

Once Through Cooling Water General Permit FAQs
For January 15, 2022 General Permit

For Existing Permittees under the July 13, 2018 General Permit:

1. Can I apply for continued coverage under the new general permit?

First you must determine whether the facility can comply with the new general permit for once through cooling water less than one million gallons per day. The general permit is in HAR Chapter 11-55, Appendix E, available here: <https://health.hawaii.gov/cwb/hawaii-administrative-rules-har/har-11-55/>.

If the facility can comply with the requirements in the new general permit, you may apply for continued coverage under the new general permit.

2. How do I apply for continued coverage under the new general permit?

The previous Appendix E was issued on July 13, 2018, and expired on January 15, 2022. Your NGPC is automatically extended to **March 16, 2022**. To continue coverage under the new general permit beyond this date, you must submit a Notice of Intent (NOI) by **March 16, 2022**. If you do not provide an NOI to continue coverage under the new general permit by **March 16, 2022**, your NGPC will expire on **March 16, 2022**.

If you do not submit an NOI for continued coverage under the new general permit in accordance with the timeline specified above, any continued discharges after the expiration of your NGPC will not have NPDES permit coverage.

For Potential Applicants:

1. How do I know if I need to apply for once through cooling water discharge coverage?

You must apply for National Pollutant Discharge Elimination System (NPDES) permit coverage if you will discharge once through cooling water to State waters.

2. What kinds of activities are covered under this general permit?

HAR Chapter 11-55, Appendix E Section 1(a) specifies:

This general permit covers only once through cooling water discharges of a total flow of less than one million gallons per day (mgd) to state waters. "Once through cooling water" means water passed through the main cooling condensers one or two times for the purpose of removing waste heat.

HAR Chapter 11-55, Appendix E Section 1(b) also specifies:

This general permit covers all areas of the State except for discharges into natural freshwater lakes, saline lakes, and anchialine pools.

3. So, if my activity will discharge to a natural freshwater lake, saline lake, and/or anchialine pool, I can't get coverage under the general permit?

Correct, you cannot get coverage under the general permit.

4. My facility will discharge once through cooling water with a total flow of less than one million gallons per day to State waters. How do I apply for NPDES general permit coverage?

First you must determine whether the facility can comply with the general permit for once through cooling water less than one million gallons per day. The general permit is in HAR Chapter 11-55, Appendix E, available here:

<https://health.hawaii.gov/cwb/hawaii-administrative-rules-har/har-11-55/>.

General permits are permits that the CWB issues that cover a specific category of discharge. These permits are not issued to any single discharger or legal entity, rather, it provides specific requirements and criteria for controlling potential pollution from the category of discharge and allows applicants to request coverage under the general permit. This request is called a Notice of Intent or NOI. To request coverage under a general permit, a facility must be able to provide all information required in the NOI and certify that the facility will comply with all applicable requirements specified in the general permit. Inability to comply with any applicable requirement in the general permit disqualifies the facility from coverage under the general permit.

To submit an NOI, go to the e-Permitting Portal at: <https://eha-cloud.doh.hawaii.gov/epermit/> and use the form finder to find the CWB NOI Form. Follow all instructions on the form to complete and submit an NOI to the CWB. You will need to specify that you are requesting coverage under Appendix E.

If the CWB grants the facility general permit coverage, you will be issued a Notice of General Permit Coverage (NGPC). The NGPC is not the permit. The NGPC is a notice that the project is now covered under the General Permit, and must comply with its requirements (i.e., must comply with HAR Chapter 11-55, Appendix E).

Please note that if a facility is unable to comply with the requirements of the general permit and must have NPDES permit coverage, you must apply for an individual NPDES permit. To apply for an individual NPDES permit, go to the e-Permitting Portal and complete and submit a CWB Individual NPDES Form.

For Current NGPC Permittees:

1. How do I submit new/updated information and/or required notifications to the CWB (e.g., new contact information, Notice of Cessation)?

You can submit new/updated information and required notifications to the CWB by submitting a CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs through the e-Permitting Portal located at:

<https://eha-cloud.doh.hawaii.gov/epermit/>. Fill out the applicable portions of the form and follow the instructions to fully submit.

2. My Certifying Person has changed and is no longer the same as the individual identified on my issued NGPC. Do I need to get a revised NGPC that is addressed to the new Certifying Person?

No, you do not need a new NGPC that is addressed to the new Certifying Person. However, you will need to submit new contact information for the new Certifying Person by submitting a CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs through the e-Permitting Portal located at:

<https://eha-cloud.doh.hawaii.gov/epermit/>. Fill out the applicable portions of the form and follow the instructions to fully submit. **Please note that the new Certifying Person must sign the “Transmittal Requirements and Certification Statement for E-Permitting NPDES/NGPC Compliance Submissions” form.**

Please also note that if there is an Authorized Representative associated with the NGPC, they must be re-authorized by the new Certifying Person. To do this, complete the Authorized Representative Information section by providing all required information for the Authorized Representative. You may also authorize a different representative by providing different information or elect not to authorize a representative by providing no information.

3. How do I authorize a new Authorized Representative or submit new Authorized Representative information after my NGPC is issued?

You will need to submit a CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs through the e-Permitting Portal located at:

<https://eha-cloud.doh.hawaii.gov/epermit/>. Fill out the applicable portions of the form by entering the updated information (either authorizing a new individual or updating the currently authorized individual’s new information) and follow the instructions to fully submit. **Please note that the Certifying Person must sign the “Transmittal Requirements and Certification Statement for E-Permitting NPDES/NGPC Compliance Submissions” form for this type of submission.**

- 4. The legal name of my company (i.e., the Owner of the NGPC) will change and no longer match the name identified in the issued NGPC. Do I need to do something?**

Yes. You must submit a new NOI and filing fee.

- 5. My company wants to legally transfer ownership of my facility (including its NGPC) to another legal entity. Are there any requirements from the CWB regarding this transfer?**

Yes. If you can meet the requirements for an automatic transfer in 40 Code of Federal Regulations (CFR) 122.61(b) and HAR Chapter 11-55-34.08(i)(2), you can complete and submit the Transfer of Ownership section in the CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs through the e-Permitting Portal located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. You must submit this form at least 30 calendar days in advance of the proposed transfer date.

If you cannot meet these requirements, you will need to submit a new NOI to the CWB. You will also need to submit a Notice of Cessation to terminate the current NGPC once the new NGPC is issued.

- 6. My facility will either shut down or will otherwise cease the discharge of cooling water to State waters. How do I terminate my NGPC?**

You must submit a Notice of Cessation by filling out and submitting a CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs through the e-Permitting Portal located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. Fill out the applicable portion of the form and follow the instructions to fully submit.

How can I contact the CWB if I have additional questions?

The CWB can be contacted by email at: CleanWaterBranch@doh.hawaii.gov. The CWB can also be contacted by phone at (808) 586-4309, Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m.