

STAND. COM. REP. NO.

576

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 1008
S.D. 1

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

Madam:

Your Committees on Health and Energy and Environment, to which was referred S.B. No. 1008 entitled:

"A BILL FOR AN ACT RELATING TO WATER QUALITY STANDARDS,"

beg leave to report as follows:

The purpose of this measure is to revise the State's water quality standards for bacteria in marine recreational waters and for two toxic pollutants, chlordane and dieldrin, to conform to federal standards consistent with the recommendations of the Department of Health and the United States Environmental Protection Agency.

Specifically, this measure updates the water quality standards for chlordane and dieldrin to conform to current national criteria recommended by the United States Environmental Protection Agency. This measure further sets limits for enterococcus content in samples taken in coastal recreation waters.

Your Committees received testimony in support of this measure from the Mayor of the City and County of Honolulu, and the Deputy Director of the Department of Environmental Services of the City and County of Honolulu. The Department of Health submitted testimony in support of the measure with amendments. Testimony in opposition to this measure was submitted by Hawaii's Thousand Friends and the Sierra Club, Hawaii Chapter. Comments on this measure were submitted by Surfing Medicine International.



Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that the United States Environmental Protection Agency recently denied the City and County of Honolulu's applications to renew permits under section 301(h) of the Federal Clean Water Act for both wastewater treatment plants located in Honolulu. According to testimony submitted by the Mayor of the City and County of Honolulu, the denials were a result of out-dated or incorrect state water quality standards which are subject to a mandatory triennial review, which is overdue.

Your Committees further find that the Department of Health submitted testimony supporting the concept of changing the state water quality standards for most toxic pollutants by tying them to the national criteria currently recommended by the United States Environmental Protection Agency. Your Committees note that the Department of Health submitted several recommendations for amendments to this measure including the recommendation that a broader approach for setting water quality standards be adopted that covers more than chlordane and dieldrin.

Accordingly, your Committees have amended this measure by:

- (1) Adding clarifying language to the purpose section and the effective date section concerning the effect of state review and adoption of state water quality standards and federal approval;
- (2) Deleting the chlordane and dieldrin standards and replacing them with criteria for all priority and non-priority pollutants and providing that, when there is no nationally recommended criterion promulgated for a priority or non-priority pollutant, relevant provisions in chapter 11-54, Hawaii Administrative Rules, relating to that pollutant shall not be repealed or deemed inconsistent and shall remain in effect;
- (3) Adding a provision that, at locations where samples are taken less frequently than five samples for each twenty-five to thirty days, no single sample shall exceed the single sample maximum nor shall the geometric mean of these samples taken during the twenty-five to



thirty-day period exceed thirty-five colony forming units per one hundred milliliters;

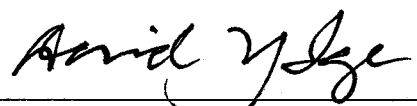
- (4) Changing the effective date to July 1, 2050, to encourage further discussion on this matter; and
- (5) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Health and Energy and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1008, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1008, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committees on Health and Energy and Environment,



MIKE GABBARD, Chair



DAVID Y. IGE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 1008	Committee Referral: HTH ENE	Date: 2-25-9		
<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
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.				✓
HEMMINGS, Fred	✓			
TOTAL	5	0	0	1
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

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:*	Committee Referral:	Date:
SB 1008	HTH / ENE	2/25/09

The committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 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	5			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *J. Kalani English*

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