

STAND. COM. REP. NO. 603

Honolulu, Hawaii  
Feb 23, 2011

RE: H.B. No. 266

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources, to which was referred H.B. No. 266 entitled:

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

beg leave to report as follows:

The purpose of this bill is to provide the Department of Health (DOH) with additional time to revise and update certain state water quality standards for marine waters to conform to levels recommended by the State of Hawaii and the United States Environmental Protection Agency (EPA).

DOH and the Department of Environmental Services of the City and County of Honolulu testified in support of this bill. The Sierra Club-Hawaii Chapter opposed this measure.

Conforming the State's water quality standards for toxic pollutants to the national criteria currently recommended by the EPA is important to the State's economic and social development, as well as protection of our natural resources and our inland and marine waters. Act 126, Session Laws of Hawaii 2009 (Act 126), was an aggressive attempt to address this issue and encourage the timely application of those standards. When Act 126 was enacted, it was envisioned that revised water quality standards would be completed and approved by 2011. However, this is not the case. Although DOH has been working on the revised water quality standards in a three-phased approach, delays have occurred. While

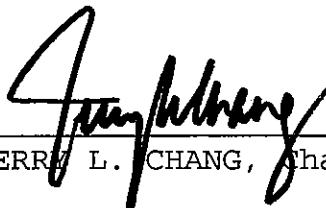
HB266 HSCR EEP-WLO HMS 2011-1842

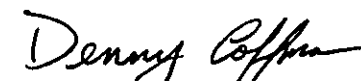


the first set of revisions was approved by the EPA, the second set of revisions has been pending with the EPA since February 16, 2010, and the third set of revisions has not yet gone through DOH's rulemaking procedures. Furthermore, according to DOH, the second set of revisions was orally rejected by the EPA which cited concerns that Hawaii's fish consumption rate was higher than the national average used to calculate the human health criteria for toxic pollutants and that Hawaii's adoption of the national criteria would not sufficiently protect the local population within acceptable tolerance levels. As such, DOH needs additional time to complete a fish consumption survey, perform statistical analysis on the data collected, recalculate the toxic pollutant criteria based upon the fish consumption data, and present the data to the EPA. This measure provides DOH with that additional time.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 266 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committees on Energy &  
Environmental Protection and  
Water, Land, & Ocean Resources,

  
\_\_\_\_\_  
JERRY L. CHANG, Chair

 *Vice Chair*  
\_\_\_\_\_  
*for* HERMINA MORITA, Chair



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State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: <b>HB 266</b>	Committee Referral: <b>EEP/WLO</b>	Date: <b>2-3-2011</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>EEP Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. MORITA, Hermina M. (C)	✓			
2. COFFMAN, Denny (VC)	✓			
3. CABANILLA, Rida T.R.				✓
4. CARROLL, Mele				✓
5. CHANG, Jerry L.	✓			
6. CHONG, Pono	✓			
7. HAR, Sharon E.	✓			
8. HERKES, Robert N.				✓
9. ITO, Ken				✓
10. NAKASHIMA, Mark M.	✓			
11. RIVIERE, Gil	✓			
12. THIELEN, Cynthia			✓	
<b>TOTAL (12)</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>4</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u><i>Denny Coffman</i></u>				
Distribution: Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				

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**Record of Votes of the Committee on Water, Land, & Ocean Resources**

Bill/Resolution No.: <b>HB 266</b>	Committee Referral: <b>EEP/WLO</b>	Date: <b>2/3/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. CHANG, Jerry L. (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida T.R.				✓
4. CARROLL, Mele				✓
5. CHONG, Pono	✓			
6. COFFMAN, Denny	✓			
7. HERKES, Robert N.				✓
8. ITO, Ken				✓
9. MORITA, Hermina M.	✓			
10. NAKASHIMA, Mark M.	✓			
11. RIVIERE, Gil	✓			
12. THIELEN, Cynthia			X	
<b>TOTAL (12)</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>4</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: 18pt; font-family: cursive;">Denny Coffman</div>				
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