

**National Pollutant Discharge Elimination System (NPDES) General Permit
Frequently Asked Questions (FAQs)**

- 1. Will the Department of Health (DOH), Clean Water Branch (CWB) inform all Permittees with administrative extensions that the new NPDES general permits were adopted?**

Yes. Please see the DOH-CWB website. Also, everyone that was issued an administrative extension to their existing Notice of General Permit Coverage (NGPC) will be issued a new NGPC. You are required to read, understand, and comply with the new NPDES general permit.

- 2. Will the Department of Health (DOH), Clean Water Branch (CWB) issue new Notice of General Permit Coverages (NGPCs) to replace the administratively extended NGPGs after the new NPDES general permits are adopted?**

Yes. Please see the DOH-CWB website. Also, everyone that was issued an administrative extension to their existing NGPC will be issued a new NGPC. You are required to read, understand, and comply with the new NPDES general permit.

- 3. I have an administrative extension for an existing Notice of General Permit Coverage (NGPC). After the new NPDES general permits are adopted, do I have to comply with these new NPDES general permits?**

Yes. Everyone that was issued an administrative extension to their existing NGPC will be issued a new NGPC. You are required to read, understand, and comply with the new NPDES general permit.

- 4. If I submitted an individual NPDES permit application and was not issued the NPDES permit yet, can I convert my application to a Notice of Intent (NOI) for coverage under an NPDES general permit?**

Yes, only if your proposed discharge/activity meets all of the requirements of the new NPDES general permit. To convert your individual NPDES permit application to a NOI you must:

- a. Notify the Department of Health (DOH), Clean Water Branch (CWB) in writing that you wish to convert your application.
- b. Read the new NPDES general permit and fulfill all requirements before submitting the NOI. For example: Hawaii Administrative Rules (HAR), Chapter 11-55, Appendix C (NPDES general permit for storm water associated with construction activities) requires that the Storm Water Pollution Prevention Plan (SWPPP) is developed before NOI submission.

- c. Make sure that your organization can and will comply with every requirement in the NPDES general permit.
- d. Complete and submit the NOI Form on the e-Permitting Portal. Your \$1000 individual NPDES application filing fee can be applied to the \$500 NOI filing fee. You cannot be given a refund for the extra \$500.

Once the Notice of General Permit Coverage (NGPC) is issued, your individual NPDES permit application will be terminated.

5. I submitted an individual NPDES permit application for multiple discharges that could be covered under NPDES general permits. Can I convert my individual NPDES permit application to a Notice of Intent (NOI)?

Yes. However, you will have to complete and submit multiple NOIs. Example: If you wish to cover your hydrotesting, dewatering, and well drilling discharges under the NPDES general permits, you need to submit one (1) NOI for coverage under Hawaii Administrative Rules (HAR) 11-55, Appendix F for discharges of hydrotesting waters; one (1) NOI for coverage under HAR 11-55, Appendix G for discharges of construction activity dewatering effluent; and one (1) NOI for coverage under HAR 11-55, Appendix I for discharges of well drilling effluent. Each NOI requires a separate \$500 filing fee.

6. I already have an issued individual NPDES permit for a discharge/activity that could be covered under an NPDES general permit. Should I switch to coverage under the NPDES general permit?

No. It does not make sense to switch if you were already issued an individual NPDES permit.

7. I already have an issued individual NPDES permit. Do I have to amend anything when the new NPDES general permits are adopted?

No. Comply with the issued individual NPDES permit.

8. Will the adoption of Hawaii Administrative Rules (HAR) 11-55, Appendix C (NPDES general permit for storm water associated with construction activities) affect individual NPDES permit applications for storm water associated with construction activities?

Yes. All individual NPDES permit applications for storm water associated with construction activities that are submitted after the effective date of HAR 11-55, Appendix C will be required to comply with the Storm Water Pollution Prevention Plan (SWPPP) requirements in HAR 11-55, Appendix C. Also, you will be required to submit the SWPPP with your individual NPDES permit application. All individual NPDES permit applications for storm water associated with construction activities submitted before the effective date does not have to

submit the SWPPP that complies with the new requirements in HAR 11-55, Appendix C.

9. **I have a construction project that is disturbing more than one (1) acre. The project will be done in phases and will have different contractors. Can I cover my entire project under one (1) Notice of Intent (NOI) for coverage under Hawaii Administrative Rules (HAR) 11-55, Appendix C?**

If you have all of the NOI information required in HAR 11-55, Appendix C, your entire construction project can be covered under one (1) NOI, regardless of the number of phases or the different contractors.

10. **Hawaii Administrative Rules (HAR) 11-55, Appendix C requires the Storm Water Pollution Prevention Plan (SWPPP) to be developed prior to Notice of Intent (NOI) submission and the SWPPP is not submitted with the NOI. During the NOI processing, will Department of Health (DOH) perform periodic checks to make sure the SWPPDP was prepared?**

Yes. You may be contacted by phone and asked to email the SWPPP by the end of the next working day. The Certifying Person may also be asked to certify that the SWPPP was already prepared prior to NOI submittal, and asked to submit a hard copy within 7 calendar days. If DOH finds that someone submitted a NOI without preparing a SWPPP, their request for coverage under the NPDES general permit may be denied with prejudice, and DOH may pursue criminal enforcement action.

11. **Can I make changes to my Storm Water Pollution Prevention Plan (SWPPP)? How do I make these changes and do I need to notify the Department of Health (DOH)?**

Yes you can make changes to your SWPPP. Do not notify the DOH. Please follow the requirements in Hawaii Administrative Rules 11-55, Appendix C to make changes to your SWPPP.

12. **If I have an existing Notice of General Permit Coverage (NGPC) that is administratively extended, do I have to change the Best Management Practices (BMPs) to the new Storm Water Pollution Prevention Plan (SWPPP) requirements after Hawaii Administrative Rules (HAR) 11-55, Appendix C is adopted?**

You will have to comply with the SWPPP requirements for portions of the project site where BMPs have not been installed yet or where land disturbance has not commenced. Please refer to Section 5 of HAR 11-55, Appendix C.

13. My current authorized representative doesn't meet the new authorized representative definition. Do I need to change my authorized representative?

Yes. The authorized representative must meet the requirements of Hawaii Administrative Rules (HAR) 11-55-07(b). The responsibility of the authorized representative cannot be delegated to an outside consultant with no financial responsibility for the Owner – they cannot sign as the “authorized representative” on behalf of the Owner. This requirement stems from the fact that self-reporting is critical under the Clean Water Act and Hawaii Water Pollution statutes; reports filed with the Department of Health, Clean Water Branch can have serious legal consequences, including possible civil and even criminal liability. The Owner in signing reports, therefore, must be represented by someone who has some responsibility for the organization's financial interests. The authorized representative must be able to attest to the accuracy of reports either because he or she participated in the preparation of the report, or supervises those who did prepare it and can attest that those individuals followed standard protocols that ensure the accuracy of the report. The authorized representative is personally liable for potential criminal prosecution if the reports are not accurate.

To change your authorized representative, please go to the e-Permitting Portal website located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. Press the Application Finder button and type “CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs.” Read the instructions, complete, and submit the form. Change the authorized representative information in Section 6 of this e-Permitting form.

14. Hawaii Administrative Rules (HAR) 11-55, Appendix C, Section 9.1.7.1 requires inspection reports to be completed within 48 hours. Section 9.1.7.2 requires all inspection reports to be signed by the Certifying Person or authorized representative. What can I do if I can't get these people to sign in 48 hours?

You can put the printed name of the Certifying Person or authorized representative and someone else may sign for this person. Your organization internally determines who can sign for the Certifying Person or authorized representative. If your organization does not allow this and you cannot meet the 48 hour requirement, you may not be covered under this NPDES general permit.

15. **The requirements in Hawaii Administrative Rules (HAR) 11-55, Appendix C (e.g. inspection frequencies) do not match my NPDES Municipal Separate Storm Sewer System (MS4) permit requirements. Which one do I comply with?**

You are required to comply with both. Treat the different permit requirements independently.

16. **The new Hawaii Administrative Rules (HAR) 11-55, Appendix C, Section 5.3.4 contains emergency spill notification requirements. Do I follow only this or are there other things I must follow?**

You must follow Section 5.3.4 to comply with this NPDES general permit. You are still required to comply with all other regulations/requirements (e.g. HAR 11-62, DOH-HEER, etc.).

17. **The new NPDES general permit for storm water associated with construction activities [Hawaii Administrative Rules (HAR) 11-55, Appendix C] contains automatic coverage provisions for emergency-related construction activities declared by the President of the United States or state governor. Does this automatic coverage provision apply to construction projects that require individual NPDES permit coverage?**

No. This only applies to the HAR 11-55, Appendix C. However, if the President of the United States waives NPDES permit requirements for your project, you do not need to obtain NPDES permit coverage.

18. **Changes have been made to the NPDES general permits so that Notice of General Permit Coverages (NGPCs) can no longer be modified or re-issued. What does this mean?**

After the NGPC is issued, any changes to information in the Notice of Intent or NOI (i.e. changes in the scope of work, any increases to the land disturbance area, new discharge points, etc.) will require a new NOI, filing fee, and a new NGPC to be issued. The old NGPC will be terminated upon issuance of the new NGPC. If you are amending BMPs and updating contact information unrelated to an ownership transfer, a new NOI and NGPC is not necessary.

19. **Changes have been made to the NPDES general permits so that Notice of General Permit Coverages (NGPCs) can no longer be modified or re-issued. Does this apply to individual NPDES permits?**

No. Individual permits can be modified. Please note that changes in ownership require a \$500 filing fee. Major modifications require a \$1000 filing fee, a public notice, and re-issuance.

20. **Will the Department of Health (DOH) allow facilities that require more than one (1) type of general permit coverage to submit one (1) individual NPDES permit application to cover all discharges (e.g. Hawaii Administrative Rules 11-55, Appendices B and K)?**

DOH will consider this on a case by case basis.

21. **Will the Department of Health (DOH) allow a Permittee to cover all of their small Municipal Separate Storm Sewer Systems (MS4s) on a single island in one (1) individual NPDES permit application?**

DOH will consider this on a case by case basis only.

22. **What Toxic Pollutants do I need to monitor and report for compliance with Table 34.1 of the NPDES General Permit authorizing the discharge of storm water associated with industrial activities (HAR 11-55, Appendix B)?**

You are responsible for monitoring and reporting all toxic pollutants believed to be present in your storm water discharge as disclosed in the Notice of Intent (NOI) that was submitted for the covered facility and all sector specific parameters as listed in EPA's 2008 Multi-Sector General Permit. Additionally, you must monitor, report, and comply with any specific parameters listed in your facility's Notice of General Permit Coverage. For all pollutants NOT disclosed in the NOI, you do NOT have authorization to discharge those pollutants.

23. **Do I need to notify the DOH-CWB if I plan to alter my facility that is covered under the NPDES General Permit authorizing the discharge of storm water associated with industrial activities (HAR 11-55, Appendix B)?**

If you plan to alter your facility in a manner that would change the nature of the pollutants being discharged (e.g. facility expansion/modification, taking on new industrial processes or activities, etc.), you must notify DOH-CWB as soon as possible (40 CFR 122.41 (I)(1)) and submit a revised Storm Water Pollution Control Plan within 30 days. A new Notice of Intent and filing fee will be required if the facility alteration will result in a change to the already issued Notice of General Permit Coverage (NGPC). Changes have been made to the NPDES General Permits so that NGPCs can no longer be modified.

24. **What do I do if I discover I am discharging a pollutant that I did not know, or had no reason to believe, that I would discharge at the time of Notice of Intent (NOI) submittal for coverage under the NPDES General Permit authorizing the discharge of storm water associated with industrial activities (HAR 11-55, Appendix B)?**

If you discover that you are discharging a pollutant that you did not know or had no reason to believe that you would discharge at the time of the NOI submittal and/or you discover that your NOI did not disclose a known pollutant, you must immediately report what pollutant is being discharged and continue to sample for that pollutant in subsequent storm water sampling events (40 CFR 122.41 and HAR, Chapter 11-55, Appendix A). You will also be required to submit a new NOI

and filing fee as the new pollutant will result in a change to the already issued Notice of General Permit Coverage (NGPC). Changes have been made to the NPDES General Permits so that NGPCs can no longer be modified. The old NGPC will be terminated upon issuance of the new NGPC.