

Dewatering 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 project/activity can comply with the new general permit for discharges associated with construction activity dewatering. The general permit is in HAR Chapter 11-55, Appendix G, available here: <https://health.hawaii.gov/cwb/hawaii-administrative-rules-har/har-11-55/>.

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

2. My currently issued NGPC has different effluent limitations than those I would be required to comply with under the new general permit. When I am issued my new NGPC do I still need to follow these previous effluent limitations, or continue to monitor and report sampling results for these pollutants?

You are only required to comply with the effluent limitations and other requirements contained in the new general permit.

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

The previous Appendix G 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 discharges associated with construction activity dewatering coverage?

Discharges associated with construction activity dewatering that discharge to State waters require a National Pollutant Discharge Elimination System (NPDES) permit.

Dewatering discharges covered under a Department of the Army permit (e.g., Nationwide permit #16 or an Individual permit) issued under Section 404 of the Clean Water Act **do not** need to apply for National Pollutant Discharge Elimination System (NPDES) permit coverage.

For questions regarding a Department of the Army permit, please contact the Army Corps of Engineers, Regulatory Branch (Tel: 808-835-4303).

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

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

This general permit covers discharges from the dewatering process of construction activities of any size, including treated storm water discharges, upon compliance with the applicable general permit requirements.

HAR Chapter 11-55, Appendix G 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. I will be conducting an activity that will cause me to discharge effluent associated with construction activity dewatering to State waters. How do I apply for NPDES general permit coverage?

First you must determine whether the project/activity can comply with the general permit for discharges associated with construction activity dewatering. The general permit is in HAR Chapter 11-55, Appendix G, 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 project/activity must be able to provide all information required in the NOI and certify that the project/activity will comply with all applicable requirements specified in the general permit. Inability to comply with any applicable requirement in the general permit disqualifies the project/activity 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 G.

If the CWB grants the project/activity 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 G).

Please note that if a project/activity 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.

- 5. Once I am issued the NGPC, when do I need to start submitting Discharge Monitoring Reports (DMRs) to the CWB? Do I still need to submit DMRs even if I haven't started to discharge effluent associated with construction dewatering activities?**

You must start submitting DMRs by the 28th day of the month following the NGPC effective date, even if there has been no discharge. As specified in HAR 11-55 Appendix F Section 8(a)(2), the first reporting period begins on the effective date of the issued notice of general permit coverage. For example, if the NGPC effective date is January 16th, the monitoring results must be reported no later than February 28th. If there was no discharge during a monitoring period, specify "No Discharge" on your DMR.

- 6. Does DOH require a notification of start of dewatering activities and/or start of discharge?**

The **January 15, 2022** general permit does not require a notification of start of dewatering activities.

7. If multiple samples are collected during a month, do I submit a DMR for each sample collected?

You are required to submit only one (1) DMR for the monitoring period to the DOH. You shall report only the maximum result for each effluent parameter on the DMR for the monitoring month. However, you must include all supporting documents including chain-of-custody, lab analysis, flow calculations, etc. for each sampling event with the DMR submittal.

As a reminder, you must notify the DOH both orally and written of all exceedances in accordance with HAR 11-55 Appendix G Section 8(c).

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, etc.)?**

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 putting in 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 project/activity (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 project has completed and will no longer discharge dewatering effluent. 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.