

SB 1006

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
ACTING DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

COMMITTEE ON ENERGY AND ENVIRONMENT

S.B. 1006, Relating to Water Quality Standards

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Acting Director of Health

February 22, 2011

1 **Department's Position:** The Department of Health (DOH) supports this measure. The removal of
2 the sunset date on Act 126 will allow the Department time to complete the fish consumption survey,
3 perform statistical analysis on the data, recalculate the toxic pollutant criteria based on the fish
4 consumption data, if necessary, and present the information to the U.S. Environmental Protection
5 Agency (EPA).

6 **Fiscal Implications:** None

7 **Purpose and Justification:** This bill amends Act 126 relating to Water Quality Standards by removing
8 the Act's sunset date of June 30, 2011. The Department has been working on amendments to its water
9 quality standards rules, Hawaii Administrative Rules (HAR) Chapter 11-54. The Department firmly
10 believes that the 2006 EPA national criteria for toxic pollutants protects Hawaii's health and
11 environment. In 2009, the Department submitted an approval request to EPA to amend its water quality
12 standards by adopting the current national recommended human health criteria (fish consumption only)
13 for chlordane and dieldrin with the intent of eventually adopting the criteria of other toxic pollutants
14 recommended by EPA and listed in Act 126.

1 The Department's submittal was orally rejected by the EPA in 2010 citing concerns that
2 Hawaii's fish consumption rate was higher than the national average used to calculate the human health
3 criteria for toxic pollutants and that Hawaii's adoption of the national criteria would not sufficiently
4 protect its local population within acceptable tolerance levels. The statutory revision of the water quality
5 standards that Act 126 provides was not submitted to EPA pending the resolution of the human health
6 criteria for chlordane and dieldrin. In attempts to resolve this issue, the Department added questions to
7 the annual Hawaii Health Survey (2010 – currently ongoing) which would help to determine the average
8 annual fish consumption of the residents of the state. This information will be used to determine whether
9 the use of EPA's national recommended human health criteria and aquatic life criteria is justified or
10 whether the State would need to develop its own criteria based on this data.

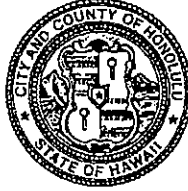
11 Under federal law, the EPA must approve state water quality standards before they can be
12 implemented. The Department will continue to work with EPA to achieve an approval agreement.

13 Thank you for the opportunity to testify on this measure.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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IN REPLY REFER TO:
WAS 11-29

February 18, 2011

The Honorable Mike Gabbard, Chair
and Members of the Committee on
Energy and Environment
State Senate
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Gabbard and Members:

Subject: Senate Bill 1006, Relating to Water Quality Standards

The City and County of Honolulu's Department of Environmental Services fully supports Senate Bill 1006, relating to water quality standards.

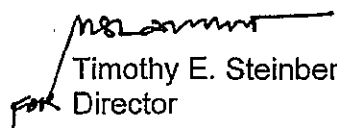
This bill would remove the sunset date of June 30, 2011, for Act 126, Session Laws of Hawaii 2009. When the original legislation was passed in 2009, it was expected that revised water quality standards would be completed and approved by June 2011. That no longer appears to be possible. The Department 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. As the legislative history of Act 126 reflects, it was enacted because DOH has not timely reviewed and updated its water quality standards which, under the Clean Water Act, it is required to do every three years. 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 of the original legislation.

The Honorable Mike Gabbard, Chair
February 18, 2011
Page 2

Your support of appropriately revising water quality standards is appreciated and we hope that you will approve Senate Bill 1006, relating to water quality standards, to continue efforts to meet that goal.

Sincerely,


Timothy E. Steinberger, P.E.
Director

Testimony for ENE 2/22/2011 2:50:00 PM SB1006

Conference room: 225

Testifier position: oppose

Testifier will be present: No

Submitted by: Carl P Jellings Sr

Organization: Individual

Submitted on: 2/22/2011

Comments:

In Opposition

We Work in this some times so called soup bowl by passing this bill we continue at risk. In My oppinion unsustained growth is why noone can or wants to set a standard. in the mean time Lifeguards, Watermen , Fishers ,Diver's and Tourists are all potentially at RISK. who's paying for the thousands of ear infections and critical illnesses from toxic partially treated fecal matter or toxic run off, We are surrounded by sewer outfalls, the more Hotel's and Homes the higher the level's. Please do what is Pono allow DOH to set a standard that is safe for all the people who Work Play and Visit Oahu and all of Hawaii's marine resources that depend on a clean healthy enviornment to thrive .

Mahalo for allowing Me the opportunity to testify.

Carl P Jellings Sr.