

Response to Comments

The CWB has received four letters of comments to its Hawaii Beach Monitoring Program document. All four letters came from members of the Surfrider Foundation and appeared to be variants of the letter from its Global Headquarters.

The CWB appreciates the support expressed by the commenters and looks forward to continuing to work with the Surfrider Foundation.

Comment:

The basic sampling design has a serious flaw as it raises real questions of environmental justice, given the tiered beach ranking system results in a strong bias towards monitoring economically important tourist beaches and provides nearly no coverage for beaches and coastal recreational waters preferred by local and under-served communities – for instance, local swim spots and launching sites for canoe clubs and regattas at stream mouths.

Response:

The CWB disagrees with the comments stating that the sampling design raises questions of environmental justice, that there is a bias toward economically important tourist beaches, and the sampling design provides nearly no coverage for beaches and coastal recreational waters preferred by locals and under-served communities.

The CWB does not select for monitoring any beaches because they are frequented by visitors rather than residents. Instead, the CWB appropriately monitors beaches with the highest use to protect the greatest number of beach users with limited resources.

Lifeguard stations are an indication of the areas with the highest use, and most of the beaches throughout the state with lifeguard stations are actively monitored. Monitoring sites have also been established in many areas that do not have lifeguard stations. These sites were established using local knowledge of the CWB staff, by consulting published reference guides and discussions and consultations with the State Department of Land and Natural Resources and the county lifeguards. Many of the beaches that the CWB actively monitors are frequented as much or more by residents as visitors, for example, Waioli Beach Park, Waimea Bay, and Hanalei Beach Park on Kauai; Waimanalo, Sunset, Kualoa, and Makaha Beaches on Oahu; Kua Bay, Spencer Beach Park, and Banyan's Surfing Area in Kona; Onekahakaha, Carlmith – 4 miles, and Honolii beaches in Hilo; and Launiupoko, Maalaea, and Hanakoo Beaches on Maui.

Appendix A to the Comment shows locations with high enterococcus levels, but they are not necessarily areas with significant recreational use or human exposure to bacteria. Many of the sites listed in Appendix A of the comment are not beaches; for example, Waia`kea, Moikeha, and Uhelekwawa Canals are man-made channels that bisect the surrounding beaches. The CWB has collected samples on some of the beaches next to these sites and has not found any exceedances of the Beach Action Value (BAV). In some areas, such as Wainiha Stream mouth, only a few swimmers have been observed, public access is limited, the area is difficult to access with no public parking area, and the only access requires crossing private property. It would not be the best use of limited

resources to conduct monitoring in these areas at the expense of the more heavily used and publicly accessible beaches. The CWB will focus its efforts on monitoring beaches that are frequented by the most users.

Comment:

HDOH must protect against human illness where the risk is the greatest – stream mouths and estuarine waters on the beach.

Response:

The CWB will more actively monitor stream mouths and estuarine waters at or next to popular beaches and will post signs where appropriate. CWB does not have the resources necessary to monitor all stream mouths and must prioritize. CWB will evaluate the sites recommended by the Surfrider Foundation and will prioritize monitoring frequency according to usage and accessibility.

The CWB has complied with EPA's directive to post an advisory sign at Waiopili stream near Gillin's Beach. The stream has been posted since August 4, 2016 (see: <http://health.hawaii.gov/cwb/water-quality/water-quality-notifications/>).

Comment:

Tiered beach ranking system disproportionately favors testing of clean, economically important beaches over more polluted beaches where the health risk is likely higher and it applies undue weight to beaches favored by tourists with high economic importance, over beaches where *known or suspected major pollution problems exist and health risk might actually be higher.*

Response:

See response to first comment above. CWB appropriately monitors beaches with high use, which are not all necessarily "clean," in order to protect the greatest number of people. CWB will also work with Surfrider Foundation, however, to determine if there are other locations where the combination of bacteria levels and public exposure levels represent priorities in health risks.

Comment: In order to fully protect public health with limited resources, HDOH should incorporate a mechanism into the Program's tiered classification system to consider public health risks demonstrated by data generated by citizen science programs, so that beaches and coastal recreational waters that are not currently assigned a Tier 1 ranking can be assessed and included in the Program's regular monitoring program.

Response:

The CWB is willing to evaluate credible data submitted by citizen science programs if the samples are collected from appropriate locations. Samples taken from areas not covered by the Beach Act cannot be used for Beach Act purposes. The effect on beaches of contamination higher upstream should be demonstrated, not simply assumed.

Comment:

The Kauai Chapter of the Surfrider Foundation has presented HDOH with water quality data documenting the chronic high bacteria levels and polluted conditions that exist at many stream mouths that are used recreationally but are still not posted with any signage (See Appendix A).

Response:

The CWB has requested GPS coordinates for each of the sampling locations from which samples were collected by the Kauai Chapter of the Surfrider Foundation in order to verify the results. Many of the GPS coordinates provided by the Surfrider Foundation identified streams and not stream mouths on the beaches where the Beach Act applies. These include:

- Hanamaulu Stream
- Moikeha Canal
- Uhelekawawa Canal
- Waiakea Canal
- Waikomo Stream

The sampling sites for the Moikeha, Uhelekawawa, and Waiakea Canals appear to be inland off the bridges along the highway and not on the beach. The Beach Act clearly does not apply to these areas.

The sampling site for Hanamaulu Stream appears to be in a forested area well above the beach.

The CWB has collected samples from beaches near the sites identified by the Surfrider Foundation and could not verify the results obtained by the Kauai Chapter of the Surfrider Foundation; i.e., the exceedances could not be duplicated. For example, the BAV exceedances from the site identified as Pakalas could not be duplicated by the CWB. The CWB is willing to work with Surfrider Foundation to verify its results.

Some sites where the Surfrider Foundation claimed a high degree of recreational use, such as the Moikeha Canal, the Waiakea Canal, and the Uhelekawawa Canal, could not be verified as high use.

The CWB will reevaluate the sites provided by the Surfrider Foundation (or the closest area on the beach) for usage and accessibility and include appropriate sites in the monitoring rotation and post signs as needed.

There are some sites that CWB concurs that should be permanently posted; however, many of the flows from the stream mouths take highly variable paths along the beach. This makes it difficult to post permanent signs near these areas in the sand without them being knocked down or washed away. This requires the signs to be posted further inland from the stream. The CWB will evaluate these sites and seek land owner approval for posting signs higher up along the shoreline where they will be less prone to be affected

by the shifting flow of the stream. Potential sites include Moloaa and Hanalei Bay. The CWB will be working with the Hanalei community regarding the posting of permanent signs and their placement. Other potential sites include Kalapaki Beach, Lumahai Beach, Lucy Wright Beach Park, and Waimea State Recreational Pier.

Comment:

Tiered beach ranking system should be evaluated annually and designed to consider community concerns and volunteer water quality data. Additionally, one of the most troubling aspects of the Beach Monitoring Program is the criteria for ranking Tier 1, 2 and 3 beaches, as it applies undue weight to beaches favored by tourists with high economic importance, over beaches where *known or suspected major pollution problems exist and health risk might actually be higher*.

Response:

See response to the first comment.

Comment:

More beaches should be included in the Beach Monitoring Plan.

Response:

The CWB is willing to increase the number of beaches in the Beach Monitoring Plan; however, given the limited resources that the CWB has available, the monitoring of some beach sites would need to occur on a less frequent basis to accommodate the new sites. Routine monitoring at the core Tier 1 sites would need to remain at their current frequencies to meet the EPA work grant agreement. The CWB will be looking into adjusting the Tier 2 and Tier 3 monitoring sites, perhaps on a rotational basis.

Many states are provided Beach Act funding that is far from adequate to cover all associated costs. It should be noted that Hawaii is one of a few states in which none of the Beach Act activities has been delegated to counties or municipalities. Counties and municipalities often have additional sources of funding to provide this function.

Comment: Please find in Appendix B a list of beaches from each island that CWB should consider including in its Beach Monitoring Program or cooperating with Surfrider's Blue Water Task Force program to provide coverage.

Response:

The CWB is willing to work with Surfrider Foundation and will evaluate the list in Appendix B.

Comment:

Brown Water Advisories signs should be posted at highly-used tourist beaches.

Response:

The CWB has established monitoring sites at beaches with highest usage, regardless of whether they are used by visitors or residents. The CWB has established a working relationship with the Ocean Safety personnel (lifeguards) and already notifies them of all advisories, including Brown Water Advisories. At times, the CWB relies on the Ocean Safety personnel to provide beach condition information, including conditions that warrant Brown Water Advisories. The CWB is able to reach each of the lifeguard stations through their dispatchers. The CWB has provided educational brochures to the Ocean Safety personnel to help them explain each of the advisories and what beach users can do to minimize their risk. The use of the Brown Water Advisories provides a timelier method of notification that would reach a broader audience. CWB is willing, however, to consider where physical posting of signs on the beaches might be cost-effective.

Comment:

Permanent signs need to be posted at chronically polluted recreational sites.

Response:

The CWB agrees that permanent signs should be placed on frequently used beaches where the indicator level has been shown to chronically exceed the Beach Action Value. The CWB will be evaluating beach sites on an individual basis to determine whether permanent signs should be posted.

Comment:

Level II Advisories warning of sewage spills should remain posted until bacteria levels fall below BAV. To fully protect human health, these should remain active until bacteria levels fall below the BAV and should not be subject to the discretion of the CWB.

Response:

CWB agrees that the public should be advised clearly about sewage spills and beaches should remain posted until bacteria levels fall below the BAV. In addition to BEACH Act requirements, DOH has regulations governing the advisories for sewage spills that differ from those of other beach advisories. Hawaii Administrative Rules chapter 11-62 (Wastewater Systems), Appendix C specifies that for spills entering marine waters, bacterial monitoring shall consist of sampling for enterococci and *Clostridium perfringens*. The monitoring results must be submitted to the CWB and monitoring must continue until notification to stop is received from the director.