



# Hawaii State Regulations & In-Water Cleaning of Vessels



# What I hope to achieve in 5 minutes...

- Introduce the Clean Water Branch
- Briefly describe current water quality regulations on In Water Cleaning
- Importance of cooperation in developing good regulations on IWC
- No one falls asleep



# The Regulators

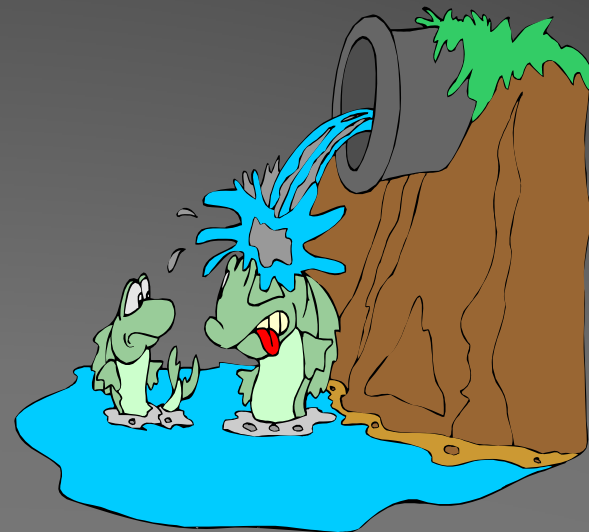
- We're just one of many...Department of Health, Clean Water Branch
- Purpose: protect public health for those using Hawaii's coastal and inland water resources (i.e. fishing, swimming, tourism, food supply)
  - Hawaii Revised Statutes 342D – Water Pollution Control
  - Hawaii Revised Statutes 342E – Non-Point Source Pollution Control
  - Hawaii Administrative Rules
    - Chapter 11-54 Water Quality Standards
    - Chapter 11-55 Point Source Controls through NPDES Permits

# Clean Water – Your Legal Duty

Don't put any pollutants into State waters without permission

Hawaii Revised Statutes (HRS) § 342D-50(a):

*“No person, including any public body, shall discharge any water pollutant into state waters, or cause or allow any water pollutant to enter state waters, except as in compliance with the provisions of this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the Director.”*



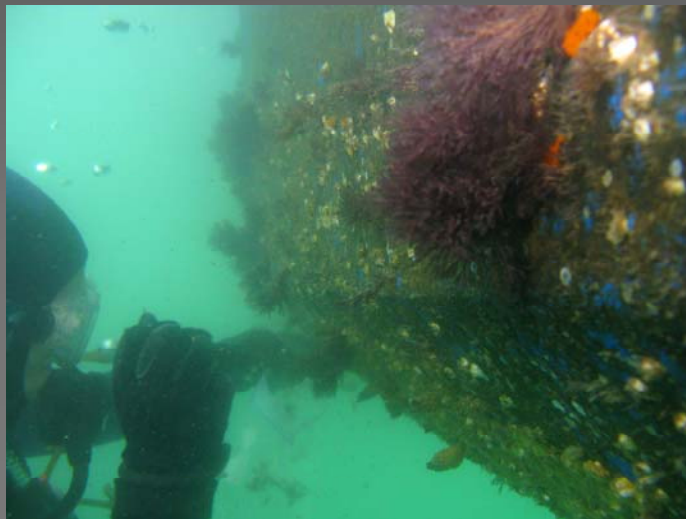
# What are the current regulations on In-Water Vessel Cleaning?

- Hawaii Administrative Rules Chapter 11-54
  - Copper: no more than 2.9 ug/L
  - Turbidity (Wet Season/Winter): 5 NTU
  - Turbidity (Dry Season/Summer): 1.5 NTU
  - Narrative: Waters shall be free of substances, like biocides or other deleterious substances in amounts sufficient to interfere with beneficial uses of the water body

Hawaii hasn't issued a permit to allow discharges beyond water quality standards...but the EPA has, and Hawaii has "signed on" by issuing a Clean Water Act Section 401 Water Quality Certification

# What are the current regulations on In-Water Vessel Cleaning?

- EPA Vessel General Permit
  - Makes “discharges” allowable, as long as you practice the prescribed Performance Best Management Practices
- Section 2.2.23 Underwater Ship Husbandry and Hull Fouling Discharges



# What are the current regulations on In-Water Vessel Cleaning?

- EPA Vessel General Permit
  - BMPs include:
    - Whenever possible, done in drydock
    - Use of appropriate cleaning brush to minimize removal of antifouling coatings and biocide releases into water
    - Limiting use of hard brushes
    - When feasible, use vacuum or other control technologies to minimize releases of antifouling hull coatings and fouling organisms into the water
    - Plumes can occur, but must be substantially paint free

# What are the current regulations on In-Water Vessel Cleaning?

- EPA VGP needed Hawaii's 401 WQC
- Terms of the Hawaii's WQC state that the EPA VGP's authorized discharges are allowable if...
  - Provide Notification (essentially registering with DOH-CWB)
  - List applicable discharges
  - Declare type of coating, hull cleaning practices, etc.
  - Must still abide by certain Water Quality Standards (Turbidity standards and no biocides in detrimental concentrations)



# What are the current regulations on In-Water Vessel Cleaning?

The VGP allows IWC and offers Best Management Practices, but you're still bound to water quality standards, which are fairly strict.

So, where does that leave me?



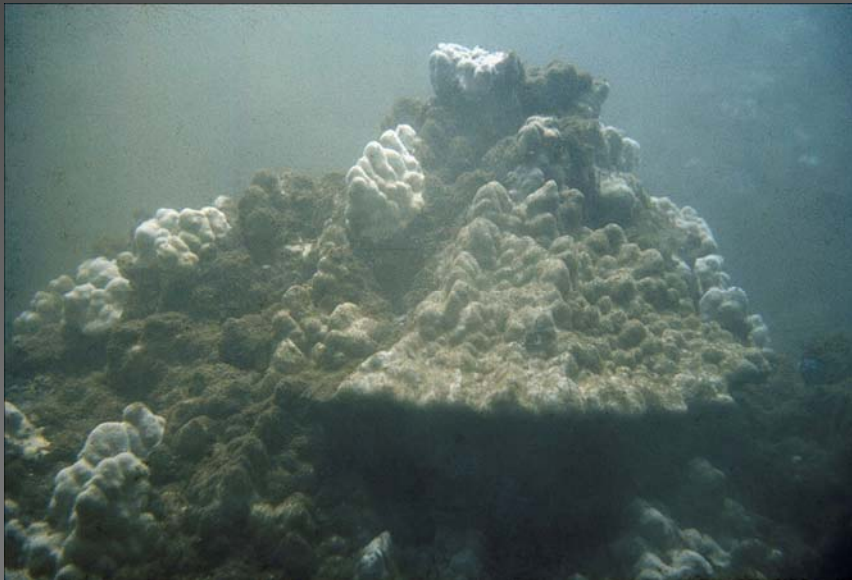
# Why we are here today...

- Protect the environment for ecosystem health, for the enjoyment of natural resources, and for the sustainability of our entire community
- Performing IWC is vital
- How do we all achieve our goals?
- What is the win-win solution to In-Water Cleaning?



# The Purpose of Regulation

- To protect the public and the environment
- To set clear and realistic expectations for the entire regulated community



# Creating Good Regulations

- Cooperative effort representing interested parties (public, regulated community, environmental groups, economists, etc.)
- If you want your voice heard, be a part of the development...
- We need good information to develop good regulations



# Clean Water Branch

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