

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 934
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 S.B. No. 934 entitled:

"A BILL FOR AN ACT RELATING TO WATER POLLUTION,"

begs leave to report as follows:

The purpose of this measure is to establish exempt coordinator positions within the Department of Health to plan and oversee the preparation of total maximum daily loads in Hawaii for the United States Environmental Protection Agency.

Testimony in support of this measure was submitted by two state agencies. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that to meet the requirements of the Federal Clean Water Act, the Department of Health must prepare pollutant loading budgets, otherwise known as total maximum daily loads, for state waters that exceed water quality standards and are considered "impaired," according to 40 C.F.R. 130.7. Federal regulations also require a review of Hawaii water bodies every two years and an update of the Hawaii listing of Impaired Waters. There are approximately seven hundred total maximum daily loads which need to be completed and more are added every two years. The listing of Impaired Waters and the resultant State total maximum daily load decisions are submitted to the United States Environmental Protection Agency for review and approval after public review and comment.



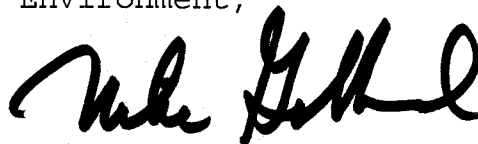
Currently this work is done by an exempt project position under section 76-16(b) (12), Hawaii Revised Statutes, within the Department of Health Environmental Health Administration, and is funded through a grant from the United States Environmental Protection Agency. The responsibilities of this exempt position have increased due to an expanding list of Impaired Waters and related concerns at the federal, state, county, and community levels. The current project position coordinates, oversees, and writes technically-based plans which establish waste load allocations for pollutant-impaired State water bodies identified by the State's Clean Water Act 303(d) list and the corresponding federal enabling regulations. Historically, this position was renewed each year as a project position, but the Department of Health has decided the exemption will not be administratively renewed. Establishing this exempt position by statute will ensure that the Department of Health can employ persons who understand Hawaii's unique environmental and cultural needs to gather data and prepare decisions.

Your Committee further finds that it is in the public interest to maintain this position within the Department of Health. Otherwise the United States Environmental Protection Agency will be compelled to conduct the total maximum daily loads process, and the decisions rendered may not serve the best interests of the State of Hawaii.

Your Committee has amended this measure by making technical, nonsubstantive changes for clarity, consistency, and style.

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 is in accord with the intent and purpose of S.B. No. 934, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 934, S.D. 1, and be referred to the Committee on Ways and Means.

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

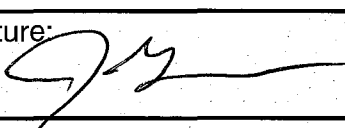


MIKE GABBARD, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 934	ENE, WAM	2-17-9		
<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