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In reply, please refer to:
File:

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

H.C.R. 274/H.R. 196, CALLING FOR THE ESTABLISHMENT OF A TASK
FORCE TO STUDY HOW COOPERATION BETWEEN THE PUBLIC AND
PRIVATE SECTOR CAN FURTHER THE PURPOSE OF THE
CLEAN WATER ACT

Bill No. HCR 274
HR 196

Date 3/19

Time 1445

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Type 1 2 WI

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health
March 23, 2010
10:00 a.m.

- 1 **Department's Position:** We respectfully oppose this resolution.
- 2 **Fiscal Implications:** The proposed task force will require added resources which Department of Health
- 3 (DOH) does not have.
- 4 **Purpose and Justification:** This resolution requests DOH to convene and chair a task force to
- 5 determine how cooperation between the public and private sector can further the purpose of the Clean
- 6 Water Act.
- 7 The Department values cooperation with the regulated community and is interested in improving
- 8 our operations and industry performance; however, we do not support this resolution.
- 9 The resolution embodies contradictions and needs a clearer focus, but more importantly, the
- 10 subject can be handled without a resolution. A truly voluntary program to help industry comply with or
- 11 do better than DOH statutes and rules can be run independently of the department, and in fact there
- 12 already is such a private program. The DOH actively works to help permit applicants and is willing to
- 13 meet with any party to discuss improving our permit and enforcement practices.

1 The resolution confuses point and non-point sources of water pollution. The findings in page 1,
2 lines 10 to 12 discuss permits and construction as non-point source water pollution, page 4, lines 6, 8,
3 20, and 24 request to look into nonpoint source pollution rules and procedures, to use of third-party
4 agents to audit possible nonpoint source pollution sites, and to assist the department in meeting any state
5 or federal reporting guidelines with respect to nonpoint source pollution, but DOH issues water pollution
6 permits for construction involve point sources. Nonpoint sources include forests, fields, and parks.
7 Point sources include storm sewer pipes and drains, wastewater plant outfall pipes, and electric plant
8 cooling water outfall pipes. Construction activity is considered to be a point source.

9 The DOH Clean Water Branch (CWB) reviews National Pollutant Discharge Elimination System
10 (NPDES) applications and grants permits for discharge of storm water from construction sites greater
11 than 1 acre and certain industrial activities under HRS, Chapter 342D, Water Pollution. The DOH
12 Nonpoint Source (NPS) Pollution Management and Control program (also known as the Polluted Runoff
13 Control Program) is not a permitting program, and HRS, Chapter 342E is not a permitting statute. The
14 NPS program fosters partnerships, community-based watershed management, education, voluntary
15 compliance, and provides federal funding for projects.

16 The resolution's promotion of third-party review of sites and performance (page 4, lines 19-20)
17 appears to contradict the principle of self-monitoring discussed in pages 2 and 3, and calls into question
18 cooperation between government and the private section.

19 The resolution is unnecessary. The CWB proactively provides training, workshop, and outreach
20 to potential applicants and permittees. For example, on January 26, 2010, DOH and General
21 Contractors Association (GCA) conducted workshops for 330 people from government agencies,
22 general contractors and consultants for better understanding of NPDES permitting, inspection and
23 compliance requirements. The DOH is a member of the GCA Environmental Committee, which
24 includes representatives from government agencies, counties, and private sectors. The CWB attends

1 GCA's monthly meeting regularly. Our partnerships with interested parties are a faster and more
2 efficient process to address water pollution control.

3 The CWB is willing to meet with any party to discuss how to improve the branch's permitting
4 process and enforcement practices.

5 The task force will require support, and the CWB and department are already struggling with the
6 budget and staff reductions.

7 For all the foregoing reasons, we ask that the resolution be held.

8 Thank you for the opportunity to testify on this resolution.