

STAND. COM. REP. NO.

1464

Honolulu, Hawaii

APR 21 2009

RE: H.C.R. No. 65
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Energy and Environment, to which was referred H.C.R. No. 65, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII AMERICAN WATER COMPANY TO IMPLEMENT AN ODOR MITIGATION PLAN FOR ITS FACILITY IN HAWAII KAI,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Request the Hawaii-American Water Company to implement an odor mitigation plan for its facility;
- (2) Request the Hawaii-American Water Company to present the completed plan to interested government and community stakeholders; and
- (3) Request the Department of Health to monitor the implementation of these odor mitigation measures and to report any progress to the Hawaii Kai Neighborhood Board.

Testimony in support of this measure was submitted by the Hawaii Kai Neighborhood Board and nine individuals. Testimony in opposition to the measure was submitted by the Hawaii-American Water Company (HAWC). Comments were submitted by the Department of Health. Written testimony presented to your Committee may be reviewed on the Legislature's website.



Your Committee finds that, notwithstanding any mitigation efforts made by HAWC, the odor problems from the East Honolulu Wastewater Treatment Plan continue to plague area residents and has been an ongoing issue. As pointed out by the Department of Health in testimony, part of the problem may be that while Hawaii has an ambient air quality standard for hydrogen sulfide (the compound causing the offensive odor) of 25 parts per billion (ppb), the hydrogen sulfide level that each person can detect varies and may be as low as five ppb. Thus, even if HAWC may be in compliance with state law, the offensive odors may nonetheless be detectable and affecting the quality of life for surrounding residents and tourists.

Your Committee finds that these quality of life concerns should be addressed. HAWC, as a good neighbor, should develop and implement a transparent and accountable odor mitigation plan that deals with these concerns. However, the Department of Health testified that it does not have the authority to compel HAWC to develop and comply with this plan and its implementation. Accordingly, HAWC should self-monitor its implementation of the plan and provide a written status and progress report on a monthly basis to all applicable agencies and interested parties, including the Hawaii Kai Neighborhood Board.

Accordingly, your Committee has amended this measure by:

- (1) Requesting that HAWC submit its plan to the Legislature, the Honolulu City Council, the Public Utilities Commission, the Department of Health, and the Hawaii Kai Neighborhood Board, rather than to individual area legislators or councilmembers;
- (2) Requesting HAWC to self-monitor its progress in implementation of its plan and to make monthly progress reports to the Honolulu City Council, the Public Utilities Commission, the Department of Health, and the Hawaii Kai Neighborhood Board, rather than request the Department of Health to monitor the implementation of odor mitigation measures and to report progress to the Hawaii Kai Neighborhood Board;
- (3) Sending certified copies of the measure to the Honolulu City Council, the Public Utilities Commission, the



Department of Health, the Hawaii Kai Neighborhood Board, and HAWC, and not to individual area councilmembers; and

- (4) Making technical, nonsubstantive amendments for accuracy, clarity, and style, including a nonsubstantive technical amendment to its title.

As affirmed by the record of votes of the members of your Committee on Energy and Environment that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 65, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 65, H.D. 1, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Energy and
Environment,

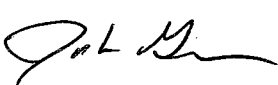


MIKE GABBARD, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:*	Committee Referral:	Date:		
HCR 65, HD1	ENE	4-16-9		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
HOOSER, Gary L.	✓			
IHARA, Jr., Les	✓			
KOKUBUN, Russell S.				✓
HEMMINGS, Fred				✓
TOTAL	4	0	0	3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes