

HAWAII STATE DEPARTMENT OF HEALTH
SAFE DRINKING WATER BRANCH

PUBLIC NOTIFICATION PROCEDURES FOR NEW DRINKING WATER SOURCES
FOR REGULATED PUBLIC WATER SYSTEMS BELOW THE
UNDERGROUND INJECTION CONTROL LINE
MAY 2009

Establishing a new drinking water well below the Underground Injection Control (UIC) line can negatively affect injection well viability in the water well's capture zone. Outreach measures may be required by the Applicant to seek, notify, and solicit comments from affected property owners. The notification and solicitation of comments shall inform the affected property owners about the proposed drinking water well and the implications that protective measures for the drinking water well will have on properties within or near to the well's capture zone. The cost for such measures is the responsibility of the water system owner. Materials and information contained in public notices and direct mailings, must be reviewed and approved by the Safe Drinking Water Branch (SDWB) and its UIC Section prior to distribution.

1. The public notice and information mailings must be distributed before the engineering report for a new drinking water source for regulated public water systems may proceed to the interagency review process. At the SDWB's discretion, the interagency review may run concurrently with the public notice period.
2. To begin the public notification process, the Applicant shall submit to the SDWB:
 - A map of appropriate scale and detail delineating the well's entire capture zone;
 - Identification of all properties and property owners within the entire capture zone; and
 - Proposed materials and information to implement contacting affected land owners, for example, contents for a public notice and for direct mailings.

The capture zone is defined as a 1/4-mile radius around the drinking water well. If the proposed drinking water well is artesian, the capture zone also includes a

1/2-mile swath running hydrologically up-gradient from the drinking water well to the UIC line.

3. The submitted information and materials will be used to draft a public notice and to generate for-your-information mailers, the reproduction and distribution of which will be at the Applicant's expense. The Applicant will be informed if further information or clarification is needed to complete this task.
4. Once approved, the Applicant shall publish the public notice in the local County newspaper(s) (e.g. Garden Isle, Honolulu Star-Bulletin, Maui News, West Hawaii Today and Tribune Herald) and send the for-your-information mailers to all identified property owners within the capture zone by certified mail with return receipt.
5. The Applicant shall submit verification of the public notice and mailing of the for-your-information mailers to the SDWB.
6. If comments are generated from the public notice or mailers, the Applicant shall respond to all comments with consensus and input from the SDWB. The Applicant shall mail all comment responses by certified mail with return receipt. A copy of all responses shall be submitted to the SDWB.
7. The conclusion of this initiative to inform affected property owners about a proposed drinking water well will depend on the complexity of comments and issues to be resolved. The SDWB may impose additional conditions on the drinking water well, including but not limited to, additional regulatory monitoring of contaminants known to be injected into the aquifer.

Other Considerations

If the water system owns all of the property within the capture zone, the Applicant shall submit documentation of property ownership, and parts of the above procedures may be waived by the SDWB.

The SDWB strongly recommends siting drinking water wells, where the water system may exercise source water protection and eliminate potentially contaminating activities, such as injection wells (e.g. owning all the land within the capture

zone). In addition, if the water system-owned property is later sold, the SDWB strongly recommends including a deed restriction prohibiting potentially contaminating activities.

The SDWB reserves the authority to amend these procedures or contents for applicability, efficiency, effectiveness, clarity or changing concerns. An amendment, if any, may be effective immediately.