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:

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