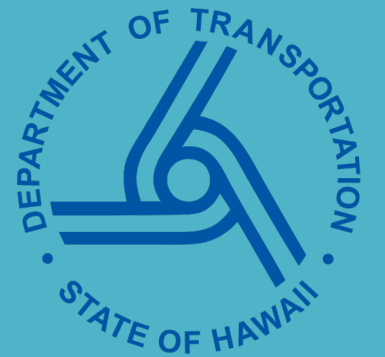


Guidance for Industrial Stormwater Permitting through the State of Hawaii, Department of Health (DOH), Clean Water Branch (CWB)

The following guidance applies to industrial tenants located at Lihue Airport (LIH), Kahului Airport (OGG), and Daniel K. Inouye Airport (HNL) where stormwater drainage structures discharge to State Waters.



Prepared by: Department of Transportation, Airports Division (DOTA), Environmental Section (AIR-EE)



What is stormwater runoff and how can it become a problem?

Stormwater Runoff:

As defined by the Environmental Protection Agency (EPA) – *“Stormwater runoff is generated from rain and snowmelt that flows over land or impervious surfaces, such as paved streets, parking lots, and building rooftops, and does not soak into the ground. Runoff can pick up and deposit harmful pollutants like trash, chemicals, and dirt/sediment into streams, lakes, the ocean, and groundwater.”*

Pollutants (such as trash, sediment, oil and grease, nutrients, and various types of chemicals) are produced during industrial activities, such as material handling and storage, waste storage, vehicle/equipment washing, maintenance, or fueling, and painting, and can be picked up by stormwater and discharged into storm drains or nearby surface water bodies. Most storm drain systems do not contain treatment devices and untreated stormwater has the potential to pollute waterbodies, which we use for drinking water, fishing, and various recreational activities.



General Regulatory Background for State of Hawaii

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMITS

DEPARTMENT OF HEALTH (DOH), CLEAN WATER BRANCH (CWB)

Administers and enforces Statewide water pollution laws and rules. Achieved through permitting of point sources, compliance monitoring, inspections, investigations of complaints, and State surface water quality monitoring.

- The State of Hawaii, DOH-CWB is authorized by the U.S. Environmental Protection Agency (EPA) to administer the NPDES Permit Program in Hawaii.
- The NPDES permit program is described and administered through the Hawaii Administrative Rules (HAR), Chapter 11-55, entitled “Water Pollution Control”.
- Chapter 11-55, Appendix B, the Multi-Sector General Permit (MSGP) authorizes certain discharges associated with industrial activities
- Chapter 11-55, Appendix A, lists the Standard Conditions of all NPDES General Permits

Does Your Facility Have a Regulated SIC Code?

1) Find your Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) Code.

You can find your NAICS code on tax forms and it can be cross-referenced to a corresponding SIC Code. <https://health.hawaii.gov/cwb/files/2017/08/How-do-I-find-my-SIC-and-NAICS-codes.pdf>

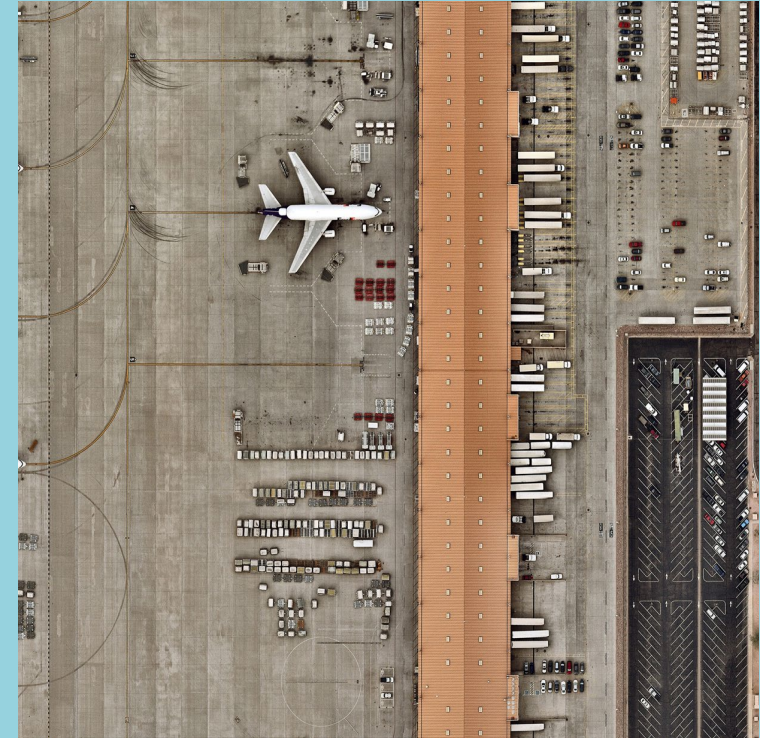
2) Once you have your SIC Code, compare it to the table, Section 12, in Appendix B.

<https://health.hawaii.gov/cwb/files/2022/01/January-15-2022-11-55-Appendices-B-A.pdf>

It should be noted that per DOH guidance related to transportation facilities, under SIC Codes: 4512, 4513, 4522, and 4581:

“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”.

Definition of Vehicle: automobiles, GSE, aircraft, etc.



If Your Facility Has a Regulated SIC Code. Are Your Industrial Activities Exposed to Stormwater?

3) Determine if your facility has industrial activities that are exposed to stormwater

Typical industrial activities:



Fueling



Washing/equipment cleaning operations



Aircraft/Equipment/Vehicle maintenance



Material storage/loading/unloading



Residuals on the ground or in stormwater inlets from leaks/spills



Parking of materials handling equipment (except adequately maintained equipment)



Painting,



Or any activity that could contribute to stormwater pollution

If all activities and pollutant sources are conducted or stored in a manner that they are not exposed to stormwater, then you ,may be eligible for a Conditional No Exposure Exclusion (CNEE).

You Have Determined Your Facility Qualifies for a MSGP. Now What?

Step 1: Develop a Stormwater Pollution Prevention Plan (SWPPP) Prior to submitting a Notice of Intent (NOI) for Permit Coverage

Please review the documents at the following DOH links for Appendix B and DOH's MSGP FAQs for helpful information relating to current and potential Permittees:

<https://health.hawaii.gov/cwb/files/2022/01/January-15-2022-11-55-Appendices-B-A.pdf>

<https://health.hawaii.gov/cwb/files/2022/01/NPDES-Industrial-Storm-Water-General-Permit-FAQs.pdf>

Key Notes:

- ❖ The SWPPP must be developed by a “Qualified Person” – a person knowledgeable in the principles and practices of industrial stormwater controls and pollution prevention, and possesses the education and ability to assess conditions at the industrial facility that could impact stormwater quality, and the education and ability to assess the effectiveness of stormwater controls selected and installed to meet the requirements of the permit.
- ❖ The SWPPP must be certified per signature requirements in Part 5.2.7 of Appendix B.
- ❖ Appendix B requires that the SWPPP be submitted with your NOI OR by posting the SWPPP on the internet per Section 5.4.1 of Appendix B. You would then include the URL on the NOI form.

You Have Determined Your Facility Qualifies for a MSGP. Now What?

Step 1 Continued: Develop a Stormwater Pollution Prevention Plan (SWPPP) Prior to submitting a Notice of Intent (NOI) for Permit Coverage

Basic Contents of the SWPPP According to Appendix B include:

- ❖ Stormwater Pollution Prevention Team
- ❖ Site Description (i.e. pollutant sources, locations of industrial activities, locations of storm drains inlets, potential sources of spill/leaks, etc.)
- ❖ Description of Control Measures
- ❖ Schedules and Procedures (i.e. training, good housekeeping, maintenance, spill prevention and response, inspections, benchmark monitoring, etc.)
- ❖ Documentation to Support Eligibility Considerations Under Other Federal Laws
- ❖ Signature Requirements

You Have Determined Your Facility Qualifies for a MSGP. Now What?

Step 2: Obtain Authorization by Submitting a Notice of Intent (NOI) Electronically via DOH e-permitting portal at <https://eha-cloud.doh.hawaii.gov/epermit/>

Key Notes:

- ❖ Once in the DOH e-permitting portal, type into Form Finder “NOI”. Select the CWB NOI Form and follow instructions.
- ❖ DOH requires that the original certification signatures (hard copy) are required on the Transmittal Requirements and Certification Statement for e-Permitting Notice of Intent (NOI) Submissions form.
- ❖ DOH requires that a CD or DVD containing only the e-Permitting submission, including all attachments. To download the submission, click on the History Link in the e-Permitting Portal (after you submitted the application).
- ❖ The non-refundable \$500 Filing Fee.
- ❖ Keep a copy of the email confirmation from DOH’s e-permitting website that the NOI was submitted. DOTA Environmental Section (AIR-EE) requires a copy of both the NOI Submittal Confirmation as well as a copy of the SWPPP.

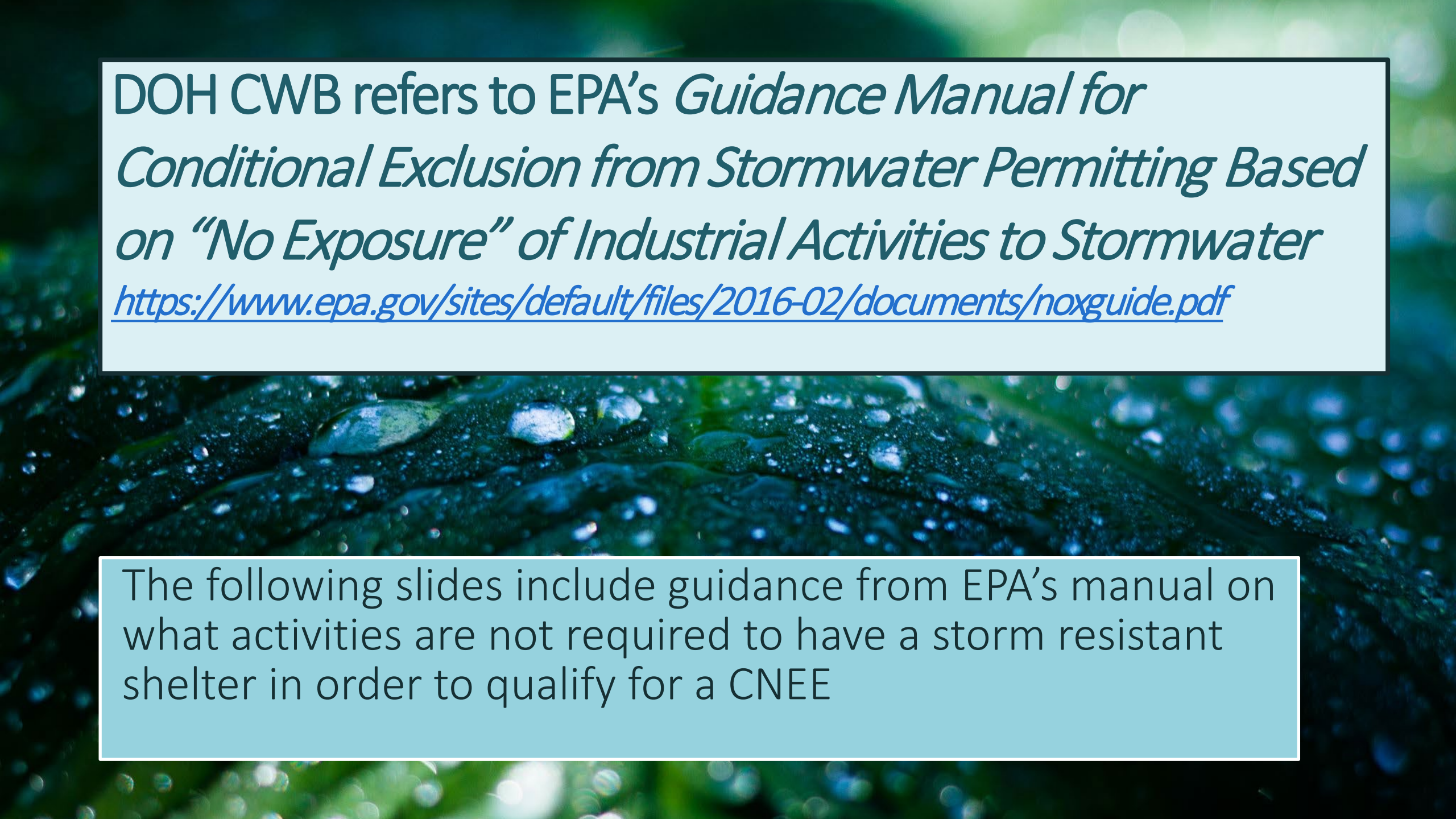
Are you eligible for a Conditional No Exposure Exclusion (CNEE) Certificate?

If your facility has a regulated Standard Industrial Classification (SIC) code, but your industrial materials and activities are not exposed to stormwater, you may be eligible for a conditional “No Exposure” exclusion from NPDES industrial stormwater permitting.

DEFINITIONS

No Exposure: all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff.

- **Industrial Materials and Activities:** include storage, loading and unloading, transportation or conveyance, of any raw material, intermediate product, by-product, final product or waste product.
- **Material Handling Activities:** include storage, loading and unloading, transportation or conveyance, of any raw material, intermediate product, by-product, final product or waste product.
- **Storm-Resistant Shelters:** include completely roofed and walled buildings or structures, as well as structures with only a top cover but with no side coverings, provided material under the structure is not otherwise subject to any run-on and subsequent runoff of stormwater.



DOH CWB refers to EPA's *Guidance Manual for Conditional Exclusion from Stormwater Permitting Based on "No Exposure" of Industrial Activities to Stormwater*
<https://www.epa.gov/sites/default/files/2016-02/documents/noxguide.pdf>

The following slides include guidance from EPA's manual on what activities are not required to have a storm resistant shelter in order to qualify for a CNEE

Activities That Are Not Required to Have a Storm Resistant Shelter

Drums, barrels, tanks and similar containers, if they meet the following:

- Are sealed and are not deteriorated or leaking
- Are only stored outside (any addition or withdrawal of material to/from containers while outdoors does not constitute “no exposure”)
- Are inspected regularly to check for leaks or deterioration

Aboveground Storage Tanks (ASTs)

Aboveground Storage Tanks (ASTs), if they meet the following:

- They must be physically separated from and not associated with vehicle maintenance operations.
- There must be no piping, pumps, or other equipment leaking contaminants that could contact stormwater.
- Where feasible, ASTs are recommended to be surrounded by some type of physical containment (dike, berm or concrete retaining structure, etc.) to prevent runoff in the event of a leaking transfer valve.

Activities That Are Not Required to Have a Storm Resistant Shelter

Lidded Dumpsters, if they meet the following:

- Are covered
- Are not leaking and have no ability to leak from holes in the bottom
- During loading into a garbage truck, waste product does not have the ability to be lost out of the truck or dumpster

Adequately Maintained Vehicles (such as trucks, automobiles, forklifts, trailers, or other general purpose vehicles and equipment found on-site), if they meet the following:

- Are adequately maintained so that they will not cause a condition of exposure
- Are not leaking

Activities That Are Not Required to Have a Storm Resistant Shelter

Final Products, if they meet the following:

- Products manufactured that are built with intended use being outside and are not a source of contaminants.
- Products that cannot be mobilized by stormwater, such as rock salt.

*Intermediate products, such as sheet metal, tubing, or paint used in creating a product are not allowed to be exposed because they may be chemically treated or are insufficiently impervious to weathering.

Note: Pollutants potentially mobilized by wind cause a condition of exposure. If materials are stored under cover, but have the potential to be wind blown, this condition does not qualify for “no exposure”.

How Do I Apply for a “No Exposure” Certificate

To request Conditional “No Exposure” Exclusion from NPDES industrial storm water permitting, follow the steps below. There is no filing fee to submit this form.

1. On-line submission of the CNEE form through the e-Permitting Portal.

<https://eha-cloud.doh.hawaii.gov/epermit/app/#/formversion/fc434820-44d6-4718-89e3-7bc34cd4b607>

Original certification signature (hard copy) on the Transmittal Requirements and Certification Statement for e-Permitting “No Exposure” Certification.

A CD or DVD containing only the e-Permitting submission. To download the submission, click on the History Link in the e-Permitting Portal (after you submitted the application). Locate your submission and press the view button under the Action column. Then you may either:

*Please see DOH Industrial Stormwater Requirements Slides from May 2014 for more information on e-permitting steps at

<https://health.hawaii.gov/cwb/files/2013/05/Workshop20140512NOEXP.pdf>





AIR-EE will require a copy of the email confirmation that the CNEE transmittal was submitted to DOH CWB prior to the July 15, 2022 deadline.



DOH will review the application and if the CNEE is acceptable, a CNEE certificate will be issued for a 5-year period. The expiration date will be listed on the Certificate.



If activities at the facility change, and activities are conducted that are exposed to stormwater, a NOI for a MSGP must be submitted to DOH CWB with a SWPPP.



AIR-EE requires a copy of the Certificate to be available at the facility.

AIR-EE Required Documentation for CNEEs

Mahalo For Your Time

Please contact your local DOTA Environmental Health Specialist (EHS) for any questions you might have for the airports included in this presentation.

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