
A BILL FOR AN ACT

RELATING TO WATER QUALITY STANDARDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to revise certain
2 state water quality standards for inland and marine waters on an
3 interim basis to conform to levels recommended by the State of
4 Hawaii and United States Environmental Protection Agency, until
5 the state department of health proposes, and the United States
6 Environmental Protection Agency approves, standards for the
7 pollutants and indicator organism identified in this Act,
8 pursuant to the triennial review of state water quality
9 standards mandated under section 303(c) of the Federal Water
10 Pollution Control Act of 1972, as amended. The legislature
11 finds that these revisions are important to the economic and
12 social development of the State and that these revised standards
13 are adequate to fully protect the designated and existing uses
14 of the State's inland and marine waters.

15 SECTION 2. (a) In accordance with section 303(c) of the
16 Federal Water Pollution Control Act of 1972, as amended, and the
17 2006 United States Environmental Protection Agency National
18 Recommended Water Quality Criteria, the following water quality



1 criteria in the Current National Recommended Water Quality
2 Criteria for Toxic Pollutants, including the applicable
3 footnotes and appendices, are hereby adopted by the State as
4 water quality standards and shall apply to all state inland and
5 marine waters with exceptions as indicated in subsection (b).

6 (b) For all Priority Pollutants and Non-Priority
7 Pollutants: all recommended water quality criteria for the
8 protection of aquatic life in surface water (acute and chronic
9 effects in fresh water and salt water), and for the protection
10 of human health for consumption (organism only), except those
11 nationally recommended water quality criteria for arsenic,
12 cadmium, chromium III, chromium VI, copper, lead, mercury,
13 nickel, selenium, silver, and zinc.

14 (c) When there is no nationally recommended criterion
15 promulgated for a Priority or Non-Priority Pollutant, relevant
16 provisions in chapter 11-54, Hawaii Administrative Rules,
17 relating to that pollutant shall not be repealed or deemed
18 inconsistent with this Act and shall remain in effect.

19 SECTION 3. (a) In accordance with 40 Code of Federal
20 Regulations section 131.41, the State designates as coastal
21 recreation waters all waters up to three miles from shore to a
22 depth of thirty-three meters, excluding areas where water



1 contact recreational activities are prohibited by State or
2 federal law or regulation.

3 (b) In coastal recreation waters within five hundred
4 meters from the shoreline, enterococcus content shall not exceed
5 a geometric mean of thirty-five colony forming units per one
6 hundred milliliters in not less than five samples, which shall
7 be spaced to cover a period between twenty-five and thirty days.
8 No single sample shall exceed the single sample maximum of one
9 hundred and four colony forming units per one hundred
10 milliliters or the site-specific one-sided seventy-five per cent
11 confidence limit.

12 (c) Coastal recreation waters between five hundred meters
13 and three miles from shore shall be designated as infrequent use
14 coastal recreation waters, and enterococcus content in these
15 waters shall not exceed a geometric mean of thirty-five colony
16 forming units per one hundred milliliters in not less than five
17 samples, which shall be spaced to cover a period between twenty-
18 five and thirty days. No single sample shall exceed the single
19 sample maximum of five hundred and one colony forming units per
20 one hundred milliliters or the site-specific one-sided ninety-
21 five per cent confidence limit.



1 (d) At locations where samples are taken less frequently
2 than five samples for each twenty-five to thirty days, no single
3 sample shall exceed the single sample maximum nor shall the
4 geometric mean of these samples taken during the twenty-five to
5 thirty-day period exceed thirty-five colony forming units per
6 one hundred milliliters.

7 SECTION 4. Except as provided in section 2(c) of this Act,
8 to the extent any provision in chapter 11-54, Hawaii
9 Administrative Rules, is inconsistent with this Act, those
10 provisions shall be superseded. Water quality standards not
11 inconsistent with this Act shall remain in effect.

12 SECTION 5. If any provisions of this Act, or the
13 application thereof to any person or circumstances, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of this Act which can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.

18 SECTION 6. This Act shall take effect on January 1, 2050;
19 provided that the specific water quality standards prescribed in
20 this Act shall take effect upon their approval by the United
21 States Environmental Protection Agency. Provisions in this Act
22 relating to any particular pollutant or indicator organism shall



1 be repealed upon the approval by the United States Environmental
2 Protection Agency of water quality standards for the pollutant
3 or indicator organism identified in this Act, following the
4 State's review and adoption of water quality standards pursuant
5 to section 303(c) of the Federal Water Pollution Control Act of
6 1972, as amended.



Report Title:

Water Quality Standards

Description:

Amends state water quality standards for marine waters to conform to federal standards. (HD1)

