



State of Hawaii Department of Health Clean Water Branch



Green Industry Permitting Workshop

October 15, 2013

1. National Pollutant Discharge Elimination System (NPDES) permit coverage is required for:
 - a. Storm water associated with construction activities for land disturbances of one (1) acre or more.
 - b. Storm water associated with industrial activities for facilities with Standard Industrial Classification Codes regulated in 40 CFR 122.26(b)(14)(i) through (ix) and (xi).
 - c. Discharges of water pollutants into State surface waters. Examples of these discharges include, but are not limited to, cooling water, hydrotesting waters, dewatering effluent, and process wastewater.

An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. To request NPDES permit coverage, you must submit the CWB Individual NPDES Form through the e-Permitting Portal and the hard copy certification statement with \$1,000 filing fee. Please open the e-Permitting Portal website at: <https://eha-cloud.doh.hawaii.gov/epermit/View/home.aspx>. You will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool and locate the "CWB Individual NPDES Form." Follow the instructions to complete and submit this form.

2. A Section 401 Water Quality Certification is required:
 - a. If your project/activity requires a federal license or permit; and
 - b. May result in a discharge into State waters. The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40 of the Code of Federal Regulations, Section 122.2; and Hawaii Administrative Rules (HAR), Chapter 11-54.

Typical federal license or permits that may trigger a Section 401 WQC include the Department of the Army permits (Tel: 808-438-9258), Federal Energy Regulatory Commission permits (Tel: 202-502-6088), and Environmental Protection Agency permits (Tel: 415-947-8000).

To request a Section 401 WQC, you must complete and submit the Section 401 WQC application and \$1,000 filing fee. This application is available on the e-Permitting Portal. Please open the e-Permitting Portal website at: <https://eha-cloud.doh.hawaii.gov/epermit/View/home.aspx>. You will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool and locate the "Section 401 WQC." Follow the instructions to complete and submit this form.

3. According to State law, all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards (HAR, Chapter 11-54), including antidegradation policy (HAR, Section 11-54-1.1), designated uses (HAR, Section 11-54-3), and water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
4. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

Promoting Lifelong Health & Wellness

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Please visit the Clean Water Branch website at: <http://health.hawaii.gov/cwb> for more information on NPDES permits, Section 401 WQCs, and the latest versions of HAR 11-54 and 11-55.