

# Department of Health Clean Water Branch

Storm Water Associated with Construction Activities:

National Pollutant Discharge Elimination System (NPDES) Permits  
and Water Quality Certifications (WQC)



# What is an NPDES Permit?

- ❖ License to discharge specified pollutants and pollutant concentrations into a State water subject to compliance with all permit conditions.
- ❖ Sole purpose is to legally impose water pollution control requirements and implement State Water Quality Standards (WQS) on point source pollutant discharges to State surface waters.
- ❖ Required for point source water pollutant discharges to State surface waters and certain storm water discharges.



# Projects which may require an NPDES Permit authorizing discharges of storm water associated with construction activity:

Construction projects with land disturbance:

< 1 acre

vs.

≥ 1 acre

If land disturbance  $\geq$  1 acre:

- Comply with Construction & Development Effluent Limitation Guidelines.
- Comply with Water Quality-Based Effluent Limitations which are narrative Best Management Practices (BMPs).

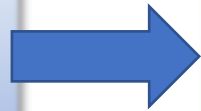
If land disturbance < 1 acre:

- Discharges must not cause or contribute to violations of WQS.
- DOH-CWB enforcement will step in. If you see turbid plumes, call DOH-CWB enforcement.



# Work authorized under US President's or Governor's **Emergency Proclamation**

If the emergency proclamation includes a suspension of Hawaii Revised Statutes 342D



- No NPDES permit is required.
- No application or NOI is required to be submitted.

If the emergency proclamation does not include a suspension of Hawaii Revised Statutes 342D



- If land disturbance > 1 acre:
- The emergency work can begin.
  - Submit an NOI no later than 30 calendar days after the start of emergency work.



# What is the Clean Water Act (CWA) Section 401 Water Quality Certification (WQC)?

- ❖ Statement from State of Hawaii that a project or activity will comply with the State's Water Quality Standards (WQS) and CWA Sections 301, 302, 303, 306, and 307.
- ❖ A WQC is required for any project or activity that:
  - requires a federal license or permit and
  - may result in a discharge into Waters of the United States.
- ❖ Purpose is to ensure that a project or activity with a federal license or permit will not violate State WQS.
- ❖ WQC are conditions of the federal permit or license to protect water quality and its beneficial uses.
- ❖ In Hawaii, the State of Hawaii, Department of Health's Clean Water Branch (CWB) is responsible for issuing WQCs.



# Projects which may require a Section 401 WQC:

Activities in, under, or over the Waters of the United States (WOTUS)  
→see USACE

USACE requires permit.

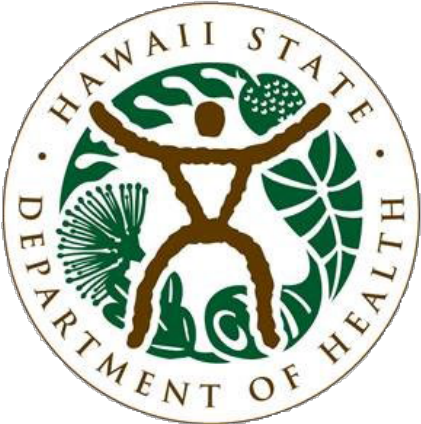
USACE determines if the project may be covered under the Blanket WQC or Individual WQC.

Blanket WQC:  
Comply with conditions and work with USACE.

Individual WQC:  
Although the WQC 2020 rule was repealed, recommend a pre-filing meeting with CWB 30 days prior to submitting WQC application.

USACE does not require permit.

- No WQC is required.
- Activities must comply with Water Quality Standards.



# Questions?

Clean Water Branch website: <https://health.hawaii.gov/cwb/>

Previous workshop presentations:

<https://health.hawaii.gov/cwb/clean-water-branch-home-page/workshop-presentations/>

Clean Water Branch office phone number: (808) 586-4309

