
HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HEALTH TO COMPLETE THE REQUIRED
ASSESSMENT AND TOTAL MAXIMUM DAILY LOAD PROCESS FOR
KAELEPULU WATERSHED TO RESTORE AND PROTECT THE KAILUA
WATERWAYS.

1 WHEREAS, the federal Clean Water Act requires each state to
2 report on its water quality every two years in a Water Quality
3 Monitoring and Assessment Report, also known as an Integrated
4 Report; and

5
6 WHEREAS, the Integrated Report informs the public on the
7 status of marine and inland (streams and estuaries) water
8 bodies, identifies areas in need of restoration, and serves as a
9 baseline to validate the State's efforts to improve water
10 quality; and

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12 WHEREAS, the State must submit a list of impaired waters
13 and include a priority ranking of impaired waters for total
14 maximum daily load development based on the severity of
15 pollution and uses of the waters in the Integrated Report; and

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17 WHEREAS, impaired waters are waters that do not attain
18 applicable water standards; and

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20 WHEREAS, the total maximum daily load is the calculation of
21 the maximum amount of a pollutant allowed to enter a waterbody
22 so that the waterbody will meet and continue to meet water
23 quality standards for that particular pollutant; and

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25 WHEREAS, the total maximum daily load process focuses on
26 improving water quality in impaired surface waters identified in
27 the Integrated Report, with the goal of waterbody restoration;
28 and



H.C.R. NO. 103

1 WHEREAS, in 2004, the Kaelepulu Stream in Kailua, Oahu, was
2 listed by the State as an impaired water body due to turbidity,
3 nutrients, bacteria, and chlorophyll pollution and was
4 designated as a high priority impaired water body by the State
5 Department of Health; and

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7 WHEREAS, the pollution in Kaelepulu Stream has wide
8 reaching effects because its waters flow to Kailua Bay at Kailua
9 Beach Park, and Kaelepulu Stream is part of the Kaelepulu
10 Watershed, that spans approximately 3,450 acres from Olomana
11 through Kaelepulu Pond and includes areas known as Enchanted
12 Lake and Kawainui; and

13
14 WHEREAS, the Department of Health initiated a total maximum
15 daily load study of the inland waters in the Kaelepulu
16 Watershed, and contracted several other studies to be conducted
17 toward the larger study, but the total maximum daily load
18 process was not completed; and

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20 WHEREAS, in 2005, a Scoping Report and Sampling and
21 Analysis Plan were drafted for the Department of Health as part
22 of the total maximum daily load process, but neither document
23 was finalized; and

24
25 WHEREAS, without a finalized Scoping Report or a finalized
26 Sampling and Analysis Plan, the total maximum daily load process
27 cannot be completed, and in 2011, the total maximum daily load
28 process was still incomplete; and

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30 WHEREAS, without a completed total maximum daily load
31 process, the State is not able to identify the link between
32 water quality standards and the implementation of control
33 actions designed to attain those standards; and

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35 WHEREAS, in 2016, despite not having a completed total
36 maximum daily load process, the Department of Health downgraded
37 the Kaelepulu Watershed from a high total maximum daily load
38 priority to a medium priority in the State's Integrated Report
39 to the United States Environmental Protection Agency; and

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41 WHEREAS, the downgrade in priority was made even though the
42 State's 2016 Integrated Report reported data showing that the



H.C.R. NO. 103

1 applicable water quality standards for Kaelepulu Watershed,
2 Lanikai Beach, and Kailua Beach Park were not being attained;
3 and

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5 WHEREAS, in 2018, despite not having a completed total
6 maximum daily load process, the Department of Health further
7 downgraded the Kaelepulu Watershed to a low priority in the
8 State's Integrated Report to the United States Environmental
9 Protection Agency; and

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11 WHEREAS, the public cannot determine whether the Department
12 of Health accurately evaluated the water quality of Kaelepulu
13 Stream in the Kaelepulu Watershed without a completed total
14 maximum daily load process; and

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16 WHEREAS, the public cannot determine whether the Department
17 of Health appropriately downgraded the total maximum daily load
18 priority for the Kaelepulu Watershed in the 2016 and 2018
19 Integrated Reports to the United States Environmental Protection
20 Agency without having completed the total maximum daily load
21 process; and

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23 WHEREAS, the public has an interest in knowing whether the
24 water quality of the Kaelepulu Watershed will adversely impact
25 the native Hawaiian waterbirds that forage and nest in the
26 wetlands of the waterbody; and

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28 WHEREAS, the public has an interest in knowing whether the
29 water quality of the Kaelepulu Watershed will adversely impact
30 the waterbody's ability to act as a nursery in support of the
31 State's nearshore fisheries; and

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33 WHEREAS, the public has an interest in knowing whether the
34 water quality of the Kaelepulu Watershed will adversely impact
35 the waterbody's ability to support recreational activities in
36 the waterbody and in the nearshore waters; now, therefore,

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38 BE IT RESOLVED by the House of Representatives of the
39 Thirtieth Legislature of the State of Hawaii, Regular Session of
40 2019, the Senate concurring, that the Department of Health is
41 urged to use the best available data to complete the total




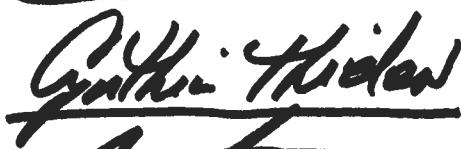
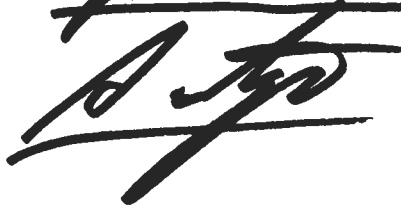
H.C.R. NO. 103

1 maximum daily load process for the Kaelepulu Watershed in
2 Kailua, Oahu, by the end of 2019; and

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4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Governor, Director
6 of Health, and Mayor of the City and County of Honolulu.

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OFFERED BY:

MAR 08 2019

