

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY
CONTROL

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HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

HOUSE COMMITTEE ON HEALTH

S.B. 1143, SD2, RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY
CONTROL

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

March 12, 2013

- 1 **Office's Position:** The Office of Environmental Quality Control strongly supports S.B. 1143, SD2.
- 2 **Fiscal Implications:** This measure will generate an estimated \$90,900 annually to improve the
- 3 State's efforts to protect our fragile environment, as mandated by Chapter 343, HRS.
- 4 **Purpose and Justification:** S.B. 1143, SD2, establishes the environmental review special fund.
- 5 The fund will enhance OEQC's document storage capacity, improve geographic information
- 6 systems, facilitate transactions with project proponents, simplify communications with the
- 7 general public, and support the governor's Hawai'i Open Data initiative. Over the last five
- 8 years, OEQC published an annual average of 230 environmental studies in its bi-monthly issue
- 9 of The Environmental Notice. The number of environmental studies submitted to OEQC for
- 10 publication has been relatively consistent over the years. Therefore, OEQC is confident that the
- 11 fee schedule we propose will be stable and predictable.
- 12 **Relation to the New Day Plan:** This bill supports enhancement of the Environment and Natural
- 13 Resources.

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

4 Thank you for the opportunity to testify.

**Testimony to the House Committees on
Energy and Environmental Protection, and Health
Tuesday, March 12, 2013
8:30 am
State Capitol - Conference Room 325**

**RE: SENATE BILL NO. 1143 SD 2 RELATING TO THE OFFICE OF
ENVIRONMENTAL QUALITY CONTROL (OEQC)**

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

The Chamber of Commerce of Hawaii **opposes S.B. No. 1143 SD2 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 the funds raised through these proposed fees 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.



Sierra Club Hawai'i Chapter

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

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION HOUSE COMMITTEE ON HEALTH

March 12, 2013, 8:30 A.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF SB 1143 SD2 WITH PROPOSED AMENDMENTS

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

The Sierra Club, Hawaii Chapter, with 10,000 dues paying members and supporters statewide, **supports** SB 1143 SD2. This measure implements the recommendation to establish a special fund to support the Office of Environmental Quality Control from the Environmental Review Working Group.

Three years ago, this Committee 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.

This proposal 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.

To that end, we **propose reinserting the specific dollar amounts specified in the SD1 draft and inserting an appropriate effective date.**

Mahalo for the opportunity to testify.

thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 08, 2013 5:57 PM
To: EEPtestimony
Cc: mz@conservehi.org
Subject: *Submitted testimony for SB1143 on Mar 12, 2013 08:30AM*

SB1143

Submitted on: 3/8/2013

Testimony for EEP/HLT on Mar 12, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Ziegler	Conservation Council for Hawai'i	Support	No

Comments:

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www.ccs-hawaii.com

March 9, 2013

**Testimony to the House Committees on
Energy and Environmental Protection, and Health
Tuesday, March 12, 2013
8:30 am
State Capitol - Conference Room 325**

**RE: SENATE BILL NO. 1143 SD 2 RELATING TO THE OFFICE OF
ENVIRONMENTAL QUALITY CONTROL (OEQC)**

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

I am Greg Thielen, President and RME of Complete Construction Services. I am a Small Business Owner and have over 20 years experience in the Construction Industry. I am also the 2013 President of BIA Hawaii.

Complete Construction Services opposes S.B. No. 1143 SD 2 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.

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 the funds raised through these proposed fees 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;

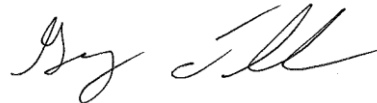
2. Support technology, maintain technology systems, and develop technology training programs; and
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While there would probably be support to automate and improve access to information collected by OEQC thru the Chapter 343 HRS process, the bill does 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 the opportunity to provide this testimony in **opposition** of SB1143.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Thielen". The signature is fluid and cursive, with the first name being more prominent.

Greg Thielen
President/RME

thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 09, 2013 11:44 AM
To: EEPtestimony
Cc: prentissc001@hawaii.rr.com
Subject: Submitted testimony for SB1143 on Mar 12, 2013 08:30AM

SB1143

Submitted on: 3/9/2013

Testimony for EEP/HLT on Mar 12, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Chuck Prentiss	Hawaii's Thousand Friends	Support	No

Comments: We strongly support this bill. The funding is necessary for OEQC to function efficiently, and to process environmental reviews expeditiously.

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UNIVERSITY
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MĀNOA

March 11, 2013
RL: 2303

SB 1143 SD2
RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

House Committee on Energy & Environmental Protection
House Committee on Health
Public Hearing – Tuesday March 12, 2013
8:30 a.m., State Capitol, Conference Room 325

By
David Penn, Environmental Center
SUPPORT

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

SB 1143 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 FTE. Therefore, creating an independent revenue stream to help fund the administration of the Chapter 343 environmental review process would also bolster the ability of our organizations to fulfill our broader mandate for optimizing environmental quality.

Thank you for hearing this proposed legislation. It may be useful to consider further technical amendment to clarify the identity of the person responsible for paying a fee, and substantive amendment to include fees for environmental review documents filed with the Environmental Council pursuant to Chapter 343. Please note that this testimony is advisory only and does not represent the official position of the University of Hawaii.

Testimony of The Nature Conservancy of Hawai'i
Supporting S.B. 1143 SD 2 Relating to the Office of Environmental Quality Control
House Committee on Energy & Environmental Protection
House Committee on Health
Tuesday, March 12, 2013, 8:30AM, Room 325

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 35,000 acres in 11 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports the fee structure proposed in S.B. 1143 SD2 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. We also note that our organization would not meet one or more of the requirements in the bill to be exempted from the fees and, therefore, would pay the fees just like other applicants when we are required to file environmental review documents related to our work.

Thank you for the opportunity to testify in support of this measure.

BOARD OF TRUSTEES

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Bill D. Mills (1991-1995), Jeffrey N. Watanabe (1995-2004), David C. Cole (2004-2008), Duncan MacNaughton (2008-2011)

thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 09, 2013 10:18 AM
To: EEPtestimony
Cc: gqm@biahawaii.org
Subject: Submitted testimony for SB1143 on Mar 12, 2013 08:30AM

SB1143

Submitted on: 3/9/2013

Testimony for EEP/HLT on Mar 12, 2013 08:30AM in Conference Room 325

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

Comments: Thank you.

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thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 09, 2013 7:35 PM
To: EEPtestimony
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for SB1143 on Mar 12, 2013 08:30AM*

SB1143

Submitted on: 3/9/2013

Testimony for EEP/HLT on Mar 12, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

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thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 09, 2013 11:17 AM
To: EEPtestimony
Cc: TABRAHAM08@GMAIL.COM
Subject: Submitted testimony for SB1143 on Mar 12, 2013 08:30AM

SB1143

Submitted on: 3/9/2013

Testimony for EEP/HLT on Mar 12, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
TROY ABRAHAM	Individual	Support	No

Comments: i support urgent passage of fixing the environment

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thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 11, 2013 1:53 PM
To: EEPtestimony
Cc: dawn.hegger@hcdaweb.org
Subject: *Submitted testimony for SB1143 on Mar 12, 2013 08:30AM*

SB1143

Submitted on: 3/11/2013

Testimony for EEP/HLT on Mar 12, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony J.H. Ching	HCDA	Support	Yes

Comments:

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