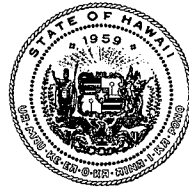


LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**SENATE COMMITTEE ON WAYS AND MEANS**

**S.B. 2832, S.D. 1, RELATING TO SUSTAINABILITY**

**Testimony of Chiyome Leinaala Fukino, M.D.**

**Director of Health**

**FEBRUARY 21, 2008**

**9:30 A.M.**

1 **Department's Position:** The Department of Health (DOH) opposes this bill as it pertains to the  
2 Wastewater Branch, the Office of Solid Waste Management, and the Clean Air Branch. We defer to  
3 DBEDT and DLNR on other aspects of the bill.

4 **Fiscal Implications:** We will need at least two (2) full-time civil service positions for each of the  
5 affected DOH programs. This measure will affect priorities set forth in the Executive Supplemental  
6 Budget Proposal, and we ask that it not do so.

7 **Purpose and Justification:** The bill seeks to promote sustainable residential communities through  
8 coordinated and expedited state agency reviews as incentives to developers to develop such sustainable  
9 communities. This bill also proposes to organize an ad hoc development advisory committee composed  
10 of representatives of various state and county agencies and developers in order to develop and establish  
11 sustainable communities. It specifically names the Wastewater and Solid Waste Programs of the DOH  
12 as participants in this process, and it covers permits related to energy, which may involve the Clean Air  
13 Branch.

14 In general, the Department is in favor of working to streamline and improve our permitting  
15 process. However, we do not believe the bill's specific proposals enhance the Department's abilities to  
16 achieve that goal.

1 Both our Wastewater and Solid Waste Programs can and do work with developers and agencies  
2 in creating development plans that maximize recycling opportunities for solid waste, water, and  
3 biosolids. We already give priority to processing permit applications for renewable energy projects, as  
4 the Clean Air Branch has done. We seek and invite early consultation with design professionals to  
5 speed later applications.

6 The bill proposes a 360-day time limit for the review of permit applications, after which  
7 applications are automatically approved. Both the wastewater and solid waste programs already have  
8 shorter time limits of 180 days for processing complete permit applications contained in their  
9 administrative rules. Wastewater application review limits are contained in Hawaii Administrative  
10 Rules (HAR) Ch. 11-62-12(b), while solid waste permit application review time limits are contained in  
11 Ch. 11-58.1-04(c)(3). If this bill passes, we are concerned that incomplete applications will be  
12 automatically approved.

13 Strictly speaking, the wastewater program does not have a permit program with respect to  
14 residential developments; it does, however, have a review and approval process in place for wastewater  
15 systems plans. The solid waste program does have a permit program in place. However, it regulates  
16 solid waste management facilities such as landfills, transfer stations, and recycling drop-offs, and not  
17 entities such as residential developments.

18 The Clean Air Branch does have an air permitting process, which is federally delegated. This  
19 bill conflicts with federal requirements that do not allow a permit by default and allow up to 18 months  
20 to process and issue a permit.

21 Thank you for the opportunity to testify on this measure.  
22  
23