



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**WRITTEN  
TESTIMONY ONLY**

**Testimony in SUPPORT of S.B. 2163 S.D.2  
RELATING TO SERVICE OF PROCESS**

REPRESENTATIVE RYAN I. YAMANE, CHAIR  
HOUSE COMMITTEE ON WATER AND LAND

Hearing Date: 3/18/16  
Time: 10:00 AM

Room Number: 325

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health supports this measure. This measure  
3 provides for an additional method of legal notification when an enforcement action is being  
4 taken under Hawaii Revised Statutes, Chapter 342D-9 and Chapter 342H-7. The Department of  
5 Health, Environmental Management Division, has encountered situations when a respondent of  
6 an enforcement action avoids certified mail or personal service and as such, counters the  
7 Department of Health's ability to proceed with a timely enforcement action.

8 Thank you for the opportunity to testify on this measure.



**SB2163 SD2**  
**RELATING TO SERVICE OF PROCESS**  
House Committee on Water and Land

March 18, 2016

10:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2163 SD2, which would facilitate the enforcement of water quality laws for absentee violators, by allowing notices of violation to be posted on-site or via a government website, when water polluters cannot be served in person or via certified, registered, or express mail.

Abundant and clean fresh water resources, including streams and springs, are essential for the exercise of many Native Hawaiian traditional and customary practices, cultural resources, and the restoration and perpetuation of fishponds and traditional farming methods and crops.<sup>1</sup> Degraded surface and groundwater quality from violations of state water pollution laws can therefore have a significant impact not only on our islands' water security, but also on Native Hawaiians' ability to perpetuate their culture, as well as on the food self-sufficiency of the state. Accordingly, there is a clear need to ensure that water pollution violations can be addressed, and corrective action obtained, in an expedient manner.

By allowing notices of water pollution violations to be served on-site or via a government website, for violators who cannot be served in person or via mail, this measure may help to facilitate the expedited enforcement of our water pollution laws. Such a provision may also aid the recovery of costs associated with obtaining injunctive relief, including corrective action, for ongoing violations impacting our streams, coasts, and other water resources.

Therefore, OHA urges the Committee to **PASS** SB2163 SD2.

Mahalo nui for the opportunity to testify on this measure.

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<sup>1</sup> In 2015, the legislature passed Act 31, an OHA legislative package measure which added traditional Hawaiian farming systems, traditional Hawaiian crops, and small-scale agriculture to the agricultural priorities of the State. These priorities recognize the importance of traditional agricultural methods as well as small farms to ensuring food security and disaster preparedness in our islands.



Conservation Council  
for Hawai'i

*Hawai'i's voice for wildlife*

*Kō Hawai'i leo no nā holoholona lōhiu*



Testimony Submitted to the House Committee on Water and Land  
Hearing: Friday, March 18, 2016 10 am  
Conference Room 325

Support for SB 2163 SD 2 Relating to Service of Process

Chair Yamane, Vice Chair Cullen, and Members of the Committee.

Aloha. Conservation Council for Hawai'i supports SB 2163 SD 2, which allows notice of a water pollution and solid waste pollution violation to be given via a posting on a searchable government website or a sign conspicuously posted on the property, if appropriate, when attempts to serve the notice in person and by mail have been unsuccessful; takes effect on 1/7/2059.

Serving notices online or by a sign conspicuously posted on the property when potential violators do not want to be found or cannot be found makes a lot of sense, and serves the State and the people well. Please support SB 2163 SD 2.

Mahalo nui loa for the opportunity to testify.

A handwritten signature in cursive script that reads "Marjorie Ziegler".

Marjorie Ziegler

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**Sent:** Wednesday, March 16, 2016 3:05 PM  
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**SB2163**

Submitted on: 3/16/2016

Testimony for WAL on Mar 18, 2016 10:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan Armstrong	Individual	Support	No

Comments:

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**SB2163**

Submitted on: 3/17/2016

Testimony for WAL on Mar 18, 2016 10:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
W. Ken Koike	Individual	Support	No

Comments: As the Parks, Community & Customer Service Chair of the Wai'anae Neighborhood Board #24, I strongly support SB2163! Thank you Sen. Shimabukuro for bringing it to my attention! Greatly indebted to your service to our community and commitment to protect our 'aina! Please tie this loophole up and remove anymore reasons for those who pollute our environment to evade prosecution. Please pass SB2163! Mahalo nui loa!

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**SB2163**

Submitted on: 3/18/2016

Testimony for WAL on Mar 18, 2016 10:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kapua Keliikoa-Kamai	Individual	Support	No

Comments:

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