

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

DOCKET NO. R-2-09

March 27, 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.

For this docket, the topics and general description of the proposed changes to HAR, Chapter 11-54, Water Quality Standards are to:

1. Revise the standards for chlordane and dieldrin to conform to the federal criteria 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).

Note: The Department of Health intends to publish an additional notice of other proposed changes. These changes will be part of a separate docket number or numbers. The additional changes will involve:

2. New standards for toxic pollutants based on the 2006 EPA criteria, including the applicable footnotes and appendices. Specifically included will be new standards for,
 - a. Other priority pollutants, except arsenic, cadmium, chromium III, chromium VI, copper, lead, mercury, nickel, selenium, silver, and zinc; and
 - b. Non-priority toxic pollutants, except those pollutants for which the Department of Health does not now have standards.

The Department of Health intends to address the exceptions above later.

The Department of Health intends to retain its existing standards for which there are no corresponding 2006 EPA criteria.

3. New standards for bacteria indicator organisms.
 - a. Move the boundary for coastal recreational waters (from 300 meters out to 500 meters from shore);
 - b. Apply a single sample maximum of 501 cfu/ml from 500 meters out to 3 miles from shore (under federal law there is already a geometric mean standard of 35 cfu/ml; and
 - c. Apply a 33 meter depth limit on the use of indicators from shore to 3 miles out.

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> and the rationale for these subjects is also at <http://hawaii.gov/health/environmental/env-planning/index.html>.

The public hearing on this docket number will be held along with the hearing on the previously announced docket number R-1-09, 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)

The hearing will start with docket number R-1-09, and when testimony on that docket is finished, the hearing will cover this docket number R-2-09.

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 Environmental Planning Office, State Department of Health, 919 Ala Moana Boulevard, Room 312, Honolulu, Hawaii 96814-4920.

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

- Internet <http://hawaii.gov/health/environmental/env-planning/index.html>
- Oahu Environmental Planning Office, 919 Ala Moana Boulevard, Room 312, 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 Environmental Planning Office at (808) 586-4337, 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 Mr. Glenn Haae of the Environmental Planning Office at the above address or at (808) 586-4337 (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