

# Construction Stormwater NOI/NGPC Workshop

Tuesday, January 26, 2010  
Honolulu Country Club



**GCA of Hawaii**

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.



Presented in by the State of Hawaii,  
Department of Health, Clean Water Branch  
in Partnership with the  
General Contractors Association of Hawaii,  
Environment Committee

Presented by: Joanna L. Seto  
Matthew Kurano  
Jamie Tanimoto

# CWB Mission

The mission of the Clean Water Branch is to protect the public health of residents and tourists who recreate in and on Hawaii's coastal and inland water resources, and to also protect and restore inland and coastal waters for marine life and wildlife.



# Agenda

- 8:00 am Welcome  
CWB Notice of Intent (NOI) General Form
- 8:50 am Break – Table Top Displays
- 9:00 am CWB-NOI Form C and Site-Specific  
Construction Best Management Practices
- 10:00 am Break – Table Top Displays
- 10:10 am Compliance with Notice of General Permit  
Coverage (NGPC)
- 11:30 am Question & Answer  
Table Top Displays  
Individual Q&A to CWB Staff  
Closing



**National Pollutant  
Discharge  
Elimination System  
(NPDES)  
Regulations**

# Federal Law and Regulation

## NPDES

- Section 402 of Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (commonly referred to as the Clean Water Act or CWA)
- Title 40, Code of Federal Regulations (40 CFR)

# State Law and Regulations

## NPDES

- Hawaii Revised Statutes, Chapter 342D, Water Pollution
- Hawaii Administrative Rules, Title 11, Chapter 54, Water Quality Standards
- Hawaii Administrative Rules, Title 11, Chapter 55, Water Pollution Control
- <http://www.hawaii.gov/health/about/rules/admrules.html>

# Change to HAR, Chapter 11-55

*(effective June 15, 2009)*

- The amendments repealed the requirement for applicants to submit the NPDES permit application or NOI to the Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD).
- Do not submit a copy of the NPDES Permit Application or NOI for construction coverage to DLNR-SHPD.

# **EPA Construction Stormwater Rule Takes Effect February 1, 2010**

- **Requires nearly all construction sites to implement a range of erosion and sediment controls and pollution prevention measures**

# **EPA Constr'n Stormwater Rule** (con't)

- **Non-numeric effluent limitations will apply to every construction site over one (1) acre when the rule takes effect on February 1, 2010**
- Implementation of best management practices related to:
  - (1) erosion and sedimentation controls,
  - (2) soil stabilization controls, and
  - (3) pollution prevention measures.

# EPA Constr'n Stormwater Rule (con't)

- The rule also prohibits discharges from:
  - (1) dewatering activities and concrete washout activities (unless managed by appropriate controls),
  - (2) wastewater from the washout of stucco, paint, form release oils, curing compounds and other construction materials,
  - (3) fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, and
  - (4) soaps or solvents used in vehicle and equipment washing.
- The rule also requires that discharges from basins or impoundments on a construction site must withdraw water from the surface, unless infeasible.

# EPA Constr'n Stormwater Rule (con't)

- **Numeric limit and associated monitoring requirements applicable to large sites disturbing 10 acres or more at one time will be phased in over four (4) years.**
  - construction sites that disturb 20 or more acres of land at one time are required to sample and comply with the turbidity limitation by August 1, 2011
  - construction sites that disturb 10 or more acres at one time are required to sample and comply with the turbidity limitation by February 2, 2014
- **Daily maximum limitation for Turbidity = 280 Nephelometric Turbidity Units (NTU)** - averages of the samples taken over the course of a day may not exceed the maximum daily amount

# NPDES Permits for Construction Projects

- **Individual NPDES Permit**
  - For construction projects which discharge to Class 1 or Class AA waters
  - Different procedures and fees apply – please contact CWB for details
- **NPDES General Permit**
  - For construction projects which discharge to Class 2 or Class A waters
  - Procedures will be presented during this workshop
  - *No changes to HAR, Chapter 11-55, Appendix A or C as of October 21, 2007 or June 15, 2009*

# **How to Obtain the Latest NPDES Regulations, Applications, Forms and Guidelines?**

**Clean Water Branch Website**

**<http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>**

A photograph of a construction site. In the foreground, there is a large area of reddish-brown soil. A black erosion control mat is laid out along the edge of the soil. A chain-link fence runs across the middle ground, supported by wooden posts. In the background, a taller chain-link fence is visible, with a dark vehicle parked behind it. The text "Notice of Intent Procedures for Construction Projects" is overlaid in yellow on the image.

# Notice of Intent Procedures for Construction Projects

# NOI Procedures

**To obtain coverage under the Construction Stormwater General Permit, submit the following:**

- CWB NOI General Form
- CWB NOI Form C or EPA SWPPP
- \$500 Filing Fee

**See handouts for examples.**

# NOI Procedures

## NOI and SSBMPs review priorities:

- American Recovery and Reinvestment Act (ARRA) Projects
- Capital Improvement Project (CIP) Strike-Force List Projects
- Clean Energy Projects
- All other projects by date received

Indicate in your transmittal that your project meets one of the above criteria to ensure the priority review.

# NOI Procedures

**The following may cause the NOI to be incomplete:**

- No electronic submittal of CWB NOI General Form (*xml file*), CWB NOI Form C or SWPPP (*pdf file – minimum 300 dpi*), attachments (*pdf files – minimum 300 dpi*)
- No \$500 Filing Fee

# NOI Procedure Changes

- **The CWB NOI Form C will be replaced with the requirement to submit a completed EPA Storm Water Pollution Prevention Plan (SWPPP) Template.**
  - **See handout for blank SWPPP template.** Template will be revised to incorporate State required information. Check CWB website for updates.
  - Blank template is available on the EPA website at [http://www.epa.gov/npdes/pubs/sw\\_swppp\\_template\\_auth\\_states.doc](http://www.epa.gov/npdes/pubs/sw_swppp_template_auth_states.doc)
  - Certain Site-specific construction information/Best Management Practices may be submitted at least 30 calendar days before the start of construction activities. Please see CWB NOI Form C for which items may be submitted later.

# Upcoming Changes

## Upcoming Changes to Hawaii's NPDES Program

- eDMR (electronic submittal of Discharge Monitoring Report Form)
- Web-based forms
- Electronic Signatures
- Searchable online database
- Total Maximum Daily Loads and Waste Load Allocations
- Chargeable Filing Fee through [ehawaii.gov](http://ehawaii.gov)

# NOI Issues from Attendees

- Dewatering Requirements
- Work Near/Adjacent to Wetlands
- Monitoring Water Quality Standards
- New Regulations regarding monitoring of stormwater discharge

# NOI Issues from Attendees

- ❑ “Submit By Email” Issues
- ❑ DOH Requirements vs. City and County Requirements
- ❑ 1 Acre vs. “Category 1 -> 4”
- ❑ Overlap? Who to follow? Who has general permit, contractor to apply for one? County has MS4, is contractor/developer supposed to apply for inclusion with county? With DOH?

# From NOI to NGPC Compliance

