**Options and Instructions for Existing and New Dischargers for**

**NPDES General Permits Expiring Midnight, December 5, 2016**

The National Pollutant Discharge Elimination System (NPDES) general permits in Hawaii Administrative Rules (HAR), Chapter 11-55 that became effective on December 6, 2013, are Appendix E (NPDES general permit authorizing discharges of cooling water less than one million gallons per day); Appendix F (NPDES general permit authorizing discharges of hydrotesting waters); Appendix G (NPDES general permit authorizing discharges associated with construction activity dewatering); and Appendix K (NPDES general permit authorizing discharges of storm water from small Municipal Separate Storm Sewer Systems (MS4)). These four (4) NPDES general permits (hereinafter 2013 NPDES General Permits) will expire midnight, December 5, 2016.

The Department of Health (DOH), Clean Water Branch (CWB) is proposing to adopt new NPDES general permit rules for these four (4) classes of discharges (hereinafter 2016 NPDES General Permits). In order to adopt the 2016 NPDES General Permits, the DOH-CWB must follow the HAR revision process. Currently, we do not know if or when the 2016 NPDES General Permits will be adopted. Therefore, the DOH-CWB is notifying existing dischargers currently covered under 2013 NPDES General Permits and new dischargers that may want coverage under the 2013 NPDES General Permits of their options.

**Options for “Existing” Dischargers Covered Under 2013 NPDES General Permits On or Prior to October 31, 2016**

You have the following options if you are an existing discharger with a Notice of General Permit Coverage (NGPC), dated October 31, 2016 or earlier, that informed you of your coverage under the 2013 NPDES General Permits:

1. Submit a complete 2016 Renewal Notice of Intent Form before 4:30 pm, November 7, 2016.
2. The 2016 Renewal Notice of Intent Form is available on the e-Permitting Portal located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. Enter the e-Permitting Portal website; login (a one-time registration is required to obtain a login and password); press the Form Finder button; type “2016 Renewal Notice of Intent Form”; click on the link “2016 Renewal Notice of Intent Form”; read the instructions; press the Submit Online Form button and complete the form. As a reminder, processing of this form will not begin until the DOH-CWB receives the hard copy certification with original signature from the Certifying Person.
3. Follow all of the instructions on the 2016 Renewal Notice of Intent Form to check your submission status, to see if you were granted coverage under the 2016 NPDES General Permits, or to see if you were granted an administrative extension under the 2013 NPDES General Permits.
4. If the 2016 NPDES General Permits cannot be adopted on or before midnight, December 5, 2016, NGPCs cannot be issued. You will be granted an administrative extension only if you submitted a complete 2016 Renewal Notice of Intent Form before 4:30 pm, November 7, 2016, and followed all submittal instructions on this form. The administrative extension will require you to comply with the 2013 NPDES General Permit during the pendency of the 2016 NPDES General Permit. Your administrative extension will terminate:
5. After the 2016 NPDES General Permits are adopted and you are issued a NGPC notifying you to comply with the 2016 NPDES General Permits.
6. When the DOH-CWB notifies you that your administrative extension has been terminated due to your non-compliance with the 2013 NPDES General Permit. This will only occur if you do not comply.
7. If you fail to submit an individual NPDES permit application within 60 days of the date the DOH-CWB notifies you that you must submit an individual NPDES permit application. This will only occur if the DOH-CWB decides that your discharge should be covered under an individual NPDES permit or if the DOH decides not to issue some or all of the 2016 NPDES General Permits. In this situation, if you submit the individual NPDES permit application within 60 days from the DOH-CWB notification date, your administrative extension will continue until 45 days after the individual NPDES permit is issued, the effective date of the individual NPDES permit, or the date your request for individual NPDES permit coverage is denied, whichever is earliest.
8. Terminate your coverage under the 2013 NPDES General Permit and apply for an individual NPDES permit if you plan on discharging to State waters after midnight, December 5, 2016. If you do not wish to be covered under the 2016 NPDES General Permits and/or you cannot or do not want to comply with the 2016 NPDES General Permits, you may request an individual NPDES permit.

a. To request an individual NPDES permit, you must submit the CWB Individual NPDES Form via the e-Permitting Portal located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. Enter the e-Permitting Portal website; login (a one-time registration is required to obtain a login and password); press the Form Finder button; type “CWB Individual NPDES Form”; click on the link “CWB Individual NPDES Form”; read the instructions; press the Submit Online Form button and complete the form. As a reminder, processing of this form will not begin until the DOH-CWB receives the hard copy certification with original signature from the Certifying Person.

b. In this situation, you will only be granted an administrative extension under the 2013 NPDES General Permits if:

* You submit the individual NPDES permit application before 4:30 pm, November 7, 2016;
* You request an administrative extension with the submittal of your individual NPDES permit application; and
* You certify with your administrative extension request that you are in compliance with every requirement in the 2013 NPDES General Permit that applies to your discharge.

If an administrative extension is granted, it will terminate 45 days after the individual NPDES permit is issued, the effective date of the individual NPDES permit, or the date your request for individual NPDES permit coverage is denied, whichever is earliest.

1. Terminate your coverage under the 2013 NPDES General Permits and cease your discharge to State waters on or before midnight, December 5, 2016. As a reminder, a Notice of Cessation must be submitted through the e-Permitting Portal via form entitled “CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs.”

**Options for “New” Dischargers that are Not Covered Under the 2013 NPDES General Permits On or Prior to October 31, 2016**

You have the following options if you are a potential new discharger that is not currently covered under the 2013 NPDES General Permits and do not have a NGPC, dated October 31, 2016 or earlier:

1. Obtain coverage under the 2013 NPDES General Permit on or prior to October 31, 2016, and submit a complete “2016 Renewal Notice of Intent Form” before 4:30 pm, November 7, 2016.
   1. To request coverage under the 2013 NPDES General Permit, you are required to submit the “CWB NOI Form” via the e-Permitting Portal located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. Enter the e-Permitting Portal website; login (a one-time registration is required to obtain a login and password); press the “Form Finder” button; type “CWB NOI Form”; click on the link “CWB NOI Form”; read the instructions; press the “Submit Online Form” button and complete the form. As a reminder, processing of this form will not begin until the DOH-CWB receives the hard copy certification with original signature from the Certifying Person.
   2. Only after you are issued a NGPC notifying you to comply with the 2013 NPDES General Permits, do you submit the “2016 Renewal Notice of Intent Form” via the e-Permitting Portal located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. Enter the e-Permitting Portal website; login; type “2016 Renewal Notice of Intent Form”; click on the link “2016 Renewal Notice of Intent Form”; read the instructions; press the “Submit Online Form” button and complete the form. As a reminder, processing of this form will not begin until the DOH-CWB receives the hard copy certification with original signature from the Certifying Person.

i. Follow all of the instructions on the “2016 Renewal Notice of Intent Form” to check your submission status, to see if you were granted coverage under the 2016 NPDES General Permits, or to see if you were granted an administrative extension under the 2013 NPDES General Permits.

ii. If the 2016 NPDES General Permits cannot be adopted before midnight, December 5, 2016, you will be granted an administrative extension only if you submit a complete “2016 Renewal Notice of Intent Form” and follow all submittal instructions on this form. The administrative extension will require you to comply with the 2013 NPDES General Permit during the pendency of the 2016 NPDES General Permit. Your administrative extension will terminate:

A. After the 2016 NPDES General Permits are adopted and you are issued a NGPC notifying you to comply with the 2016 NPDES General Permits.

B. When the DOH-CWB notifies you that your administrative extension has been terminated due to your non-compliance with the 2013 NPDES General Permit. This will only occur if you do not comply.

C. If you fail to submit an individual NPDES permit application within 60 days of the date the DOH-CWB notifies you that you must submit an individual NPDES permit application. This will only occur if the DOH-CWB decides that your discharge should be covered under an individual NPDES permit or if the DOH-CWB decides not to adopt some or all of the 2016 NPDES General Permits. In this situation, if you submit the individual NPDES permit application within 60 days from the DOH-CWB notification date, your administrative extension will continue until 45 days after the individual NPDES permit is issued, the effective date of the individual NPDES permit, or the date your request for individual NPDES permit coverage is denied, whichever is earliest.

1. Request coverage under the 2013 NPDES General Permit before, 4:30pm, October 31, 2016, and cease your discharge before midnight, December 5, 2016.

a. To request coverage under the 2013 NPDES General Permit, you are required to submit the “CWB NOI Form” via the e-Permitting Portal located at: https://eha-cloud.doh.hawaii.gov/epermit/. Enter the e-Permitting Portal website; login (a one-time registration is required to obtain a login and password); press the “Form Finder” button; type “CWB NOI Form”; read the instructions; press the “Submit Online Form” button and complete the form. As a reminder, processing of this form will not begin until the DOH-CWB receives the hard copy certification with original signature from the Certifying Person.

b. To cease your discharge once you are covered under the 2013 NPDES General Permit, you are required to submit a Notice of Cessation through the e-Permitting Portal via form entitled “CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs”.

1. Apply for an individual NPDES permit.

To request an individual NPDES permit, you must submit the “CWB Individual NPDES Form” via the e-Permitting Portal located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. Enter the e-Permitting Portal website; login (a one-time registration is required to obtain a login and password); press the “Form Finder” button; type “CWB Individual NPDES Form”; read the instructions; press the “Submit Online Form” button and complete the form. As a reminder, processing of this form will not begin until the DOH-CWB receives the hard copy certification with original signature from the Certifying Person.

Note: If you are a new discharger that requires NPDES permit coverage after November 7, 2016, you can apply for an individual NPDES permit or wait until the 2016 NPDES General Permits are adopted. You will have to make this decision based on your project or facility schedule.

1. Do not discharge to State waters (no permit). Find alternative ways of disposing your pollutants that do not involve discharging to State waters.