

DEPARTMENT OF HEALTH

Amendment and Compilation of Chapter 11-61
Hawaii Administrative Rules

(January 2, 2002)

SUMMARY

1. Title amended.
2. Historical Note is revised.
3. §§11-61-1 to 11-61-8 are amended.
4. Chapter 61 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 61

MANDATORY CERTIFICATION OF WASTEWATER TREATMENT
PERSONNEL IN WASTEWATER TREATMENT PLANTS

- §11-61-1 Purpose
- §11-61-2 Definitions
- §11-61-3 Certification of wastewater treatment plant operators
- §11-61-4 Education and experience requirements for wastewater treatment plant operator certification
- §11-61-5 Application, examination, issuance and revocation or suspension of wastewater treatment plant operator certification
- §11-61-6 Classification of wastewater treatment plants
- §11-61-7 Procedures of the board
- §11-61-8 Penalties and remedies
- §11-61-9 Severability

Historical Note: Chapter 61 of Title 11, Hawaii Administrative Rules, is based substantially on the Regulations for Mandatory Certification of Operating Personnel in Wastewater Treatment Plants, Board of Certification of Operating Personnel in Wastewater Plants, State of Hawaii. [Eff. 9/18/80; R 1/22/2002]

§11-61-1 Purpose. Efficient management of wastewater treatment works is an important economic asset to the public, to county and state officials and to operators. Also, effective operation and maintenance of wastewater treatment works are essential to prevent pollution of the waters of the State. Furthermore, certification of wastewater treatment works operators assures the employment of personnel competent to provide efficient management, and proper maintenance and operation of wastewater treatment

§11-61-2

works. Therefore, the purpose of these rules is to promote protection of public health, and to conserve and protect the water and public resources of the State. To achieve these purposes, it is the objective of these rules to ensure that all wastewater treatment plants are under the active field supervision of competent personnel in accordance with the provisions contained in these rules. [Eff. 11/5/81; am and comp 1/22/2002] (Auth: HRS §§340B-7, 340B-11) (Imp: HRS §§340B-7, 340B-11)

§11-61-2 Definitions. As used in this chapter:

"Association of boards of certification (ABC) for operating personnel in water and wastewater utilities" is that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for the classification of potable water supply and wastewater systems and facilities and for certification of operators, facilitates reciprocity between state programs, and assists authorities in establishing new certification programs and upgrading existing programs.

"Board" means the board of certification established by section 340B-4, HRS.

"Direct responsible charge (DRC)" means active, on-site charge of:

- (1) A wastewater treatment plant;
- (2) A segment of wastewater treatment plant; or
- (3) An operating shift in 1 and 2.

"Director" means the director of health.

"Individual wastewater system" has the same meaning as defined in chapter 11-62.

"Operating experience" means actual time spent working at a wastewater treatment plant or system in satisfactory performance of wastewater operator duties.

For the purposes of this chapter, one year of experience means at least 40 hours per week times 40.8 weeks, or 1632 hours (52 weeks minus 4.2 weeks (21 days)) of vacation leave 2.8 weeks (14 days) holidays, and 4.2 weeks (21 days) of sick leave).

"Operator" means any individual who operates a wastewater treatment plant, or a major segment of a wastewater treatment plant. Operator duties are varied

and include but are not limited to operating wastewater process equipment, valves, pumps, engines and generators; cleaning of various process equipment for necessary unit process functions; taking wastewater samples; operating electrical controls; monitoring gauges, meters and control panels; recognition of process upsets and critical conditions in unit processes; determining and adjusting treatment process conditions using data, meter, and gauge readings; mixing of any chemicals required in treatment; and inspecting the facility for overall process conditions.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality, or any other legal entity.

"Wastewater treatment plant" means the various facilities used in the treatment of wastewater, including a wastewater reclamation plant. [Eff. 11/5/81; am and comp 1/22/2002] (Auth: HRS §§340B-7, 340B-11) (Imp: HRS §§340B-11)

§11-61-3 Certification of wastewater treatment plant operators. (a) All wastewater treatment plants and segments of wastewater treatment plants which have been classified in accordance with, section 11-61-6, whether publicly or privately owned, used or intended for use by the public or private persons, shall at all times be under the direct responsible charge of an operator or operators whose competency has been certified by the director in a classification corresponding to the classification of the wastewater treatment plant or segments of the wastewater treatment plant to be supervised. The owner of a wastewater treatment plant is responsible for notifying the board whenever a facility initiates operation, major modifications are made to the facility, or changes to the certified operator(s) in direct responsible charge of the facility are made. Such notification shall be made in writing and shall be made within thirty days of its occurrence.

- (b) Reciprocity certification.
 - (1) Certificates may be issued, without examination, for a comparable classification to any applicant who holds a certificate in another state, provided the requirements of that state are substantially equivalent to the requirements of this chapter, and provided reciprocal privileges are being granted by that state to certified operators of this State. However, in no case shall a certificate be issued unless the applicant received certification by taking a written examination in the state reciprocity is being requested from. The board shall approve the issuance of reciprocal certificates only to applicants employed or seeking employment in the State.
 - (2) The applicant filing for an application for a certificate under paragraph (1) shall submit the following documents to the board along with the application:
 - (A) A copy of the applicant's current certificate or other proof, satisfactory to the board, demonstrating that the certificate was issued by an agency of another state, territory or possession of the United States; and
 - (B) A letter verifying employment or application for employment in the State.
 - (3) If, after receiving such an application, the board is satisfied that the applicant qualifies for a certificate, it shall notify the applicant and issue a certificate upon receipt of the certificate fee.
- (c) Conditional certification.
 - (1) The board shall no longer issue conditional certificates.
 - (2) A conditional certificate shall be valid for use by the operator under the following conditions:
 - (A) Only in the wastewater treatment plant for which the operator had responsible charge at the time of certification as

- long as the plant is not upgraded to a higher classification; or
- (B) At another plant similar in size and process as determined by the board. If the treatment facility is upgraded to a higher classification, the conditional certificate shall automatically be invalidated.
- (d) Temporary certification.
 - (1) Temporary certificates for operator in training without examination may be issued as the board may deem necessary.
 - (2) A temporary certificate may be issued to a certified operator in a lower grade, or an operator who is not certified but is accumulating experience under the direction of a certified operator in order to qualify for certification by examination.
 - (3) The applicant for a temporary certificate must be able to meet the minimum educational and experience requirements to take the examination at the next higher grade prior to the expiration date of the temporary certificate.
 - (4) Application for a temporary certificate must include:
 - (A) The application fee;
 - (B) A statement signed by the owner, which shall designate the applicant as the operator in direct responsible charge and shall specify plans for the applicant to acquire certification by examination; and
 - (C) A statement from the directing certified operator identifying his/her certification number and detailing the extent of his/her direction and training of the applicant.
 - (5) Temporary certificates for each grade shall not be valid for more than twenty-four months.
 - (6) If eligible for temporary certification, the board shall notify the applicant and the

§11-61-4

owner. [Eff. 11/5/81; am 10/6/83; am and comp 1/22/2002] (Auth: HRS §§340B-7, 340B-11) (Imp: HRS §§340B-3, 340B-6, 340B-7, 340B-8, 340B-11, 340B-13)

§11-61-4 Education and experience requirements for wastewater treatment plant operator certification.

(a) In order to take the grade I examination, the applicant shall submit with the application, proof that the applicant has graduated from high school or equivalent satisfactory to the board, and has one year of operating experience (See definition of "operating experience" in section 11-61-2).

(b) In order to take the grade II examination, the applicant shall submit with the application, proof that one of the following combinations of training and experience has been met:

- (1) Graduation from high school or equivalent satisfactory to the board, and two full years of operating experience and six educational points; or
- (2) One and one-half years of operating experience while in possession of a grade I certificate.

(c) In order to take the grade III examination, the applicant shall submit with the application, proof that one of the following combinations of training and experience has been met:

- (1) An associate degree including fifteen units of basic science from an accredited community college or two years at an accredited college or university including fifteen units of basic science, and two years of operating experience;
- (2) Graduation from high school or equivalent satisfactory to the board, three years of operating experience and a minimum of sixteen educational points; or
- (3) Two and one-half full years operating experience while in the possession a of grade II certificate.

(d) In order to take the grade IV examination, the applicant shall submit with the application, proof

that one of the following combinations of training and experience has been met:

- (1) A bachelor's degree from an accredited college or university with a major related to the wastewater treatment field and one full year operating experience;
 - (2) An associate degree including fifteen units of basic science from an accredited community college or two years at an accredited college or university, including fifteen units of basic science, and four full years of operating experience;
 - (3) Graduation from high school or equivalent satisfactory to the board, five full years operating experience and a minimum of thirty-two educational points; or
 - (4) Four full years operating experience while in the possession of a grade III certificate.
- (e) Experience equivalence.
- (1) Experience shall not be substituted for educational points. Education may substitute for experience within the limits specified.
 - (2) One full year of operating experience is required before a person can apply for an examination.
 - (3) After the requirement of paragraph (2) is met, a maximum of sixteen educational points may be substituted for experience to qualify for an examination. Any educational points used to substitute for experience to qualify for examination shall not also be used to meet minimum educational point requirements for that examination.
 - (4) Credit for education shall be allowed as follows:
 - (A) Sixteen educational points may be substituted for one year of operating experience.
 - (B) One three-unit semester accredited college course related to wastewater treatment shall be equivalent to eight points.

- (C) Other training courses equivalent to a three-unit semester accredited college course, and approved by the board, shall be equivalent to eight points.
- (D) Training courses in water quality control conducted by a community college adult evening school for twenty-four weeks or a semester shall be equivalent to eight points.
- (E) Short courses as approved by the board, shall be equivalent to one point per eight hours of training, with a maximum of three points per course.
- (F) In-house training courses shall be assigned points based upon length of course and course content.
- (f) High school equivalency may be obtained by substituting six educational points for each uncompleted year of school through grade twelve or by passing an approved GED test.
- (g) Educational point evaluation criteria.
 - (1) Courses directly related to wastewater treatment shall receive full point value. Courses indirectly related to wastewater shall receive educational points at one-half value.
 - (2) College courses (including extension and correspondence courses taken for credit). Eight educational points shall be allowed for a three unit semester course which is directly related to wastewater treatment. For courses with more or less credit units or with credit given in quarter units, educational points shall be calculated to the nearest one-half point on a proportional basis.
- (A) Directly related courses for all grades:
 - (i) Courses in wastewater collection and treatment or water quality control. Any number allowed if not duplicated.

- (ii) Sanitation microbiology. Maximum of three semester units.
- (iii) Sanitary engineering course in the wastewater treatment field. Any number allowed if not duplicated.
- (iv) Chemistry of wastewater. Maximum of three semester units.
- (B) Indirectly related courses for all grades (half credit):
 - (i) College chemistry up to twelve semester units.
 - (ii) Mathematics: Algebra, geometry, trigonometry, calculus, or statistics. Up to twelve semester units. Does not include basic, introductory, or business math courses.
 - (iii) Biological science: Microbiology, pathogenic bacteriology, etc. Up to nine semester units.
 - (iv) General physics: Up to nine semester units.
 - (v) Engineering: Fluid mechanics, hydraulics, and sanitary engineering courses not directly related. Any number allowed if not duplicated.
- (C) Indirectly related courses. Grade III and IV only.
 - (i) Technical writing. Maximum of three semester units.
 - (ii) Public or business administration. Up to nine semester units in the area of organization, management, finance, supervision and budgeting, etc.
 - (iii) Public speaking. Up to three semester units.
- (3) Directly related short courses are equivalent to one point per eight hours of training with a maximum of three points per week. If the course is considered by the board to be

indirectly related, one point shall be given for each two days with a maximum of two points per week.

- (4) California State University, Sacramento, A Field Study Training Program entitled, "Operation of Wastewater Treatment Plants Volume I" - six points; "Operation of Wastewater Treatment Plants, Volume II" - five points; "Advanced Waste Treatment" - five points; "Industrial Waste Treatment Volume I & II" - three points per volume
- (5) California State University, Sacramento, A Field Study Training Program entitled, "Operation and Maintenance of Wastewater Collection Systems Volume I & II" - four points per volume. "Water Treatment Plant Operation, Volume II" - two points, "Small Water System Operation and Maintenance" - two points, "Water Distribution System Operation and Maintenance" - two points, "Utility Management" - one point, and "Collection Systems: Methods for Evaluating and Improving Performance" - two points.
- (6) Michigan State University correspondence courses entitled, "Supervisory Management in the Water/Wastewater Field" - six points; and "Maintenance Management in the Water/Wastewater Field" - six points.
- (7) Indiana State University correspondence course entitled, "Supervision and Management for Working Professionals, Volume I & II" - five points per volume.
- (8) In-house training of a formal nature shall be evaluated by the board on a case-by-case basis. As a general rule, one point shall be allowed for each twelve hours of instruction for directly related subjects and one point for each twenty-four hours of instruction in indirectly related subjects.
- (9) One-day training seminars, safety conferences, or educational programs sponsored by the Hawaii Water Environment

Association shall receive one point per eight hours of training. A maximum of up to three points shall be awarded.

- (10) Other extension courses or training of any type which might relate to the operator's duties shall be evaluated on a case-by-case basis. Points shall be allowed based on the material covered, the depth of the coverage, and the time required to complete the course.

(h) Any education or training course which is applied to meet the education requirements of this section shall not be acceptable to the board unless the applicant successfully completes the education or training course by receiving a passing grade as defined by the administering educational institution. [Eff. 11/5/81; am and comp 1/22/2002] (Auth: HRS §§340B-7, 340B-11) (Imp: HRS §340B-7)

§11-61-5 Application, examination, issuance and revocation or suspension of wastewater treatment plant operator certification. (a) Application.

- (1) An application form developed by the board for requesting certification as a wastewater treatment plant operator by examination, or reciprocity certification shall be properly and accurately completed and submitted with the applicable application fee as specified in subsection (f) to: Chairperson, Board of Certification of Operating Personnel in Wastewater Treatment Facilities, 1350 Sand Island Parkway, Building 3A, Honolulu, HI 96819.
- (2) A complete application for examination shall be filed with the board on or before the filing deadline established by the board.
The board shall establish an application for examination filing deadline date at least sixty days before the date of the scheduled examination date.
- (3) The board shall not process an incomplete application for reciprocity certification

- until all required information or missing information is submitted to the board.
- (4) The board shall notify each applicant in writing within sixty days after receipt of a complete application of the decision of the board.
 - (A) If the applicant is eligible to take the examination, the applicant shall be advised of the date, time, place of examination and deadline to submit examination fees. Failure to submit the examination fee on or before the deadline established by the board shall disqualify the applicant for examination.
 - (B) If the applicant is ineligible to take the examination, the applicant shall be notified by letter and advised of the reason for ineligibility.
 - (5) The board shall disqualify an applicant for failure to meet the qualifications for certification. The board shall not finally deny certification to an applicant without affording the applicant an opportunity for a hearing in accordance with chapter 91, HRS.
 - (6) If a disqualified applicant wants a chapter 91, HRS hearing, the applicant shall request the hearing within twenty days of the notice of disqualification.
 - (7) Failure of the board to act on a complete application for certification within sixty days after receipt of such application shall be deemed an acceptance of such application.
- (b) Examination.
 - (1) If the applicant fails to meet a minimum grade of seventy per cent in the examination, the board shall not issue a certificate. If the applicant meets the minimum grade in the examination, the board shall issue a certificate. All applicants shall be notified in writing within thirty days

following review of the examination results by the board as to whether they passed or failed the examination.

(2) After the examination has been completed and the decision for certifying applicants has been rendered by the board, all examination papers and records pertaining thereto shall be filed with the director and retained for at least three years.

(3) If an applicant fails to meet the minimum grade requirement in any examination, the applicant shall be permitted to be re-examined at a subsequent examination. An applicant desiring to be re-examined shall submit an application together with the application fee, as prescribed in subsection (a).

(4) The board may invalidate individual or all results of an examination if there were irregularities in the examination. An applicant taking an examination that has been invalidated shall be notified in writing of the reason for invalidation.

(c) Issuance and renewal of certificates and identification cards.

(1) Upon satisfying the requirements for certification, the director shall issue a certificate and identification card to the applicant. The certificate shall expire on October 15 of the year following the year that it was earned.

(2) All certificates must be renewed in accordance with this subsection to remain valid. Renewed certificates shall be valid for a period of twenty-four months and shall expire on October 15 of the appropriate year.

(A) The board shall forward an appropriate renewal notice to each certified operator at least sixty days before the date of expiration of the operator's certificate. The renewal notice shall

- be sent to the operator's last known address on file with the board.
- (B) For certificates earned prior to the effective date of this rule, HRS Title 11 Chapter 61, the board may initially stagger renewal dates to effectively manage the program.
 - (C) As a prerequisite to the renewal of a certificate, the certified operator must earn a minimum of two continuing education units or equivalent as approved of by the board within a twenty-four month period immediately prior to the certificate's expiration date.
 - (D) Upon proper payment of the renewal fee by the certified operator, the board shall issue a new identification card.
 - (E) No examination is required to renew a certificate provided that the certificate renewal fee is paid no later than ninety days after the certificate expiration date.
- (d) Suspension, and revocation of certificate.
- (1) The board may suspend, reduce the grade, or revoke the certificate of an operator when it is found that the operator has practiced fraud or deceit in obtaining certification or in performing the operator's duties; that reasonable care, judgment, or the application of the operator's knowledge or ability was not used in the performance of the operator's duties; or that the operator is incompetent or unable to properly perform the operator's duties.
 - (2) Notice of proposed suspension, grade reduction, or revocation shall be given to the operator at least twenty days before taking action. The notice shall contain the alleged facts or conduct upon which the proposed action is based and shall inform the operator of the opportunity for a hearing in

accordance with chapter 91, HRS. The operator shall be notified of the proposed action in accordance with the provisions of section 91-9.5, HRS.

- (3) If the operator wants to contest the suspension, grade reduction, or revocation, the operator shall request a hearing within twenty days after receiving notice of the proposed action.

(e) A registry of wastewater treatment plants and certified operators shall be updated on an annual basis and made available.

(f) Schedule of fees.

- (1) Application - Twenty-five dollars. This fee shall accompany the application requesting reciprocity certification, or certification by examination.
- (2) Examination - Fifty dollars. This fee shall be submitted after the applicant receives notification of eligibility to take the examination. This fee includes the certificate fee, provided that the certificate is earned.
- (3) Reciprocity certificate - Fifty dollars. This fee shall be submitted within forty-five days after the applicant receives notification of eligibility for reciprocity certification. The applicant shall be required to reapply if the certificate fee is not submitted within the required time.
- (4) Temporary certificate - Fifty dollars. This fee shall be submitted after the applicant receives word that he/she is eligible for temporary certification.
- (5) Renewal fee - Fifty dollars. The certification shall be renewed every two years and the renewal fee shall be due on October 15 of the year the certification expires.
- (6) Replacement of certificate - Twenty-five dollars. This fee shall be submitted when

§11-61-5

- requesting replacement of a certificate due to loss, damage, or misplacement.
- (7) Replacement of identification card - Ten dollars. This fee shall be submitted when requesting replacement of an identification card due to loss, damage, or misplacement.
 - (8) Late fee - Five dollars. This fee shall be charged if the certificate renewal fee is received after the expiration date.
 - (g) Posting of certificate. All operators in direct responsible charge shall post their certificate on the wall or other conspicuous place at the wastewater treatment plant where they are employed. [Eff. 11/5/81; am and comp 1/22/2002] (Auth: HRS §§340B-7, 340B-11) (Imp: HRS §§340B-7, 340B-11)

§11-61-6 Classification of wastewater treatment plants. (a) Rating wastewater treatment plants.

- (1) The board shall rate and classify all wastewater treatment plants. In making classifications, the board shall consider among other factors, the size and type of plants, characteristics of wastewater to be treated, and other physical conditions affecting such wastewater treatment plants, and the skill, knowledge and experience required of an operator.
- (2) Individual wastewater systems, as defined in chapter 11-62 such as cesspool, septic tank, and household aerobic unit facilities, shall be exempt from classification. Industrial plants for treatment of process water from oil refineries and sugar mills shall be exempt from classification, provided such waste streams contain no domestic component and provided further that they do not discharge to a municipal collection, treatment, or disposal system. Application for exemption from classification of other industrial wastewater treatment plants may be made to the director.

- (3) In classifying or exempting from classification wastewater treatment plants, the board shall consider applicable provisions of chapter 11-62 regarding wastewater treatment plants and chapter 11-23 pertaining to the control of underground injection of wastewater.
 - (4) The owner of the wastewater treatment plant shall notify the board within thirty days of any significant change in treatment process, waste characteristics, and waste flow.
- (b) The criteria to be used for the rating of wastewater treatment plants are contained in Table I, Criteria for Classification of Wastewater Treatment Plants, dated July 1, 2001, located at the end of this section. The board shall classify segments of wastewater treatment plants as deemed necessary where the rating criteria of Table I is not applicable. For new or significant treatment unit processes or controls not adequately described in Table I, the board may include such processes or controls into the classification criteria and assign an appropriate number of points to the new processes or controls.

TABLE I
 CRITERIA FOR CLASSIFICATION
 OF WASTEWATER TREATMENT PLANTS
 JULY 1, 2001

PLANT CLASS	I.	II.	III.	IV.
RANGE OF POINTS	30 or less	31-55	56-75	76 or greater

Assign points for every item that applies:

ITEM			
<u>Size</u>			
Maximum population equivalent (P.E.) served, peak day.....	1 pt. per 10,000 P.E. or part	--	Max. 10 Points
Design flow (avg. day) or peak month's flow (avg. day), whichever is larger.....	1 pt. per MGD or part	--	Max. 10 Points

Effluent Discharge

<u>Receiving stream (sensitivity)...(2-6 pts. range)</u>			
"Effluent limited segment" in Environmental Protection Agency (EPA) terminology; secondary treatment is adequate.....			1
More than secondary treatment is required.....			2
"Water quality limited segment" EPA terminology; stream conditions are very critical (dry reach, for example) and a very high degree of treatment is required.....			3
Effluent used in a direct			

recycle and reuse system.....	6
Land disposal.....	2
Subsurface disposal.....	5

Variation in Raw Wastes

(slight to extreme)..... (0-6 pts. range)

Variations do not exceed those normally or typically expected.....	0
Recurring deviations or excessive variations of 100 to 200 percent in strength and/or flow.....	2
Recurring deviations or excessive variations of more than 200 percent in strength and/or flow.....	4
Raw wastes subject to toxic waste discharges.....	6

Pretreatment

Screening, comminution.....	3
Grit removal.....	3
Plant pumping of main flow.....	3
Standby power supply.....	2
Flow Equalization.....	2

Primary Treatment

Primary clarifiers.....	5
Combined sedimentation/digestion.....	5
Chemical addition (except chlorine, enzymes).....	4

Secondary Treatment

Trickling filter w/sec.

§11-61-6

clarifiers.....	10
Activated sludge w/sec. clarifiers (including ext. aeration and oxidation ditches.....	15
Stabilization ponds without aeration.....	5
Aerated lagoon.....	8
Chemical Stabilization.....	5

Advanced Waste Treatment

Polishing pond.....	2
Chemical/physical - without secondary.....	15
Chemical/physical - following secondary.....	10
Biological or chemical/ biological.....	12
Ion exchange.....	10
Reverse osmosis, electrodialysis.....	15
Chemical recovery, carbon regeneration.....	4

Additional Treatment Processes

Dissolved air flotation units.....	5
Chemical/physical odor control.....	4
Influent/effluent pump stations.....	3
Wastewater pump stations.....	3

Solids Handling

Thickening.....	5
Anaerobic digestion.....	10
Aerobic digestion.....	6
Evaporative sludge drying.....	2
Mechanical dewatering.....	8

Solids reduction (incineration,

wet oxidation)..... 12

Disinfection

Chlorination or comparable..... 5
 On-site generation of disinfectant..... 5
 Ultraviolet disinfection..... 10
 Ozonation..... 10

Laboratory Control by Plant Personnel

Bacteriological (complexity)..(0-10 pts. range)
 Lab work done outside the plant..... 0
 Membrane filter procedures..... 3
 Use of fermentation tubes or any
 dilution methods, fecal
 coliform determination..... 5
 Biological identification..... 7
 Virus studies or similarly
 complex work conducted on-site..... 10

Chemical/physical (complexity)..(0-10 pts. range)

Lab work done outside the
 plant..... 0
 Pushbutton or visual methods
 for simple tests such as pH,
 settleable solids -- up to..... 3
 Additional procedures such as
 DO, COD, BOD, gas analysis,
 titrations, solids volatile
 content - up to..... 5
 More advanced determinations
 such as specific constituents:
 nutrients, total oils, phenols,
 etc. - up to..... 7
 Highly sophisticated instrumen-
 tation such as atomic absorp-
 tion and gas chromatography..... 10

[Eff. 11/5/81; am and comp 1/22/2002] (Auth: HRS §§340B-2, 340B-7) (Imp: HRS §§340B-2,340B-7)

§11-61-6

§11-61-7 Procedures of the board. (a) The headquarters of this board shall be located in the department of health, 1350 Sand Island Parkway, Building 3A, Honolulu, Hawaii 96819. All documents, instruments and properties of the board, which are under the custody of the board, shall be kept with the director.

(b) Five members of the board shall constitute a quorum to do business, and the concurrence of a majority of all the members of which the board is entitled shall be necessary to make any action of the board valid. [Eff. 11/5/81; am and comp 1/22/2002] (Auth: HRS §§340B-7, 92-15) (Imp: HRS §§92-15; 340B-7)

§11-61-8 Penalties and remedies. Any person who violates any provision of this chapter shall be subject to the penalties and remedies provided under sections 340B-9, 340B-10, and 603-23, HRS. [Eff. 11/5/81; ren §11-61-9, am and comp 1/22/2002] (Auth: HRS §§340B-7, 340B-11) (Imp: HRS §§340B-7, 340B-9, 340B-10, 340B-11; 603-23)

§11-61-9 Severability. If any provision of this chapter or the application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this chapter which can be given effect without regard to the invalid provision or application." [Eff. 11/5/81] (Auth: HRS §§340B-7, 340B-11) (Imp: HRS §§340B-7, 340B-11)

Amendments to and compilation of chapter 61, title 11, Hawaii Administrative rules, on the Summary Page dated January 2, 2002 were adopted on January 2, 2002 following a public hearing held on November 19, 2001, after public notice was given in the Mid Week and Honolulu Star-Bulletin publications on October 10, 2001.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

Bruce S. Anderson, Ph.D., M.P.H.
Director of Health

APPROVED AS TO FORM:

Deputy Attorney General

BENJAMIN CAYETANO
Governor of Hawaii

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