

**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, however, please be aware that if the contacts have changed and you have not updated them via a compliance submittal, the appropriate parties may not receive the notice. 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 G (NPDES general permit for construction activity dewatering) requires that the Site-specific Dewatering Plan be developed and submitted with the NOI if the dewatering activity results in discharges to Class AA or Class 1 receiving waters.

- 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. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.).

- 14. 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.

- 15. I have heard that Notice of General Permit Coverages (NGPCs) can no longer be modified or re-issued. Is this true? If so, what does this mean?**

Yes, it is true. What this means is that 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.

However, if you are amending BMPs and/or updating contact information unrelated to an ownership transfer, a new NOI and NGPC is not necessary. You may update and certify changes to your BMPs in your Storm Water Pollution Prevention Plan (SWPPP). You may update contact information via the e-Permitting NPDES Compliance Form if it is not for a transfer of ownership of the project or facility.

- 16. 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.

- 17. 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.

- 18. 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.

19. 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 2015 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.

20. 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 (l)(1) and submit a revised Storm Water Pollution Control Plan within 30 days. As the HAR 11-55, Appendix B General Permit is expired you will need to submit an Individual Permit application, filing fee, and pay public notice costs if the facility alteration will result in a change to the already issued Notice of General Permit Coverage (NGPC).

21. 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 an Individual Permit application, filing fee, and pay public notice costs as the pollutant will result in a change to the already issued Notice of General Permit Coverage (NGPC). The HAR 11-55, Appendix B General Permit is expired and coverage under the General Permit cannot be obtained.