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LATE

RL:2248

HB 834 HD2
RELATING TO WATER QUALITY STANDARDS

Senate Committee on Health
Senate Committee on Energy and Environment

Joint Public Hearing – March 18, 2009
3:30 p.m., State Capitol, Conference Room 016

By
James Moncur, Water Resources Research Center
Philip Moravcik, Water Resources Research Center
Peter Rappa, Environmental Center

HB 834 HD2 amends state water quality standards for marine waters to conform to federal standards. We are testifying as individual faculty and our views do not represent an official position of the University of Hawaii.

We agree with section 2(b) of this proposed legislation to have the Hawaii standard match the federally mandated standard for all Priority Toxic Pollutants and Non-Priority Pollutants for the protection of aquatic life in surface water. The current State standard is not meaningful and may be unachievable. There is no valid scientific evidence that the lower standard has any implications for health risk to humans in Hawaii. The Department of Health (DOH) chose to adopt a more restrictive standard in the past than the federal government thinking it would provide additional protection for water recreationists. However, EPA has not been able to verify their predicted disease rate associated with their standard and no longer uses this data. In addition, the enterococci found in Hawaiian coastal waters for the most part may not be from sewage. These bacteria can come from terrigenous sources (i.e. soil) rather than from sewage alone. They do not serve as an appropriate proxy for disease causing microorganisms.

Keeping the present low standard for enterococci won't do much to protect the health of Hawaii's residents and visitors. State agencies have no way of controlling the levels of these bacteria in the water that come from natural sources. State standards were scheduled for revision long ago, but still have not been. This may be a step towards that revision.

It is not clear whether EPA will accept this revision by the legislature for purposes of re-assessing the decision to require secondary treatment, but these standards are far more realistic than those they replace.

Thank you for the opportunity to comment on this bill.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2009 1:59 PM
To: HTHTestimony
Cc: anitabanana@hawaiiantel.net
Subject: Testimony for HB834 on 3/18/2009 3:30:00 PM

Categories: Green Category, Blue Category

Testimony for HTH/ENE 3/18/2009 3:30:00 PM HB834

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: anita Wintner
Organization: Individual
Address: kihei HI
Phone: 8088748407
E-mail: anitabanana@hawaiiantel.net
Submitted on: 3/18/2009

Comments:

Do NOT lower bacterial standards for the water and wait for EPA to come up with new criteria

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2009 9:24 PM
To: HTHTestimony
Cc: mpcgagne@hawaiiantel.net
Subject: Testimony for HB834 on 3/18/2009 3:30:00 PM

LATE

Categories: Green Category, Blue Category

Testimony for HTH/ENE 3/18/2009 3:30:00 PM HB834

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: Michael Gagne
Organization: Individual
Address: Haiku, HI
Phone: 808 280-1421
E-mail: mpcgagne@hawaiiantel.net
Submitted on: 3/18/2009

Comments:

There has not been adequate public participation - the state is not following state and federal requirements for public participation when revising water quality standards; even parts of this regulation that improve water quality cannot be supported because these requirements were not followed.

The proposed legislation may be less protective of public and environmental health - no testimony has been provided to show that the proposed bacterial (Enterococcus) standard is equally or more protective than the current standard; only lack of evidence that it is less protective.

We should wait for EPA to propose new criteria before changing our bacterial standard - The state is proposing allowing higher level of Enterococcus to be consistent with the EPA standard. EPA standard is currently under review and revision because it is inadequate.. EPA, Natural Resources Defense Council, the National Association of Clean Water Agencies, and Los Angeles County have entered into a Consent Decree and Settlement Agreement to conduct critical science and research in order to publish new or revised criteria for protection of recreational uses of water. The critical science and research projects will address these technical issues and are scheduled to be completed by December 2010.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2009 1:49 PM
To: HTHTestimony
Cc: grace.fung@sbcglobal.net
Subject: Testimony for HB834 on 3/18/2009 3:30:00 PM

LATE

Categories: Green Category, Blue Category

Testimony for HTH/ENE 3/18/2009 3:30:00 PM HB834

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: Grace
Organization: Individual
Address:
Phone: (808) 463-8528
E-mail: grace.fung@sbcglobal.net
Submitted on: 3/18/2009

Comments:

This is a measure for WATER QUALITY that AFFECTS DIRECTLY the PUBLIC HEALTH. Therefore, its public - Hawaiians - MUST be informed in order to get a chance to put their thoughts out. Basically, everyone needs to understand what really makes this measure necessary: will it really benefit the health and, at the same time, will it really help the need of cleaner water?

Besides, accountable scientific study must be the basis for this measure initiative. (And the intent of this measure initiative should have as main purpose: safer water for all.)

This measure should be also based on the federal/EPA standards. The current EPA standards for water quality is being reviewed. We should expect new and safer standards. So, if there is no way to the State get enough and more serious scientific evaluation to support this measure, better hold it until the new federal/EPA standards are released.

Safer water makes our lives healthier.

Grace

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2009 11:24 AM
To: HTHTestimony
Cc: kachina@mauigateway.com
Subject: Testimony for HB834 on 3/18/2009 3:30:00 PM

Categories: Green Category, Blue Category

Testimony for HTH/ENE 3/18/2009 3:30:00 PM HB834

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: Pam Palencia
Organization: Individual
Address: 3318A Kaha Dr. Kihei
Phone: 8088747412
E-mail: kachina@mauigateway.com
Submitted on: 3/18/2009

Comments:

I DO NOT SUPPORT A LESS RESTRICTIVE WATER BACTERIAL STANDARD.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2009 11:56 AM
To: HTHTestimony
Cc: billx@unforgettable.com
Subject: Testimony for HB834 on 3/18/2009 3:30:00 PM

Categories: Green Category, Blue Category

Testimony for HTH/ENE 3/18/2009 3:30:00 PM HB834

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: William Watts
Organization: Individual
Address: 35 Walaka St - P305 Kihei, HI 96753
Phone: 808-463-8528
E-mail: billx@unforgettable.com
Submitted on: 3/18/2009

Comments:

Do not change the bacterial standard without strong scientific proof that it will not be less protective. The EPA have been under bad political management for 8 years but the EPA's standard is currently under review. Await the outcome of the EPA review before changing the Hawaii standard.