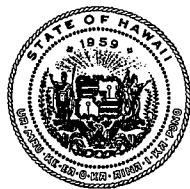


HB 1807

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
HB1807, HD1, SD1, RELATING WATER QUALITY

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

April 3, 2009, 9:45 a.m.

1 **Department's Position:** The Department of Health strongly supports this measure to make the
2 State eligible for federal recovery act funds, with no state matching requirements, for grants and other
3 financial subsidies for county drinking water and wastewater system improvements. In addition, this
4 measure has been amended to enable the establishment of two exempt federally funded Total Maximum
5 Daily Load (TMDL) positions required to meet section 303 of the Clean Water Act.

6 **Fiscal Implications:** Approximately \$50 million of federal funds with no state matching funds
7 requirement, and possibly even more in the future.

8 **Purpose and Justification:** The State needs to change certain loan program statutes in order to make
9 grants and loan subsidies of federal recovery funds. The American Recovery and Reinvestment Act of
10 2009 will provide significant funding for wastewater and drinking water system improvements. The
11 U.S. Environmental Protection Agency (EPA) estimates that the Act will provide \$30.3 million to
12 Hawaii's Water Pollution Control Revolving Fund (a.k.a., Clean Water State Revolving Loan Fund or
13 CWSRF) and \$19.5 million to our Drinking Water Treatment Revolving Loan Fund (a.k.a., Drinking
14 Water State Revolving Fund or DWSRF) for the construction of new, wastewater and drinking water
15 infrastructure improvement projects. Both of these revolving fund programs currently loan funds to

1 counties. Hawaii needs to change its Water Pollution Control Revolving Fund and Drinking Water
2 Treatment Revolving Loan Fund statutes so they can be used to make grants and loan subsidies and
3 other financial arrangements required by the Act and additional potential stimulus initiatives.

4 Both the Water Pollution Control Revolving Fund and the Drinking Water Treatment Revolving
5 Loan Fund were enacted to provide loans to the four major counties for the construction of publicly
6 owned, wastewater and drinking water infrastructure projects. Since fiscal year 1991, the Water
7 Pollution Control Revolving Fund has loaned out more than \$523 million. The Drinking Water
8 Treatment Revolving Loan Fund, which started up in fiscal year 1998, has loaned out more than \$84
9 million. As Congress had intended for these funds to revolve in perpetuity, both programs did not allow
10 for loan subsidies or grants to be made. Thus, these amendments are now required for the specific
11 purpose of allowing for loans with forgiveness of principal, zero or negative interest, and grants using
12 the federal stimulus funds.

13 The anticipated federal funds for the construction of wastewater and drinking water projects will
14 improve public health, protect the environment, create and retain jobs, and stimulate the economy.

15 The sooner this bill becomes law, the faster we can move on providing monies for projects'
16 construction.

17 Part II of this measure is not related to the American Recovery and Reinvestment Act of 2009
18 but is necessary for meeting Clean Water Act, section 303 requirements, relating to water quality. Part
19 II of this measure consists of the language contained in Senate Bill No. 934, SD1. This will allow the
20 Department of Health to establish and fill not more than two federally funded total maximum daily load
21 coordinator positions without regard to chapter 76, Hawaii Revised Statutes to meet federal law.

22 Current civil service position series are not sufficient for recruiting and retaining staff with the
23 technical expertise and multidisciplinary skills necessary to build and maintain the Department's
24 capacity for meeting federal water pollution control requirements that are increasingly complex and

1 continually growing. Clean Water Act section 303 requires that total maximum daily loads be prepared
2 for waters that fail to meet water quality standards over time. Total maximum daily load coordinators
3 function at a high level in the water pollution control program designing technically based studies to
4 address watershed health problems unique to Hawaii's environment. This requires collaborating with
5 University colleagues to conduct applied research and training, designing and evaluating watershed
6 inventory and water quality assessment campaigns, and synthesizing the results of environmental
7 sampling, regional investigations, and new scientific and policy developments for use by water pollution
8 control engineers, environmental health decision-makers, and land use planners. The department has
9 had difficulty for over two years filling a water quality position with lower technical demands than the
10 total maximum daily load coordinator position.

11 The department has only one total maximum daily load coordinator now but would like the
12 opportunity to hire another if we can secure more federal funding.

13 Hawaii needs highly qualified and experienced total maximum daily load coordinators to protect
14 the State from water pollution and to carefully repair the damages incurred to minimize impacts on our
15 people and economic environment.

16 We will be pleased to meet with any legislator who has objections to or reservations about any
17 part of this bill.

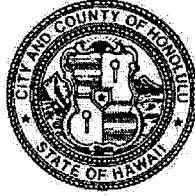
18 Thank you for the opportunity to comment on this important bill.

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DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

MUFI HANNEMANN
MAYOR



TIMOTHY E. STEINBERGER, P.E.
DIRECTOR

MANUEL S. LANUEVO, P.E., LEED AP
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 09-101

April 1, 2009

The Honorable Donna Mercado Kim, Chair
and Members of the Committee on Ways and Means
State Senate
State Capital
Honolulu, Hawaii 96813

Dear Chair Kim and Members:

Subject: House Bill No. 1807, HD 1

The City and County of Honolulu's Department of Environmental Services (ENV) fully supports House Bill No. 1807, HD 1, SD 1, which includes authorization for the director of health to use Federal moneys from the American Recovery and Reinvestment Act of 2009 to fund drinking water and wastewater infrastructure programs.

It is very important that this action be taken to insure that the State and Counties have the ability to receive the Federal stimulus funds directed to drinking water and clean water (wastewater) utilities that were recently passed by Congress. We encourage the State to make the maximum amount of money possible available in the form of grants, principal forgiveness, and zero or negative interest loans. Failure to pass Part I of this legislation could cause the State to lose approximately \$49 million in badly needed funding for our water and wastewater infrastructure.

We have no position regarding Part II of the legislation pertaining to Total Maximum Load Coordinator.

We thank you for your support of this important legislation as it pertains to authority to use funds from the American Recovery and Reinvestment Act of 2009 and other Federal moneys.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Steinberger".

Timothy E. Steinberger, P.E.
Director

**COMMENTS OF THE
COUNTY OF KAUA'I
DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION**

**TO THE SENATE COMMITTEE
ON WAYS AND MEANS**

**TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009**

April 3, 2009
9:45 a.m.

COMMENTS ON HOUSE BILL NO. 1807, HD1, SD1, RELATING TO WATER QUALITY

**TO THE HONORABLE SENATOR DONNA MERCADO KIM, CHAIR, THE HONORABLE
SENATOR SHAN S. TSUTSUI, VICE CHAIR, AND MEMBERS OF THE COMMITTEE:**

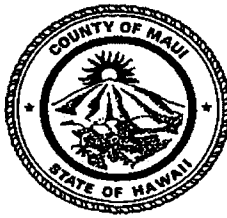
My name is Edward Tschupp, chief of the Wastewater Management Division, Department of Public Works, County of Kaua'i, testifying in favor of House Bill No. 1807, HD1, SD1.

The County of Kaua'i Department of Public Works fully supports House Bill No. 1807, HD1, SD1, which will authorize the State Director of Health to use Federal funds from the American Recovery and Reinvestment Act of 2009 to fund drinking water and wastewater infrastructure programs.

It is extremely important that this bill be passed and signed into law to allow the State and counties to receive and use the Federal stimulus funds intended for drinking waste and wastewater infrastructure projects.

Thank you for the opportunity to present comments on this important legislation.

CHARMAINE TAVARES
Mayor
CHERYL K. OKUA, Esq.
Director
GREGG KRESGE
Deputy Director



TRACY TAKAMINE, P.E.
Solid Waste Division
DAVID TAYLOR, P.E.
Wastewater Reclamation
Division

**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**
2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

April 1, 2009

The Honorable Donna Mercado Kim, Chair
and Members of the Committee on Ways and Means

**HEARING DATE: Friday, April 3, 2009, 9:45 a.m.
Conference Room 211
State Capitol
415 S. Beretania Street**

RE: HB 1807, HD1, SD1-RELATING TO WATER QUALITY.

Dear Chair Kim and Members:

I am Cheryl K. Okuma, Director of the Department of Environmental Management and am providing testimony in support of the new Part 1, section 2 set forth in HB 1807 HD1 SD1 which would authorize the State Director of the Department of Health to use federal moneys from the American Recovery and Reinvestment Act of 2009 (ARRA) and any other later federal laws to fund wastewater infrastructure programs.

If passed with the language in new Part 1, section 2 as set forth in HB 1807 HD1 SD1, we can be provided with much needed financial assistance for the construction of needed wastewater infrastructure projects. Our wastewater facilities and infrastructure are aging. Therefore, it is important that we are able to undertake various capital improvement projects to ensure the reliability of our wastewater system as well as comply with State and Federal requirements. This new Part 1, section 2 is needed to provide the legal authority to allow for grants and loans using these ARRA federal monies. This federal economic stimulus money will provide us with the ability to finance these costly projects at low to no interest.

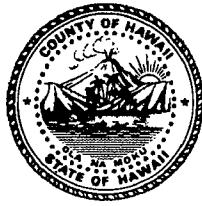
We appreciate the opportunity to provide our comments in support of the new Part 1, section 2 as set forth in HB 1807 HD1 SD1 and request your favorable consideration of this proposed bill with that language.

Sincerely,

A handwritten signature in black ink that reads "Cheryl K. Okuma". The signature is written in a cursive, flowing style.

Cheryl K. Okuma
Director, Department of Environmental
Management

William P. Kenoi
Mayor



William T. Takaba
Managing Director

Walter K. M. Lau
Deputy Managing Director

County of Hawai'i

891 Ululani Street • Hilo, Hawai'i 96720-3982 • (808) 961-8211 • Fax (808-961-6553
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawai'i 96740
(808) 329-5226 • Fax (808-326-5663

April 1, 2009

The Honorable Senator Donna Mercado Kim, Chair
Senate Committee on Ways and Means
415 South Beretania Street
Hawai'i State Capitol
Honolulu, HI 96813

Committee: **WAM**

Room: **211**

Hearing Date: **4/03/09 9:45 AM**

Re: Testimony in support of House Bill 1807, House Draft 1, Senate Draft 1

Honorable Chair Kim and Members of the Senate Committee on Ways and Means,

Thank you for the opportunity to present testimony on House Bill (HB) 1807, H.D.1 S.D.1. The County of Hawai'i Administration strongly supports HB 1807, H.D.1 S.D.1, which would authorize the State Director of Health to make grants, zero and negative interest loans and other subsidies of up to \$50 million using funds such as those from the American Recovery and Reinvestment Act of 2009 and other federal acts.

This measure is necessary to ensure that the counties are able to make efficient expedited advantage of the available federal stimulus funds for public water and wastewater systems under the Clean Water State Revolving Loan Fund and Drinking Water State Revolving Fund. This measure would allow for federal stimulus money to be put to public use as soon as possible.

On behalf of the County of Hawai'i, please accept my strong support for this measure.

Best Regards and Aloha,

William P. Kenoi
MAYOR

cc: Department of Environmental Management

CHARMAINE TAVARES
Mayor



JEFFREY K. ENG
Director

ERIC H. YAMASHIGE, P.E., L.S.
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauewater.org

April 2, 2009

Honorable Donna Mercado Kim, Chair
and Members of the Senate
COMMITTEE ON WAYS AND MEANS
The Twenty-Fifth Legislature, 2009
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Kim and Members of the Committee:

SUBJECT: H.B. 1807, H.D. 1, S.D. 1, RELATING TO WATER QUALITY
Meeting on Friday, April 3, 2009
9:45 a.m., Conference Room 211

The County of Maui Department of Water Supply would like to reiterate its support of H.B. 1807, H.D. 1, S.D. 1, which authorizes the director of the State Department of Health to use federal moneys from the American Recovery and Reinvestment Act of 2009 to fund necessary drinking water and wastewater infrastructure projects.

The passage of this bill is critical in supporting the counties' efforts to continue to address the safe drinking water needs of their consumers.

Thank you for this opportunity to provide comments on this very important matter.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey K. Eng".

JEFFREY K. Eng
Director

"By Water All Things Find Life"

The Department of Water Supply is an Equal Opportunity provider and employer. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington DC 20250-9410. Or call (202) 720-5964 (voice and TDD)





HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
Fax: 808.528.0922

NORA A. NOMURA
Deputy Executive Director
Tel: 808.543.0003
Fax: 808.528.0922

DEREK M. MIZUNO
Deputy Executive Director
Tel: 808.543.0055
Fax: 808.523.6879

The Twenty-Fifth Legislature, State of Hawaii
Hawaii State Senate
Committee on Ways and Means

Testimony by
Hawaii Government Employees Association
April 3, 2009

H.B. 1807, H.D. 1, S.D. 1 – RELATING
TO WATER QUALITY

The Hawaii Government Employees Association supports the purpose and intent of H.B. 1807, H.D. 1, S.D. 1. As drafted, H.B. 1807, H.D. 1, S.D. 1, allows the Director of Health to use funds from the federal economic stimulus package and other applicable federal legislation to provide financial assistance for the construction of drinking water infrastructure projects for public drinking water systems and improvements to publicly owned wastewater treatment systems.

The effectiveness of the recent federal economic stimulus legislation will depend in large part upon how quickly state and local governments can use these funds for important infrastructure projects that will generate jobs and improve water and sewer systems.

Thank you for the opportunity to testify in support of H.B. 1807, H.D. 1, S.D. 1.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director



April 1, 2009

Honorable Senator Donna Mercado Kim, Chair
and members of the Committee of Ways and Means
STATE SENATE
State Capitol, Conference Room 211
415 South Beretania Street
Honolulu, HI 96813

Dear Senator Kim and Members of the Committee of Ways and Means:

Subject: HB 1807, HD 1, SD 1, Relating to Water Quality-- **Hearing: Friday, April 3, 2009, 9:45 a.m., Conference Room 211, State Capitol**

The Kauai Department of Water strongly supports HB 1807, HD1, SD1, which authorizes the Director of the State Department of Health to use Federal moneys from the American Recovery and Reinvestment Act of 2009 ("Act") to fund drinking water and wastewater infrastructure programs.

The passage of this bill will enable all the County Water Departments to take advantage of the Act to fund critical drinking water projects statewide. The County Water Departments have requested funding for water infrastructure projects valued at more than \$100 million. This Federal funding will help the Counties implement essential drinking water infrastructure projects, including new infrastructure, pipeline replacements, reservoir repairs, well renovations, and pump improvements that will benefit all rate payers and enable the County Water Departments to provide safe and dependable drinking water supplies to our customers.

Therefore, I strongly support the passage of HB 1807, HD1, SD1 Relating to Water Quality and thank you for this opportunity to provide comments.

If you need to contact me, please call (808) 245-5408, fax at (808) 246-8628 or email at wushigome@kauaiwater.org.

Sincerely,

A handwritten signature in cursive script that reads "Wynne M. Ushigome".

Wynne M. Ushigome
Acting Manager & Chief Engineer

rm
Leg. Test. 2009/HB1801, HD1, SD1, Relating to Water Quality (4-3-09):rm