
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 review of state water quality standards mandated
9 under section 303(c) of the Federal Water Pollution Control Act
10 of 1972, as amended. The legislature finds that these revisions
11 are important to the economic or social development of the
12 State, and that these revised standards are adequate to fully
13 protect the designated and existing uses of the State's inland
14 and marine waters.

15 SECTION 2. (a) In accordance with sections 303(c) and
16 304(a) of the Federal Water Pollution Act of 1972, as amended,
17 and the United States Environmental Protection Agency National
18 Recommended Water Quality Criteria, the water quality standards,

1 found in the 2006 United States Environmental Protection Agency
2 National Recommended Water Quality Criteria for Toxic
3 Pollutants, are hereby adopted by the State as water quality
4 standards and apply to all state inland and marine waters,
5 except for the following:

- 6 (1) All priority pollutants and non-priority pollutants:
7 all recommended water quality criteria for the
8 protection of aquatic life in surface water (acute and
9 chronic effects in fresh water and salt water), and
10 for the protection of human health for consumption
11 (organism only); and
- 12 (2) Except those nationally recommended water quality
13 criteria for arsenic, cadmium, chromium III, chromium
14 VI, copper, lead, mercury, nickel, selenium, silver,
15 and zinc.

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19 relating to that pollutant shall not be repealed or deemed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

21 SECTION 3. (a) In accordance with 40 Code of Federal
22 Regulations section 131.41, the State designates as coastal

1 recreation waters all waters up to three miles from shore to a
2 depth of thirty-three meters, excluding areas where water
3 contact recreational activities are prohibited by State or
4 federal law, rule, or regulation.

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

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

1 units per one hundred milliliters or the site-specific one-sided
2 ninety-five per cent confidence limit.

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

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

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

20 SECTION 6. This Act shall take effect on July 1, 2050;
21 provided that the specific water quality standards prescribed in
22 this Act shall take effect upon their approval by the United

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

Report Title:

Water Quality Standards

Description:

Amends state water quality standards for inland and marine waters to conform to federal standards. (SD1)