

HB 903, HD2

RELATING TO WATER POLLUTION.

Establishes a separate Water Pollution Control account and authorizes the Director of Health to prescribe fees to help fund the operations of the Department of Health in managing pollution from nonpoint sources and individual wastewater systems.
Effective July 1, 2050. (HB903 HD2)

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

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

In reply, please refer to:
File:

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

SENATE COMMITTEE ON HEALTH

H.B. 903, H.D. 2, RELATING TO WATER POLLUTION

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

**March 14, 2013
3:10 p.m.**

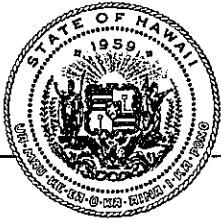
- 1 **Department's Position:** The Department of Health **STRONGLY SUPPORTS** this bill.
- 2 **Fiscal Implications:** This bill calls for the establishment of a fee collection system and a separate water
- 3 pollution control account within the department's water pollution control revolving fund.
- 4 **Purpose and Justification:** The purpose of this bill is to improve the state's ability to manage and
- 5 reduce nonpoint source and individual wastewater system pollution by authorizing the Director of
- 6 Health to charge fees for management plan applications when the director finds that an area has
- 7 nonpoint source pollution that is impairing state waters, subject to certain exemptions, and from owners
- 8 of individual wastewater systems. The department currently has insufficient staff and programs to
- 9 address water pollution from nonpoint sources and individual wastewater systems. These funds will
- 10 enable the department to control and reduce these pollution sources by preparing generally applicable
- 11 rules and guidelines, inspecting individual wastewater systems and nonpoint pollution sources, and
- 12 monitoring discharges. The department believes this bill is important because these pollution sources
- 13 harm Hawaii's fresh, marine, and ground waters.

1 Nonpoint source pollution, such as stormwater runoff from agriculture and other lands, contains
2 soil, fertilizers, pesticides, and other wastes, which harm state waters, coral reefs, and public recreation.
3 Nonpoint source pollution potentially imbalances delicate local ecosystems and contaminates food
4 sources. It can also contribute to turbidity, which causes a loss of recreational waters for residents and
5 visitors. Stormwater runoff harms Hawaii's agriculture by carrying away precious topsoil. Without
6 proper attention, nonpoint source pollution will continue to threaten the rich environmental resources on
7 which Hawaii's economy depends. This proposed bill establishes a nonpoint source pollution
8 management plan program, which will help the state more effectively and comprehensively mitigate the
9 harmful effects of nonpoint source pollution.

10 Individual wastewater systems, such as cesspools and septic systems, pollute the public's surface
11 waters and groundwater, and pose a threat to public health and safety. Pollution from individual
12 wastewater systems harms water quality with bacterial pathogens and excess nutrient loadings, and
13 threatens public health and safety with cave-ins, asphyxiation from septic fumes, and possible contact
14 with raw sewage through surfacing or back-ups. Since individual wastewater systems are not connected
15 to a sewer system, owners of individual wastewater systems do not pay the substantial fees charged to
16 those who are served by sewers that treat and mitigate wastewater pollution. Under this proposed bill,
17 operators of individual wastewater systems will also be required to pay fees necessary to help ensure
18 pollution from their systems is reduced and properly managed.

19 This bill is in line with the state's New Day Plan in that it addresses the need to promote
20 environmental and natural resources protection by better preparing for the impacts of climate change.
21 This bill is also in line with the department's Strategic Plan in that it addresses the need for clean and
22 sustainable environments by creating social and physical environments that promote and support good
23 health for all.

24 Thank you for the opportunity to testify.



**OFFICE OF PLANNING
STATE OF HAWAII**

NEIL ABERCROMBIE
GOVERNOR

JESSE K. SOUKI
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Statement of
JESSE K. SOUKI
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEE ON ENERGY AND ENVIRONMENT
AND
SENATE COMMITTEE ON HEALTH**
Thursday, March 14, 2013
3:10 PM
State Capitol, Conference Room 225

in consideration of
HB 903 HD2
RELATING TO WATER POLLUTION

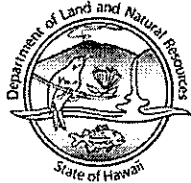
Chairs Gabbard and Green, Vice Chairs Ruderman and Baker, and Members of the Senate Committees on Energy and Environment and Health.

Administration House Bill 903 HD2, Relating to Water Pollution, proposes to improve the state's ability to control and reduce water pollution from nonpoint sources and individual wastewater systems.

The Office of Planning (OP) supports the Administration bill. OP, through its Coastal Zone Management (CZM) Program, and the Department of Health (DOH), have been seeking full approval from the National Oceanic and Atmospheric Administration and Environmental Protection Agency of a Coastal Nonpoint Pollution Control Program (CNPCP), which is required of approved CZM programs nationwide pursuant to Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA). The bill provides DOH with much needed resources to address water pollution from nonpoint sources and individual wastewater systems. The improved ability to control and reduce water pollution in Hawaii, will in turn contribute towards gaining full approval of the CNPCP.

Thank you for the opportunity to provide testimony on this measure.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the Senate Committees on
ENERGY AND ENVIRONMENT
and
HEALTH

Thursday, March 14, 2013
3:10 AM
State Capitol, Conference Room 225

In consideration of
HOUSE BILL 903, HOUSE DRAFT 2
RELATING TO WATER POLLUTION

House Bill 903, House Draft 2 proposes to establish a new account within the Water Pollution Control Revolving Fund and authorizes the Director of Health (DOH) to adopt fees (through rules) to fund water pollution control and management. **The Department of Land and Natural Resources ("DLNR") strongly supports this Administration measure.**

First, land-based pollution (including sediment run-off and pollution) is a significant and widely recognized threat to Hawai'i's coral reefs that must be directly addressed and actively managed. It is complex, but solvable. The Hawaii Coral Reef Strategy and the National Oceanic and Atmospheric Administration ("NOAA") Coral Reef Conservation Program identify and rank sediment run-off and pollution as a "priority" threat.

Land-based pollution alters the near shore environment by smothering corals, accelerating growth of native and non-native algae, and disrupting critical ecosystem services. In Hawaii, current and legacy agricultural practices, the development and paving of lands, channelization of streams, and outdated wastewater systems all degrade coral reef ecosystems vital for fishing, tourism, recreation, and Native Hawaiian cultural practices.

In 2002, Hawai'i's reef ecosystems were estimated to contribute more than \$385 million to the state. Without significant reduction in land based runoff and pollution, the value and benefits of these near shore reefs will decline. While Hawaii is beginning to address fishing and recreational impacts to the coral reefs, we have failed to manage or control non-point source land-based pollution either legally or in fact. As a result, coral reef ecosystems, fisheries, and all the life systems and economic values they provide, are at risk.

Second, adequate water quality is essential to protect streams and near-shore waters for the public's interest, to support instream uses and values, aquatic habitat maintenance, traditional and customary rights of native Hawaiians, fishing, ocean recreation, and scenic beauty.

Third, controlling polluted runoff helps prevent contamination of our underground aquifers which provide over 90% of our drinking water.

This bill creates a) a mechanism to bring the disparate public and private parties together, and b) a long needed funding source. It is both a carrot and a stick.

The carrot is federal, state, and county assistance to help landowners design and implement measures to protect their soil and make their land more valuable.

The stick is potential enforcement and penalties for the continued deterioration of our reefs, water quality, topsoil, and fisheries.

The key element needs to be active outreach to help landowners in a cooperative manner and cross-training to enlist their support.

DLNR and the Department of Agriculture (DOA) are critical to this process. DOA, DLNR, and DOH should prioritize and rank order:

1. The worst case lands for sediment runoff and pollution;
2. Lands along and directly upland from the shoreline, and
3. Lands adjacent to streams and gullies that carry topsoil and pollutants to the near shore ocean waters.

Thank you.

NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

SCOTT E. ENRIGHT
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON ENERGY AND ENVIRONMENT, AND
HEALTH
THURSDAY, MARCH 14, 2013
3:10 p.m.
Room 225

HOUSE BILL NO. 903, HOUSE DRAFT 2
RELATING TO WATER POLLUTION

Chairpersons Gabbard and Green and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 903, House Draft 2. Our comments are limited to the proposed program intended to reduce nonpoint source pollution. The Department of Agriculture continues to have strong reservations about this measure as the impact upon affected farmers cannot be adequately gauged. As written, this measure will affect 2,708 farms (36 percent of total Hawaii farms) that are at least 10 acres in size. According to the 2007 Census of Agriculture, these farms conduct agricultural activities on 1,103,999 acres (98 percent of farmed lands in the state) and generate \$429,265,000 or 83 percent of the total state-wide value of sales of vegetables, fruits, nuts, livestock, aquaculture, and other agricultural products. Any government program that is poised to directly affect the overwhelming majority of agricultural production lands and hundreds of millions of dollars in value of fresh produce, livestock, aquaculture products, research, and farm employment should be fully vetted by those communities directly impacted.



The following describes some of the elements in this bill that we believe harbor uncertainty that may adversely affect farmers.

Present DOH nonpoint pollution management programs rely on education and voluntary non-regulatory compliance to achieve its purposes. By abandoning these practices that were cooperatively developed over several years, farmers will likely experience difficulty adjusting from the voluntary compliance program to a punitive program that requires submissions of as-yet-unknown additional plans, adherence to specifications, and providing additional information and assesses fees and/or penalties for non-compliance.

Finally, the Department of Agriculture has strong concerns on this measure because accurate detection/enforcement of nonpoint pollution is challenging to do in practice. Constant monitoring at all points of a stream is necessary to achieve fair and accurate pollutant readings and to accurately attribute violations. Additionally, farmers have no control over weather and flash flood events that may cause runoff to contain pesticides that were obtained and applied in full compliance with the law.

Moving forward, the Department of Agriculture understands and appreciates the need to protect streams and water bodies from nonpoint pollutants; however, we continue to have strong reservations on this measure as written based on the concerns outlined above, and requests the Department of Health to continue consultations with the Department of Agriculture and other affected State, county, and Federal agencies and agricultural stakeholders before asking the legislature to act on this bill.

Thank you, again, for the opportunity to testify on this measure.



UNIVERSITY
of HAWAII
MĀNOA

March 13, 2013
RL: 2304

HB 903 HD2
RELATING TO WATER POLLUTION

Senate Committee on Energy & Environment
Senate Committee on Health
Public Hearing – Thursday, March 14, 2013
3:10 p.m., State Capitol, Conference Room 225

By
David Penn, Environmental Center
Roger Babcock, Water Resources Research Center
IN SUPPORT

Dear Chairs Gabbard and Green, Vice Chairs Ruderman and Baker, and committee members,

Nonpoint sources of water pollution are major causes of water quality degradation. However, the widespread and diffuse nature of nonpoint source problems makes for exceptional management challenges that demand greater government effort and public involvement. The Environmental Center and the Water Resources Research Center support the general intent of HB 903 to expand state resources for managing nonpoint sources of water pollution.

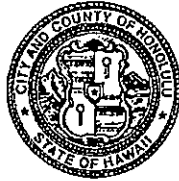
We agree in concept with proposals to (1) establish operating fees for individual wastewater systems, (2) require the preparation and implementation of nonpoint source pollution management plans, and (3) impose a range of related filing fees and penalties. The overall benefit of these provisions would be to boost funding and participation for state programs that help all kinds of landowners and land operators to better fulfill their responsibilities for sound environmental management practices which contribute to the overall protection and enhancement of watershed health. Research from around the world indicates that it can take decades of well-planned, consistent effort to achieve measurable improvements in water quality that are directly attributable to successful nonpoint source management measures. We encourage the legislature and the Department of Health to continue refining the details of HB 903 so that new sources of funding can emerge to move our state forward on this path, and we are available to confer with you about these ongoing efforts.

Thank you for hearing this proposed legislation. Please note that this testimony is advisory only and does not represent the official position of the University of Hawaii.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



LORI M.K. KAHIKINA, P.E.
DIRECTOR

EDUARDO P. MANGLALLAN
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 13-59

March 14, 2013

The Honorable Mike Gabbard, Chair
and Members of the Committee on
Energy and Environment
The Honorable Josh Green, Chair
and Members of the Committee on Health
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Gabbard, Chair Green, and Members:

Subject: House Bill 903, HD2, Relating To Water Pollution

The City and County of Honolulu's Department of Environmental Services (ENV) applauds this effort to address nonpoint source pollution as indicated in House Bill (HB) 903, HD2, Relating To Water Pollution.

Runoff from nonpoint sources, including agriculture, forested conservation areas, and other lands, are major causes of sediment and other pollutants discharging to our streams and coastal waters. Additionally, our upland forests face serious threats from feral pigs and alien plant species, such as Miconia and Strawberry Guava. The Department of Land and Natural Resources has pointed to an alarming statistic: one feral pig can damage one acre of forest floor in one week. A hundred pigs can damage 5,000 acres of forested upland, our principal source of drinking water, in a year and the uprooting of vegetation by the pigs causes soil erosion and exacerbates the potential for brown water advisories.

We recognize that the Department of Health faces serious staff shortages. Staffing was severely curtailed during the economic downturn of the past several years.

The requirement for management plan in "§342E-A Management plans; procedures for" needs to be defined more narrowly. The Committee on Energy and the Environment's recommendation to limit the requirement for a management plan to properties over a threshold of 10 or more acres is an encouraging step.

The Honorable Mike Gabbard, Chair
The Honorable Josh Green, Chair
March 14, 2013
Page 2

However, we still have concerns regarding some of the specifics in the bill.

First, we have concerns regarding the proposal for the counties to collect fees on their real property tax bill. The counties do not have information regarding what specific properties to be billed and do not have information regarding which properties have approved individual wastewater treatment systems. Additionally, it is unclear whether such fees would be appropriately paid by the property owner or by the permit applicant who may be a lessee.

Second, as written, "nonpoint source" is not defined within the bill. It is unclear if individual wastewater systems are included within the "non-point" source definition and if the requirement for management plans would extend to those with individual wastewater systems. Extending the management plan concept to properties with individual wastewater systems would be significantly burdensome on individual homeowners.

In summary, we applaud this effort to address nonpoint source pollution and support additional funding for the Department of Health for that purpose. However, we have concerns over who will be covered, the proposal to have the counties to collect fees through property taxes, and whether individual wastewater systems are defined as nonpoint sources.

We urge the committee to defer HB 903, HD2, until these issues can be clarified and further discussed with the counties.

Sincerely,



Lori M. Kahikina, P.E.
Director

3/12/13

Hearing on HB903

Testimony by: Jan Dapitan, State Leader
Keep the Hawaiian Islands Beautiful

Managing our water resources in Hawaii leads the list in quality of life for our people. Protection of watersheds, streams, rivers, coral reefs, and sound programs that properly handle the distribution of fresh, clean water as well as systems to handle wastewater that avoids pollution.

Public health and safety is of first importance to life in our island home. The passage of this bill this year can be a necessary step towards our goal of clean and healthy communities.

We at Keep the Hawaiian Islands Beautiful 501c-3 collectively support this bill.

Sincerely,
Jan Dapitan
Keep the Hawaiian Islands Beautiful
P.O. Box 2610
Wailuku, HI 96793



Get The Drift & Bag It!

Testimony for
The Senate
Committee on Energy & Environment

House Bill 903, HD2 Relating to Water Pollution
Hearing on March 14, 2013 3:10 p.m.

Good Afternoon, my name is Chris Woolaway, and I am the State of Hawai'i coordinator for the International Coastal Cleanup (ICC) that is called in Hawai'i: "Get the Drift & Bag It!" I respectfully ask the committee to pass H.B. 903 as an important step in trying to tackle the very difficult nonpoint source pollution problem here in Hawai'i.

We have, as a community for decades dealt with trash and litter, a visible indicator of nonpoint source pollution as it covers our beaches and collects in our near shore waters. Since 1999, during the once a year ICC a total of 36,249 volunteers have recovered and documented 782,966.96 pounds of debris/litter from 1,535.07 miles of our coastline. Of that, approximately 70% of the litter comes from land somewhere; a great deal of this litter has washed down the watersheds. Nonpoint source pollution has been a constant and unsolvable challenge for years here in Hawai'i.

Residents and visitors only need to take a look at the Ala Wai Boat Harbor after the rain this last week to see the chronic pollution that is washing down the watersheds and out into our harbors and ocean.

Chris Woolaway
Hawai'i State Coordinator
International Coastal Cleanup
P.O. Box 25008
Honolulu, HI 96825
www.getthedriftandbagit.com

The ICC is sponsored nationally and internationally by the Ocean Conservancy. *Ocean Conservancy promotes healthy and diverse ocean ecosystems and opposes practices that threaten ocean life and human life. Through research, education, and science-based advocacy, Ocean Conservancy informs, inspires, and empowers people to speak and act on behalf of the oceans. In all its work, Ocean Conservancy strives to be the world's foremost advocate for the oceans.*

The costs incurred by all of us as a community has been great, as this pollution from sources unknown impact our beaches, our near shore and sensitive ecosystems. This pollution effects resident and visitor alike whether recreating in the ocean or relying on critical ocean commerce.

With passage of this bill, the Hawai'i State Department of Health will be able to establish proper management practices that will protect against the release of nonpoint source pollutants into Hawaii's watersheds through our streams and rivers leading to our beaches, our ocean and our coral reefs.

Thank you very much for the opportunity to introduce this testimony.

Mahalo,

Chris Woolaway

Chris Woolaway
Hawai'i State Coordinator
International Coastal Cleanup
P.O. Box 25008
Honolulu, HI 96825

www.getthedriftandbagit.com

The ICC is sponsored nationally and internationally by the Ocean Conservancy.
Ocean Conservancy promotes healthy and diverse ocean ecosystems and opposes practices that threaten ocean life and human life. Through research, education, and science-based advocacy, Ocean Conservancy informs, inspires, and empowers people to speak and act on behalf of the oceans. In all its work, Ocean Conservancy strives to be the world's foremost advocate for the oceans.

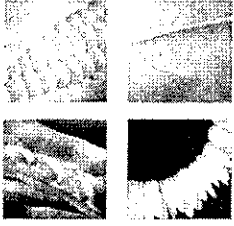
HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Loren Mochida	Puna Soil and Water Conservation District	Oppose	No

Comments: More regulation for farmers and ranchers will only increase their costs. The proposed permit program is not appropriate for agriculture. Loren Mochida, Chairman Puna Soil and Water Conservation District (SWCD)



Hawaii Crop Improvement Association

Growing the Future of Worldwide Agriculture in Hawaii

Testimony by Alicia Maluafiti

HB 903 HD 2 – Relating to Water Pollution

The Senate Committees on Energy and Environmental Protection and Health

Thursday, March 14, 2013

3:10 pm, room 225

HCIA 2012-2014
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Alicia Maluafiti

Position: Oppose

Aloha Chairs Gabbard and Green, Vice Chairs Ruderman and Baker, and members of the Committee:

My name is Alicia Maluafiti, Executive Director of the Hawaii Crop Improvement Association, a nonprofit trade association representing Hawaii seed farmers. We oppose HB 903 HD 2 which establishes a separate Water Pollution Control account within existing Water Pollution Control Revolving Fund.

While we recognize and respect the concerns often raised by environmentalists about agricultural operations, these types of proposals only create more challenges for our farmers and ranchers without really addressing a problem. Instead it duplicates existing Dept. of Health water quality standards, regulations and enforcement which was established specifically to address agricultural runoff. In addition, this bill would require farmers and ranchers to secure a permit and pay additional fees just to farm while holding them financially accountable and responsible for the destructive power of mother nature and the often unfortunate impact weather can have on our agricultural lands.

We ask you to please hold this bill and allow our farmers and ranchers to focus on addressing the agricultural needs of this state. Mahalo.

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Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol website

March 14, 2013

TO: HONORABLE MIKE GABBARD, CHAIR, HONORABLE RUSSELL RUDERMAN, VICE CHAIR MEMBERS OF THE SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

HONORABLE JOSH GREEN, MD, CHAIR, HONORABLE ROSALYN BAKER, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON HEALTH

SUBJECT: **OPPOSITION TO H.B. 903, HD2 RELATING TO WATER POLLUTION.**
Establishes a separate Water Pollution Control account and authorizes the Director of Health to prescribe fees to help fund the operations of the Department of Health in managing pollution from nonpoint sources and individual wastewater systems. Effective July 1, 2050. (HB903 HD2)

HEARING

DATE: Thursday, March 14, 2013
TIME: 3:10 p.m.
PLACE: Conference Room 225

Dear Chairs Gabbard and Green, Vice Chairs Rudermann and Baker and Members of the Committees,

The General Contractors Association (GCA) is an organization comprised of over six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The GCA's mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

H.B. 903, HD2 proposes to authorize the Director of Health additional authorizations to, among other things: (1) charge fees to owners of individual wastewater systems and for nonpoint source pollution management plan applications; (2) Establish 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) Require 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.

While GCA supports the protection of all Hawaii's fresh, marine and ground waters, the GCA cannot support this measure as it would duplicate protective measures already in place on the state and federal levels, and increase costs and burdens to business and the construction industry

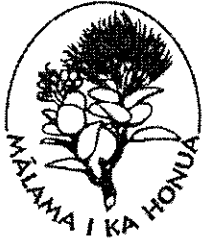
as a whole. The GCA respectfully requests that the Committees hold this bill due to its numerous concerns, particularly the additional layer of permitting fees, associated delays associated with land development and construction that appears to be unnecessary and the added undue cost to the construction process.

GCA remains concerned because it remains unclear as to whether the funds collected would serve only to regulate and mitigate pollution from the sewer systems. It appears that the fund collected could be used to fund other Department of Health, Clean Water Branch activities such as construction site inspections and NPDES permit reviews. Although the content of the bill focuses on the effects of the agricultural community, the impact will be more widespread and directly impact the consumers including residents and owners in rural communities that will be mandated to pay additional permitting fees where county sewer hookups are not available. Although the fees generated would go directly to the Clean Water Branch, this bill would also create a significant bureaucracy necessary to manage the permit system.

This legislation could potentially stymie green developments because this type of regulation adds burden to “green” developers who are already doing what is best for the environment by controlling water quality and retaining/detaining water runoff. The requirements to renew management plans every five years are also troublesome because future upstream developments by other parties can impact the performance of facilities that once had adequate management plans in place.

Moreover, the impact on the construction industry will further burden an industry that is already highly regulated by both state and federal guidelines dealing with water pollution. The construction industry must abide by guidelines and practices in place to avoid pollution to various water resources under existing federal and state laws, including but not limited to, the Clean Water Act, the National Pollutant Discharge Elimination System, and the Coastal Zone Management Act. The additional authorizations this bill proposes would allow implementation permits and management plans which will drive up the cost of doing construction, for both private and public projects. Section 342E-A regarding management plans would allow the director to “order in writing that any person . . . file a management plan application for approval by the director prior to discharging any water pollutant . . .” This requirement alone raises grave concerns regarding the added cost, the departments adequacy in processing time and added burden such a written management plan would require.

For these reasons, we respectfully request that the Committee hold this bill. Thank you for this opportunity to present our views on this measure.



Sierra Club Hawai'i Chapter

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

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT SENATE COMMITTEE ON HEALTH

March 14, 2013, 3:10 P.M.
(Testimony is 3 pages long)

TESTIMONY IN SUPPORT OF HB 903 HD2

Aloha Chair Gabbard, Chair Green, and Members of the Committees:

The Sierra Club, Hawaii Chapter, with over 10,000 dues paying members and supporters statewide, *supports* HB 903 HD1. This bill gives the Department of Health the process and tools to address Hawaii's critical nonpoint source water pollution problem.

Agricultural nonpoint runoff contributes greatly to contamination of both surface waters and ground water.

The domestic agricultural industry is a principal source of nonpoint pollutants. Fertilizer application rates increased sixty-eight percent between 1970 and 1981, and nitrates attributable to commercial fertilizers have been found in groundwater in every agricultural region of the United States. California, which uses more groundwater than any other state, has reported significant increases, and Iowa, the second largest consumer of nitrogen fertilizer, has concluded that nitrates in groundwater is a pervasive problem. In the southeastern part of Minnesota, it is reported that twenty to twenty-five percent of the people there use water that does not meet the relevant drinking water standards for nitrates.

Thinking about Nonpoint Sources of Water Pollution and South Dakota Agriculture, John H. Davidson, 34 S.D.L. Rev. 20 (1989). Annual soil loss in the United States exceeds six billion tons, with water erosion being the largest contributor.

Hawaii's fragile environment is particularly vulnerable to the impacts of nonpoint source erosion. Coral reefs can be smothered and killed quickly by soil runoff. Precious topsoil, once removed, can be irreplaceable. Groundwater sources can be quickly contaminated, thus eliminating future sources of drinking and irrigation water.

Our current system of voluntary adoption of best management practices does not work. The Sierra Club still receives numerous reports of runoff (see the attached photos). After a heavy rain, the nearshore waters become brown from soil erosion in certain areas as a result of human disturbance of the natural vegetation. There is no reporting, no transparency, and seemingly few results with our current system of nonpoint source reduction.

It's important to avoid demonizing the stakeholders in this issue. Many large landowners have been significant contributors to watershed protection efforts and have a sincere concern about Hawaii's longterm viability. But some farmers not know how to adopt best management practices, and may not prioritize the reduction of water runoff without guidance and sometimes a bit of prodding. This is simply human nature. This measure gives DOH the flexibility and process to better address one of Hawaii's critical environmental problems.

Mahalo for the opportunity to testify.







Mar. 13, 2013

Chairs & Members of Energy And Environment (ENE) & Health (HTH) Committees

RE: Strong Support for HB903 – Relating to Water Pollution

Hearing on Thur., Mar. 14, State Capitol, Conf. Rm. 225, 3:10pm.

Dear Chairs Gabbard and Green, Vice Chairs Ruderman & Baker and Committee Members,

My name is Stuart Coleman, and I am the Hawaii Coordinator of the Surfrider Foundation. With more than 5000 activists and members across the state, Surfrider's Hawaii Chapters strongly support passage of HB903. This bill is designed to address the issue of water pollution that is caused by leakage from cesspools and storm water runoff, which are the leading causes of contamination of our near-shore waters.

The Surfrider Foundation is an environmental non-profit dedicated to the protection of the world's oceans and beaches, and water quality has always been one of our top priorities since our inception in 1984. Our Blue Water Task Force does water quality monitoring in Hawaii and across the country, and we have often collaborated with the Dept. of Health's (DOH) Clean Water Branch. The Hawaii Chapters were working with other environmental groups to draft legislation to deal with leaking wastewater systems and non-point source pollution. That's when we learned about this bill and decided to give it our full support.

According to the EPA, Hawaii has the highest number of cesspools per capita in the entire country, and this has created many water quality problems in rural, agricultural and coastal areas across the state. This bill would address the issue by empowering the Dept. of Health to: 1. Identify and work with businesses, homeowners and farmers whose wastewater treatment systems are leaking, dangerous and polluting state waters; 2. Work with these people to set up a management plan to deal with the problem by either upgrading to a septic system or hooking up to county sewer lines; 3. And finally, create a separate Water Pollution Control account to help fund efforts to mitigate the pollution from nonpoint sources and individual wastewater systems.

As most people know, DOH is tasked with some of the most important duties in the state to protect the health and well-being of the people and the environment, yet they are under-funded and under-staffed to do this work. By allowing the agency to assess penalties against those polluting our waterways and near-shore waters (most of whom do not pay sewer fees), this bill would create a desperately needed Water Pollution Control account to hire new staff to deal with this increasing problem. We may have some of the world's most pristine beaches, but we also have very high rates of water quality contamination and brown-water advisories.

The bill would also help homeowners, farmers and businesses come up with a wastewater management plan and mitigate the environmental and human health hazards associated with water pollution. Thanks for the opportunity to testify on this bill and feel free to contact me if you have any questions or concerns.

Sincerely,

Stuart H. Coleman
Hawaii Coordinator

Surfrider Foundation Hawaii Chapters * 2121 Algaroba St., #1107 * Honolulu, HI 96826
808-381-6220 * scoleman@surfrider.org * www.surfrider.org



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street • Honolulu, Hawaii 96819
Phone: (808) 848-2074 • Neighbor-Islands: (800) 482-1272
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March 14, 2013

SENATE COMMITTEES ON ENERGY AND ENVIRONMENT AND HEALTH

**TESTIMONY ON HB 903 HD2
RELATING TO WATER POLLUTION**

Room 225

3:10 PM

Chairs Gabbard and Green, Vice Chairs Ruderman and Baker, and Members of the Committees:

I am Dean Okimoto, President of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of approximately 2,000 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

HFBF strongly opposes HB 903 HD2 and respectfully requests that you hold this bill, which would put yet another unreasonable, unworkable, and costly bureaucratic hurdle in the way of food production in the islands.

Increased food and energy self-sufficiency is a priority in the State, supported by the Governor's New Day initiative, policymakers, and citizens island-wide. Minimizing excessive farming expenses is a basic requirement to enable our farmers and ranchers to remain viable and provide food, fiber, and energy that is a cornerstone to self-sufficiency.

Although we appreciate the need to protect streams from nonpoint pollutants, this bill is not the way to accomplish that goal. The bill requires that anyone who may have runoff from his property pay fees to obtain a permit from the Department of Health and comply with a management plan developed by the agency.

The proposed new permitting system is unnecessary, inappropriate, and will be extremely costly and burdensome for our local farmers.

This draft exempts properties under 10 acres, however; 98% of Hawaii's farm land would still be burdened by this bill. Thirty-five percent of farms in the state are over 10 acres.

Not feasible

Preventing all nonpoint “water pollution,” defined to include grass, water, and sand and soil particles, is impossible. Due to the pervasive and unrelenting forces of erosion, the Hawaiian islands are undergoing a natural process that will eventually transform them from high islands to low islands, atolls, and ultimately to submerged seamounts. **Farmers have no control over high winds and heavy rains and no amount of regulation, fees, or penalties (\$25,000/day!) will stop this natural process.**

Unnecessary

Existing water quality standards regulations already require farmers and other landowners to comply with strict requirements to prevent and control polluted runoff. In addition, DOH recently promulgated a new and extremely complicated pollutant discharge permit program that farmers and others statewide are still struggling to understand and get assistance with. To make matters worse, DOH itself does not appear to have the means to help the regulated community comply with this new regulation. Another layer of laws and regulations will add to the confusion and burden.

Inappropriate

HFBF was one of the dozens of stakeholders and other participants that worked for years to formulate a plan to control polluted runoff in Hawaii. The result of those efforts was “Hawaii’s Implementation Plan for Polluted Runoff Control,” a plan that integrated polluted runoff implementation activities under both the federal Clean Water Act and the Coastal Zone Reauthorization Act. The State engaged this broad group of stakeholders to develop a policy that would ensure that all polluted runoff control provisions were **effective and economically feasible**. The focus was on the development of a **voluntary, non-regulatory program**, the Pollution Prevention Plan (PPP) program.

The State promised stakeholders that “The State is committed to working with the agricultural community to develop a PPP program that is appropriate to Hawaii’s environmental and economic conditions and that meets water quality goals.” HB 903 HD2 does not work *with* the agricultural community, it works against us.

Nonpoint source pollution is defined very broadly and can come from any land anywhere. Rain water flooding off a farm should not be regulated in the same way as a “point source” of pollution, such as raw sewage coming from a toilet pipe discharging into a stream. Furthermore, determining the source of nonpoint pollution may be difficult, if not impossible.

Consider what happens throughout the islands during a heavy rain; even from areas without any human influence, soil runs off site and eventually ends up in the ocean, causing it to turn red or brown. Now picture the upper watershed, already eroded from feral animal activity and invasive plant species....downstream a ranch that has been impacted for years by drought...further downstream a residential development including parks, schools, and roadways. Will all of these landowners or managers need to get a permit? How will DOH determine whether a particular particle of soil came from natural causes or man-made ones?

Or will there be fines for both sources? How will DOH determine where the particle came from and who will be fined for violating his permit conditions?

Solution

Working with the USDA Natural Resource Conservation Service (NRCS) and the Hawaii Soil and Water Conservation Districts, farmers and ranchers develop conservation plans to control nonpoint source pollution and comply with Department of Health Water Quality Standard regulations. NRCS, along with the Districts, have decades of experience and on-the-ground expertise to develop workable and customized plans for farmers. Although the bill provides that farmers may submit their existing conservation plans for review by the director, the director is not required to approve a conservation plan as a substitute for the proposed DOH management plan. Furthermore, DOH would be allowed to impose additional control requirements, regardless of whether those requirements can be achieved by the farmer.

HFBF respectfully suggests that the current, proven conservation plan program be supported and continued, rather than launching into a new and complex DOH fee and fine-based regulatory program that threatens to regulate active farms and ranches in the same way that raw sewage from toilets is regulated.

Thank you for the opportunity to testify in **strong opposition** to this measure and thank you for your support of Hawaii's farmers and ranchers.

The Pacific Resource
PARTNERSHIP



Testimony of Cindy McMillan
The Pacific Resource Partnership

Senate Committee on Energy and Environment
Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair

Senate Committee on Health
Senator Josh Green, Chair
Senator Rosalyn H. Baker, Vice Chair

HB 903, HD2 – RELATING TO WATER POLLUTION
Thursday, March 14, 2013
3:10 p.m.
State Capitol – Conference Room 225

Aloha Chairs Gabbard and Green, Vice Chairs Ruderman and Baker and Members of the Committees:

The Pacific Resource Partnership (PRP) is a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters.

PRP **opposes** HB 903, HD2, Relation to Water Pollution, which establishes a separate Water Pollution Control account and authorizes the Director of Health to prescribe fees to help fund the operations of the Department of Health in managing pollution from nonpoint sources and individual wastewater systems.

PRP supports the protection of all Hawaii's fresh, marine and ground waters. To this end, the construction industry currently abides by the following existing laws and regulations to avoid pollution: the Clean Water Act, the National Pollutant Discharge Elimination System, and the Coastal Zone Management Act. We oppose this bill because it would duplicate the protective measures already in place on the state and federal levels. Responsible developers are already doing what is best for the environment by controlling water quality and retaining/detaining water runoff. Additional authorizations and layers of permitting fees are unnecessary and will drive up the cost of construction, for both private and public projects.

March 14, 2013

Testimony Opposing HB903, HD2 -- Relating to Water Pollution

Page 2

For these reasons, PRP respectfully requests that the Committees hold this bill. Thank you for this opportunity to share our views on this matter with you.

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Gottlieb	Hawaii Cattlemen's Council	Oppose	No

Comments: We strongly oppose this bill: • Don't regulate farms and ranches the same way you regulate sewage! • The proposed new permit program is not appropriate for agriculture. • The bill is not necessary and adds another layer of fees and required permits for farmers and ranchers • Runoff from farms and ranches is already regulated under current Department of Health water quality standards regulations and the mechanism for enforcement already exists. • Hawaii's farmers and ranchers, including our local food producers, cannot deal with more bureaucratic paperwork; this creates a whole new system WITH FEES that farmers and ranchers will have to pay to get a permit just to farm. • No matter how good farmers and ranchers practices are, if it rains hard enough, some soil will move off farm and ranch property---the current rules take this into account and regulate it accordingly. • We can't afford another fee-based permitting program that takes us away from farming and ties us up with more paperwork. • Instead, why not help us get conservation plans in a timely manner, by supporting funding for the Soil and Water Conservation Districts.

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	MCFB	Oppose	No

Comments: Existing procedures require conservation plans many of which are prepared for landowners to comply with county ordinance. While agreed to, there is no funds for follow up as current funding is needed to complete new plans Mechanisms to address these issues must be established before creating regulations to control severe events which result in the most brown water. Even the best designed systems can be overwhelmed during the instantaneous heavy downpour

HB903

Submitted on: 3/14/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Whalen	Hawaii Agriculture Research Center	Oppose	No

Comments: Please oppose this measure. Recognize we live on an island with steep mountain slopes and short flat lands created by the erosion of those mountains. During our tropical heavy rains it is impossible to stop all the flow off the mountain ranges. Farmers install conservation measures to reduce run off. It can not be stopped in total unless you form moats around the islands. Support the organizations working on conservation plans. That is how to get the best results!!

HB903

Submitted on: 3/14/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Marrone	BIA Hawaii	Oppose	No

Comments:

HB903

Submitted on: 3/14/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Weidenbach	Hawaii Aquaculture and Aquaponics Association	Oppose	No

Comments: This bill would enable rules to be established and fees charged that could negatively impact Hawaii's agriculture operations including aquaculture and aquaponics operations, and also negatively impact rural farming communities not serviced by public sewage systems, whose residents are dependent upon approved individual wastewater treatment systems already installed at considerable cost to such residents. This bill could easily result in unreasonable additional costs to Hawaii's rural farming communities already struggling to remain economically viable, resulting in the unintended consequence of further hindering the State's efforts to support local farmers and increase local food production. The farm management plans of the USDA Natural Resource Conservation Service already adequately address such nonpoint pollution issues in a reasonable manner. This additional burden on Hawaii's agricultural community is unnecessary, burdensome, and ill-advised. Agriculture and rural communities should be supported, not burdened with additional rules, costs, and the threats of high fines and jail time. Support Hawaii's rural communities and farmers and ranchers and oppose this unnecessary and over-reaching legislation.

measure HB 903, HD2

Testimony submitted in favor of the Water Pollution Control account proposed by this measure, hearing on Thurs. Mar 14, 3:10. Pollution management is a continuing concern in our islands, and proper funding is necessary to allow the Dept. of Health to effectively manage water pollution from nonpoint sources and individual wastewater systems. If these systems are not managed correctly, with attentive care, wastewater endangers habitats on land and in the ocean. The Department of Health has the resources and manpower to manage these issues, and these fees are a method of investing in the work that only this agency can do to keep our environment clean. Please vote in favor of this bill, to protect our land from toxicity.

Cheers!

Lindsey Kesel
808.783.5611



Sustainable Coastlines Hawaii
Director of Communications
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Word Rescue Company
Writer/Editor
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HB903

Submitted on: 3/12/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan M Toothman	Bear Engineering	Support	No

Comments: I support this bill as a licensed civil engineer who designs septic systems on Oahu. Many individuals with cesspools do not have the money to upgrade, many are house rich but cash poor. They bought in these areas a long time ago but have never had any large sums of money even though their house is now worth a lot due to real estate appreciation. Lastly, I come across so many people who NEVER pump their cesspool, in fact, they don't even know where it's at. Most believe this means their system is working fine. Bottom line, it's the "wild west" out there with regards to individual wastewater systems and additional regulation is needed to make sure the environment and adjacent neighbors are being protected. Going overboard on regulation is not helpful but I believe this bill provides just the amount of oversight. Aloha, Nathan M. Toothman, P.E. Owner, BEAR Engineering



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**HB 903 HD2
RELATING TO WATER POLLUTION**

**SEAN O'KEEFE
DIRECTOR – ENVIRONMENTAL AFFAIRS
ALEXANDER & BALDWIN, INC.**

MARCH 14, 2013

Chair Gabbard, Chair Green and Members of the Senate Committees on Energy & Environment and Health:

I am Sean O'Keefe, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on HB 903 HD2, "A BILL FOR AN ACT RELATING TO WATER POLLUTION." We respectfully oppose this bill.

The proposed "management plan" requirement contained in this bill appears similar to a permit system that may impose a massive new regulatory program upon a vast regulated community which could include virtually every farm or plot of land greater than 10 acres in size and every activity on that land upon which rain might fall or from which water might flow. Although the proposed management plan requirement would be triggered "when the director finds that an area has nonpoint source pollution that is impairing state waters", the term "area" is not defined and may be broadly interpreted to encompass entire watersheds, coastal segments, or other vast expanses of land. Moreover, any landowner or other person within such an undefined "area", with limited exceptions, may be ordered to develop a management plan regardless of whether that person is actually contributing to the water quality impairment identified by the director.

Of particular concern, the bill may impose an additional layer of costly regulation upon Hawaii's farmers and ranchers, many of whom already support and/or participate in non-regulatory water pollution prevention programs through their local Soil and Water Conservation Districts. According to agricultural census data from the United States Department of Agriculture, the average size of a farm in Hawaii is 148 acres, and more than 35 percent of Hawaii's farms are larger than 10 acres in size. Thus, a significant percentage of Hawaii's 7,500 farms, and more than 98 percent of its 1.1 million farm acres, may be impacted by this bill. This new permit requirement for farmers would be in addition to an existing water pollution control permit requirement that went into effect scant months ago and which many farmers are struggling to understand and comply with. Although the bill provides that farmers may submit their existing conservation plans for review by the director, it does not require the director to approve any existing conservation plan as meeting the proposed management plan requirement, and would allow the director to impose additional pollution control requirements beyond what may be reasonably achievable by a farming operation. Conservation practices applied by farmers are based on guidance developed over many years by professionals within the U.S. Department of Agriculture, Natural Resource Conservation Service with expertise in both agriculture and water pollution control. Conservation plans are reviewed and approved by the local Soil and Water Conservation Districts and, when properly implemented, are the most cost-effective means of controlling polluted runoff from farm land. We believe that this proposed new permit program is unnecessary, unreasonably broad in scope and is an inappropriate means for controlling pollution from nonpoint sources.

The proposed bill would amend Chapter 342E, HRS to require any person ordered by the director to submit an application for approval of a management plan and obtain management plan approval prior to discharging any water pollutant into state waters from a nonpoint source. The proposal would allow the director to make the plan "subject to any reasonable conditions", would provide authority for the director to deny an application for issuance of a "management plan", or to suspend or revoke approval, would require public notice of each application, and would provide authority to issue a cease and desist order against "activities" that violate the proposed provisions.

The proposed "management plan" program appears similar to a massive new permitting program that may impose permitting requirements on virtually any activity which occurs on land and which could result in polluted runoff. Everything from farms to forest lands, golf courses to parks, urban areas to marinas, and a wide variety of land uses in between are recognized as potential sources of nonpoint source pollution.

This bill should also be of serious concern for any owner of land within the state's 800,000 acres of forest reserves and two million acres of conservation lands. Many such landowners, including A&B, already participate in watershed partnerships intended to address invasive species, feral ungulates, and other contributors to soil erosion and nonpoint source pollution in these areas. All participants in such partnerships are keenly aware of the immense challenges, and associated expense, posed by attempting to address these issues even on a very limited basis in these vast areas of the islands. Under this proposal, land upon which no active use is currently taking place (e.g., fallow agricultural land, conservation land, forest reserves – all of which are potential sources of nonpoint source pollution) may be subject to the permit requirement. It is unclear

what action landowners would be required to “cease and desist” in the event that they are unable to obtain approval for a “management plan” on land that is not being put to any use but which is nevertheless a potential source of polluted runoff (e.g., due to landslides, forestland runoff, the presence of ungulates, and other natural sources of water pollutants).

In developing schemes for regulating point and nonpoint source pollution under the Clean Water Act, Congress recognized that there are fundamental differences between point and nonpoint source pollution which warrant fundamentally different approaches to controlling them. While a permit system (the National Pollutant Discharge Elimination System (NPDES)) was developed and implemented to control pollutant discharges from “point sources” (i.e., sources which discharge pollutants to waterways through a pipe or similar conveyance), such a program was deemed inappropriate and infeasible as a means of controlling nonpoint source pollution, due to the sheer number and widely disparate nature of nonpoint sources. Instead, alternate approaches for controlling these sources have been developed.

Hawaii’s Implementation Plan for Polluted Runoff Control, prepared under the authorities of the Coastal Zone Management Act and the Clean Water Act, provides the blueprint for controlling nonpoint source pollution within the state of Hawaii. This plan was developed over several years through a cooperative process involving public participation by a wide range of stakeholders, including state, federal and county government, agriculture, citizen’s and environmental groups, and many others. The plan has guided the Department of Health’s nonpoint source pollution control program for more than a decade, and outlines appropriate management measures for

addressing a variety of nonpoint sources. With respect to agriculture, the plan calls for the state to “focus on the development of a voluntary, non-regulatory program and a back-up authority for agricultural operations and lands”. According to the plan, “the State seeks to develop a non-regulatory program, called the Pollution Prevention Plan (PPP) program, that builds upon the success of conservation plans currently prepared by operators (and) approved by Soil and Water Conservation Districts (SWCD’s)”. Similar non-regulatory approaches are identified for various other nonpoint source pollution sources, including forestry. Approaches to nonpoint source pollution control developed through extensive public participation should not be tossed aside in favor of a strictly regulatory approach that is both inappropriate and infeasible for this purpose.

With respect to the proposed fees for individual wastewater systems, we note that the U.S. Environmental Protection Agency does not consider a properly designed, constructed, and maintained, septic system to be a significant source of water pollution. In fact, EPA often touts the replacement of cesspools with septic systems or the rehabilitation of failed septic systems as a “nonpoint source success story”, and has funded such projects with money specifically designated for nonpoint source pollution control. It appears unreasonable to impose fees on all individual wastewater systems for the pollution that a limited number of systems might “place in the public’s surface waters and groundwater” when in fact many individual wastewater systems are very well controlled and are not significantly contributing to surface or ground water pollution in the state. Moreover, while it is true that owners of individual wastewater systems do not pay sewer fees, the initial cost of installing an individual wastewater system can be substantial, and ongoing maintenance costs are also incurred by septic system owners.

Any savings realized on sewer fees may therefore be offset by the costs of installing and properly operating a septic system.

Based on the aforementioned, we respectfully request that this bill be held in Committee. Thank you for the opportunity to testify.

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
James S. Greenwell	Palani Ranch Company	Oppose	No

Comments:

HB903

Submitted on: 3/14/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
James Gomes	Ulupalakua Ranch	Oppose	No

Comments:

HB903

Submitted on: 3/14/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Unger	McCandless Ranch	Oppose	No

Comments: The State of Hawaii is suppose to be helping farmers and ranchers, not putting them out of business. This bill will put ag producers out of business.

HB903

Submitted on: 3/14/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Harry von Holt	Ponoholo Ranch, Ltd	Oppose	No

Comments:

HB903

Submitted on: 3/14/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Corey Gillins	Big Island Dairy	Oppose	No

Comments:

HB903

Submitted on: 3/14/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Roland Silva	Ka'ala Ranch	Oppose	No

Comments:

TESTIMONY ON HB 903 HD2

Senate Committee

I strongly support this bill which would provide adequate funding to finance the needed inspection and oversight to assure that wastewater systems are constructed and operated satisfactorily.

As a former state regulator of wastewater systems and now a consultant engineer for AECOM, Inc., I cannot over emphasize the need to assure that wastewater systems are constructed and operated satisfactorily. The alternative would result in failing wastewater systems especially those that are underground (out of sight) leading to public health hazards and environmental degradation to Hawaii's fresh drinking water supplies and pristine shoreline waters. Thousands of septic tank systems that have been installed over the last ten to twenty years are now in critical stages, if these systems are not inspected, many will result in failures. We cannot afford to continue to close our eyes to this emerging problem. Hawaii is too precious to neglect.

Thank you for the opportunity to provide input.

Aloha, Dennis Tulang

HB903

Submitted on: 3/12/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
David Henkin	Individual	Support	No

Comments:

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Silvestre Ulep, P.E.	Individual	Support	No

Comments: I support subject HB 903 as an engineer involved in the design And construction of IWSs. Proper installation of IWS would be improved if DOH inspectors are available to insure the DOH-approved plans and specifications are being followed in the field. Sometimes field conditions necessitates field adjustments to the design which are not readily resolved by the design engineer. DoH inspectors would help check necessary changes in the field by working with engineer and contractor for the benefit of the Owner.

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth McDermott	Individual	Support	No

Comments: Our islands are uniquely vulnerable to nonpoint source pollution, pollutants here expressed rapidly from mauka to makai, soaking through our porous soils toward critical groundwater supplies and out to our beaches and reefs, which few other states depend on so heavily. With Hawaii predicted to experience an accelerating cycle of drought followed by downpour it is more essential than ever that we find ways to contain the spread of NPS pollution. This bill would give DOH the resources and authority it has long needed to identify our most threatened watersheds and work with landowners in those areas to assist them with implementing mitigation measures to contain dangerous pollutants running off their land. No one benefits from uncontrolled runoff, least of all farmers who also lose precious topsoil. This is a positive, proactive approach that will encourage the sharing of best management practices. This bill simply helps DOH better manage what they do best, identify and mitigate the spread of dangerous pollutants that may harm our environment and public health, so farmers can get back to doing what they do best, growing our food. From farm to range to reef, we should all be working together to keep Hawaii healthy.

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Audwin calairo	Individual	Oppose	No

Comments: I oppose HB 903 HD2

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Ray Foster	Individual	Oppose	No

Comments:

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Alicia Bicoy	Individual	Oppose	No

Comments: This bill will make farming and ranching almost impossible. There is no sustainability without farming and ranching in Hawaii! Stop making our lives here regulated and support our need to be independent and self sustainable!!

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Funayama	Individual	Oppose	No

Comments:

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Piilani Augustiro	Individual	Oppose	No

Comments: I OPPOSE THIS BILL

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Joan F Lasua	Individual	Oppose	No

Comments: everyone is always screaming about being sustainable in Hawaii yet they want to place unwarranted restrictions and laws on the ranches and farms that feed them.....doesn't make sense

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Lawrence Lasua	Individual	Oppose	No

Comments: We strongly oppose this bill: • Don't regulate farms and ranches the same way you regulate sewage! • The proposed new permit program is not appropriate for agriculture. • The bill is not necessary and adds another layer of fees and required permits for farmers and ranchers • Runoff from farms and ranches is already regulated under current Department of Health water quality standards regulations and the mechanism for enforcement already exists. • Hawaii's farmers and ranchers, including our local food producers, cannot deal with more bureaucratic paperwork; this creates a whole new system WITH FEES that farmers and ranchers will have to pay to get a permit just to farm. • No matter how good farmers and ranchers practices are, if it rains hard enough, some soil will move off farm and ranch property---the current rules take this into account and regulate it accordingly. • We can't afford another fee-based permitting program that takes us away from farming and ties us up with more paperwork. • Instead, why not help us get conservation plans in a timely manner, by supporting funding for the Soil and Water Conservation Districts. Governor Abercrombie and the legislature have pledged to support local agriculture --- tell them this is not the way to h

HB903

Submitted on: 3/13/2013

Testimony for ENE/HTH on Mar 14, 2013 15:10PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Galimba	Individual	Oppose	No

Comments: although soil in run-off is a serious problem in certain locations, this is a bill that penalizes all farmers and ranchers by imposing a costly layer of permitting and regulation

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Submitted By	Organization	Testifier Position	Present at Hearing
Dustin Cole	Individual	Oppose	No

Comments: This bill would have huge impacts on all farms and ranches across the State of Hawaii. No matter how good farmers and ranchers practices are, if it rains hard enough, some soil will move off farm and ranch property---the current rules take this into account and regulate it accordingly.

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Submitted By	Organization	Testifier Position	Present at Hearing
Phil Becker	Individual	Oppose	No

Comments: Are you kidding me? This is the most outrageous bill I have ever seen. Are you guys trying to put us farmers out of business or what? You're going to fine us when we have a heavy rain and the water runs off our land. And don't say you won't because you'll find a way to do so. Why not try to help save the farming business instead of harrasing us all the time. There enough rules and regulations out there already. Enough already.

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Submitted By	Organization	Testifier Position	Present at Hearing
britt craven	Individual	Oppose	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Michael Bryan	Individual	Oppose	No

Comments: There are plenty enough rules and regs that regulate non point source pollution. This is just an added cost that will severely hamper the ability of the State to become more self sufficient.

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Submitted By	Organization	Testifier Position	Present at Hearing
Jill J Mattos	Individual	Comments Only	No

Comments: We as ranchers love the land which has been given to us, we try to be good stewards of the land. At times "MOTHER NATURE" controls and the land gets damaged. Please do not make another rule which will end up being a hardship and put more ranchers and farmers out of business.

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Submitted By	Organization	Testifier Position	Present at Hearing
Stacie Francis		Oppose	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Jan Dean	Individual	Oppose	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
David Cerny	Individual	Oppose	No

Comments: This bill if passed will affect farmers and ranchers adversely. If the Governonr wants to support farmers and ranchers so that we can move away from dependency on mainland food sources, then this bill will not help. Please do not pass this bill and instead look at some measures to help people here in the state become less dependent on food being brought in by boat. By adding layers of fees and paperwork to the already existing fees and permits you are adding undue costs of time and money to the people that are trying to make a difference here.

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Submitted By	Organization	Testifier Position	Present at Hearing
Gene Bennett	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Kristin	Individual	Oppose	No

Comments: Farmers and ranchers are already burdened with regulations for every aspect of their operations. This bill will only make it more difficult to farm or ranch in a place where it is already challenging to survive in these businesses.

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Submitted By	Organization	Testifier Position	Present at Hearing
Phyllis S. Geiser	Individual	Oppose	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Mae Nakahata	Individual	Oppose	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Denise Hayashi	Individual	Oppose	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Erin Mc Iver	Individual	Oppose	No

Comments: I strongly oppose this bill: · The proposed new permit program is not appropriate for agriculture. · No matter how good farmers and ranchers practices are, if it rains hard enough, some soil will move off farm and ranch property---the current rules take this into account and regulate it accordingly Get rid of this bill!

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Submitted By	Organization	Testifier Position	Present at Hearing
Rosemary Aldridge	Individual	Oppose	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
ANDREA TALON	Individual	Oppose	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Alex Franco		Oppose	No

Comments: There are present practices in place to minimize run off through USDA NRCS. This bill does not create sound AG policy and will hurt local production of food.

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Submitted By	Organization	Testifier Position	Present at Hearing
Gregory Friel	Individual	Oppose	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Ashley M. Stokes	Individual	Oppose	No

Comments: This bill does not support Hawaii's agriculture and should be opposed. *Runoff from farms and ranches is already regulated under current Department of Health water quality standards regulations and the mechanism for enforcement already exists.* The proposed new permit program is not appropriate for agriculture. The bill is not necessary and adds another layer of fees and required permits for farmers and ranchers

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Submitted By	Organization	Testifier Position	Present at Hearing
Lee Aldridge	Individual	Oppose	No

Comments: I wish to thank the ENE/HTH Committees for this opportunity to submit testimony on HB 903. I strongly OPPOSE HB903 for the following reasons: · The law should not be structured to regulate farms and ranches the same way that one would regulate sewage! · The proposed new permit program in HB903 is not appropriate for agriculture. · HB903 is not necessary and adds another layer of fees and required permits for farmers and ranchers · Runoff from farms and ranches is already regulated under current Department of Health water quality standards regulations and the mechanism for enforcement already exists. · Hawaii's farmers and ranchers, including our local food producers, cannot deal with more bureaucratic paperwork; this creates a whole new system WITH FEES that farmers and ranchers will have to pay to get a permit just to farm. This means higher food prices for all Hawaii residents. · No matter how good farmers and ranchers practices are, if it rains hard enough, some soil will move off farm and ranch property and the current rules take this into account and regulate it accordingly. · Farmers and ranchers (in fact, all of us) cannot afford another fee-based permitting program that takes farmers/ranchers away from farming/ranching and ties them up with more paperwork. Instead of all the regulations, permits, fees, and fines found in HB903, why not help Hawaii's farmers and ranchers get conservation plans in a timely manner, by supporting funding for the Soil and Water Conservation Districts.

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Submitted By	Organization	Testifier Position	Present at Hearing
Dwayne Cypriano	Individual	Oppose	No

Comments: OPPOSE