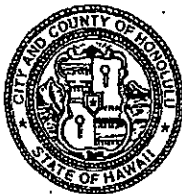


DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 11-65

April 6, 2011

The Honorable Denny Coffman, Acting Chair
and Members of the Committee on Energy and
Environmental Protection

The Honorable Jerry L. Chang, Chair
and Members of the Committee on Water,
Land, & Ocean Resources

House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Acting Chair Coffman, Chair Chang, and Members:

Subject: Senate Bill 1006, SD1, Relating to Water Quality Standards

The City and County of Honolulu's Department of Environmental Services fully supports Senate Bill 1006, SD1, Relating to Water Quality Standards.

This bill would remove the sunset date of June 30, 2011, for Act 126, Session Laws of Hawaii 2009. When the original legislation was passed in 2009, it was expected that revised water quality standards would be completed and approved by June 2011. That no longer appears to be possible. The Department of Health (DOH) approached the revisions in three phases. The first set of revisions which was limited to correction of a typographical error and two State specific criteria for enterococcus, are the only revisions to have been approved by the U.S. Environmental Protection Agency (EPA). The second set of revisions went through DOH rulemaking and has been pending with the EPA since February 16, 2010. The third and most comprehensive set of revisions has not yet gone through DOH rulemaking procedures. Removing the sunset date will ensure that the updated water quality standards in Act 126, which DOH agrees are the correct standards that should be applied, will remain in effect until DOH is able to adopt them by rule and secure EPA's approval.

This is keeping with the intent and legislative history of the original legislation. It is important to note that a sunset date was not in the original legislation and was only added very late in the process as an inducement to keep the process moving.


The Honorable Denny Coffman, Acting Chair
The Honorable Jerry L. Chang, Chair
April 6, 2011
Page 3

HAR 11-54-04(b) (4) specified numeric water quality requirements. Accordingly, as the City must ensure that its discharge does not cause exceedences of the water quality standards, it is important that appropriate water quality standards exist.

4. In assessing penalties in regulatory or third party claims for exceedences of the water quality standards, the Court will consider impact to public health and the environment. Act 126 would be an important and helpful authority for the Court in evaluating compliance with, and the impact of exceedences of, water quality standards.

Your support of appropriately revising water quality standards is appreciated and we encourage you to pass SB 1006, SD1, Relating to Water Quality Standards, to continue to provide protection for our environment and to insure continuation of the process to provide for long term updates to the State water quality standards.

Sincerely,


Timothy E. Steinberger, P.E.
Director

for



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

April 7, 2011, 10:30 A.M.
(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO SB 1006, SD1

Aloha Chair Coffman, Chair Chang and Members of the Committees:

The Sierra Club, Hawai'i Chapter, with 8,000 dues paying members and supporters statewide, *opposes* SB 1006. This proposal would continue an inappropriate intrusion by the Legislature into the setting of water quality standards.

The Sierra Club previously opposed the passage of Act 126, which passed in 2009. The process of establishing water quality standards -- what pollutant levels are safe for our residents and fragile marine ecosystems -- should be grounded firmly in science, not politics.

On the mainland, several states have established dozens of different water quality standards depending on the particular development proposed for that area. Hawai'i should stay out of this type of tomfoolery. We've already taken a step down the wrong path. Act 126 was passed largely to benefit a single polluter, the City and County of Honolulu, in an effort to reduce the amount of potential fines it would have to pay for ongoing water quality violations.

If SB 1006 is not passed, the Department of Health will be required to follow the process outlined in Chapter 11-54, Hawai'i Administrative Rules. Specifically, the Department will be required to adopt water standards that support the "propagation of fish, shellfish, and wildlife and recreation in and on the water . . ." H.A.R § 11-54-1.1. Further, "[w]here existing high quality waters constitute an outstanding resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected."

Let's ensure our residents feel confident that Hawai'i's water quality standards are designed to fully protect human health and our fragile marine ecosystems. Let's keep the process of establishing water quality in the hands of scientists and the public. Mahalo for the opportunity to testify.

Apr. 6

RELATING TO AGRICULTURE

Waimalu Valley Ranch

PO 2056, Pearl City, HI. 96782, Tel: (808) 852-9663

<http://waimaluvalleynews.blogspot.com>



YEE-HAW!!

SB1006 SD1

RELATING TO WATER QUALITY STANDARDS

Repeals the sunset date of 06/30/11 for Act 126, Session Laws of Hawaii 2009, relating to revisions of certain state water quality standards. Effective 7/1/2050. (SD1)

LETS NOT FORGET THE RADIATION Fallout from Japan that just happened 1 month ago, and is still an ongoing crisis. Alpha, Beta, and Gamma particles are airborne, and where they land, ends up as contaminated soil. Ioding, Cesium, may end up in our water supply. Everything that happened in Japan, ends up happening here too, including contaminated water supply.

We should be monitoring for radioactivity levels in our water supply. We need to make sure the monitors are working properly. We can't rely on EPA, the latest is that half of their monitors weren't working.

Apr. 6

RELATING TO AGRICULTURE

We laugh, and think it's funny, and that it will never happen here, but the unthinkable is happening. We undermine the potential hazards, but we really should take this a little more serious. Water is our life source, let's make sure it's safe to drink.

Thank you for reading my testimony.

Sincerely,

Ms. Angela Kaaihue