

A Bill for an Act Relating to Environmental Quality.

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

SECTION 1. Section 342-31, Hawaii Revised Statutes, is amended by amending the definitions of "effluent" and "effluent sources" to read:

- (3) "Effluent" means any substance discharged into state waters or publicly owned treatment works or sewerage systems, including, but not limited to, sewage, waste, garbage, feculent matter, offal, filth, refuse, any animal, mineral, or vegetable matter or substance, and any liquid, gaseous, or solid substances.
- (4) "Effluent sources" include, but are not limited to, sewage outfalls, refuse systems and plants, water systems and plants, industrial plants, and contributors to publicly owned treatment works or sewerage systems."

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

"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 or person subject to pretreatment requirements to permit the director or his authorized representative upon the presentation of his credentials:
 - (A) To enter upon permittee's or variance holder's premises or premises of a person subject to pretreatment requirements 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 or pretreatment requirements; and
 - (B) To inspect any monitoring equipment or method required in the permit or variance or by pretreatment requirements; and
 - (C) To sample any discharge of pollutants or effluent;
 - (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; and
- (E) A note of any significant changes in the quality of state waters.”

SECTION 3. Section 342-33, Hawaii Revised Statutes, is amended to read:

“**Sec. 342-33 Prohibition.** (a) No person, including any public body, shall discharge any pollutant into state waters, or cause or allow any pollutant to enter state waters except as in compliance with the provisions of this chapter, rules adopted pursuant to this chapter, or a permit issued by the director.

(b) No person, including any public body, shall knowingly establish, extend, or alter any system of drainage, sewage, or water supply, or undertake any project in sewage outfall areas where there may be a possibility of alteration of currents depended upon for dilution without first securing approval in writing from the director.

(c) No person shall discharge any pollutant or effluent into a publicly owned treatment works or sewerage system in violation of:

- (1) A pretreatment standard, or
- (2) A pretreatment condition in a permit.”

SECTION 4. Section 342-7, Hawaii Revised Statutes, is amended by amending subsection (h) to read:

“(h) Notwithstanding any provision in this section, no variance shall be granted or renewed pursuant to this part with respect to any discharge of pollutants or wastes which is in violation of the requirements of the Federal Water Pollution Control Act and the amendments thereto.”

SECTION 5. Section 342-7, Hawaii Revised Statutes, is amended by amending subsection (i) to read:

“(i) Public participation.

- (1) Public notices of every completed application for a variance shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed emission, discharge or other proposed activity. Procedures for the circulation of public notices shall include at least the following:
 - (i) Notice shall be circulated within the geographical areas of the proposed emission, discharge, or other proposed activity; such circulation shall include publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation;
 - (ii) Notice shall be mailed to any person or group upon request; and
 - (iii) The director shall add the name of any person or group upon request to a mailing list to receive copies of notices for all variance applications within the State or within a certain geographical area.
- (2) The director shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written reviews with respect to the variance application and the tentative determinations of the department, if any. The period for comment may be extended at the discretion of the director.

- (3) The contents of public notice of applications for variances shall include at least the following:
- (i) Name, address, phone number of agency issuing the public notice;
 - (ii) Name and address of each applicant;
 - (iii) Brief description of each applicant's activities of operations which result in the emission, discharge, or other activity described in the variance application (e.g., rock crushing plant, municipal waste treatment plant, raw sugar factory, pineapple cannery);
 - (iv) A short description of the location of each emission or discharge indicating whether such emission or discharge is new or existing;
 - (v) A brief description of the procedures for the formulation of final determinations, including the thirty-day comment period required by paragraph (2) of this subsection and any other means by which interested persons may influence or comment upon those determinations; and
 - (vi) Address and phone number of state agency premises at which interested persons may obtain further information and inspect a copy of the variance applications and supporting and related documents.
- (4) The director may hold a public hearing if, after reviewing the comments submitted under paragraph (2) of this subsection, he determines that a public hearing is warranted. Any hearing brought pursuant to this subsection shall be held in the geographical area of the proposed emission, discharge or other proposed activity, or other appropriate area, at the discretion of the director.
- (5) The director shall hold a public hearing when revising the state implementation plan required by the Federal Clean Air Act and the amendments thereto, and the regulations promulgated thereunder."

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 7. This Act shall take effect upon its approval.

(Approved May 29, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.