



OFFICE OF PLANNING STATE OF HAWAI'I

DAVID Y. IGE
GOVERNOR

DIRECTOR
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

PUBLIC NOTICE STATE OF HAWAI'I OFFICE OF PLANNING HAWAI'I COASTAL ZONE MANAGEMENT PROGRAM

March 28, 2019

To: Hawai'i Coastal Zone Management Program Agencies and the Public at Large
From: Leo R. Asuncion, Planning Program Administrator, State of Hawai'i Office of Planning
Subject: Notice of Routine Program Change to the Hawai'i Coastal Zone Management Program

The Hawai'i State Legislature designed the State's Coastal Zone Management (CZM) implementation framework to build upon the existing functions of State and county agencies. The Hawai'i CZM Program is a network management regime that presents the State's overall perspective on the effective management, beneficial use, protection, and development of Hawai'i's coastal zone. In 1978, the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, approved the Hawai'i CZM Program.

Periodic changes to an approved CZM Program are necessary to address new challenges, strengthen the management regime, clarify provisions, or otherwise modify management of activities affecting coastal resources. To assure that these statutory and regulatory changes are in keeping with the State's CZM law, Hawai'i Revised Statutes (HRS) Chapter 205A, and the National CZM objectives and policies (CZM Act, 16 USC §1456), federal regulations require changes to be submitted for federal review and concurrence before they are officially incorporated into the Hawai'i CZM program. The regulations also require a public notice that lists the changes to be posted for the general public and affected parties.

The Hawai'i CZM Program concludes that the submitted changes to the Hawai'i CZM Program will not result in a substantial change to one or more of the five program approvability areas identified in 15 CFR Part 923, Subparts B - F. The incorporation of the submitted changes to the Hawai'i CZM Program will increase the ability of the State of Hawai'i to manage, preserve, and sustain coastal resources.

Accordingly, this notice summarizes the routine program change (RPC) action to the Hawai'i CZM Program that is being submitted for federal review and concurrence. The report of subject RPC submittal is available for review during office hours, 7:45 a.m. - 4:30 p.m., at the Office of Planning, Leiopapa A Kamehameha Building, 235 S. Beretania Street, 6th Floor, Honolulu, and can also be viewed online at <http://planning.hawaii.gov/czm/federal-consistency/>.

The following are brief descriptions of the submitted changes for request for incorporation into the Hawai'i CZM Program.

ADDED:

- HRS § 342D-61, relating to Household Aerobic Unit Approval, effective 07/05/2017
- HRS § 342D-72, relating to Cesspools; Mandatory Upgrade, Conversion, or Connection, effective 07/01/2017
- HAR Chapter 11-20, relating to Public Water Systems, as amended, effective 12/18/2017
- HAR Chapter 11-260.1, relating to Hazardous Waste Management: General Provisions, as amended, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-261.1, relating to Hazardous Waste Management: Identification and Listing of Hazardous Waste, as amended, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-262.1, relating to Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste, as amended, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-263.1, relating to Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste, as amended, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-264.1, relating to Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as amended, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-265.1, relating to Hazardous Waste Management: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as amended, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-266.1, relating to Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-268.1, relating to Hazardous Waste Management: Land Disposal Restrictions, as amended, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-270.1, relating to Hazardous Waste Management: The Hazardous Waste Permit Program, as amended, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-271.1, relating to Hazardous Waste Management: Permit Procedures, as amended, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-273.1, relating to Hazardous Waste Management: Standards for Universal Waste Management, as amended, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-279.1, relating to Hazardous Waste Management: Standards for the Management of Used Oil, as amended, effective 07/17/2017 and 09/30/2018
- HAR Chapter 11-280.1, relating to Underground Storage Tanks, effective 07/15/2018
- HAR Chapter 13-86.1, relating to Protected Marine Fisheries Resources Sea Cucumber Management, effective 01/14/2016
- HAR § 19-42-131, relating to Dumping of Materials at Sea, 05/20/1982
- HAR § 19-42-136, relating to Fueling, 05/20/1982
- HAR § 19-42-161, relating to Dredging, Filling, and Construction, 05/20/1982
- HAR § 19-42-162, relating to Jurisdiction of other Agencies, 05/20/1982
- HAR § 19-42-164, relating to Construction of Structures, 05/20/1982
- City and County of Honolulu Rules Chapter 20-3, relating to Water Quality, 08/16/2017

MODIFIED:

HRS § 171-58.5 Prohibitions, relating to Public Lands, Management and Disposition of, effective 06/29/2013
HRS §§ 205A-22 Definitions, relating to Coastal Zone Management, effective 07/06/2012
HRS § 205A-44(a) Prohibitions, relating to Coastal Zone Management, effective 06/29/2013
HRS § 342D-6.5, relating to Hawaiian loko i'a, effective 07/13/2015
SMA Rules of the County of Hawaii §§ 9-4(e)(2)(A) and (R), §§ 9-4(q) and (r), § 9-8, § 9-9, §§ 9-10(a), (b), (d), (e), (f) and (i), and § 9-11(b), relating to Special Management Area, effective 12/4/2017
HAR §§ 13-60.4-2, 13-60.4-3, and 13-60.4-5, relating to West Hawai'i Regional Fishery Management Area, Hawai'i, effective 07/29/2016
HAR § 13-256-152, relating to Kahaluu Bay Ocean Waters, effective 04/22/2016

DELETED:

HAR Chapter 11-260, relating to Hazardous Waste Management: General Provisions, effective 07/17/2017
HAR Chapter 11-261, relating to Hazardous Waste Management: Identification and Listing of Hazardous Waste, effective 07/17/2017
HAR Chapter 11-262, relating to Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste, effective 07/17/2017
HAR Chapter 11-263, relating to Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste, effective 07/17/2017
HAR Chapter 11-264, relating to Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, effective 07/17/2017
HAR Chapter 11-265, relating to Hazardous Waste Management: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, effective 07/17/2017
HAR Chapter 11-266, relating to Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities, effective 07/17/2017
HAR Chapter 11-268, relating to Hazardous Waste Management: Land Disposal Restrictions, effective 07/17/2017
HAR Chapter 11-270, relating to Hazardous Waste Management: The Hazardous Waste Permit Program Provisions, effective 07/17/2017
HAR Chapter 11-271, relating to Hazardous Waste Management: Permit Procedures, effective 07/17/2017
HAR Chapter 11-279, relating to Hazardous Waste Management: Standards for the Management of Used Oil, effective 07/17/2017
HAR Chapter 11-280, relating to Hazardous Waste Management: Public Information, effective 07/17/2017

Hawai'i Coastal Zone Management Program Agencies and the Public at Large
March 28, 2019
Page 4

In accordance with 15 CFR § 923.84(b)(2), the public and affected parties have three weeks from the date of this notice to submit their comments, by April 19, 2019, to the Office for Coastal Resource Management (OCM), NOAA, on whether the subject proposed action should constitute an RPC as defined in 15 CFR § 923.84. OCM will determine the significance of the action and decide whether it will be incorporated into the State's approved CZM Program as an enforceable policy.

Comments should be submitted to:

Mr. Kerry Kehoe, Federal Consistency Specialist
Office for Coastal Management, NOAA
1305 East West Hwy., 10th Floor (N/ORM3)
Silver Spring, MD 20910

A copy of the comments should also be submitted to:

State of Hawai'i Office of Planning
Attention: Routine Program Change
P.O. Box 2359, Honolulu, Hawai'i 96804

For more information, please call the Hawai'i CZM Program at (808) 587-2846.