

## ACT 56

H.B. NO. 1425

A Bill for an Act Relating to the Department of Health, Environmental Protection.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Findings and purpose.** The Legislature finds that it is in the interest of the State to have made available to the Legislature and the public information on the quality of our coastal waters. The Legislature further finds that such information on the quality of our coastal waters is an essential aid in the legislative decision-making process directed at enhancing the physical, biological, and chemical quality of our Hawaiian waters. The understanding of the quality of our coastal waters by the public will help engender an awareness of the necessity of water pollution controls. Reports that include information on the description of the sampling programs and methods used, and a discussion of the implications of any findings for recreational uses, establishment of marine sanctuaries, waste disposal, and marine industries are important to the understanding of environmental controls.

**SECTION 2.** Section 342-32, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 342-32 Powers and duties, specific.** In addition to any other power or duty prescribed by law and in this part, the director shall prevent, control, and abate water pollution in the State. In the discharge of this duty, the director may:

- (1) Establish by rule or regulation water quality standards, effluent standards, treatment and pretreatment standards, and standards of performance for specific areas and types of discharges in the control of water pollution, thereby allowing for varying local conditions;
- (2) Appoint a master or masters to conduct investigations and hearings;
- (3) Consult with and advise any person engaged or intending to be engaged in any business or undertaking whose waste, sewage, or drainage is polluting or may tend to pollute state waters;
- (4) Conduct and supervise research programs for the purpose of determining the causes, effects, and hazards of water pollution, the purity and potability of water and the means to monitor the quality of water, or to effect the proper disposal of sewage, drainage, and waste;
- (5) Conduct and supervise state educational and training programs on water pollution prevention, control, and abatement, including the preparation and distribution of information relating to water pollution;
- (6) Consult and advise persons intending to alter or to extend any system of drainage, sewage, or water supply;

- (7) Require complete and detailed plans or reports, on existing works, systems, or plants, and of any proposed addition to, modification of or alteration of any such works, system or plant which contain the information requested by the director in the form prescribed by him; which plans or reports shall be made by a competent person acceptable to the director and at the expense of such applicant or owner;
- (8) With the approval of the governor, cooperate with, and receive money from the federal government, or any political subdivision of the State or from private sources for the study and control of water pollution;
- (9) Receive or initiate complaints of water pollution, hold hearings in connection with water pollution, and institute legal proceedings in the name of the State for the prevention, control, or abatement of water pollution.
- (10) Require the owner or operator of any effluent source or any discharger of effluent to (A) establish and maintain records; (B) make reports; (C) install, use and maintain monitoring equipment or methods; (D) sample effluent and state waters; and (E) provide such other information as the department may require.
- (11) Require any permittee or holder of a variance to permit the director or his authorized representative upon the presentation of his credentials:
  - (A) To enter upon permittee's premises in which an effluent source is located or in which any records are required to be kept under the terms and conditions of the permit or variance; and
  - (B) To inspect any monitoring equipment or method required in the permit; and
  - (C) To sample any discharge of pollutants.
- (12) Publish an annual report on the quality of the State waters, which annual reports shall include, but not be limited to, (A) a description of sampling programs and quality control methods procedures; (B) statistical analysis and interpretation of the data on an annual basis by specific points (monitoring stations); (C) discussion of the results of these analyses to the extent that the implications can be understood by the general public; (D) recommendations for the modification of the water quality monitoring program to enhance its effectiveness for maintaining high standards of water quality in the State of Hawaii, and (E) a note of any significant changes in the quality of State waters."

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 6, 1977.)

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\*Edited accordingly.