

**NOTICE OF PROPOSED
SECTION 401 WATER QUALITY CERTIFICATION
BY THE
HAWAII STATE DEPARTMENT OF HEALTH**

File No. WQC 0000742

08-CW-WQC-03

November 18, 2008

The Hawaii State Department of Health (DOH) proposes to issue a Section 401 Water Quality Certification (WQC), which includes conditions and requirements, to the United States Environmental Protection Agency (EPA), Region 9, for the proposed National Pollutant Discharge Elimination System (NPDES) Vessel General Permit (VGP) to be issued under the authorization of Clean Water Act (CWA, 33 U.S.C. 1342), Section 402.

The Applicant, EPA Region 9, proposes to issue a VGP for "Discharges Incidental to the Normal Operation of Commercial Vessels" in waters of the State of Hawaii. Potential effluent discharges from 28 categories of operations related activities are identified in the EPA's draft VGP as incidental to the normal operation of commercial vessels. A copy of the draft VGP and accompanying fact sheet are available at EPA's website at: <http://www.epa.gov/npdes/vessels>.

In a letter, dated September 12, 2008, EPA, Region 9, requested that the DOH issue a Section 401 WQC for effluent discharges incidental to the normal operation of the following commercial vessels:

1. For discharges other than ballast water - only includes discharges from commercial vessels which are 79 feet or greater in length (but not including any commercial fishing vessels regardless of length).
2. For ballast water discharges - includes all commercial vessels including all commercial fishing vessels.

Based on an evaluation of the Section 401 WQC application, the supporting information, which are relevant to water quality considerations, and when all requirements and conditions contained in the proposed VGP and this Section 401 WQC are fully complied with, there is reasonable assurance that the discharges resulting from the normal operation of commercial vessels will be conducted in a manner which will not violate the applicable water quality standards and will comply with the applicable provisions of CWA, Sections 301, 302, 303, 306, and 307.

This proposed conditional Section 401 WQC, upon issuance, shall become effective on December 19, 2008. This conditional Section 401 WQC shall be valid until such time as the VGP is modified, suspended, revoked or reissued or the applicable State Water Quality Standard(s) is revised or modified. If the applicable State Water Quality Standard(s) is revised

or modified and the discharge activities comply with the revisions or modifications, this Section 401 WQC shall remain valid.

Persons wishing to comment upon or object to the proposed determinations or request a public hearing should submit their comments or request in writing no later than 30 calendar days from the date of this notice either in person or by mail, to:

Office Address:

Department of Health
Environmental Management Division
Clean Water Branch
919 Ala Moana Boulevard, Room 301
Honolulu, Hawaii 96814-4920

Mailing Address:

Department of Health
Environmental Management Division
Clean Water Branch
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Copies of the application, the draft initial staff evaluation, proposed Section 401 WQC, and other information are available for public inspection, Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m., at the DOH address shown above; the Maui District Health Office, 54 High Street, Wailuku, Maui, HI 96793; the Hilo District Health Office, 1582 Kamehameha Avenue, Hilo, HI 96720; the Kona District Health Office, 79-1020 Haukapila Street, Room 115, Kealahou, HI 96750; and the Kauai District Health Office, 3040 Umi Street, Lihue, Kauai, HI 96766. Copies may be bought. The proposed Section 401 WQC is also available on the Internet at

<http://www.hawaii.gov/health/environmental/water/cleanwater/pubntcs/index.html>. For more information or if you have special needs due to disability, please contact Ms. Joanna L. Seto, Supervisor of the Engineering Section, Clean Water Branch, at the above office address or at (808) 586-4309 (Voice) at least seven (7) calendar days before the comment deadline. For those who use a TTY/TDD, please call through Sprint Relay Hawaii, at 1-711 or 1 (877) 447-5991.

All written comments and requests received on time will be considered. If DOH determines that there is significant public interest, a public hearing may be held after at least 30 calendar days of public notice.

If DOH's position is substantially unchanged after considering all timely written comments and all oral comments at any public hearing that may be held, the DOH will issue or deny the Section 401 WQC, as appropriate, and this action will be final.

Please notify anyone you know who would be interested in this matter.

Chiyome Leinaala Fukino, M.D.
Director of Health