



STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY
CONTROL

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HOUSE COMMITTEE ON HEALTH

HOUSE COMMITTEE ON ENGERY & ENVIRONMENTAL PROTECTION

H.B 912, RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Testimony of Gary Gill
Acting Director of the Office of Environmental Quality Control

February 13, 2013
10:30 A.M.

1 **Office's Position:** The Office of Environmental Quality Control strongly supports H.B. 912.

2 **Fiscal Implications:** This bill will generate additional funds to improve the State's efforts to
3 protect our fragile, beautiful environment, as mandated by Chapter 343, HRS.

4 **Purpose and Justification:** H.B. 912 establishes fees to support OEQC's efforts to create and
5 maintain a much needed data-base to keep vital records of the environmental process with
6 respect to major land use projects and their environmental, social and economic impacts. The
7 fees will also support education outreach and training to State and County agencies, consultants,
8 stakeholders, and general public. Finally, the fees will allow OEQC to hire staff and conduct
9 environmental stewardship research. Additional staff will assist OEQC fulfill its statutory
10 functions which has been a challenge with existing resources and staff.

11 A working group of consultants, developers, and environmental groups, formed under the
12 auspices of the Senate Energy and Environment Committee on February 12, 2010, was

1 established to develop recommendations to improve Hawai'i's environmental review system,
2 specifically HRS Chapters 341 and 343. One of the recommendations by the working group is
3 the creation of the Environmental Review Special Fund to enhance the OEQC budget and
4 support office and Environmental Council activities.

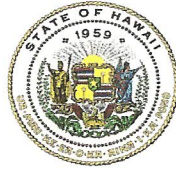
5 **Relation to the New Day Plan:** This bill supports enhancement of the Environment and Natural
6 Resources.

7 **Relation to the Department of Health Strategic Plan:** This measure supports Clean and
8 Sustainable Environments; the goal is to create social and physical environments that promote
9 and support good health for all.

10 I strongly urge your committee to approve this measure.

11 Thank you for the opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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OEQC DIRECTOR (EX-OFFICIO)

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STATE OF HAWAII
ENVIRONMENTAL COUNCIL
235 SOUTH BERETANIA STREET, SUITE 702
HONOLULU, HAWAII 96813

February 13, 2013

Representative Della Au Belatti, Chair
House Committee on Health and
Representative Chris Lee, Chair
House Committee on Energy and Environmental Protection, and
Committee Members
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: House Bill 912 Relating to the Office of Environmental Quality Control
Testimony in Strong Support

Aloha Chairs Belatti and Lee, and Members of the Committees:

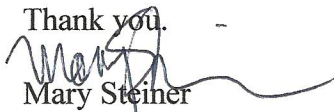
On behalf of the members of the Environmental Council, I am pleased to submit this written testimony in in strong support of House Bill 912. The funds collected in the environmental review special fund will allow the Office of Environmental Quality Control (OEQC) to fund activities in the office and of the council.

As I am sure most of you are aware, OEQC is both underfunded and understaffed and has been for many years. This infusion of funds will help to support technology systems and provide outreach and training to other agencies resulting in a better understanding of our state's environmental review system and ultimately in a better environment for Hawaii's residents and visitors.

Although I cannot speak to the fees specifically called for in the proposed bill, we believe that providing for the council to set the fee structure in conjunction with the office makes a lot of sense. Although not all of the agencies will be in favor of paying for OEQC's supportive function, we believe that they will come to appreciate the results.

Please pass this bill!

Thank you.


Mary Steiner
Chair



HB912
RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL
House Committee on Health
House Committee on Energy & Environmental Protection

February 13, 2013

10:30 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB912, which would create a special fund and fee system to support the Office of Environmental Quality Control (OEQC), the state agency tasked with implementing Hawai'i's environmental review process. OHA supports the creation of a filing fee schedule that applies to environmental review documents supporting large-scale projects, with moneys going to support the dissemination of information and public education related to environmental review.

HB 912 provides a funding source to support the work of OEQC and the public's review of environmental effects. To this end, HB912 establishes a process to be carried out by OEQC, in consultation with the Environmental Council, for establishing filing fees for environmental review documents that are filed with OEQC. The bill also establishes an environmental review special fund and identifies uses for which environmental fund moneys can be used.

Although the OEQC fulfills its obligation to issue notices of projects with a pending permit application or compliance review, HRS §341-4 requires the OEQC Director to take an active role in a variety of areas concerning environmental quality, such as furthering public education and directing research of the university toward broad environmental policies. The funds generated from an environmental document filing fee would provide support for OEQC to fulfill its statutory mandates and take additional action to maintain environmental quality in Hawai'i.

While we wholeheartedly support the establishment of the fee structure for environmental review documents, we do have concerns regarding the applicability of the fee exemption contained in Section 2 (pg. 3, lines 11-17) of the bill. The three requirements for obtaining a fee waiver may need to be expanded to avoid an undue burden on small projects that meet some, but not all, of the waiver requirements.

Therefore, OHA urges the committees to **PASS** HB912. Mahalo for the opportunity to testify on this important measure.



**Testimony to the House Committees on Health and Energy and
Environmental Protection
Wednesday, February 13, 2013
10:30 am
State Capitol - Conference Room 329**

**RE: HOUSE BILL NO. 912 RELATING TO THE OFFICE OF ENVIRONMENTAL
QUALITY CONTROL (OEQC)**

Chairs Lee and Au Belatti and Vice Chairs Thielen and Morikawa, and members of the committees:

The Chamber of Commerce of Hawaii **opposes H.B. No. 912** as proposed. The bill proposes allow the OEQC to maintain its data-base system being requested in the OEQC's budget for the 2013-2014 fiscal year. Various fees shall be imposed on applicants who submit various documents required pursuant to Chapter 343, HRS.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

This is an Administration bill that appears to focus on developing a data-base system for OEQC. However, the bill itself seems to go beyond simply raising funds to pay for a data-base system as the bill allows for the funds raised through these proposed fees to be used for the following:

1. Fund the activities of the office and the council in fulfillment of their duties pursuant to this chapter and chapter 343, including servicing of agency documents relating to the environmental review process, administrative support including staffing, and office expenses;
2. Support technology, maintain technology systems, and develop technology training programs; and
3. Support outreach, training, education, and research programs pursuant to section 341-4.

While there would probably be support to automate and improve access to information collected by OEQC thru the Chapter 343 HRS process, the bill does not limit the funding nor propose a budget for the data-base system being proposed. The bill also expands the use of these fees for staffing and other programs within OEQC.

As proposed, the bill essentially allows OEQC to balance its budget on the entities filing environmental documents required under Chapter 343 HRS. Recognizing that the Chapter 343 HRS process is a “public disclosure process,” it would appear unreasonable for applicants to essentially pay for the entire cost of compliance with the Chapter 343 HRS process since other entities benefit from the information being managed and disclosed by OEQC.

Thank you for this opportunity to express our views.



CONSERVATION COUNCIL FOR HAWAI'I

Testimony Submitted to the House Committee on Health
and House Committee on Energy and Environmental Protection
Hearing: Wednesday, February 13, 2013 10:30 am
Room 329

In Support of HB 912 Relating to the Office of Environmental Quality Control

Aloha. The Conservation Council for Hawai'i supports HB 912, which establishes filing fees to help fund operations of the Office of Environmental Quality Control; creates a special fund and authorizes expenditures out of the special fund; and provides for a lag time for collection of fees.

The OEQC is an important office that provides an essential service to Hawai'i people, government agencies, and the business community. It is seriously underfunded and understaffed. In addition, it seeks to update its information system for the benefit of all. The OEQC needs to be adequately funded. SN 1143 is an important step toward this goal.

Please support HB 912. Mahalo nui loa for the opportunity to testify.

Sincerely,

Marjorie Ziegler



Hawai'i's Voice for Wildlife – *Ko Leo Hawai'i no na holoholona lohiu*

Telephone/Fax 808.593.0255 • email: info@conservehi.org • web: www@conservehi.org

P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 220 • Honolulu, HI 96814

President: Hannah Springer * Vice-President: Julie Leialoha * Treasurer: Bianca Isaki * Secretary: Wayne Tanaka

Directors: Rick Barboza * Lida Pigott Burney * Maka'ala Ka'auomoana * Koalani Kaulukukui * Robin Kaye

Executive Director: Marjorie Ziegler

Aloha: As I am sure most of you are aware, OEQC is both underfunded and understaffed and has been for many years. The funds provide by this Bill will help to support new technology systems necessary to provide the public and other agencies with faster online access, and a better understanding of our state's environmental review system. It is totally consistent with the Governor's objectives to increase technological access to State government activities, and promotes open government.

The measure will only affect those projects involving over \$500,000, businesses making over \$1,000,000 a year and businesses with greater than ten employees, thereby minimizing any impacts to small businesses or nonprofit organizations.

Sincerely,
Chuck Prentiss, President, HTF

BIA-HAWAII

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"Building Better Communities"

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Scotty Anderson

Pacific Rim Partners

W. Bruce Barrett

Castle & Cooke Homes Hawaii, Inc.

Testimony to the House Committees on Energy and Environmental Protection, and Health

Wednesday, February 13, 2013

10:30 am

State Capitol - Conference Room 329

RE: H.B. 912, RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL (OEQC)

Dear Chairs Lee and Au Belatti, Vice Chairs Thielen and Morikawa, and members of the committees:

My name is Gladys Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii), the voice of the construction industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, affiliated with the National Association of Home Builders.

BIA-Hawaii **opposes** H.B. 912, as proposed. The bill proposes to allow the OEQC to maintain its data-base system being requested in the OEQC's budget for the 2013-2014 fiscal year. Various fees shall be imposed on applicants who submit various documents required pursuant to Chapter 343, HRS.

This is an Administration bill that appears to focus on developing a data-base system for OEQC. However, the bill itself seems to go beyond simply raising funds to pay for a data-base system as the bill allows for the funds raised through these proposed fees to be used for the following:

1. Fund the activities of the office and the council in fulfillment of their duties pursuant to this chapter and chapter 343, including servicing of agency documents relating to the environmental review process, administrative support including staffing, and office expenses;
2. Support technology, maintain technology systems, and develop technology training programs; and
3. Support outreach, training, education, and research programs pursuant to section 341-4.

While there would probably be support to automate and improve access to information collected by OEQC through the Chapter 343 process, the bill does not limit the funding nor propose a budget for the data-base system being proposed. The bill also expands the use of these fees for staffing and other programs within OEQC.

Representatives Lee and Au Belatti, Chairs
Committees on Energy and Environmental Protection and Health
Wednesday, February 13, 2013
H.B. 912

As proposed, the bill essentially allows OEQC to balance its budget on the entities filing environmental documents required under Chapter 343 HRS. Recognizing that the Chapter 343 HRS process is a “public disclosure process,” it would appear unreasonable for applicants to essentially pay for the entire cost of compliance with the Chapter 343 HRS process since other entities benefit from the information being managed and disclosed by OEQC.

Based on the foregoing reasons, BIA-Hawaii respectfully **opposes** H.B. 912, as proposed.

Thank you for this opportunity to express our views.

thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 13, 2013 6:35 AM
To: EEPtestimony
Cc: mfox@tnc.org
Subject: Submitted testimony for HB912 on Feb 13, 2013 10:30AM

HB912

Submitted on: 2/13/2013

Testimony for EEP/HLT on Feb 13, 2013 10:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Fox	The Nature Conservancy	Support	Yes

Comments: The Nature Conservancy supports the fee structure proposed in HB 912 as a reasonable and appropriate means to support the necessary operations of the State Office of Environmental Quality Control to deliver its important review and evaluation services for the benefit of the people and the environment of Hawai'i.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



Sierra Club Hawai'i Chapter

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

HOUSE COMMITTEE ON HEALTH HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 13, 2011, 10:30 A.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 912

Chair Belatti, Chair Lee, and members of the Committees:

The Sierra Club, Hawaii Chapter, with over 10,000 dues paying members and supporters statewide, *supports* HB 912. This measure implements working group recommendations to establish a special fund to support the Office of Environmental Quality Control through the careful application of user fees.

In 2010, this Legislature assembled the Environmental Review Working Group, which brought together a wide range of stakeholders to evaluate and recommend approaches to improve Hawai'i's environmental review process. Despite the diversity of viewpoints -- representing business, agencies, and environmental nonprofits -- there was *unanimous* agreement that the Office of Environmental Quality Control needed basic reforms and funding to adequately function. Ensuring the agency has access to appropriate resources benefits everyone, whether they be developer or conservationist.

The proposal presented before you is the work of several weeks of discussions and compromise. We believe it important to keep this recommendation largely intact, particularly the agreement that this fund would supplement OEQC's budget and not replace it.

We respectfully ask this Committee to move this bill forward. Mahalo for the opportunity to testify.



UNIVERSITY
of HAWAII®
MĀNOA

February 12, 2013
RL: 2298

HB 912
RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

House Committee on Energy & Environmental Protection
House Committee on Health
Public Hearing – Wednesday February 13, 2013
10:30 a.m., State Capitol, Conference Room 329

By
David Penn, Environmental Center
SUPPORT

Dear Chairs Lee and Belatti, Vice Chairs Thielen and Morikawa, and committee members,

HB 912 provides measures that would help the Office of Environmental Quality Control (OEQC), the Environmental Center, the Environmental Council, and their partners and constituents to more efficiently and effectively achieve the objectives of Chapter 343, and to better integrate the environmental review process with the broader pursuit of our state's environmental quality goals. It is standard practice for other state and county agencies in Hawaii to support essential, mandatory program operations through similar measures, and several other states collect filing fees to support the processing of environmental review documents.

The Hawaii Environmental Quality Control Act (1970) created a mandate for OEQC, the Environmental Center, and the Environmental Council to work together to “stimulate, expand, and coordinate efforts to determine and maintain the optimum quality of the environment of the State.” Haw. Rev. Stat. § 341-1. The Act assigned statutory duties to OEQC and the Environmental Council that go far beyond their shared administration of the state's environmental review process under Chapter 343 (*see* Haw. Rev. Stat. §§ 341-4(b) and 341-6),

however existing resources are inadequate for the full suite of tasks at hand. The Environmental Council is a volunteer organization that relies solely upon OEQC and Department of Health discretion for budget and staffing, and the Environmental Center's position count for permanent faculty is down to one.

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.