Longitude Seconds _____

5.a.iii. Additional Receiving Waters Name

Receiving Waters Classification _____

Latitude Degrees (N) _____ Latitude Minutes _____ Latitude Seconds _____
Longitude Degrees (W) _____ Longitude Minutes _____ Longitude Seconds _____

5.b. Receiving Separate Drainage System - Complete the following if the discharge from your facility or project first enters a separate storm drainage system (e.g., City and County of Honolulu Municipal Separate Storm Sewer System [MS4], etc.)

Separate Drainage System Owner Name _____

Latitude Degrees (N) _____ Latitude Minutes _____ Latitude Seconds _____
Longitude Degrees (W) _____ Longitude Minutes _____ Longitude Seconds _____

CWB NOI General Form

☐ Drainage System Owner Approval to Discharge is attached.

☐ The request to the Drainage System Owner for Approval to Discharge is attached. The Approval to Discharge will be submitted at least 30 calendar days before the start of construction activities or discharge, whichever is sooner.

6. Authorized Representative Information - Select authorization under A or B or C or A & C or D. Do not select A & B or B & C - this will cause a delay in the Issuance of the NGPC.

☐ A. This statement authorizes the named individual or any individual occupying the named position of the company/organization listed below to act as our representative to submit information/documents necessary to complete the CWB NOI Form for coverage under the NPDES general permit to discharge to State waters from the subject facility. The Owner hereby agrees to comply with and be responsible for all NGPC conditions.

☐ B. This statement authorizes the named individual or any individual occupying the named position of the company/organization listed below to act as our representative to submit information/documents necessary to complete the CWB NOI Form for coverage under the NPDES general permit to discharge to State waters from the subject facility. Our representative is further authorized to submit information/documents for compliance with the NGPC conditions, except submittal of the CWB NOC Form. The Owner hereby agrees to comply with and be responsible for all NGPC conditions.

Representative Company/Organization Name _____
Representative Department _____
Representative Division _____
Representative Mailing Address _____
Rep. Mailing City _____ Rep. Mailing State HI Rep. Mailing Zip+4 _____
Representative Street Address _____
Representative City _____ Rep. State HI Representative Zip+4 _____
Representative First Name _____ Representative Last Name _____
Representative Position Title _____
Representative Phone No _____ Representative Fax No _____
Representative Contact Person Email _____

☐ C. This statement authorizes the named individual or any individual occupying the named position of the company/organization listed below to act as our representative to submit information/documents for compliance with the NGPC conditions, except submittal of the CWB NOC Form. The Owner hereby agrees to comply with and be responsible for all NGPC Conditions.

☐ D. A separate authorization statement is attached, specifying the limited authorization of the representative.

Representative Company/Organization Name _____
Representative Department _____
Representative Division _____
Representative Mailing Address _____
Rep. Mailing City _____ Rep. Mailing State HI Rep. Mailing Zip+4 _____
Representative Street Address _____
Representative City _____ Rep. State HI Representative Zip+4 _____
Representative First Name _____ Representative Last Name _____
Representative Position Title _____
Representative Phone No _____ Representative Fax No _____
Representative Contact Person Email _____

7. Certification - Alteration of this item will result in the invalidation of this CWB-NOI Form submittal. The person certifying this CWB-NOI Form must meet one of the following descriptions and be employed by the owner or be an administrator of the sole proprietorship, trust, or LLC listed in Item 1.

- ☐ I certify that for a state agency, I am a principal executive officer or ranking elected official.
- ☐ I certify that for a municipal agency, I am a principal executive officer or ranking elected official.
- ☐ I certify that for a non-federal public agency, I am a principal executive officer or ranking elected official.
- ☐ I certify that for a federal agency, I am the chief executive officer of the agency, or I am the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- ☐ I certify that I am a general partner for a partnership.
- ☐ I certify that for a corporation, I am the President, Vice President, Secretary, or Treasurer of the corporation and in charge of a principal business function, or I perform similar policy or decision-making functions for the corporation.
- ☐ I certify that I am the proprietor for a sole proprietorship.
- ☐ I certify that for a corporation, I am the Manager of one or more manufacturing, production, or operating facilities and am authorized to make management decisions which govern the operation of the regulated facility or facilities including having the explicit or implicit duty of making major capital investment recommendations, and Initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations. I can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements and authority to sign documents has been assigned or delegated to me in accordance with corporate procedures.
- ☐ I certify that for a trust, I am a trustee.
- ☐ I certify that for a limited liability company (LLC), I am the Manager or a Member authorized to make management decisions for the LLC and am in charge of a principal business function, or I perform similar policy or decision-making functions for the LLC.

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 and imprisonment for knowing violations.

Signature _____ Date Signed _____

Certifying Person First Name _____ Certifying Person Last Name _____

Certifying Person Position Title _____

Certifying Person's Company or Agency _____

Certifying Department _____

Certifying Division _____

Certifying Phone No _____ Certifying Fax No _____

Certifying Person Email _____

For facilities/projects on the Island of Oahu, submit one (1) copy of the CWB NOI General Form, applicable discharge form (e.g., CWB NOI Form C), and supporting documents with the certifying person's original signature and \$500 Filing Fee.

For facilities/projects on the Island of Hawaii, submit three (3) copies of the CWB NOI General Form, applicable discharge form (e.g., CWB NOI Form C), and supporting documents. One copy of the CWB NOI General Form shall include the certifying person's original signature and \$500 Filing Fee.

For facilities/projects located on Islands other than Oahu and Hawaii, submit two (2) copies of the CWB NOI General Form, applicable discharge form (e.g., CWB NOI Form C), and supporting documents. One copy of the CWB NOI General Form shall include the certifying person's original signature and \$500 Filing Fee.



State of Hawaii
Department of Health
Clean Water Branch

**Do NOT submit
this document.**

Guidelines for CWB NOI Form B (CWBNOI_B.pdf)

Guidelines for Notice of Intent for Hawaii Administrative Rules,
Chapter 11-55, Appendix B, National Pollutant Discharge Elimination
System (NPDES) Notice of General Permit Coverage (NGPC)

For coverage under a specific NPDES General Permit, the following items are required to be submitted to the Clean Water Branch (CWB):

- A. **CWB NOI General Form** (CWBNOI_General.pdf) with Certifying Person's original signature [via "Submit via Email" button and hard copy]
- B. **General Permit Specific CWB NOI Form B** (CWBNOI_B.pdf) [via "Submit via Email" button and hard copy]
- C. **All applicable attachments** [via hard copy]
- D. **\$500 Filing Fee** [Check made payable to "State of Hawaii"]
- E. **Additional copies as required for Islands other than Oahu** [see Notes V.D. and V.E. of the General Guidelines]

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General Instructions - This is a fillable Adobe Acrobat form. Please:

1. SAVE the blank form file in Adobe Acrobat Reader 8.0 or newer. If the form is completed while open in the web browser, it will NOT be saved and data will be lost.
2. Insert the required information - The NGPC Renewal Information is required for an Existing Facility with an NGPC. If this is for an Existing Facility without an NGPC or a New Facility, skip this item.
3. Save the completed form
4. Submit with "Submit via Email" button. Please insert the NGPC File No. or New Project Name in the subject line (remove the text within the parentheses).
5. Print with "Print Form" button
6. Submit with the CWB NOI General Form, attachments, and \$500 Filing Fee. Please see Note V - Inquiries and Submittals and Note VI - Filing Fee of the General Guidelines for more submittal information.

1. Quantity of Storm Water Discharge

- a. Enter the storm water runoff quantity calculated while the representative sample was taken or
- b. Estimate the storm water runoff from the facility, assuming a representative rainfall event (0.1 inch).

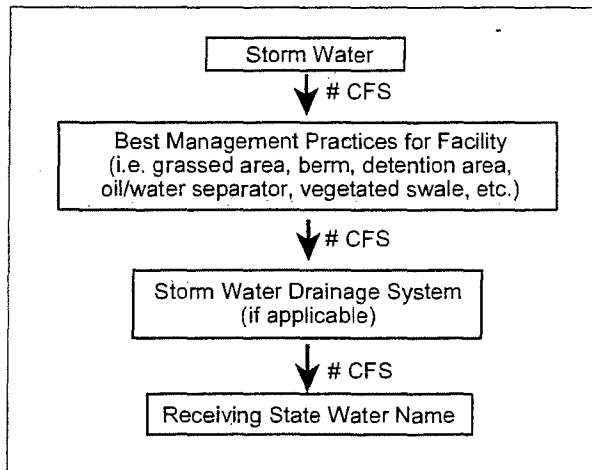
2. Non-Storm Water Information

Only storm water runoff from an industrial activity is covered by this General Permit. Discharge of treated effluent or process wastewater into receiving State waters may require a separate NPDES permit. Provide information on any non-storm water (i.e., treated effluent, process wastewater, equipment/vehicle washwater, irrigation water, water used for dust control, etc.) that may be generated by the facility. Provide the non-storm water handling methods to prevent discharge to State waters.

3. Location Map

- a. Provide a location map on 8-1/2 by 11 inches sized paper showing the island on which the facility is located and the approximate location of the facility.
- b. Provide a topographic map on 8-1/2 by 11 inches sized paper or folded to 8-1/2 by 11 inches showing at least one mile beyond the facility's property boundaries and the receiving State water(s). The map should also include the discharge point(s) where the storm water runoff exits the facility and discharges to the receiving State water(s) and, if applicable, the locations where the storm water runoff enters into a storm drainage system/structure.
- c. If there is more than one (1) discharge point into a drainage structure and/or State receiving water, provide identification numbers and coordinates for each discharge point.

4. Flow Chart



An example of a line drawing indicating how the storm water flows through the facility and the approximate amount of flow is shown. Indicate any treatment system(s) or erosion control(s) used. The quantity of discharge contributed by each source (i.e., storm water from four different drainage areas) may be estimated if no data is available.

5. Existing or Pending Permits, Licenses, or Approvals

- Indicate any additional NPDES Permit number and/or NGPC File number which is associated with this facility.
- Provide any Department of the Army (DA) file number associated with the facility.
- Provide the Section 401 Water Quality Certification (WQC) file number associated with the DA Permit.
- Provide the RCRA Permit number for any hazardous wastes stored or used at the facility.
- For SARA Facilities, indicate the chemicals and their quantities on site.
- Others (i.e., Underground Injection Control file number).

6. North American Industrial Classification System (NAICS) United States Structure Codes

See Note 1 of the General Guidelines.

7. Facility Site Map

Attach a site map on 8-1/2 by 11 inches sized paper or folded to 8-1/2 by 11 inches which has labeled the information requested in Item 14.a. (i.e., aggregate stockpile - raw material, cold-plane material stockpile - waste materials, etc.). If any items are not applicable, indicate as "n/a" in the adjacent text field and list reason.

8. Storm Water Pollution Control Plan (SWPCP)

Choose one (1) of the options for the submittal of the SWPCP.

Section 6 of HAR, Chapter 11-55, Appendix B indicates the SWPCP requirements. Portions of this section list the applicable items required in the SWPCP and procedures for maintaining, updating, and revising the SWPCP.

Section 7 of HAR, Chapter 11-55, Appendix B indicates the additional conditions to be submitted in the SWPCP for facilities which are subject to Superfund Amendments and Reauthorization Act (SARA) Section 313 requirements.

9. Multiple Outfall or Discharge Point Information

If your facility has two or more outfalls or discharge points which convey substantially similar storm water runoff discharges, you may request permission from the Director of Health to sample and analyze effluent from only one outfall or discharge point and state that the results of the analyses apply to other substantially similar discharges. If your request is granted by the Director of Health, identify which outfall or discharge point you did test and describe why the outfalls or discharge points which you did not test are substantially similar to the tested outfall or discharge point.

10. Physical Storm Water Runoff Quality

Check the box for parameters which are believed to be ABSENT based on the test results or your best estimate. Provide an explanation for why each unchecked parameter is believed to be present in the discharge, as applicable.

11. Water Quality Parameters

- a. All of the parameters must be tested and reported. Provide a copy of the laboratory data sheets with Quality Assurance/Quality Control and Chain of Custody documents, as applicable.
- b. In cases when the test results are not available at the time of NOI submission due to a lack of a representative storm event for sampling, leave the table blank and check the box.

- i. Representative Storm as defined in HAR, Section 11-55-01:

""Representative storm" means a rainfall that accumulates more than 0.1 inch of rain and occurs at least seventy-two hours after the previous measurable (greater than 0.1 inch) rainfall event."

- ii. A sample may be collected if there was no discharge of storm water runoff from the facility to State waters during the storm event which occurred within the previous seventy-two hours. (i.e., On Monday a storm event occurred at ABC, Inc., however there was no discharge of storm water to State waters. Samples may be collected during Thursday's storm event discharge.)
 - iii. If the sample collected during a representative storm is insufficient to test for all the parameters specified in this item, another sample may be collected at the next representative storm event and be tested for the remaining parameters. The test results shall be submitted to the Department within 30 days of the sampling.

- c. Test results shall be obtained from a representative sample. "Representative sample" as defined in HAR, Chapter 11-55, Appendix A, Section 14(a):

"As used in this section, a representative sample means that the content of the sample shall:

- (1) Be identical to the content of the substance sampled at the time of the sampling;
 - (2) Accurately represent the monitored item (for example, sampling to monitor final effluent quality shall accurately

represent that quality, even though the sampling is done upstream of the discharge point); and

- (3) Accurately represent the monitored item for the monitored time period (for example, sampling to represent monthly average effluent flows shall be taken at times and on days that cover significant variations). Representative sampling may include weekends and storm events and may mean taking more samples than the minimum number specified elsewhere in the applicable general permit.

The burden of proving that sampling or monitoring is representative is on the permittee."

- d. One test result may be reported for Salinity, Chloride, or Conductivity.
 - e. The test results shall be reported to the nearest decimal place or whole number as shown in the parentheses following each parameter. For example, "Temperature (0.1 °C)" - Temperature shall be reported to the nearest tenth of a centigrade and "Ammonia Nitrogen (1 µg/l)" - Ammonia Nitrogen shall be reported to the nearest whole microgram per liter.
 - f. Indicate the test method used for each parameter. The test methods that may be used are promulgated in 40 CFR Part 136 and, when applicable, listed in the references of chemical methodology for seawater analyses (see HAR, Chapter 11-54, Section 10(b)). If a test method has not been promulgated for a particular parameter, you may apply for approval of an alternate test procedure by following 40 CFR Section 136.4.
 - g. The detection limit of the test methods used shall reflect the applicable numerical limitations as specified in HAR, Chapter 11-54 and shall be indicated.
 - i. The test method indicated shall have the detection limit below and closest to the numerical limit specified in HAR, Chapter 11-54. For situations where the numerical limitation is below the detection limit of the test methods, use the test method which has the detection limit closest to the numerical limitation.
 - ii. If the test result is not detectable, indicate that the test result is "N.D." or "not detected."
 - h. Provide the specific numeric criteria for the receiving water from the "geometric mean not to exceed the given value" column of the applicable table in HAR, Section 11-54-5.2(b)(1), (d)(1), or (d)(2) or Section 11-54-6(a)(3), (b)(3), or (c)(3). The analysis shall include an explanation and evaluation of the storm water discharge quality data collected with respect to the applicable specific numeric criteria for the receiving water(s) specified under HAR, Chapter 11-54.
12. Toxic Parameters
- a. Test and report on the parameters which are believed to be present in the effluent. For example, if a tank containing a petroleum product leaked, you should expect that petroleum product to be present in the storm water runoff. Provide a copy of the laboratory data sheets with Quality Assurance/Quality Control and Chain of Custody documents, as applicable.
 - b. The parameters are categorized into Metals, Organonitrogen Compounds, Pesticides, Phenols, Phthalates, Polynuclear Aromatic Hydrocarbons, Volatile Organics, and Others and are listed alphabetically. A Glossary of Chemicals is listed in Note 2 of the General Guidelines.

- c. Fill in each space to indicate that each parameter has been considered. If a parameter does not apply to the activity, enter "N/A" for "not applicable" in the "Test Result" column to show that the parameter was considered. In cases when test results are not available at the time of the NOI submission due to a lack of a representative storm event for sampling, complete the columns for Test Method, Method Detection Limit, and HAR, §11-54-4(b)(3) for parameters believed to be present. If the Test Result column is left blank, the CWB will consider the parameter to be present and test results will be required.
- d. The test results shall be reported in micrograms per liter.
- e. Indicate the test method used for each parameter. The test methods that may be used are promulgated in 40 CFR Part 136 and, when applicable, listed in the references of chemical methodology for seawater analyses (see HAR, Chapter 11-54, Section 10(b)). If a test method has not been promulgated for a particular parameter, you may apply for approval of an alternate test procedure by following 40 CFR Section 136.4.
- f. The detection limit of the test methods used shall reflect the applicable numerical limitations as specified in HAR, Chapter 11-54 and shall be indicated.
 - i. The test method indicated shall have the detection limit below and closest to the numerical limit specified in HAR, Chapter 11-54. For situations where the numerical limitation is below the detection limit of the test methods, use the test method which has the detection limit closest to the numerical limitation.
 - ii. If the test result is not detectable, indicate that the test result is "N.D." or "not detected."
- g. Provide the specific numeric criteria for the receiving water (freshwater or saltwater) from the "acute" column of the table in HAR, Section 11-54-4(b)(3).

13. Additional Information

Any other site-specific information pertaining to the facility may also be provided in this section. Additional sheets may be attached with reference to this item.



Notice of Intent for NPDES General Permit Coverage
Authorizing Discharges of Storm Water Associated
With Industrial Activities
HAR, Chapter 11-55, Appendix B

Previously assigned
NGPC File No
(for renewal NOI only): HI _____

B.1. Quantity of Storm Water Discharge - What is the quantity of storm water that may be discharged from the facility? _____ units _____ Gallons per Minute

B.2. Non-Storm Water Information - Indicate the non-storm water disposal method and location for the applicable non-storm waters. If the non-storm water is discharged to State waters, the Industrial activity may require a separate NPDES permit.

Equipment/Vehicle Wash Water _____
Process Water _____
Irrigation Water _____
Water for Dust control _____
Other (as identified) _____

B.3. Location Map - Provide a map or maps showing the following and identify the map or figure number in the space provided.:

Island on which the project is located _____
Vicinity of the project on the island _____
Legal boundaries of the project _____
Topography of the project _____
Location and Identification number of each of the project's existing and/or proposed outfalls or discharge points _____
Receiving State water(s) and receiving storm water drainage system(s), as applicable, identified and labelled _____

B.4. Flow Chart or line drawing - Attach a flow chart showing the following (check each item).

- ☐ Identify Storm water entering the facility from off-site areas
- ☐ General route taken by storm water through the facility (show the routes through different drainage areas)
- ☐ Treatment system(s) utilized for the reduction of pollutants (e.g., grassed area, earth berm, detention area, oil/water separator, vegetated swales, etc.)
- ☐ Quantity of flow through each applicable route from upslope to the receiving State water
- ☐ Drainage system(s) receiving storm water from the facility, as applicable (e.g., City and County of Honolulu Municipal Separate Storm Sewer System (MS4), etc.)
- ☐ State water name(s) receiving storm water from the facility

Indicate which item(s) are not identified _____

B.5. Existing or Pending Permits, Licenses, or Approvals for the facility are listed by number for the following:

Other NPDES Permit or NGPC File No. _____
Department of the Army Permit (Section 404) _____
Facility on SARA 313 List (Identify SARA 313 chemicals on project site) _____
RCRA Permit (Hazardous Wastes) _____
Section 401 Water Quality Certification _____
Other(s) _____

B.6. North American Industrial Classification System (NAICS) United States Structure Codes - Provide the 6-digit NAICS code number and accompanying description (e.g., 484110 - General Freight Trucking, Local)

NAICS Code and Description

NAICS Code and Description

NAICS Code and Description

B.7. Facility Site Map(s) - Hard copy(ies) of the facility site map(s) which shows the following information is/are attached to the NOI. If any items are not applicable, indicate as "n/a" in the adjacent text field and list reason.

(1) An outline of the drainage area of each storm water outfall with each outfall location and drainage patterns with flow arrows

(2) Location(s) of any existing structural control measures used to reduce pollutants in storm water runoff

(3) Land area of the facility (SF) and amount of impervious area (SF)

(4) Location(s) of materials listed below which are exposed to storm water

(a) Raw materials

(b) Intermediate products

(c) Final Products

(d) Waste materials

(e) Byproducts

(5) Location(s) of the types of areas listed below which are exposed to storm water

(a) Handling equipment or activities

(b) Industrial Machinery

(c) Where major spills or leaks have occurred

(d) Fueling stations

(e) Vehicle and equipment maintenance and/or cleaning areas

(f) Loading/unloading areas

(g) Treatment, storage, or waste disposal areas

(h) Liquid storage tanks

(i) Processing areas

(j) Storage areas

(k) Other areas not mentioned above that may contribute pollutants to storm water