

**Kailua 2006**

PERMIT NO. HI 0021296

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. § 1251 *et seq.*; the "Act") and Hawaii Revised Statutes, Chapter 342D, and Hawaii Administrative Rules, Chapters 11-54 and 11-55, Department of Health (DOH), State of Hawaii,

**CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

(hereinafter "PERMITTEE"),

is authorized to discharge secondary treated wastewater,

to the receiving waters named the Pacific Ocean through Outfall Serial No. 001 at:  
Latitude 21°25'50.3"N and Longitude 157°45'26.5"W,

from its Kailua Regional Wastewater Treatment Plant (hereinafter "FACILITY"),

located at 95 Kaneohe Bay Drive, Kailua, Oahu, Hawaii,

in accordance with the effluent limitations, monitoring requirements and other conditions set forth herein, and in the permit attachments, including the DOH "Standard NPDES Permit Conditions," December 30, 2005.

All references to Title 40 of the Code of Federal Regulations (40 CFR) are to regulations that are in effect on July 1, 2004, except as otherwise specified. Unless otherwise specified herein, all terms are defined as provided in the applicable regulations in 40 CFR.

This permit will become effective 30 days after the date of issuance.

This permit and the authorization to discharge will expire at midnight, **June 30, 2009**.

Signed this 3<sup>rd</sup> day of August, 2006.

  
(For) Director of Health

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**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**1. Limitations and Monitoring Requirements**

During the period beginning with the effective date of this permit and lasting through **June 30, 2009**, the Permittee is authorized to discharge secondary-treated wastewater from Outfall Serial No. 001. The discharges shall be limited and monitored by the Permittee as specified below:

PARAMETER	DISCHARGE LIMITATION		UNIT	MINIMUM MONITORING FREQUENCY	SAMPLE TYPE
Flow <sup>1</sup>	N/L		MGD	Continuous	Recorder or Totalizer
Biochemical Oxygen Demand (5-day) <sup>1</sup>	30-day Average	30	mg/l	5 Days/Week <sup>4</sup>	24-Hour Composite
		1442 <sup>2</sup>	kg/day		
		85 <sup>3</sup>	% Removal		
	7-day Average	45	mg/l		
		2163 <sup>2</sup>	kg/day		
Total Suspended Solids <sup>1</sup>	30-day Average	30	mg/l	5 Days/Week <sup>4</sup>	24-Hour Composite
		1442 <sup>2</sup>	kg/day		
		85 <sup>3</sup>	% Removal		
	7-day Average	45	mg/l		
		2163 <sup>2</sup>	kg/day		
pH Range	6.0 - 9.0 <sup>5</sup>		Standard Unit	5 Days/Week <sup>4</sup>	Grab
Total Nitrogen	N/L		mg/l	Once/Month <sup>6</sup>	24-Hour Composite
Ammonia Nitrogen	N/L		mg/l	Once/Month <sup>6</sup>	24-Hour Composite
Nitrate + Nitrite Nitrogen	N/L		mg/l	Once/Month <sup>6</sup>	24-Hour Composite
Total Phosphorus	N/L		mg/l	Once/Month <sup>6</sup>	24-Hour Composite
Turbidity	N/L		N.T.U.	Once/Month <sup>6</sup>	24-Hour Composite
Whole Effluent Toxicity <sup>7</sup>	186 <sup>8</sup>		TU <sub>c</sub>	Once/Month <sup>6</sup>	24-Hour Composite
Enterococci	N/L		#/100 ml	5 Days/Month <sup>9</sup>	Grab

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PARAMETER	DISCHARGE LIMITATION	UNIT	MINIMUM MONITORING FREQUENCY	SAMPLE TYPE
Priority Pollutants <sup>10</sup>	N/L	µg/l	Once/Year <sup>11</sup>	24-Hour Composite/ Grab <sup>12</sup>

N/L No limitation at this time. Monitoring and reporting required only.  
 MGD Million Gallons Per Day  
 mg/l Milligrams Per Liter  
 µg/l Micrograms Per Liter  
 kg/day Kilograms Per Day  
 ml Milliliters  
 N.T.U. Nephelometric Turbidity Units  
 TU<sub>c</sub> Chronic Toxicity Units

- <sup>1</sup> The Permittee shall monitor both the influent and effluent.
- <sup>2</sup> The mass emission rates are based on a discharge flow of 12.7 MGD.
- <sup>3</sup> The 30-day average percent removal shall not be less than 85%.
- <sup>4</sup> The Permittee shall sample each day of the week (Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, and Sunday) at least once every two (2) months.
- <sup>5</sup> The Permittee shall maintain the pH of the effluent within the limits of 6.0 and 9.0 unless the Permittee demonstrates that: (1) inorganic chemicals are not added to the waste stream as part of the treatment process; and (2) contributions from the industrial sources do not cause the effluent discharge to be less than 6.0 or greater than 9.0.
- <sup>6</sup> "Once/Month" shall mean once per calendar month.
- <sup>7</sup> The Permittee shall conduct whole effluent toxicity monitoring in accordance with the provisions in Part B of this permit.
- <sup>8</sup> Limitation does not apply to monitoring results using *tripneustes gratilla*.
- <sup>9</sup> Five (5) days per month means equally spaced samples at six (6) day intervals or unequally spaced at five (5), six (6), seven (7), or eight (8) day intervals, provided that the total period covered is between 25 and 30 days. The Permittee shall not collect consecutive samples on the same day of the week.
- <sup>10</sup> Priority pollutants are listed under the Act Section 307(a) and in Attachment B of this permit. The priority pollutant scan shall exclude asbestos. Detection levels shall be reported and shall meet the requirements of 40 CFR Part 136.
- <sup>11</sup> "Once/Year" shall mean once per calendar year.
- <sup>12</sup> The Permittee shall analyze for cyanide and the volatile fraction of the toxic organic compounds with a grab sample. The Permittee shall analyze all other pollutants with composite sample.

**2. Sampling Locations**

- a. The Permittee shall take all influent samples downstream of any additions to the trunk sewer, upstream of any in-plant return flows, and prior to treatment.
- b. The Permittee shall take all effluent samples downstream from any additions to the treatment plant and any in-plant return flows or disinfection units, and prior to mixing with the receiving waters.

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- c. The Permittee shall not change sampling locations without the notification to and the approval from the Director of Health (Director).

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**B. WHOLE EFFLUENT TOXICITY LIMITATIONS AND MONITORING REQUIREMENTS**

1. Chronic Toxicity Testing

The Permittee shall conduct monthly chronic toxicity tests on flow-weighted 24-hour composite effluent samples in accordance with the procedures outlined below.

If the Permittee experiences difficulty in obtaining gametes or has unacceptable control performance while conducting the sea urchin sperm/fertilization bioassay during a monitoring period, the Permittee shall document its efforts, communicate all attempts to the Director, and report all attempts on the discharge monitoring report for that monitoring period.

It shall not be considered a noncompliance of the whole effluent toxicity requirements if it can be proven to the Director's satisfaction that the inability in obtaining gametes for testing was due to circumstances beyond the Permittee's control.

a. Definition of Chronic Toxicity

Chronic toxicity measures a sublethal effect (e.g., reduced growth) to experimental test organisms exposed to an effluent compared to that of the control organisms. The No Observed Effect Concentration (NOEC) is the highest effluent concentration to which organisms are exposed in a chronic test, that causes no observable adverse effect on the test organisms (e.g., the highest concentration of toxicant to which the values for the observed responses are not statistically significantly different from the controls). Test results shall be reported in  $TU_c$ , where  $TU_c = 100/NOEC$  and  $100/EC25$ .

Chronic toxicity for *Ceriodaphnia dubia* is defined by an exceedance of the chronic toxicity discharge limitation specified in Part A.1 of this permit. This chronic toxicity discharge limitation does not apply to monitoring results for toxicity tests using *Tripneustes gratilla*. Rather, for the purposes of additional (accelerated) testing, toxicity reduction evaluation/toxicity identification evaluation, and reporting requirements below, chronic toxicity for *Tripneustes gratilla* is defined by an exceedance of a chronic toxicity threshold value of



b. Test Species and Methods

- (1) The Permittee shall conduct chronic toxicity testing on the following species using the methods specified:
  - (a) *Ceriodaphnia dubia* using Short-Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to Freshwater Organisms (EPA-821-R-02-013, October 2002, or subsequent editions).
  - (b) *Tripneustes gratilla* using Hawaiian Collector Urchin, *Tripneustes gratilla* (Hawa'e) Fertilization Test Method 3/16/98 (Adapted by Amy Wagner, EPA Region 9 Laboratory, Richmond, CA from a method developed by George Morrison, EPA, ORD Narragansett, RI and Diane Nacci, Science Applications International Corporation, ORD Narragansett, RI).
- (2) Upon written request by the Permittee and written approval by the Director, or upon request by the Director, the Permittee shall use updated versions of the methods referenced in the section above as they become available from Environmental Protection Agency (EPA).

c. Quality Assurance

- (1) A series of five (5) dilutions and a control shall be tested. The series shall include the in-stream waste concentration (IWC), two (2) dilutions below the IWC, and two (2) dilutions above the IWC (e.g., 12.5, 25, 50, 75, and 100 percent effluent, where IWC = 50). The chronic IWC for this discharge is 0.54 percent effluent.
- (2) If organisms are cultured in-house, then monthly reference toxicant testing is sufficient. If organisms are not cultured in-house, then concurrent testing with reference toxicants shall be conducted. Reference toxicant tests shall be conducted using the same test conditions as effluent toxicity tests (i.e., same test duration, etc.).
- (3) If either the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, then the Permittee must re-sample and re-test within approximately 14 days.

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- (4) Control and dilution water shall be receiving water or lab water, as described in the test methods manual. If dilution water is different from culture water, then a second control using culture water shall also be tested. To maintain acceptable salinity when conducting effluent tests with *Tripneustes gratilla*, effluent dilutions shall be adjusted by adding hypersaline brine/GP2 salts and a third control using brine shall also be tested.
- (5) Reference toxicant and effluent tests must meet the percent minimum significant difference (PMSD) criteria for *Ceriodaphnia dubia* found in Table 3-6 of Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program (EPA 833-R-00-003, June 2000).

2. Toxicity Reduction Evaluation (TRE)

a. Preparation of Initial Investigation TRE Workplan

The Permittee shall submit to the Director and EPA Region 9 Administrator (Regional Administrator) an initial investigation TRE workplan (approximately 1-2 pages) within 90 days of the effective date of this permit. This workplan shall describe steps which the Permittee intends to follow in the event that chronic toxicity is detected, and at minimum, shall include the following:

- (1) Description of the investigation and evaluation techniques that would be used to identify potential causes/sources of toxicity, effluent variability, and treatment system efficiency.
- (2) Description of the facility's method of maximizing in-house treatment efficiency, good housekeeping practices, and a list of all chemicals used in operation of the facility.
- (3) Identification of the organization (e.g. contract laboratory, etc.) that will conduct the evaluation if a toxicity identification evaluation (TIE) becomes necessary.

b. Additional (Accelerated) Toxicity Testing

- (1) If chronic toxicity is detected, the Permittee shall conduct six (6) additional tests, one (1) approximately every 14 days, over a 12-week period. The Permittee shall commence effluent sampling for the first

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test of the six (6) additional tests within one (1) week from completion of the test which exceeded the toxicity discharge limitation.

- (2) However, if implementation of the initial investigation TRE workplan indicates the source of toxicity (e.g., a temporary plant upset, etc.), then the Permittee shall conduct only the first test of the six (6) additional tests required above. If chronic toxicity is not detected in this first test, then the Permittee shall return to the normal sampling frequency required in Part B.1 of this permit. If chronic toxicity is detected in this first test, then Part B.2.c of this permit shall apply.
- (3) If chronic toxicity is not detected in any of the six (6) additional tests required above, then the Permittee shall return to the normal sampling frequency required in Part B.1 of this permit.

c. Toxicity Reduction Evaluation/Toxicity Identification Evaluation (TRE/TIE)

- (1) If chronic toxicity is detected in any of the six (6) additional tests, then, based on an evaluation of the test results and additional available information, the Director and Regional Administrator may determine that the Permittee shall initiate a TRE, in accordance with the Permittee's initial investigation TRE workplan and *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA 833-B-99-002, 1999). Moreover, the Permittee shall develop and submit to the Director and Regional Administrator for approval within 14 days from when toxicity was detected a detailed TRE workplan which includes:
  - (a) Further actions to investigate/identify the cause(s) of toxicity.
  - (b) Actions the Permittee has taken/will take to mitigate the impact of the discharge, to correct the noncompliance, and to prevent the recurrence of toxicity.
  - (c) Schedule under which these actions will be implemented.
- (2) As part of this TRE process, the Permittee may initiate a TIE using the manuals: EPA/600/6-91/005F (Phase I - freshwater), EPA/600/R-96/054 (Phase I - marine), EPA/600/R-92/080 (Phase II), and EPA/600/R-92/081 (Phase III), to identify the cause(s) of toxicity.

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- (3) If a TRE/TIE is initiated prior to completion of the accelerated testing schedule required by Part B.2.b of this permit, then the accelerated testing schedule may be terminated, or used as necessary in performing the TRE/TIE.

**3. Reporting**

- a. The Permittee shall report whole effluent toxicity exceedances within 48 hours of completion of the test.
- b. The Permittee shall submit a full laboratory report of toxicity test results, including any toxicity testing required by Parts B.2.b and B.2.c of this permit, with the DMR for the month in which the toxicity tests are conducted. A full laboratory report, at a minimum, shall consist of: (1) toxicity test results (including calculated sperm to egg ratio for *Tripneustes gratilla*); (2) dose response curve; (3) dates of sample collection and initiation of each toxicity test; and (4) the toxicity discharge limitation. Toxicity test results shall be reported according to the test methods manual chapter on Report Preparation.

If the initial investigation TRE workplan is used to determine that additional (accelerated) toxicity testing is unnecessary, these results shall be submitted with the DMR for the month in which investigations conducted under the TRE workplan occurred.

- c. Within 14 days of receipt of test results exceeding a toxicity discharge limitation, the Permittee shall provide written notification to the Director and Regional Administrator of:
  - (1) Findings of the TRE or other investigation to identify the cause(s) of toxicity, if a TRE is requested by the Director.
  - (2) Actions the Permittee has taken/will take, to mitigate the impact of the discharge and to prevent the recurrence of toxicity.
  - (3) Implementation schedule for corrective actions when corrective actions, including a TRE, if a TRE is requested by the Director, have not been completed.
  - (4) Reason for not taking corrective action, if no action has been taken.

**4. Sampling Frequency Reduction**

- a. If the Permittee has not violated the chronic toxicity discharge limitation specified in Part A.1 of this permit after completing 24 consecutive months of testing, then the Permittee may request a reduction in monitoring frequency.
- b. Any such reduction of the monitoring frequency must be approved by the Director in writing, and shall be at the Director's sole discretion.
- c. A reduction in frequency to once per year or more shall be considered a minor modification for the purposes of 40 CFR 124.
- d. If the Permittee violates the chronic toxicity discharge limitation after the reduction in monitoring frequency becomes effective, then monitoring frequency shall return to once per month for the duration of this permit.

**5. Permit Reopener**

This permit may be modified, in accordance with 40 CFR 122 and 124, to include conditions or limitations to address demonstrated effluent toxicity based on newly available information.

Nothing in Part B of this permit waives any remedy or penalty applicable under Chapter 342D, *Hawaii Revised Statutes*.

C. SPECIFIC CRITERIA FOR RECREATIONAL AREAS

1. Limitations and Monitoring Requirements

Recreational areas shall be limited and monitored by the Permittee as specified below:

Parameter	Limitation	Unit	Minimum Monitoring Frequency	Sampling
Enterococci	7 <sup>1</sup> 100 <sup>2</sup>	#cfu/100 ml	5 Days/Month <sup>3</sup>	Grab
	35 <sup>4</sup> 104 <sup>5</sup>	# cfu/100 ml	Once/Quarter <sup>6</sup>	Grab

#cfu/100 ml Number of colony forming units per 100 milliliters

- <sup>1</sup> This limitation is a geometric mean and applies to State waters within 300 meters of the shoreline, including natural public bathing or wading areas.
- <sup>2</sup> This limitation is a single sample maximum and applies to State waters within 300 meters of the shoreline, including natural public bathing or wading areas.
- <sup>3</sup> The Permittee shall conduct monitoring on the same day that effluent sampling for enterococci is conducted. Samples shall be equally spaced at six (6) day intervals or unequally spaced at five (5), six (6), seven (7), or eight (8) day intervals, provided that the total period covered is between 25 and 30 days. Consecutive samples shall not be collected on the same day of the week.
- <sup>4</sup> This limitation is a geometric mean and applies to State waters 300 meters (1000 feet) from the shoreline until three (3) miles from the shoreline.
- <sup>5</sup> This limitation is a single sample maximum and applies to State waters 300 meters (1000 feet) from the shoreline until three (3) miles from the shoreline.
- <sup>6</sup> The Permittee shall conduct recreational area monitoring on the same day that the ZOM and effluent sampling for these parameters are conducted.

2. Sampling Locations

- a. The Permittee shall establish at least seven (7) shoreline and four (4) near shore (within 300 meters) sampling stations.
- b. The Permittee shall establish at least four (4) sampling stations along the boundaries of the Zone of Initial Dilution.

- c. Upon written request by the Permittee and written approval by the Director, or upon request by the Director, the Permittee shall revise their recreational monitoring plan to replace and/or include additional monitoring locations to augment regional monitoring efforts by the DOH.

**3. Test Procedures**

The Permittee shall conduct enterococci analyses in accordance with the following procedures:

- (a) Standard Methods, 20th Edition.
- (b) Method 1600: Enterococci in Water by Membrane Filtration Using membrane-Enterococcus Indoxyl- $\beta$ -D-Glucoside Agar (mEI), EPA-821-R-04-023, April 2005.
- (c) Method 1106.1: Enterococci in Water by the Membrane Filtration Using membrane-Enterococcus-Esculin Iron Agar (mE-EIA), EPA-821-R-04-022, April 2005.

Marine recreational waters along sections of coastline where enterococci content does not exceed the standard, as shown by the geometric mean test described above, shall not be lowered in quality.

**4. Exceptions**

Inability to conduct enterococci monitoring due to inclement weather or hazardous conditions which may endanger the lives of the Permittee's personnel shall not constitute a violation of this permit.

**D. ZONE OF MIXING LIMITATIONS AND MONITORING REQUIREMENTS**

1. Design Criteria

- a. The Zone of Mixing (ZOM) shall be established for the assimilation of secondary treated wastewater at a design flow of 12.7 MGD.
- b. The ZOM shall consist of a rectangular prism having a length of 1960 feet and a width of 1000 feet. The diffuser is centered on the longitudinal axis of the ZOM.

2. Limitations and Monitoring Requirements

The boundaries of the ZOM shall be limited and monitored by the Permittee as specified below:

Parameter	Geometric Mean Not to Exceed the Given Value	Not to Exceed the Given Value More than Ten Percent of the Time	Not to Exceed the Given Value More than Two Percent of the Time	Unit	Minimum Monitoring Frequency	Sample Type
Total Nitrogen	110.00	180.00	250.00	µg/l	Once/Quarter <sup>1</sup>	Grab <sup>2</sup>
Ammonia Nitrogen	2.00	5.00	9.00	µg/l	Once/Quarter <sup>1</sup>	Grab <sup>2</sup>
Nitrate + Nitrite Nitrogen	3.50	10.00	20.00	µg/l	Once/Quarter <sup>1</sup>	Grab <sup>2</sup>
Total Phosphorous	16.00	30.00	45.00	µg/l	Once/Quarter <sup>1</sup>	Grab <sup>2</sup>
Chlorophyll <i>a</i>	0.15	0.50	1.00	µg/l	Once/Quarter <sup>1</sup>	Grab <sup>2</sup>
Turbidity	0.20	0.50	1.00	NTU	Once/Quarter <sup>1</sup>	Grab <sup>2</sup>
pH Range	7.6 - 8.6			Standard Unit	Once/Quarter <sup>1</sup>	CDP
Dissolved Oxygen	Not less than 75% Saturation			% Saturation	Once/Quarter <sup>1</sup>	CDP
Temperature	Shall not vary more than 1° C from ambient conditions			° C	Once/Quarter <sup>1</sup>	CDP



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Parameter	Geometric Mean Not to Exceed the Given Value	Not to Exceed the Given Value More than Ten Percent of the Time	Not to Exceed the Given Value More than Two Percent of the Time	Unit	Minimum Monitoring Frequency	Sample Type
Salinity	Shall not vary more than 10% from natural or seasonal changes considering hydrologic input and oceanographic factors			PPT	Once/Quarter <sup>1</sup>	CDP

µg/l            Micrograms Per Liter  
 #cfu/100ml    Number of colony forming units per 100 milliliters  
 NTU            Nephelometric Turbidity Units  
 CDP            Continuous Depth Profile  
 ° C             Degrees Celsius  
 PPT            Parts Per Thousand

- <sup>1</sup> The Permittee shall conduct ZOM monitoring on the same day that the recreational area and effluent sampling for these parameters are conducted.
- <sup>2</sup> The Permittee shall monitor surface, mid-depth and bottom.
- <sup>3</sup> This limitation is a single sample maximum.

**3. Sampling Locations**

The Permittee shall establish at least four (4) sampling stations along the boundaries of the ZOM.

**4. Ocean Outfall Monitoring**

At least once during the term of this permit, the Permittee shall inspect the ocean outfall and submit the investigation findings to the Director. The outfall inspection shall include, but not be limited to, the investigation of the structural integrity, operational status, and maintenance needs. The Permittee shall include findings of the inspection to the Director in the annual assessment report due on May 31<sup>st</sup> of each year for the year the outfall inspection is conducted.

**5. Exceptions**

The following circumstances shall not constitute violations to this permit:

- a. Exceedances of limitations specified in Part D.2 within the boundaries of the ZOM.
- b. Inability to conduct ZOM monitoring due to inclement weather or hazardous conditions which may endanger the lives of the Permittee's personnel.

E. SPECIFIC WATER QUALITY PARAMETERS EFFLUENT REQUIREMENTS

1. Monitoring Requirements

The Permittee shall monitor the effluent for total nitrogen, ammonia nitrogen, nitrate + nitrite nitrogen, and total phosphorus in accordance with Part A of this permit. The specific water quality parameters monitored shall not exceed the following operations performance threshold values more than once in 12 consecutive months:

Parameter	Threshold Value	Units	Monitoring Frequency	Type of Sample
Total Nitrogen	21.0	mg/l	Once/Month <sup>1</sup>	24-Hour Composite
Ammonia Nitrogen	14.0	mg/l	Once/Month <sup>1</sup>	24-Hour Composite
Nitrate + Nitrite Nitrogen	15.0	mg/l	Once/Month <sup>1</sup>	24-Hour Composite
Total Phosphorus	3.5	mg/l	Once/Month <sup>1</sup>	24-Hour Composite

mg/l Milligrams Per Liter

<sup>1</sup> "Once/Month" shall mean once per calendar month.

2. Initial Investigation Evaluation Plan

- a. Within 120 days after the effective date of this permit, the Permittee shall submit an initial investigation evaluation plan. At a minimum, the plan shall include a brief description of the investigation and evaluation techniques that would be used to identify potential causes of the following:
  - (1) Any exceedance of the parameters listed in the table under Part E.1.
  - (2) Effluent variability.
  - (3) Treatment system efficiency.
- b. If the monitoring results exceed any of the threshold values specified in Part E.1, the Permittee shall immediately report the initial exceedance and conduct an initial investigation evaluation in accordance with their plan and submit the results of the evaluation with the DMR for that monitoring period.

3. **Increase in Monitoring and Reporting Requirements**

If the Permittee exceeds or will exceed the criteria for any parameter specified in Part E.1 more than once in 12 consecutive months, the Permittee shall increase the monitoring frequency of those parameters in exceedance to once per week. The monitoring frequency shall remain at once per week until the monitoring results are below the threshold value for three (3) consecutive weeks. After this is achieved, monitoring and reporting for those parameters shall return to once per month. The Permittee shall submit the monitoring results with the DMR for the month in which the exceedances occurred.

4. **Reduction Evaluation Plan**

- a. If the Permittee exceeds or will exceed the criteria for any parameter specified in Part E.1 more than twice in 12 consecutive months, or if requested by the Director, the Permittee shall submit a reduction evaluation plan and implementation schedule within 45 calendar days after the third exceedance or request by the Director.
- b. The reduction evaluation shall determine the cause of exceedance, outline measures that will be or have been implemented to ensure compliance with the criteria, and include an implementation schedule.
- c. Upon completion of the reduction evaluation, this permit may be modified, or alternatively revoked and reissued, in order to incorporate appropriate permit conditions and implementation schedules.

**F. SLUDGE REQUIREMENTS**

1. **General Conditions and Requirements**

a. **Acceptable Sludge Use/Disposal Practices**

- (1) The Permittee shall dispose of all sludge generated at the facility at a municipal solid waste landfill, at a sludge surface disposal site, by land application, or by transferring the sludge to another party for further treatment, use, or disposal in accordance with all applicable portions of 40 CFR Parts 257, 258, 503 and HAR, Chapters 11-58.1 and 11-62.
- (2) Storage of sludge for over two (2) years from the time it is generated shall be considered to be surface disposal. The storage site shall meet all the requirements of a surface disposal site under 40 CFR Part 503 Subpart C and HAR, Chapters 11-58.1 and 11-62. If the Permittee desires to store sludge for longer periods of time prior to final disposal, the Permittee shall submit a written request to the EPA Regional Sludge Coordinator and Director containing the information required under 40 CFR Section 503.20(b).
- (3) The Permittee shall dispose of sludge containing more than 50 mg/kg of PCBs in accordance with 40 CFR Part 761.
- (4) If the Permittee desires to dispose of sludge using a method not listed above, the Permittee shall submit a request for permit modification to EPA Regional Sludge Coordinator and Director 180 days prior to the commencement of the alternate disposal practice.

b. **Duty to Mitigate**

- (1) The Permittee shall be responsible for ensuring the following:
  - (a) All sludge produced at its facility is used/disposed of in accordance with 40 CFR Parts 257, 258, 503, and HAR, Chapters 11-58.1 and 11-62, whether the Permittee uses/disposes of the sludge itself or transfers it to another party for further treatment, use, or disposal.
  - (b) Subsequent preparers, applicators, or disposers of the sludge are informed of the requirements under 40 CFR Parts 257, 258, 503, and HAR, Chapters 11-58.1 and 11-62.

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- (c) Sludge is not allowed to enter waters of the United States, or to contaminate an underground drinking water source.
  - (d) Sludge treatment, storage, use, and disposal does not create a public nuisance.
  - (e) Haulers who ship non-Class A sludge off-site for additional treatment, use, or disposal take all necessary measures to keep sludge contained.
- (2) The Permittee shall take all reasonable steps to prevent or minimize any sludge use or disposal which has a likelihood of adversely affecting human health or the environment.

c. Other Conditions

- (1) The Director may promptly modify or revoke and reissue this permit to incorporate any applicable standard for sewage sludge use or disposal promulgated under the Act Section 405(d), or adopted under HRS, Chapter 342D or HAR, Chapter 11-62, if the standard is more stringent than the standard in this permit or covers a pollutant or practice not covered in this permit.
- (2) The sludge requirements in this part are supplemental to the other conditions of this permit. In the event of a conflict, those requirements more protective of the environment shall apply.
- (3) The requirements in 40 CFR Part 503 are enforceable by the EPA independently of being included in this permit.

2. Sludge Limitations and Monitoring Requirements

a. Sludge shall be limited and monitored by the Permittee as specified below:

- (1) Sludge Disposed of in Municipal Solid Waste Landfills

Monitoring Parameter/ Test Procedures	Limitation	Monitoring Frequency
Paint Filter Test (SW-486, EPA Method 9095)	No "Free Liquids"	Once/Year