

Appendix C: Evidence of Public Participation Proceedings for HAR Amendments

Public Notice for January 13, 2012 HAR Amendments

Hearing Officer's Report for January 13, 2012 HAR Amendments

Public Notice for June 30, 2014 HAR Amendments

Hearing Officer's Report for June 30, 2014 HAR Amendments

Public Notice for February 8, 2024 HAR Amendments

Hearing Officer's Report for February 8, 2024 HAR Amendments

**Public Notice for
January 13, 2012, Hawaii Administrative Rule Amendments**

AFFIDAVIT OF PUBLICATION

State of Hawaii)
) SS:
County of Hawaii)

H. P. Kahananui, being first duly sworn, deposes and says:

1. That she is the Accounting Assistant of WEST HAWAII TODAY, a newspaper published in the City of Kailua Kona, State of Hawaii.

2. That "NOTICE OF PUBLIC HEARINGS DEPARTMENT OF HEALTH STATE OF HAWAII (Docket No. R-02-11)" of which a clipping from the newspaper is attached hereto, was published in said newspaper on the following date(s) August 5, 2011 (etc.)

H. P. Kahananui

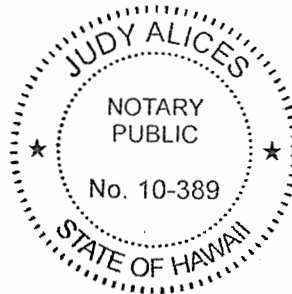
Subscribed and sworn to before me
This 5th day of August, 2011

Judy Alices

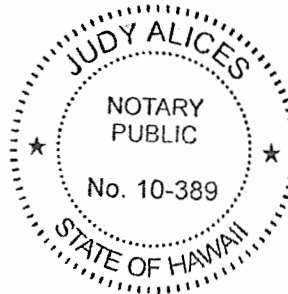
Judy Alices

Notary Public, Third Circuit,
State of Hawaii

Is



My Commission expires: 11/14/14
Page(s): 1



Doc. Date: 8/5/2011 # Pages 1

Notary Name: Judy Alices Third Circuit

Doc. Description: Affidavit of Publication

Judy Alices 8/5/2011
Notary Signature Date

DEPARTMENT OF HEALTH
STATE OF HAWAII

(Docket No. R-02-11)

Pursuant to Hawaii Revised Statutes, Chapter 91, the Department of Health will accept written comments and hold public hearings on proposed revisions to the Hawaii Administrative Rules, Chapter 11-60.1, Air Pollution Control.

The proposed amendments appear in Subchapter 3, Open Burning and Subchapter 10, Field Citations:

Amendments in Subchapter 3, Open Burning include:

- Clarifying open burning restrictions and rearranging the categories of open burning activities that are allowed with notification to, or approval from, the Department of Health [§11-60.1-52].
- Removing two activities from the list of open burning that are currently allowed with restrictions: (1) the use of open burning fires to heat water for residential bathing, and (2) the open burning of yard waste and household trash in backyards [§11-60.1-52].
- Adding definitions and clarifying activities that qualify for an agricultural burning permit [§11-60.1-51 & §11-60.1-54] and identifying activities that do not qualify [§11-60.1-53].
- Improving and clarifying the agricultural burning permit Application and evaluation process [§11-60.1-53 & §11-60.1-57].
- Applying "no-burn periods" to one category of open burning that is allowed with Department of Health approval [§11-60.1-52(f)] and clarifying its applicability to agricultural burning [§11-60.1-55].
- Adding a new section that sets forth elements that the Director of Health must consider and incorporate, if applicable, in an agricultural burning permit. [§11-60.1-58].

Amendments in Subchapter 10, Field Citations include:

- Adding two new categories of field citation: operating a noncovered source without obtaining a valid noncovered source permit and operating a covered source without obtaining a valid covered source permit [§11-60.1-192(a)].
- Establishing monetary penalties that accompany those field citations [§11-60.1-192(b)].

Other changes were made to update definitions and provide clarification.

A copy of the draft rule amendments highlighting the proposed changes may be reviewed at the following offices between the hours of 7:45 a.m. and 4:15 p.m., Monday through Friday, except for State and Federal holidays:

Oahu: Clean Air Branch, Department of Health
919 Ala Moana Boulevard, Room 203, Honolulu

Hilo: Hawaii District Health Office, Department of Health
1582 Kamehameha Avenue, Hilo

Kona: Clean Air Branch – Kona, Keakealani Building,
Department of Health 79-1020 Haukapila Street,
Room 113, Kealahou

Maui: Maui District Health Office, Department of Health
54 High Street, Room 300, Wailuku

Kauai: Kauai District Health Office, Department of Health
3040 Umi Street, Lihue

Molokai: Department of Health, 65 Makaena Place,
Kaunakakai

A copy may also be picked up at the Oahu office listed above, or obtained by writing or calling the Oahu office at (808) 586-4200, or accessing the Department of Health's website at <http://hawaii.gov/health/about/proposed/cab/index.html>

Interested persons are invited to attend the public hearings to offer comments and recommendations on the proposed revisions. Persons who wish to testify are asked to submit two copies of their testimony prior to or at the public hearing, although it is not a requirement to do so in order to testify at the hearing. The public hearings will be held as follows:

Kauai: Tuesday, September 6, 2011, at 6:00 p.m.
Wilcox Elementary School Cafeteria
4319 Hardy Street, Lihue

Oahu: Wednesday, September 7, 2011, at 6:00 p.m.
Likeli Elementary School Cafeteria
1618 Palama Street, Honolulu

Maui: Monday, September 12, 2011, at 6:00 p.m.
Pomaikai Elementary School Cafeteria
4650 South Kamehameha Avenue, Kahului

Hilo, Hawaii: Thursday, September 15, 2011, at 5:00 p.m.
Environmental Health Building, Conference Room
1582 Kamehameha Avenue, Hilo

The Department of Health can provide auxiliary aids or services (e.g., sign language interpreter, large print) if it receives a written request at least ten days prior to the scheduled hearing at the address below.

The Department of Health will accept and consider all written comments and recommendations it receives by 4:30 p.m., September 22, 2011. Comments and recommendations must be delivered or mailed to the Clean Air Branch, Department of Health, 919 Ala Moana Boulevard, Room 203, Honolulu, Hawaii 96814.

LORETTA J. FUDDY, A.C.S.W., M.P.H.
Director of Health

(No. 46417-West Hawaii Today: August 5, 2011)

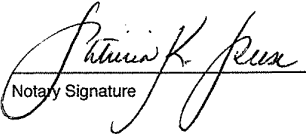
AFFIDAVIT OF PUBLICATION

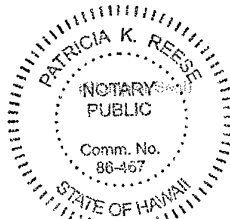
IN THE MATTER OF
Public Notice (Docket No. R-02-11)

STATE OF HAWAII

City and County of Honolulu

SS.

Doc. Date:	AUG - 5 2011	# Pages:	1
Notary Name:	Patricia K. Reese	First Judicial Circuit	
Doc. Description:	Affidavit of Publication		
 Notary Signature		AUG - 5 2011 Date	



Rose Rosales being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser and MidWeek, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the aforementioned newspapers as follows:


Honolulu Star-Advertiser 1 times on:

08/05/2011

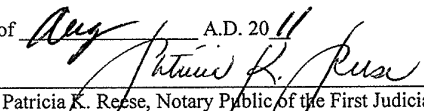
Midweek Wed. 0 times on:

times on:

And that affiant is not a party to or in any way interested in the above entitled matter:

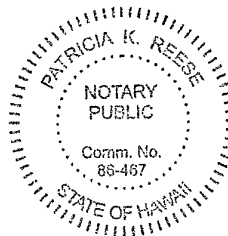

Rose Rosales

Subscribed to and sworn before me this 5th day

of Aug A.D. 2011

Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii

My commission expires: Oct 07 2014

Ad # 0000333949



NOTICE OF PUBLIC HEARINGS DEPARTMENT OF HEALTH STATE OF HAWAII

(Docket No. R-02-11)

Pursuant to Hawaii Revised Statutes, Chapter 91, the Department of Health will accept written comments and hold public hearings on proposed revisions to the Hawaii Administrative Rules, Chapter 11-60.1, Air Pollution Control.

The proposed amendments appear in Subchapter 3, Open Burning and Subchapter 10, Field Citations:

Amendments in Subchapter 3, Open Burning include:

- Clarifying open burning restrictions and rearranging the categories of open burning activities that are allowed with notification to, or approval from, the Department of Health [§11-60.1-52].
- Removing two activities from the list of open burning that are currently allowed with restrictions: (1) the use of open burning fires to heat water for residential bathing, and (2) the open burning of yard waste and household trash in backyards [§11-60.1-52].
- Adding definitions and clarifying activities that qualify for an agricultural burning permit [§11-60.1-51 & §11-60.1-54] and identifying activities that do not qualify [§11-60.1-53].
- Improving and clarifying the agricultural burning permit application and evaluation process [§11-60.1-53 & §11-60.1-57].
- Applying "no-burn periods" to one category of open burning that is allowed with Department of Health approval [§11-60.1-52(f)] and clarifying its applicability to agricultural burning [§11-60.1-55].

- Adding a new section that sets forth elements that the Director of Health must consider and incorporate, if applicable, in an agricultural burning permit [§11-60.1-58].

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- Adding two new categories of field citation: operating a noncovered source without obtaining a valid noncovered source permit and operating a covered source without obtaining a valid covered source permit [§11-60.1-192(a)].
- Establishing monetary penalties that accompany those field citations [§11-60.1-192(b)].

Other changes were made to update definitions and provide clarification.

A copy of the draft rule amendments highlighting the proposed changes may be reviewed at the following offices between the hours of 7:45 a.m. and 4:15 p.m., Monday through Friday, except for State and Federal holidays:

Oahu:	Clean Air Branch, Department of Health 919 Ala Moana Boulevard, Room 203, Honolulu
Hilo:	Hawaii District Health Office, Department of Health 1582 Kamehameha Avenue, Hilo
Kona:	Clean Air Branch - Kona, Keakealani Building, Department of Health 79-1020 Haukapila Street, Room 113, Kealahou
Maui:	Maui District Health Office, Department of Health 54 High Street, Room 300, Wailuku
Kauai:	Kauai District Health Office, Department of Health 3040 Umi Street, Lihue
Molokai:	Department of Health, 65 Makaena Place, Kaunakakai

A copy may also be picked up at the Oahu office listed above, or obtained by writing or calling the Oahu office at (808) 586-4200, or accessing the Department of Health's website at <http://hawaii.gov/health/about/proposed/cab/index.html>.

Interested persons are invited to attend the public hearings to offer comments and recommendations on the proposed revisions. Persons who wish to testify are asked to submit two copies of their testimony prior to or at the public hearing, although it is not a requirement to do so in order to testify at the hearing. The public hearings will be held as follows:

Kauai:	Tuesday, September 6, 2011, at 6:00 p.m. Wilcox Elementary School Cafeteria 4319 Hardy Street, Lihue
Oahu:	Wednesday, September 7, 2011, at 6:00 p.m. Likelike Elementary School Cafeteria 1618 Palama Street, Honolulu
Maui:	Monday, September 12, 2011, at 6:00 p.m. Pomaikai Elementary School Cafeteria 4650 South Kamehameha Avenue, Kahului
Hilo, Hawaii:	Thursday, September 15, 2011, at 5:00 p.m. Environmental Health Building, Conference Room 1582 Kamehameha Avenue, Hilo

The Department of Health can provide auxiliary aids or services (e.g., sign language interpreter, large print) if it receives a written request at least ten days prior to the scheduled hearing at the address below.

The Department of Health will accept and consider all written comments and recommendations it receives by 4:30 p.m., September 22, 2011. Comments and recommendations must be delivered or mailed to the Clean Air Branch, Department of Health, 919 Ala Moana Boulevard, Room 203, Honolulu, Hawaii 96814.

LORETTA J. FUDDY, A.C.S.W., M.P.H.
Director of Health

Inc.
d., Suite #7-500
4700 Fax (808) 529 - 4836

INVOICE

5	BILLING DATE:	08/05/2011
3	TERMS OF PAYMENT:	NET 30 DAYS
6	BILLED ACCOUNT NO:	7003
2	CLIENT NAME:	DOH/CLEAN AIR BRANCH

NEWSPAPER REFERENCE	12 14	13	15	16	BILLED UNITS	17	TIMES RUN	18	RATE	19	AMOUNT
19-08052011		Consolidated Payment									(\$901.31)
19-08052011		Public Notice (Docket No. R-02-11) CLS STAR-ADVERTISER	3.00 x 11.5000		34.5		1				\$862.50
		State Legal Sale Tax									\$38.81



23	TOTAL AMOUNT DUE
	\$0.00

ADVERTISER INFORMATION			
1	2	3	4
03	7003	DOH/CLEAN AIR BRANCH	

Payment is due upon receipt.
Accounts over 30 days will be assessed a
finance charge of 1½% per month (18% APR)

URN THIS PORTION WITH YOUR REMITTANCE

MAKE CHECKS PAYABLE TO :

u Publications, Inc.
BOX 31000
olulu, HI 96849-5027

BILLED ACCOUNT NAME AND ADDRESS

1/CLEAN AIR BRANCH
ALA MOANA BLVD., ROOM 203
TN RANA BALANAY
VOLULU, HI 96814

PAGE NUMBER	1
5 BILLING DATE	08/05/2011
6 BILLED ACCT#	7003
7 ADVERTISER/CLIENT#	7003
23 TOTAL AMOUNT DUE	\$0.00
AMOUNT REMITTED	

I prefer to pay by: Visa MC AMEX DISC

Name on card:

Account #:

Exp Date:

Signature:

CVS Code:

**Hearing Officer's Report for
January 13, 2012, Hawaii Administrative Rule Amendments**

**REPORT ON PUBLIC HEARINGS
STATE OF HAWAII
DEPARTMENT OF HEALTH**

**Public hearings on proposed revisions to the Hawaii Administrative Rules, Chapter 11-60.1
(Air Pollution Control), Subchapters 3 (Open Burning) and 10 (Field Citations)**

Pursuant to HRS Chapter 91 and in accordance with and other applicable laws and regulations, timely advance notice of the public hearings on the above-described matters was published on August 5, 2011, in the Honolulu Star-Advertiser, The Maui News, The Garden Island, Hawaii Tribune-Herald, and West Hawaii Today newspapers, advising that the public hearings would be held at the following locations, dates and times:

Kauai: Tuesday, September 6, 2011, at 6:00 p.m.
Wilcox Elementary School Cafeteria
4319 Hardy Street, Lihue

Oahu: Wednesday, September 7, 2011, at 6:00 p.m.
Likelike Elementary School Cafeteria
1618 Palama Street, Honolulu

Maui: Monday, September 12, 2011, at 6:00 p.m.
Pomaikai Elementary School Cafeteria
4650 South Kamehameha Avenue, Kahului

Hilo: Thursday, September 15, 2011, at 5:00 p.m.
Environmental Health Building, Conference Room
1582 Kamehameha Avenue, Hilo

The public hearings were held as scheduled on each of the above dates at each of the above locations, beginning and ending at the following times, with the listed number of persons testifying.

Kauai: 6:00 p.m. to 7:12 p.m. (12 people)

Oahu: 6:00 p.m. to 6:10 p.m. (no people)

Maui: 6:00 p.m. to 6:17 p.m. (1 person)

Hilo: 5:00 p.m. to 5:20 p.m. (2 people)

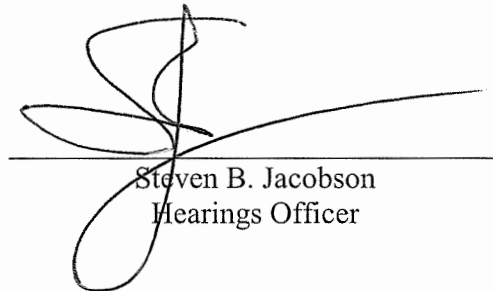
At the beginning of each hearing, the Hearings Officer summarized the public notice and asked those present if they wished to present testimony. At the Kauai, Maui and Hilo hearings, all persons who indicated that they wished to testify did testify and, after all such testimony had been received, the Hearings Officer asked if anyone else wished to speak. No one else did. At the Oahu hearing, no one indicated a desire to speak, the Hearings Officer waited ten minutes to

see if anyone else would appear, no one else did appear, he again asked if anyone wished to speak, and no one did.

After ascertaining that no one else (or no one on Oahu) wished to speak, the Hearings Officer, at each of the hearings, advised that the Clean Air Branch would accept and consider all written comments and recommendations that it received on the above matters by 4:30pm on September 22, 2011, at its address set forth in the notice of public hearing, including comments from those who had testified. The hearings then ended.

The Hearings Officer hereby certifies that the public hearings were conducted in accordance with all applicable requirements established by law.

DATED: November 30, 2011.



Steven B. Jacobson
Hearings Officer

**Public Notice for
June 30, 2014, Hawaii Administrative Rule Amendments**

Public Notice**Public Notice****Public Notice**

**NOTICE OF PUBLIC HEARINGS
DEPARTMENT OF HEALTH
STATE OF HAWAII**

(Docket No. R-3-12)

Pursuant to Hawaii Revised Statutes, Chapter 91, the Department of Health (DOH) will accept written comments and hold public hearings on proposed revisions to the Hawaii Administrative Rules (HAR), Chapter 11-60.1, Air Pollution Control.

The main purpose of the proposed amendments is to initiate the regulation of greenhouse gas (GHG) emissions from Hawaii's stationary air pollution sources. GHGs are required to be regulated by federal law, Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule (Tailoring Rule), Federal Register (FR), Volume 75, No. 106, pages 31514 -31608, June 3, 2010; and state law, Hawaii's Act 234, 2007 Session Laws, Relating to Greenhouse Gas Emissions (enacted in Hawaii Revised Statutes (HRS), §342B-71 to 73). Other amendments outside the GHG program are also included as described below.

Proposed amendments are made to HAR, Chapter 11-60.1, Subchapters 1, 4, 5, 6, and 7, with a new Subchapter 11 added.

GHG Program Amendments do the following :

- Align requirement thresholds with the federal Tailoring Rule for:
 - PSD and Title V major source applicability to > 100,000 tons/year carbon dioxide equivalent (CO₂e); and
 - PSD Best Available Control Technology (BACT) applicability to > 75,000 tons/year CO₂e.
- Establish Title V and Noncovered source BACT review threshold at > 40,000 tons/year CO₂e.
- Biogenic CO₂ emissions deferred from PSD and BACT review until July 21, 2014 consistent with the Tailoring rule.
- Establish exempt and insignificant activity thresholds at < 3,500 tons/year CO₂e.
- Establish a Noncovered source permit exemption for landfills, except for municipal waste landfills with a design capacity equal to or above 1,500,000 metric tons.
- Initiate Act 234 by adding a new HAR, Subchapter 11:
 - Declares the statewide GHG limit to < 13.66 million metric tons CO₂e;
 - Requires a GHG Reduction Plan from existing major stationary sources with potential GHG emissions > 100,000 tons/year CO₂e (includes biogenic CO₂). Municipal waste combustion operations are excluded.
 - Establishes a facility-wide cap to be achieved by 2020. The proposed cap is set at 25% below 2010 facility emissions, unless DOH approves an alternate cap.
 - ▶ Requires BACT-like assessment to determine facility-wide cap; flexibility provided.
 - ▶ Facility-wide cap enforceable by permit.
- Begin Covered source annual fee assessment for both biogenic and non-biogenic GHG emissions, total 12 cents/ton CO₂e.
- Extend the Covered source annual fee normal due date from "within the first sixty days of the calendar year" to "within the first one-hundred twenty days of the calendar year" to accommodate mandatory federal GHG reporting.
- Require first year (2013) Covered annual fees for GHGs to be submitted by October 1, 2013.
- Add GHG supporting definitions and permit administrative changes.

Other proposed amendments outside the GHG program :

- Incorporate by reference the federal PSD requirements under Title 40 of the Code of Federal Regulations, Section 52.21.
- Allow the permitting of previously grandfathered or exempt activities if found to operate improperly or in violation of the air laws.
- Make changes for clarity, housekeeping, and consistency.

The proposed rules primarily affect larger businesses, however, may affect some small businesses. A Small Business Impact Statement was prepared in accordance with HRS, Chapter 201M, Small Business Regulatory Flexibility Act. Although small businesses can be affected by the proposed rules, the likelihood of impact and/or actual impacts is considered to be remote or small.

The proposed rules that can affect small businesses include:

- Permit application requirements to quantify GHG emissions;
- BACT Assessments for qualifying GHG emission increases;
- GHG annual emission reports and fees, mainly for Covered sources; and
- Possible permitting of sources previously grandfathered or exempt from the permit system.

The proposed rules that can affect small businesses include:

- Permit application requirements to quantify GHG emissions;
- BACT Assessments for qualifying GHG emission increases;
- GHG annual emission reports and fees, mainly for Covered sources; and
- Possible permitting of sources previously grandfathered or exempt from the permit system.

A copy of the draft rule amendments highlighting the proposed changes, and the Small Business Impact Statement are available for public inspection during regular office hours, Monday through Friday, 7:45 a.m. to 4:15 p.m., at the following locations:

Oahu:

- Clean Air Branch, Department of Health
919 Ala Moana Boulevard, Room 203, Honolulu, Oahu 96814

Hawaii:

- Hawaii District Health Office, Department of Health
1582 Kamehameha Avenue, Hilo, Hawaii
- Sanitation Branch, Keakealani Building, Department of Health
79-1020 Haukapila Street, Room 115, Kealahou, Hawaii

Maui:

- Maui District Health Office, Department of Health
54 High Street, Room 300, Wailuku, Maui

Kauai:

- Kauai District Health Office, Department of Health
3040 Umi Street, Lihue, Kauai

Molokai:

- Molokai District Health Office, Department of Health
65 Makaena Place, Kaunakakai, Molokai

A copy may also be picked up at the Oahu office listed above, or obtained by writing or calling the Oahu office at (808) 586-4200, or accessing the Department of Health's website at <http://hawaii.gov/health/environmental/air/cab/index.html>.

Interested persons are invited to attend the public hearings to offer comments and recommendations on the proposed revisions. Persons who wish to testify are asked to submit two copies of their testimony prior to or at the public hearing, although it is not a requirement to do so in order to testify at the hearing. The public hearings will be held as follows:

Hawaii: Tuesday, November 20, 2012, at 5:00 p.m.
Waiakaa High School Cafeteria
155 West Kawili Street, Hilo, Hawaii

Oahu: Wednesday, November 28, 2012, at 2:00 p.m.
AAFES Building
919 Ala Moana Boulevard, 5th Floor, Honolulu, Oahu

Kauai: Thursday, November 29, 2012, at 6:00 p.m.
Wilcox Elementary School Cafeteria
4319 Hardy Street, Lihue, Kauai

Maui: Friday, November 30, 2012, at 6:00 p.m.
Pomaikai Elementary School Cafeteria
4650 South Kamehameha Avenue, Kahului, Maui

The Department of Health can provide auxiliary aids or services (e.g., sign language interpreter, large print) if it receives a written request at least ten days prior to the scheduled hearing at the address below.

The Department of Health will accept and consider all written comments and recommendations it receives by 4:30 p.m., December 7, 2012. Comments and recommendations must be delivered or mailed to the Clean Air Branch, Department of Health, 919 Ala Moana Boulevard, Room 203, Honolulu, Hawaii 96814.

Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

(SA461492 10/19/12)

**Hearing Officer's Report for
June 30, 2014, Hawaii Administrative Rule Amendments**

REPORT ON PUBLIC HEARINGS
STATE OF HAWAII
DEPARTMENT OF HEALTH

Docket No. R-3-12

Public hearings on proposed revisions to the Hawaii Administrative Rules, Chapter 11-60.1, Air Pollution Control

Pursuant to HRS Chapter 91 and in accordance with other applicable laws and regulations, timely advance notice of public hearings on the above-described revisions was published in the Honolulu Star-Advertiser advising that the public hearings would be held at the following locations and times:

Hawaii: Monday, November 12, 2012, 5:00pm, Waiakea High School Cafeteria, 155 W. Kawili Street, Hilo.

Oahu: Wednesday, November 28, 2:00pm, 919 Ala Moana Boulevard, Suite 203, Honolulu.

Kauai: Thursday, November 29, 2012, 6:00pm, Wilcox Elementary School Cafeteria, 4319 Hardy Street, Lihue.

Maui: Friday, November 30, 2012, 6:00pm, Pomokai Elementary School Cafeteria, 4650 S. Kamehameha Avenue, Kahului.

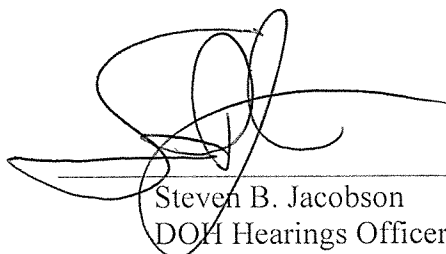
The public hearings were held as scheduled on those dates and at those locations.

At the beginning of each hearing, the Hearings Officer summarized the public notice and asked those present if they wished to present testimony. All persons who indicated that they wished to testify did testify. Then, after their testimony, the Hearings Officer allowed anyone else wished to speak to do so (if anyone).

After all such testimony was received, the Hearings Officer advised that the Clean Air Branch would also accept and consider any and all written testimony that it received by a post-hearing deadline, where to send such testimony, and the deadline for its receipt. The hearing then ended.

The undersigned Hearings Officer hereby certifies that the public hearings were conducted in accordance with all applicable legal requirements.

Dated: December 7, 2012.



Steven B. Jacobson
DOH Hearings Officer

**Public Notice for
February 8, 2024, Hawaii Administrative Rule Amendments**

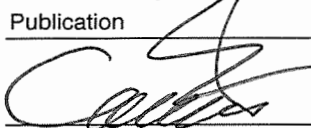
AFFIDAVIT OF PUBLICATION

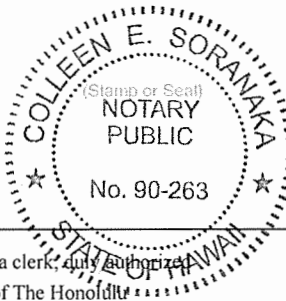
IN THE MATTER OF NOTICE OF PUBLIC HEARING

STATE OF HAWAII

SS.

City and County of Honolulu

Doc. Date:	APR 03 2023	# Pages:	1
Notary Name:	COLLEEN E. SORANAKA	First Judicial Circuit	
Doc. Description:	Affidavit of Publication		
Notary Signature	 APR 03 2023 Date		



Lisa Sakakida being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the

Honolulu Star-Advertiser 0 times on:

MidWeek 0 times on:

The Garden Island 0 times on:


Hawaii Tribune-Herald 1 times on:

03/30/2023

West Hawaii Today 0 times on:

Other Publications: 0 times on:

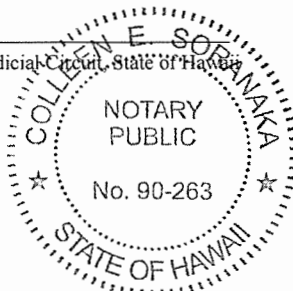
And that affiant is not a party to or in any way interested in the above entitled matter.


Lisa Sakakida

Subscribed to and sworn before me this 3rd day of April A.D. 20 23

Colleen E. Soranaka, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Jan 06 2024

Ad # 0001410322



NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE HAWAII ADMINISTRATIVE RULES TITLE 11, CHAPTER 60.1 AIR POLLUTION CONTROL DEPARTMENT OF HEALTH STATE OF HAWAII

Docket No. 11-60.1-03-23
(CAB Docket No. 23-CA-PA-06)

The State of Hawaii Department of Health (DOH), Clean Air Branch (CAB) will accept written comments and hold a public hearing on the proposed amendments of the Hawaii Administrative Rules, Title 11, Chapter 60.1 on Air Pollution Control.

The proposed amendments align state regulations with updates to the U.S. Environmental Protection Agency's (EPA) regulations or directives and with rules and procedures used in other states; improve methods on handling extremely difficult issues such as open burning; and streamline CAB's enforcement process.

During the initial public comment period, which included a public hearing held on May 5, 2021, no comments were received from the public that altered the proposed rules. Additional amendments were proposed by the EPA which result in this follow-up hearing.

The proposed amendments primarily address the following topics:

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The documents can be viewed in person at the following location, Mon-Fri, 8 a.m.-4 p.m. (except on state holidays).

Clean Air Branch
2827 Waimano Home Road, #130
Pearl City, HI 96782

Copies may be requested for a fee of 5 cents/page plus postage; call (808) 586-4200 to request a copy.

Written comments will be accepted until 4:30 p.m. on May 2, 2023, through e-mail at CAB@doh.hawaii.gov, by delivery, or by postal mail to the address listed above.

The public hearing will be held at the following time and place:

9:30 a.m.
Friday, April 28, 2023
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Pearl City, Hawaii 96782

Interested parties may also join and provide testimony via Zoom. Join online at <https://zoom.us/j/93812543725> or by telephone at (669) 900-9128 or (253) 215-8782, with webinar ID 938 1254 3725.

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IC For more information or to request an auxiliary aid or service (e.g., ASL interpreter, large print), please contact Mr. Barry Ching at CAB@doh.hawaii.gov or at (808) 586-4200 at least seven (7) business days before the scheduled hearing. (HTH1410322 3/30/23)

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII, }
County of Maui. } ss.

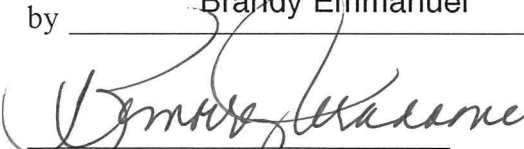
Brandy Emmanuel being duly sworn
deposes and says, that she is in Advertising Sales of
the Maui Publishing Co., Ltd., publishers of THE MAUI NEWS, a
newspaper published in Wailuku, County of Maui, State of Hawaii;
that the ordered publication as to _____
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS
TO THE HAWAII ADMINISTRATIVE RULES

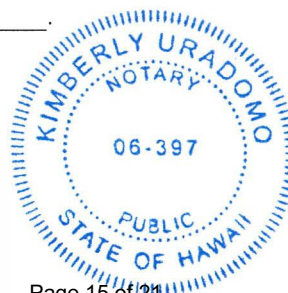
of which the annexed is a true and correct printed notice, was
published 1 time in THE MAUI NEWS, aforesaid, commencing
on the 30th day of March, 2023, and ending
on the 30th day of March, 2023, (one day
inclusive), to-wit: on _____
March 30, 2023

and that affiant is not a party to or in any way interested in the above
entitled matter.



This 2 page NOTICE OF PUBLIC HEARING, dated
March 30, 2023,
was subscribed and sworn to before me this 5th day of
April, 2023, in the Second Circuit of the State of Hawaii,
by Brandy Emmanuel


Notary Public, Second Judicial
Circuit, State of Hawaii



**NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENTS TO THE
HAWAII ADMINISTRATIVE RULES
TITLE 11, CHAPTER 60.1
AIR POLLUTION CONTROL
DEPARTMENT OF HEALTH
STATE OF HAWAII**

Docket No. 11-60.1-03-23
(CAB Docket No. 23-CA-PA-06)

The State of Hawaii Department of Health (DOH), Clean Air Branch (CAB) will accept written comments and hold a public hearing on the proposed amendments of the Hawaii Administrative Rules, Title 11, Chapter 60.1 on Air Pollution Control.

The proposed amendments align state regulations with updates to the U.S. Environmental Protection Agency's (EPA) regulations or directives and with rules and procedures used in other states; improve methods on handling extremely difficult issues such as open burning; and streamline CAB's enforcement process.

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(MN: Mar. 30, 2023)

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF NOTICE OF PUBLIC HEARING

STATE OF HAWAII }
 } SS.
City and County of Honolulu }

Doc. Date: APR 03 2023 # Pages: 1
Notary Name: COLLEEN E. SORANAKA First Judicial Circuit

Doc. Description: Affidavit of
Publication

[Signature] APR 03 2023
Notary Signature Date



Lisa Sakakida being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the

Honolulu Star-Advertiser 1 times on:
03/30/2023
MidWeek 0 times on:
The Garden Island 0 times on:
Hawaii Tribune-Herald 0 times on:
West Hawaii Today 0 times on:
Other Publications: 0 times on:

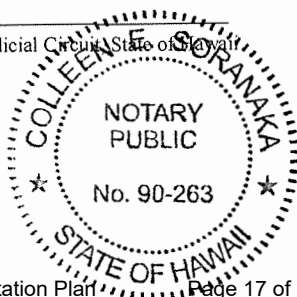
And that affiant is not a party to or in any way interested in the above entitled matter.

[Signature]
Lisa Sakakida

Subscribed to and sworn before me this 3rd day of April A.D. 2023

[Signature]
Colleen E. Soranaka, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Jan 06 2024

Ad # 0001410273



NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE HAWAII ADMINISTRATIVE RULES TITLE 11, CHAPTER 60.1 AIR POLLUTION CONTROL DEPARTMENT OF HEALTH STATE OF HAWAII

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(CAB Docket No. 23-CA-PA-06)

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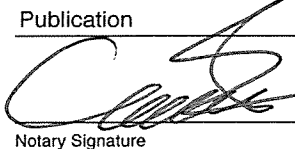
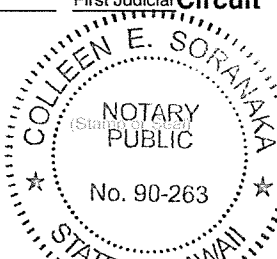
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ICSP NO.: _____

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF NOTICE OF PUBLIC HEARING


STATE OF HAWAII }
 } SS.
City and County of Honolulu }

Doc. Date:	APR 03 2023	# Pages:	1
Notary Name:	COLLEEN E. SORANAKA	First Judicial Circuit	
Doc. Description:	Affidavit of Publication		
	APR 03 2023		
Notary Signature	Date		


Lisa Sakakida being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the

Honolulu Star-Advertiser 0 times on:
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03/30/2023
Hawaii Tribune-Herald 0 times on:
West Hawaii Today 0 times on:
Other Publications: 0 times on:

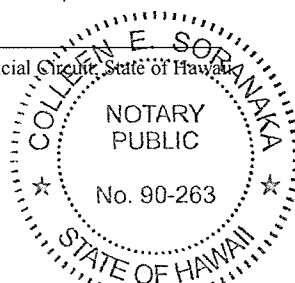
And that affiant is not a party to or in any way interested in the above entitled matter.


Lisa Sakakida

Subscribed to and sworn before me this 3rd day of April A.D. 2023


Colleen E. Soranaka, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Jan 06 2024

Ad # 0001410320



NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE HAWAII ADMINISTRATIVE RULES TITLE 11, CHAPTER 60.1 AIR POLLUTION CONTROL DEPARTMENT OF HEALTH STATE OF HAWAII

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AFFIDAVIT OF PUBLICATION

IN THE MATTER OF NOTICE OF PUBLIC HEARING

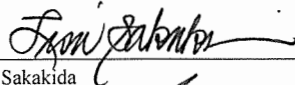
STATE OF HAWAII }
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Doc. Date:	APR 03 2023	# Pages:	1
Notary Name:	COLLEEN E. SORANAKA	First Judicial Circuit	
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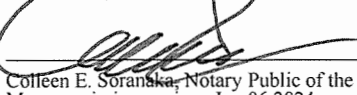
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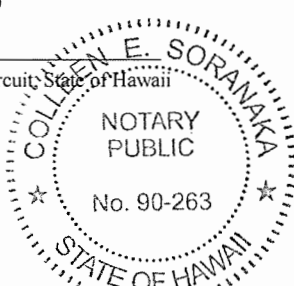
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Lisa Sakakida

Subscribed to and sworn before me this 3rd day of April A.D. 2023


Colleen E. Soranaka, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Jan 06 2024

Ad # 0001410321



NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE HAWAII ADMINISTRATIVE RULES TITLE 11, CHAPTER 60.1 AIR POLLUTION CONTROL DEPARTMENT OF HEALTH STATE OF HAWAII

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**Hearing Officer's Report for
February 8, 2024, Hawaii Administrative Rule Amendments**

STATE OF HAWAII
DEPARTMENT OF HEALTH
HEARINGS OFFICE

RECEIVED
OFFICE OF THE DIRECTOR
DEPT OF HEALTH

'23 MAY -5 P4:23

REPORT OF THE HEARINGS OFFICER

In-Person and Virtual Public Hearing on Proposed Amendments to Hawaii Administrative Rules (HAR) Title 11, Chapter 11-60.1 (Air Pollution Control)

Pursuant to HRS § 91-3, and in accordance with other applicable laws and regulations, advance notice of a public hearing on the above-described matters was timely published statewide on Thursday, March 30, 2023, advising the public that an in-person and virtual public hearing thereon would be held on Friday, April 28, 2023, at 9:30am, in the Conference Room of the Environmental Health Administration at 2827 Waimano Home Road, Room 130, Pearl City, Hawaii, and via Zoom. The notice advised all persons interested in participating or observing the hearing how to attend, listen and/or speak in person, and how to attend, listen and/or speak using a computer or telephone via Zoom.

The undersigned Hearings Officer called the public hearing to order on Friday, April 28, 2023, at approximately 9:30am. After a brief introduction by the Hearings Officer, those present in person were invited to testify. None wished to testify. Then those present via Zoom were invited to testify. None of them did either.

After that, the Hearings Officer kept the hearing open until 9:45am, in case anyone who arrived by then, in person or by Zoom, wished to testify. No one did.

The Hearings Officer then reminded everyone present in person and via Zoom that written comments on the any aspect of the above-described matters could still be offered until 4:30pm on Tuesday, May 2, 2023, and how to do so by email or US mail. Then he closed the in person and Zoom hearing, at approximately 9:50am.

The Hearings Officer hereby certifies that the public hearing was conducted in accordance with all applicable requirements established by law.

DATED: Honolulu, Hawaii, May 5, 2023.



Steven Jacobson
DOH Hearings Officer