

**NOTICE OF PUBLIC HEARING ON  
CHANGES TO HAWAII ADMINISTRATIVE RULES (HAR), TITLE 11,  
CHAPTER 54, ENTITLED "WATER QUALITY STANDARDS" AND  
CHAPTER 55, ENTITLED "WATER POLLUTION CONTROL"  
DEPARTMENT OF HEALTH  
STATE OF HAWAII**

**DOCKET NO. R-1-14**

**August 28, 2014**

The Department of Health (DOH) 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.

The proposed revisions to HAR 11-54 include the following:

- Modifications to specific criteria for recreational areas to protect the public from exposure to harmful levels of pathogens as a result of human sewage contamination while participating in water activities such as swimming, wading, surfing, and other water contact activities.
- Provisions for non-compliance with HAR 11-54. These revisions do not change current law, but state more clearly that:
  1. The director may order penalties and fines against a person who discharges, or causes or allows water pollutants to enter State waters and cause violation of this chapter by point or non-point source, unless that person has a permit, variance, or authorization issued by the director for that person's discharges;
  2. There can be violations of Water Quality Standards whether the discharge is from a point source or a nonpoint source; and
  3. Each day that a person has caused Hawai'i Water Quality Standards not to be met shall constitute a separate offense.
- Schedule of compliance clarification allowing NPDES permittees a reasonable time to come into compliance, with EPA approval, if they cannot comply immediately with new limits.
- Provisions for intake credits, so that permittees who draw water for industrial cooling and processing are not prevented from operating where they cannot meet effluent limits solely because their intake water already contains significant levels of pollutants.
- Field citations, to allow DOH to effectively and quickly settle easily verifiable violations of chapter 342D, HRS, and Water Quality Standards. Settlements under this section are an additional remedy and do not supplant the director's authority to issue orders under section 342D-9, HRS. Proposed amounts are fair and consistent with field citations for NPDES permit violations in HAR Chapter 11-55.

- Clarification that Hawaii Water Quality Standards are pursuant to authority in Hawaii Revised Statutes (HRS) Chapter 342E as well as Chapter 342D and apply to non-point sources of pollution as well as point sources.

The proposed revisions to HAR 11-55 include the following:

- Intake credit federal regulation citation.
- Specification of minimum number of samples for recreational water criteria required in NPDES permits for compliance with HAR 11-54-8.
- Amendments to field citations.
- Minor formatting changes.

The public hearing will be held on Oahu at **10:00 a.m. on Thursday, October 2, 2014**, 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 Thursday, October 2, 2014**, at the following locations:

Kauai	Kauai District Health Office, 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	Hawaii District Health Office – Hilo, Conference Room, 1582 Kamehameha Avenue, Hilo, 96720

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 Thursday, October 2, 2014**, 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:

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, 79-1015 Haukapila Street, Kealahou, 96750
Internet	<a href="http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/public-notice-and-updates/">http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/public-notice-and-updates/</a>

For more information or if you have special needs due to disability, please contact

Mr. Darryl Lum 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 Verizon-Hawaii Telephone Relay Service, at 1-711 or 1-877-447-5991.

LINDA ROSEN, M.D., M.P.H.  
Director of Health