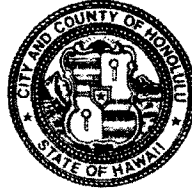


DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**

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DEPUTY DIRECTOR

IN REPLY REFER TO:  
WAS 11-14

February 1, 2011

The Honorable Hermina M. Morita, 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 and Ocean Resources  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs Morita and Chang and Members:

Subject: House Bill 266, Relating to Water Quality Standards

The City and County of Honolulu's Department of Environmental Services fully supports House Bill 266, 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 Statespecific 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.

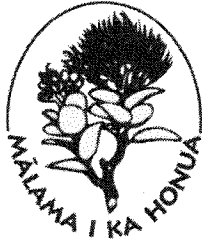
This is keeping with the intent of the original legislation.

The Honorable Hermina M. Morita, Chair  
The Honorable Jerry L. Chang, Chair  
February 1, 2011  
Page 2

Your support of appropriately revising water quality standards is appreciated and we hope that you will approve HB 266, relating to water quality standards, to continue efforts to meet that goal.

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](mailto:hawaii.chapter@sierraclub.org)

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

February 3, 2011, 9:00 A.M.  
(Testimony is 1 page long)

### TESTIMONY IN OPPOSITION TO HB 266

Chair Morita, Chair Chang, and Members of the Committee:

The Sierra Club, Hawaii Chapter, with 8000 dues paying members and supporters statewide, **opposes** HB 266. This measure would continue an inappropriate intrusion by the Legislature into the setting of water quality standards.

The Sierra Club opposed the passage of Act 126. We felt the process should be grounded in science, not politics. On the mainland, certain 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.

Let's ensure our residents feel confident that Hawai'i's water quality standards are designed to reasonably 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.

Don't pass HB 266 and instruct the Department of Health to adopt rules.

Mahalo for the opportunity to testify.