
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 and 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 Section 303(c) of the
16 Federal Water Pollution Control Act of 1972, as amended, the
17 water quality criteria in the 2006 United States Environmental
18 Protection Agency National Recommended Water Quality Criteria,



1 including the applicable footnotes and appendices, for all
2 Priority Toxic Pollutants and Non-Priority Pollutants for the
3 protection of aquatic life in surface water (acute and chronic
4 effects in fresh water and salt water), and for the protection
5 of human health for consumption (organism only), are hereby
6 adopted by the State as water quality standards and apply to all
7 state inland and marine waters, except for:

8 (1) The 2006 National Recommended Water Quality Criteria
9 for arsenic, cadmium, chromium, chromium III, chromium
10 IV, copper, lead, mercury, nickel, selenium, silver,
11 and zinc; and

12 (2) The 2006 National Recommended Water Quality Criteria
13 for non-priority pollutants not currently listed in
14 chapter 11-54, Hawaii administrative rules.

15 (b) When there is no nationally recommended criterion
16 promulgated for a Priority or Non-Priority Pollutant, relevant
17 provisions in chapter 11-54, Hawaii administrative rules,
18 relating to that pollutant are not repealed by virtue of or
19 deemed inconsistent with this Act and remain in effect.

20 SECTION 3. (a) In accordance with 40 Code of Federal
21 Regulations, Section 131.41, the State designates as coastal
22 recreation waters all waters up to three miles from shore to a



1 depth of thirty-three meters, excluding areas where water
2 contact recreational activities are prohibited by state or
3 federal law or regulation.

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

13 (c) Coastal recreation waters between five hundred meters
14 and three miles from shore shall be designated as infrequent use
15 coastal recreation waters, and Enterococcus content in these
16 waters shall not exceed a geometric mean of thirty-five colony
17 forming units per one hundred milliliters in not less than five
18 samples, which shall be spaced to cover a period between twenty-
19 five and thirty days. No single sample shall exceed the single
20 sample maximum of five hundred and one colony forming units per
21 one hundred milliliters or the site-specific one-sided ninety-
22 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(b) of this Act,
8 to the extent any provision in chapter 11-54, Hawaii
9 administrative rules, is inconsistent with this Act, that
10 provision shall be superseded upon approval by the United States
11 Environmental Protection Agency of a corresponding provision or
12 standard. Water quality standards not inconsistent with this
13 Act 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 does 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 takes effect upon approval; provided
21 that the specific water quality standards prescribed in this Act
22 shall take effect upon their approval by the United States



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



Report Title:

Water Quality Standards

Description:

Amends state water quality standards for marine waters to conform to federal standards. (HB834 HD2)

