

STAND. COM. REP. NO. 908

Honolulu, Hawaii
March 1, 2013

RE: H.B. No. 903
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 903,
H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WATER POLLUTION,"

begs leave to report as follows:

The purpose of this measure is to improve the State's ability
to manage and reduce nonpoint source pollution and wastewater
system pollution by, among other things:

- (1) Authorizing the Director of Health to charge fees to
owners of individual wastewater systems and for nonpoint
source pollution management plan applications;
- (2) Establishing within the Water Pollution Control
Revolving Fund, a separate water pollution control
account for controlling and reducing pollution from
point sources, nonpoint sources, and individual
wastewater systems; and
- (3) Requiring any person or public entity, excluding certain
farming operations and landowners, to obtain approval
from the Director of Health for a management plan prior
to discharging any water pollutant into state waters
from a nonpoint source or causing or allowing any water
pollutant to enter state waters from a nonpoint source.



The Department of Health, Department of Land and Natural Resources, Office of Planning, Surfrider Foundation, and numerous concerned individuals supported this measure. The Hawaii Farm Bureau Federation, Alexander & Baldwin, Inc., Hawaii Cattlemen's Council, and a concerned individual opposed this bill. The Department of Agriculture and the City and County of Honolulu Department of Environmental Services commented on this measure.

Protecting the waters of the State from nonpoint source pollution is a matter of statewide importance. This measure establishes procedures for a nonpoint source pollution management plan to help the State address and mitigate the detrimental effects of nonpoint source pollution. However, your Committee recognizes that there are provisions in the measure that require further consideration and clarity, including:

- (1) Whether the term "nonpoint source" encompasses individual wastewater systems and whether the requirement for management plans extends to individual wastewater systems; and
- (2) How the collection of fees by the counties under this measure will be administered: Whether the fees will be paid by the property owner or by the permit applicant.

Your Committee recognizes the benefits of continued legislative discussion and public input on this measure to support protection of the State's water resources and to support state compliance with the Clean Water Act, Coastal Zone Management Act, and other federal and state requirements.

Your Committee has amended this measure by:

- (1) Amending the nonpoint source pollution management plan procedures to require a person or public entity, but not qualifying farmers and landowners, to file a management plan upon order of the Director of Health, where the Director of Health finds that nonpoint source pollution exists;
- (2) Requiring the Director of Health to attempt to coordinate with agencies responsible for soil conservation plans and stormwater management plans in developing the application form for management plan approval;



- (3) Imposing a penalty for specified violations only after the violator has had one year to achieve voluntary compliance;
- (4) Prohibiting the collection of fees for management plan review, approval, and enforcement from any farming operation as defined in section 165-2, Hawaii Revised Statutes, the Hawaii Right to Farm Act, for five years;
- (5) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 903, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 903, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Health,



DELLA AU BELATTI, Chair



