Industrial Storm Water Requirements

State of Hawaii, Department of Health, Clean Water Branch

Address: 919 Ala Moana Boulevard, Room 301
Honolulu, Hawaii 96814

Phone: (808) 586-4309
Email: cleanwaterbranch@doh.hawaii.gov
Website: http://health.hawaii.gov/cwb/

May 2014
Overview

- What is an NPDES Permit?
- Do I Need an NPDES Permit?
- What is a “No-Exposure” Exclusion?
  - Do I qualify for a “No-Exposure” Exclusion?
- Obtaining “No-Exposure” Certification
  1. CWB NOI Form to Request Coverage under HAR 11-55, Appendix B.
     a. NGPC.
     b. NGPC Compliance Submittals.
  2. CWB “No Exposure” Certification Form (Conditional “No Exposure” Exclusion)
- Questions.
What is an NPDES Permit?
What is an NPDES Permit?

- National Pollutant Discharge Elimination System (NPDES) is permit system required by federal Clean Water Act.
- Environmental Protection Agency (EPA) delegated Department of Health (DOH) authority to administer NPDES permit system in State of Hawaii.
What is an NPDES Permit?

- Hawaii Administrative Rules (HAR), Chapter 11–55, Water Pollution Control is NPDES permit program in State of Hawaii.
- HAR, Chapter 11–54 is State Water Quality Standards (WQS). According to State law, everyone is required to comply with State WQS whether you need an NPDES permit or not.
What is an NPDES Permit?

- NPDES permit required for all point source discharges to State waters and three (3) situations involving storm water.
  1. Storm water associated with construction activities that disturb one (1) acre or more.
  2. Storm water associated with industrial activities.
Do I Need an NPDES Permit?
All facilities with Standard Industrial Classification (SIC) Code(s) regulated in 40 CFR §122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi) are required to obtain NPDES permit coverage for discharges of storm water runoff associated with an industrial activity(ies).

Do I Need an NPDES Permit?

- You can verify your facility’s SIC Code(s) on your federal tax form.
- If your facility has a regulated SIC Code, you will be required to:
  - Obtain NPDES permit coverage for storm water associated with industrial activities,
  - or
  - If your facility has a regulated SIC Code, but your industrial materials and activities are not exposed to storm water, you may be eligible for a conditional “No Exposure” exclusion.
Do I Need an NPDES Permit?

- North American Industry Classification System (NAICS) Codes
  - Newer coding

- Standard Industrial Classification (SIC) Codes
  - Older coding
  - Conversion Tables – NAICS to SIC
    - [https://www.census.gov/epcd/ec97brdg/](https://www.census.gov/epcd/ec97brdg/)
What is a “No Exposure” Exclusion

- If your facility has a regulated Standard Industrial Classification (SIC) code, but your industrial materials and activities are not exposed to storm water, you may be eligible for a conditional “No Exposure” exclusion from NPDES industrial storm water permitting.
A condition of "no exposure" exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.
Industrial materials or activities include, but are not limited to:
- material handling equipment or activities,
- industrial machinery,
- raw materials,
- intermediate products,
- by-products,
- final products, or
- waste products.

Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.
A storm resistant shelter is not required for the following industrial materials and activities:

- Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. “Sealed” means banded or otherwise secured and without operational taps or valves;
- Adequately maintained vehicles used in material handling; and
- Final products other than products that would be mobilized in storm water discharges (e.g. rock salt).
Obtaining “No Exposure” Certification Through the Department of Health’s e-Permitting Portal
Requesting Exclusion

- E-Permitting Portal
  - One time registration:
    - Create user profile (e.g. provide name, company, telephone number, email, etc.).
    - Provide valid email address.
    - Create password.
  - Sign in using email address and password.
  - Anyone can register and submit through portal.
Open e-Permitting Portal at: https://eha-cloud.doh.hawaii.gov/epermit/.
Recommended browsers: Google Chrome, Mozilla Firefox, Internet Explorer 9 or higher.
Click Register link at top of page.
Requesting Exclusion

- Fill out registration and verify your email address.
Requesting Exclusion

- After registration, sign in to e-Permitting Portal.
Requesting Exclusion

- Enter email address and password you provided during registration.
e-Permitting Portal allows you to change and/or reset your password.
E-Permitting Password.
- Protect your password.
- Anyone with your password can view and edit all drafts and submissions created under your account.
- In future, e-Permitting will be upgraded to allow users to share submissions and assign user roles.
- If you need to reset password and do not have access to the registered email, you will lose access to all your drafts and submissions. You will have to register again. DOH will not recover your drafts and submissions.
Requesting Exclusion

- After signing in you will be taken to e-Permitting Portal start page.
Press Application Finder button.
Requesting Exclusion

- Enter name of desired form in search field (e.g. CWB No Exposure Certification Form)
- You may also enter type of activity you need to permit and the Portal will recommend applications.

Type name of desired form (e.g. “CWB No Exposure Certification Form”)
Requesting Exclusion

- Link to form will appear. Click on this link.
You are taken to the Form Start Page. Please make sure to read the instructions.
After you read the instruction, press “Submit On-Line Application” button.
Requesting Exclusion

Steps:
- Entry
- Processing Info
- Review
- Certify & Submit
- Payment
- Confirmation

Application Sections
1a. NOI Requirements
1b. Emergency-Related Construction
2. Owner Information
3. Operator or General Contractor
4. Facility/Project Information
5. Tax Map Key (TMK) No.
6. Receiving State Water(s) Information
7. Receiving Drainage System(s)
8. Authorized Representative
9. Discharge Specific Attachments

Data Entry
This step allows you to fill out the application form and to validate the information provided. The application is divided into separate application sections as listed below. Please fill out each section.

CWB "No Exposure" Certification Form
(Submission ID: TXF-BPTD-BF3K, v1)

Yes, I certify that I am submitting this "No Exposure" certification since my facility and my organization will comply with these rules. I certify that all of the rules outlined in Chapter 15-37 of the Hawaii Administrative Rules (HAR) have been complied with.

I certify under penalty of law that during the period of time of the application, I have not caused any storm water (including but not limited to runoff, stormwater, overflows, spills, or溢流s) to enter the receiving water body(s) or the open waters of the state as a result of any ordinary course of business.

I certify under penalty of law that during the period of time of the application, I have not caused any storm water (including but not limited to runoff, stormwater, overflows, spills, or溢流s) to enter the receiving water body(s) or the open waters of the state as a result of any ordinary course of business.

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Yes, I certify.
Requesting Exclusion

Fields with asterisk (*) required.
After you provide information, press Next Section button to continue to next section.
If section meets appropriate validation rules, you will move to next step in process.

Visual cues provided by system:
- Sections not yet visited marked with yellow star.
- Sections with missing data marked with red x. Once all issues on section remedied green checkmark will appear.
- Sections with required information filled out marked with green checkmark.

Note: At any time, “Save for Later” button can be clicked to conclude data entry for time being. You can recommence process by clicking “History” link at top of form and selecting edit button next to your application.
2. Requesting Coverage

Application Sections

- 1a. New “No Exposure”
- 1b. Renewal “No Exposure”
- 2. Owner Information
- 3. Operator Contact
- 4a. Facility Information
- **4b. Facility Information:**
  - 5. Tax Map Key (TMK) No.
  - 6. Receiving State Water(s)
  - 7. Receiving Drainage
**Requesting Exclusion**

<table>
<thead>
<tr>
<th>Application Sections</th>
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<tbody>
<tr>
<td>1a. New “No Exposure”</td>
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**CWB “No Exposure” Certification Form (Section 1a)**

- Certify you read, will comply with, and will not violate HAR Chapters 11–54 and 11–55.
- Certify your materials and activities will not be exposed to precipitation.
- Certify your proposed discharge will not impair State waters, Native Hawaiian cultural resources (e.g. burial sites, heiau, or taro loi) or exercise of traditional Native Hawaiian cultural practices. Provide steps accepted by OHA and other appropriate agencies if you will so impair. You are responsible under Hawaii Constitution to mitigate impacts.
CWB “No Exposure” Certification Form (Section 1b.)

- If you are issued a “No Exposure” certification, it is valid for 5 years. After 5 years, you will need to renew your certification.
- If you are renewing your “No Exposure” certification, complete both sections 1a. and 1b.
- Enter your previous file number for your “No Exposure” certification.
- If you are obtaining a new certification, skip this section.
CWB “No Exposure” Certification Form (Section 2)
- A “No Exposure” certification can be issued to Owner (of the activity) or Operator (of the activity). The Owner may not necessarily be the landowner.
- If you wish to have the “No Exposure” certification issued to Operator, must provide written evidence that Owner authorized Operator to apply on their behalf, and Owner needs to agree to comply with the “No Exposure” certification conditions.
- Certifying Person must meet one of signatory type descriptions and be employed by entity being issued the “No Exposure” certification.
## Requesting Exclusion

### Application Sections

- **1a. New “No Exposure”**
- **1b. Renewal “No Exposure”**
- **2. Owner Information**
- **3. Operator Contact**
  - **4a. Facility Information**
  - **4b. Facility Information:**
  - **5. Tax Map Key (TMK) No.**
  - **6. Receiving State Water(s)**
  - **7. Receiving Drainage**

### CWB “No Exposure” Certification Form (Section 3)
- Provide operator information.
Requesting Exclusion

CWB “No Exposure” Certification Form (Section 4)
- Provide facility name.
- Facility street address is either physical address or, if no physical address is available, a description of the location (i.e. northwest corner of 1st Street and X Avenue).
- Facility Contact person can be design consultant.

Application Sections

- ✔️ 1a. New “No Exposure”
- ✔️ 1b. Renewal “No Exposure”
- ✔️ 2. Owner Information
- ✔️ 3. Operator Contact
- ⭐️ 4a. Facility Information
- ⭐️ 4b. Facility Information:
- ⎠ 5. Tax Map Key (TMK) No.
- ⎠ 6. Receiving State Water(s)
- ⎠ 7. Receiving Drainage
## Requesting Exclusion

### CWB “No Exposure” Certification Form (Section 4b)
- Provide NAICS code and description.
- Provide corresponding SIC code and description.
- Click on the plus (+) tab to enter more than one set of codes; enter all applicable codes for industrial activities.

### Application Sections

<table>
<thead>
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<td><strong>4b. Facility Information:</strong></td>
</tr>
<tr>
<td>5. Tax Map Key (TMK) No.</td>
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Requesting Exclusion

**Application Sections**

- 1a. New “No Exposure”
- 1b. Renewal “No Exposure”
- 2. Owner Information
- 3. Operator Contact
- 4a. Facility Information
- 4b. Facility Information:
  - 5. Tax Map Key (TMK) No.
- 6. Receiving State Water(s)
- 7. Receiving Drainage

**CWB “No Exposure” Certification Form (Section 5)**
- Provide TMKs of project or facility.
- Download TMK spreadsheet.
- Input all TMKs associated with facility.
- Upload completed TMK spreadsheet.
### CWB “No Exposure” Certification Form (Section 6)

- Read definition of State waters.
- Receiving State water is first State water that receives discharge.
- Must specify receiving State waters before the “No Exposure” certification can be issued.
- Provide receiving State water classification. Use links to HAR 11–54 and Water Quality Standards Maps.

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</table>
CWB “No Exposure” Certification Form (Section 6) Continued

- Use map tool to enter discharge point coordinate.
- Enter TMK, nearby address, or drag marker on map tool to obtain discharge point coordinate.
- Press “+” button at top of section to add additional discharge points.
Requesting Exclusion

CWB “No Exposure” Certification Form (Section 7)
- Indicate if discharge enters a drainage system prior to discharge to State water.
- Provide drainage system information.
- Attach Drainage System Owner’s Approval to Discharge in this section.

Application Sections

1a. New “No Exposure”
1b. Renewal “No Exposure”
2. Owner Information
3. Operator Contact
4a. Facility Information
4b. Facility Information:
5. Tax Map Key (TMK) No.
6. Receiving State Water(s)
7. Receiving Drainage
After you have completed all sections, press Next Step button to continue to Processing Info Step.
1. Provide reason for submission (new)

2. Select Base Fee (no fee for “No Exposure”)

3. Select applicable project type.
   • Hold Ctrl and left mouse click to select multiple project types.
   • Hold Ctrl and left mouse click to deselect in case of mistake.

4. Press Next Step button when done to continue to Review Step.
CWB "No Exposure" Certification Form
(Submission id: 1XF-XZBV-1IT8, v1)

1a. New "No Exposure" Certification

I need H&R, Chapters 11.54 and 11.55, I certify that I am submitting this "No Exposure" certification since my facility and my organization will comply with these rules. I certify that I will not violate H&R, Chapters 11.54 and 11.55.

Yes.

By submitting this form, you are certifying that the following materials or activities are not exposed to precipitation now or in the foreseeable future at your facility:

- Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to storm water;
- Materials or residuals on the ground or in storm water inlets from spills/leaks;
- Materials or products from past industrial activity;
- Materials handling equipment (except adequately maintained vehicles);
- Materials or products during loading/unloading or transporting activities;
- Materials or products stored outdoors (except final products intended for outside use [e.g., new cars]) where exposure to storm water does not result in the discharge of pollutants;
- Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers;
- Materials or products handled/stored on roads or railways owned or maintained by the discharger;
- Waste material (except waste in covered, non-leaking containers [e.g., dumpsters]);
- Application or disposal of process wastewater (unless otherwise permitted);
- Particulate matter or visible deposits of residuals from roof catch basins/and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the storm water outfall.

I certify that the materials or activities are not exposed to precipitation at my facility now or in the foreseeable future.

Yes, I certify that the above is true.

I certify under penalty of law that my proposed discharge/activity will not impair any State waters (including but not limited to rivers, streams, wetlands, ponds, ground waters, and ocean), Native Hawaiian cultural resources (including but not limited to burial grounds, halau, and taro loa), or the exercise of traditional Native Hawaiian cultural practices.

Yes. I certify.

If you answered No above, describe the steps(s) you will take to reasonably protect those State waters, Native Hawaiian resources, or exercise of traditional Native Hawaiian cultural practices.

Please only include the steps that have been accepted by the Office of Hawaiian Affairs and other appropriate agencies. Note: It is your responsibility under the Constitution of the State of Hawaii to mitigate any impacts.

NONE PROVIDED

Is your submission for a new "No Exposure" certification (initial "No Exposure" certification or a Revised "No Exposure" certification)?
### 7. Receiving Drainage System(s) Information (1)

Does the storm water enter a STORMWATER DRAINAGE SYSTEM before discharging into the receiving State waters?

**Yes**

If YES selected, provide the information for ALL of the following questions in this section.

**Drainage System Owner’s Name**

State of Hawaii, Department of Transportation

**Drainage System Owner’s Approval:**

Please submit the Drainage System owner’s approval to allow the subject discharge to enter their Drainage System. If the project owner also owns the Drainage System, you do not have to submit the approval.

**Drainage System Owner’s Approval to Discharge**

NONE PROVIDED

Are there additional Drainage Systems that may receive storm water runoff from the facility?

**No**

If YES was selected, click the “+” button in the tab area at the top of this section to provide additional Receiving Drainage System information.
Requesting Exclusion

Click link to download Certification. You must click on link to continue.
• Submit to DOH-CWB 1) Original certification signature (hard copy) and 2) a CD or DVD containing only downloaded e-Permitting submission, including all attachments.

• To download submission, click on History Link in the e-Permitting Portal (after you submitted the application). Locate your submission and press view button under the Action column. Press Download Submission button. A PDF file will be generated if you have no attachments. A ZIP file will be created if you have attachments. Check ZIP file to confirm that all of your attachments uploaded successfully in e-Permitting Portal. Save PDF or ZIP file on CD or DVD.

• Processing does not begin until original signature and CD/DVD received.
Requesting Exclusion – Certify & Submit Step

CWB "No Exposure" Certification Form
(Submission Id: 1XF-A6C1-WBJX, v1)

Certification Requirements

Please download the Transmittal Requirements and Certification Statement for e-Permitting "No Exposure" Certification Submissions form. Follow the instructions to complete and submit this form. Processing of your "No Exposure" Certification will not begin until the DOH-CWB receives your completed form.

Certification Form

Click here to download the required certification form for this application. You will be required to print, sign and remit (to the address specified on the form) this certification form.
Requesting Exclusion

-No Filing Fee.

Choose pay offline.
Confirmation phase.

- Confirms application submission through e-Permitting Portal.
- Unique Submission # assigned to submission for tracking purposes.
If DOH–CWB has comments on your “No Exclusion” Certification Form, you will be sent comments via email.

To revise your submission to respond to DOH–CWB comments:
- Select History from top menu.
## Requesting Exclusion

- Application submission history displayed.

### Permit Application Submission History

<table>
<thead>
<tr>
<th>Submission ID</th>
<th>Submitted Date/Time</th>
<th>Submission Name</th>
<th>Status</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>10X-7TXC-3TME</td>
<td>Draft</td>
<td>Drinking Water Well Permit (Submission Id: 10X-7TXC-3TME)</td>
<td>Draft</td>
<td></td>
</tr>
<tr>
<td>10W-NCE4-HYDY</td>
<td>Draft</td>
<td>Clean Water NPDES Individual (Submission Id: 10W-NCE4-HYDY)</td>
<td>Draft</td>
<td></td>
</tr>
<tr>
<td>10K-34GT-MZAO</td>
<td>2/17/2010 12:00:00 AM</td>
<td>Hazardous Waste Permit</td>
<td>Revised</td>
<td></td>
</tr>
<tr>
<td>10K-34E8-QVQM</td>
<td>2/17/2010 12:00:00 AM</td>
<td>Deepwater Drilling Permit</td>
<td>On-Hold</td>
<td></td>
</tr>
<tr>
<td>10K-33E2-PSTR</td>
<td>2/17/2010 12:00:00 AM</td>
<td>Wind Farm Permit</td>
<td>In-Review</td>
<td></td>
</tr>
<tr>
<td>10K-337W-Y1JR</td>
<td>2/16/2010 12:00:00 AM</td>
<td>Clinic Permit</td>
<td>Submitted</td>
<td></td>
</tr>
</tbody>
</table>
Requesting Exclusion

- **Status**
  - Draft = “No Exclusion” Certification Form was not submitted through e-Permitting Portal.
  - Submitted = “No Exclusion” Certification Form submitted through e-Permitting Portal.
  - In Review = DOH-CWB is reviewing your submission.
  - Action Required = DOH-CWB has comments on your submission. Comments will be sent via email.
  - Issued = “No Exposure” certification will be issued.
  - Denied = Request for “No Exposure” exclusion will be denied.
To revise application submission:

- Select history from top menu.
- Click view icon (🔍).
Click Revise Submission button on action panel.

New version of submission will be created for you to edit.

Complete and Submit Form. Submit certification and CD/DVD.
Conditional “No Exposure” Exclusion (CNEE)
DOH issues a letter notifying you that you are excluded from NPDES industrial storm water permitting.

You must maintain your “No Exposure” condition or obtain NPDES permit coverage for industrial storm water.
Certifying Person Name
Certifying Person Title
Certifying Person Company
Certifying Person Address

Attention: Owner Contact Person Name
Owner Contact Person Title

Dear Mr./Ms. Certifying Person Last Name,

Subject: National Pollutant Discharge Elimination System (NPDES) Conditional "No Exposure" Exclusion (CNEE) for Facility Name
City, Island of Project, Hawaii
File No., HI 14B####

The Department of Health, Clean Water Branch (CWB), acknowledges receipt of your No Exposure Certification for CNEE from NPDES Storm Water Permitting, dated Month ##, 2014.

In accordance with Hawaii Administrative Rules, Section 11-65-04(e), the "conditional 'no exposure' exclusion is effective upon receipt by the department of the certification, assuming all other conditions are met..." The conditions include those listed in 40 CFR §122.26(e)(1)(iii).

The CWB may conduct a site inspection to confirm that the activity qualifies for the CNEE.

This CNEE took effect on Month ##, 2014, and will expire at midnight, Month ##, 2018.

All reports, notifications, and updates to information on file shall be submitted through the CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs. This form is accessible through the e-Permitting Portal website at https://eha-cloud.doh.hawaii.gov/permitView/home.aspx. If not already registered, you will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool to locate the form. Follow the instructions to complete and submit this form. All submissions shall include a CD or DVD containing the downloaded e-Permitting submission and a completed Transmittal Requirements and Certification Statement for e-Permitting NPDES/NGPC Compliance Submissions Form, with original signature and date.
Any future submittals shall contain the assigned file number, HI 14B####, and the following certification with your signature:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Failure to provide the assigned file number, HI 14B####, and certification for this project on future correspondence or submittals may be a basis for delay of the processing of the document(s).

Please note that, in general, anyone discharging pollutants from a point source into the waters of the United States (i.e., drainage canal, storm drain inlets, etc.), including the Pacific Ocean, must apply for an NPDES permit coverage. Point sources include vehicle wash discharges or a discharge of processed wastewater from your business activity. If there is a discharge of any pollutant to State waters, Hawaii Revised Statutes, Section 342D-30, provides for penalties of up to $25,000 per day for each violation. The CWB reserves its right to seek penalties for all violations.

Please complete the DOH Customer Satisfaction Survey regarding your experience in applying for this CNEE. This brief survey is available on the e-Permitting Portal located at https://enha-cloud.doh.hawaii.gov/permit/view/home.aspx. Please use the Application Finder button and search for the “Customer Satisfaction Survey.”

If you have any questions, please contact the Enforcement Section, CWB, at 586-4300.

Sincerely,

ALEC WONG, P.E., CHIEF
Clean Water Branch

[Signature]

E-Permitting Submitter [via email] [w/o enc]  
Owner Contact Person [via email] [w/o enc]  
Facility Contact Person [via email] [w/o enc]  
Operator [via email] [w/o enc]  
Hawaii CWB Staff (if outside Island) [via email] [w/o enc].
Questions?

- Contact information for e-Permitting Portal questions.
  - Web Admin Email: epwebadmin@doh.hawaii.gov
  - Web Admin Phone: (808) 586–4350
  - Address: Environmental Health Administration
    Hawaii Department of Health
    1250 Punchbowl Street
    Honolulu, Hawaii 96813

- Contact information for NPDES General Permit questions.
  - DOH–CWB Email: cleanwaterbranch@doh.hawaii.gov
  - DOH Phone: (808) 586–4309
  - Address: DOH–CWB
    919 Ala Moana Blvd, Room 301
    Honolulu, Hawaii 96814