

**NOTICE OF PUBLIC HEARING ON  
WATER QUALITY AND WATER POLLUTION RULES  
DEPARTMENT OF HEALTH  
STATE OF HAWAII**

**DOCKET NO. R-1-09**

**March 9, 2009**

The Department of Health will receive written comments and hold a public hearing on proposed changes to Hawaii Administrative Rules (HAR), Chapter 11-54, Water Quality Standards, and Chapter 11-55, Water Pollution Control.

For this docket, the topics and general description of the proposed changes to:

1. HAR, Chapter 11-54, Water Quality Standards are to:
  - a. Correct a typographical error in a chlordane standard, and
  - b. Conform to the federal bacteria indicator organism geometric mean and single sample maximum criteria within 300 meters of shore; this means changing the geometric mean from 7 to 35 cfu/100ml and the single sample maximum from 100 to 104 cfu/100ml; and
2. HAR, Chapter 11-55, Water Pollution Control, are to:
  - a. Conform to HRS 6E-42, Historic preservation. The statute requires permits to be reviewed by the State Historic Preservation Division when historic sites may be affected, not in every case.

**Note:** The Department of Health intends to publish soon an additional notice of other proposed changes. These changes will be part of a separate docket number or numbers. These other proposed changes may be heard at the same time as the foregoing proposed changes. The additional proposed changes may involve:

1. New standards for toxic pollutants based on the 2006 U.S. Environmental Protection Agency National Recommended Water Quality Criteria for Toxic Pollutants (Office of Water, Office of Science and Technology 4304T), including the applicable footnotes and appendices. Specifically included may be new standards for,
  - a. Chlordane and dieldrin;
  - b. Other priority pollutants, except arsenic, cadmium, chromium III, chromium VI, copper, lead, mercury, nickel, selenium, silver, and zinc; and
  - c. Non-priority toxic pollutants, except those pollutants for which the Department of Health does not now have standards.

The exceptions above would be dealt with later.

The Department of Health would retain for now its standards for which there are no corresponding 2006 EPA criteria.

2. New standards for bacteria indicator organisms.
  - a. Designate the boundary between frequent use and infrequent use coastal recreational waters at 500 meters from shore;
  - b. Apply a geometric mean standard of 35 cfu/100ml in all coastal recreational waters (from shore to 3 miles from shore), a single sample maximum of 104 cfu/100ml in frequent use coastal recreational waters, and a single sample

- c. maximum of 501 cfu/100ml in infrequent use coastal recreational waters; and
- c. Designate the depth boundary for coastal recreational waters at 33 meters below the surface.

We **further note** that the subjects of this additional notice are already being addressed by the State Legislature in House Bill 834 and Senate Bill 1008, which can be found online with related testimony at: <http://www.capitol.hawaii.gov/site1/docs/docs.asp>.

The public hearing will be held on Oahu at 10:00 a.m. on Monday, April 27, 2009, in the 5th Floor Conference Room of 919 Ala Moana Boulevard, Honolulu. Video Conference Center Sites will be open from 10:00 a.m. on Monday, April 27, 2009, at the following locations:

- Kauai Department of Health, Conference Room, 3040 Umi Street, Lihue, 96766
- Maui Department of Health, BT Conference Room, 210 Imi Kala Street, Suite 204 (in Millyard), Wailuku, 96793
- Hilo Hilo State Office Building, 75 Aupuni Street, Room 105, Hilo, 96720 (metered parking @ \$0.25 per 30 minutes; 2 hours maximum)

Persons desiring to speak are asked to submit two (2) copies of their statement before or at the hearing. Written statements will also be accepted until 4:30 p.m. on Monday, April 27, 2009, at the Clean Water Branch, Environmental Management Division, State Department of Health, 919 Ala Moana Boulevard, Room 301, Honolulu, Hawaii 96814-4920.

Copies of the proposed rules and documents explaining the proposed changes are available at the following locations:

- Internet <http://www.hawaii.gov/health/environmental/water/cleanwater/pubntcs/index.html>
- Oahu Clean Water Branch, 919 Ala Moana Boulevard, Room 301, Honolulu, 96814-4920
- Kauai Chief Sanitarian, Department of Health, 3040 Umi Street, Lihue, 96766
- Maui Chief Sanitarian, Department of Health, 54 High Street, Wailuku, 96793
- Hilo Chief Sanitarian, Department of Health, 1582 Kamehameha Avenue, Hilo, 96720
- Kona Chief Sanitarian, Department of Health, Keakealani Building, 79-1020 Haukapila Street, Room 115, Kealahou, 96750

The proposed rules will also be mailed or faxed at no cost upon request. To obtain copies call the Clean Water Branch at (808) 586-4309, write to its Oahu address, above, or download the documents from the website, stated above.

For more information or if you have special needs due to disability, please contact Ms. Joanna L. Seto of the Clean Water Branch at the above address or at (808) 586-4309 (voice) at least seven (7) days before the end of the public comment period or prior to the scheduled hearing. For those who use a TTY/TDD, please call through Sprint Relay Hawaii, at 1-711 or 1-877-447-5991.

Chiyome Leinaala Fukino, M.D.  
Director of Health