

DEPARTMENT OF HEALTH

Amendments to Chapter 11-23
Hawaii Administrative Rules

October 21, 2000

SUMMARY

1. A new §11-23-24 is added.

§11-23-24 Timely processing. (a) This section applies to each written application under sections 11-23-08, 11-23-12, 11-23-13, 11-23-16, 11-23-17, and 11-23-19.

(b) The director shall approve, approve with conditions, or deny a complete application and notify the applicant accordingly within one hundred eighty days after the receipt of the complete application. Otherwise, the application is deemed automatically approved on the one hundred eighty-first day.

(c) The director shall determine and notify an applicant of the completeness or deficiency of an application covered by this section, including payment of required fees, within forty-five days of receipt of application. Failure by the applicant to provide additional information, pay the fee, or correct a deficiency for completeness of the application is sufficient ground to suspend or terminate review of the application. The director shall determine and notify an applicant of the completeness of a revised application covered by this section, including payment of required fees, within thirty days of receipt of the revision.

(d) Notice to the applicant shall be complete upon mailing, facsimile transmission, or electronic mail transmission.

(e) The period for the director's action includes all calendar days, but if the period ends on a Saturday, Sunday, or state holiday, the period extends to the next working day.

(f) The one hundred eighty day period for the director's action under subsection (b) applies to the director's initial decision and notice. The initial decision and notice do not become untimely if later there is a request for hearing, an actual hearing, a lawsuit, or other challenge to the initial decision which prevents it from becoming final.

(g) The time for the director's action and notice to the applicant shall be extended when allowed by section 91-13.5, HRS.

(h) Any automatic approval of construction or of a permit resulting from this section:

- (1) Is subject to the conditions in sections 11-23-16(a)(1) through 11-23-16(a)(3);

- (2) Is valid from the date of the automatic approval; and
- (3) Expires after one year.
 - (i) Any injection well abandoned under an automatic approval shall be sealed in accordance with sections 3.4 through 3.9 of the Department of Land and Natural Resources' "Hawaii Well Construction and Pump Installation Standards" dated January 1997, copies of which are available for inspection at the department's environmental management division and district health offices. [Eff 10/21/00](Auth: HRS §§91-13.5, 340E-2, 340E-9) (Imp: HRS §91-13.5)

DEPARTMENT OF HEALTH

Amendments to chapter 11-23, Hawaii Administrative Rules, on the Summary page dated ~~OCT 21 2000~~, were adopted on ~~OCT 21 2000~~, following a public hearing held on May 25, 2000, after public notice was given in the Midweek on April 24, 2000.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.



BRUCE S. ANDERSON, Ph.D., M.P.H.
Director
Department of Health

APPROVED AS TO FORM:


Deputy Attorney General

BENJAMIN J. CAYETANO
Governor
State of Hawaii

Date: 10/9/2000

OCT 11 2000

Filed

LIEUTENANT GOVERNOR'S
OFFICE

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