

STAND. COM. REP. NO. 1459

Honolulu, Hawaii  
April 8, 2011

RE: S.B. No. 1006  
S.D. 1  
H.D. 1

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 S.B. No. 1006, S.D. 1, 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).

The City and County of Honolulu Department of Environmental Services supported this bill. The Sierra Club-Hawaii Chapter opposed this measure. Waimalu Valley Ranch offered comments.

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 health as well as the protection of its natural resources and 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

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three-phase approach, delays have occurred. While the first set of revisions was approved by EPA, the second set of revisions has been pending with EPA since February 16, 2010, and the third set of revisions has not yet gone through DOH's rulemaking procedures. Furthermore, according to previous testimony submitted by DOH on the House version of this measure, the second set of revisions was orally rejected by 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. Therefore, DOH stated that it needed 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 EPA and that the companion measure of this bill provided them with this additional time.

Accordingly, your Committees have amended this bill by:

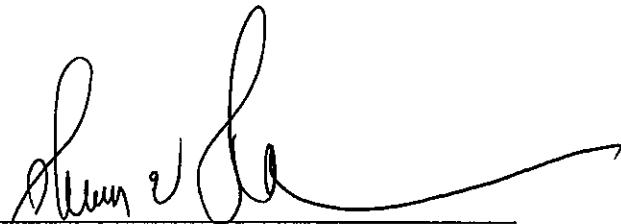
- (1) Specifically providing DOH with an additional two years to revise and update certain state water-quality standards for marine waters by changing the sunset date of Act 126 to June 30, 2013, rather than repealing the sunset date entirely;
- (2) Changing its effective date to June 29, 2011; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.


Your Committees note that DOH did not submit written testimony, provide oral testimony, or send a representative to the public hearing to respond to questions committee members may have had. Because this is an important matter and one in which DOH is integrally involved, your Committees find this lack of action by DOH disappointing and urge DOH to examine this issue closely and inform committee members of its comments on the possible enactment of this legislation.



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 S.B. No. 1006, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1006, S.D. 1, H.D. 1, 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,

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

  
\_\_\_\_\_  
DENNY COFFMAN, Chair





State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

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

Bill/Resolution No.: <b>SB 1006, SDI</b>	Committee Referral: <b>EEP/WLO</b>	Date: <b>4/7/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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>WLO Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
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. KAWAKAMI, Derek S.K.	✓			
10. NAKASHIMA, Mark M.	✓			
11. RIVIERE, Gil				✓
12. THIELEN, Cynthia			✓	
<b>TOTAL (12)</b>	<b>7</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: _____				
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