The original written statement which I presented at the Environmental Protection Agency public hearing on 14 July 1972, "Claimed Deficiencies in the Hawaii Air Pollution Control Implementation Plan and Proposed Federal Regulations," included remarks on the claim in the 31 May Federal Register that the Hawaii Plan is deficient in its requirements as to compliance schedules. This supplementary statement, expanding on the matter of compliance schedules, is submitted because of the emphasis at the public hearing on this matter. I should like it recognized that neither the original statement nor this supplement represent an institutional position of the University of Hawaii.

With respect to compliance schedules it is important to distinguish among three kinds of dates:

1) The date by which the State must report to EPA what compliance schedules it has approved;

2) The dates on which the State approves compliance schedules;

3) The dates by which compliance with standards is called for in the schedules.

My original statement dealt with the first of these dates. I indicated in it that the State is not obligated to report on compliance schedules until 31 December 1972. I want here to discuss the provisions in the Hawaii plan with respect to the other two kinds of dates, although EPA judgment of deficiencies in this respect seems formally out of order until after the State must report these dates to EPA.

Section 6 of the Hawaii Air Pollution Control Regulations (Public Health Regulations, Chapt. 43) calls for submission to the Department of Health of a control plan and schedule for compliance by the date specified by applicable regulations of each source not initially in compliance with these regulations. This section is in itself not explicit as to the dates by which compliance must be achieved nor the dates by which the compliance plan and schedule must be provided the Department.
Section 2(b)(1) of the Regulation, however, requires registration of air pollution sources within 6 months of the effective date of the regulations, in other words by 21 August 1972. As I indicated in my original statement, there appears to be no reason why the Department of Health may not require that the compliance schedule be provided in the registration application. Hence although Section 6 is not explicit as to dates and Section 2(b)(1) is not explicitly concerned with compliance, the State Air Quality Control regulations do seem to cover the matter of compliance adequately, if not ideally.

Neither this statement nor my original statement should be considered to indicate that the provisions of the Hawaii Plan should not be improved in some of the respects in which it is considered by EPA to be deficient. A public hearing has now been scheduled for 30 August 1972 at which improvements proposed by the Department of Health will be considered including, specifically, improvements in compliance regulations. However, the improvements that are desirable consist of making explicit requirements that can be held to be implicit in the regulations as they now exist. Unless there are actual deficiencies, rather than merely ways in which improvements could be made, it seems unwise to complicate the problem of air quality control in Hawaii by unnecessary supplementation of state regulation by federal regulations.