

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Thursday, February 25, 2016
1:00 P.M.
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 2535, SENATE DRAFT 1
RELATING TO GEOTHERMAL**

Senate Bill 2535, Senate Draft 1 proposes to: (1) clarify that the regulation of geothermal resources development and geothermal resources exploration is reserved to the State unless delegated to the counties by statute; (2) require the lessee of a mining lease to comply with all water and air pollution control laws, relating to building, grading, and flood control codes; and (3) require the rules of the board of land and natural resources regarding mining operations, geothermal resource development, and geothermal resource exploration, including drilling conditions and restrictions, to be uniform throughout the State. **The Department of Land and Natural Resources (Department) supports the provisions in this bill that reaffirm that the State is the regulatory authority for geothermal resources exploration and geothermal resources development. The Department also agrees that all geothermal drilling requirements should be uniform and regulated by the State.**

Geothermal development in Hawaii has contributed to a greater energy diversification of the State. Accordingly, effective management of the resource and its development is vital to protect the health and safety of the public and to ensure the continued viability of this Public Trust Resource for future generations.

In accordance with existing Hawaii Administrative Rules¹, the Department is responsible for:

- (1) The leasing of geothermal resources on state or reserved lands; and
- (2) The regulation of all drilling of geothermal resources in Hawaii

¹ Hawaii Administrative Rules, Title 13, Chapter 183, Rules on Leasing and Drilling of Geothermal Resources

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFERY T. PEARSON, P.E.
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

These authorities are to ensure that the proper management of geothermal resources are in place for the purpose of: (1) preventing waste; (2) conserving and providing for the optimum use of the resource; (3) minimizing or preventing degradation of the environment, surface and ground waters, and other natural resources; and (4) preventing injury to life and property.

Thank you for the opportunity to testify on this measure.



SB2535 SD1
RELATING TO GEOTHERMAL
Senate Committee on Ways and Means

February 25, 2016

1:00 p.m.

Room 211

The Office of Hawaiian Affairs (OHA) Board of Trustees provides the following **COMMENTS** for SB2535 SD1, which gives the state the exclusive authority to regulate all geothermal resources development and exploration activities, and limits the counties' regulatory authority to what is explicitly delegated to the counties. Further, the bill mandates statewide uniformity on rules for mining operations, geothermal resources development, and geothermal resources exploration, including drilling conditions and restrictions.

OHA appreciates that this bill intends to clarify when state, rather than county, regulations apply. However, OHA notes that SB2535 appears to nullify local procedures in place in Hawai'i and Maui counties without replacing them with alternative procedural safeguards for geothermal resource development. If the invalidation of important county-level procedural safeguards for geothermal resource development is intentional, OHA recommends the Committee consider including procedural safeguards that provide for clear and transparent processes, as discussed below.

Prior to 2012 and the enactment of Act 97 (2012), the permitting process for geothermal resources development and exploration was clearly laid out in statute. Among other provisions, Act 97 repealed HRS § 205-5.1, which described public hearing and mediation requirements, criteria for permit approval, appellate jurisdiction, and a list of what must be included in a record of decision relating to geothermal development activities. Currently, the only remaining permitting procedures for geothermal development may be found in Hawai'i and Maui County Planning Commission Rules of Practice and Procedure.

If this bill passes, the public may be left with substantial uncertainty related to how geothermal resources development may occur in future, and with fewer established opportunities to provide input and to participate in the decision-making process through public hearings, mediation, or the appeals process. Therefore, OHA recommends that any changes to the permitting process for geothermal resources development minimally include the following: public hearing provisions that provide the public with sufficient opportunities to provide input; hearing notification provisions to ensure that the public, particularly people who reside or spend time in the vicinity of the proposed project, are notified of any proposed geothermal project in a timely fashion; criteria for approval that ensure that the permitting entity considers environmental, cultural, social, and public health and safety impacts of any proposed project; and a process whereby interested parties may participate in decision-making and appeal the permitting entity's final decision.

Mahalo for the opportunity to testify on this measure.



HAWAII LEEWARD PLANNING CONFERENCE

P.O. BOX 2159 • KAMUELA, HAWAII 96743-2159

Testimony to the Senate Committees on
Ways and Means

1:00 p.m., Thursday, 25 February 2016
State Capitol, Conference Room 211
Honolulu, HI 96813

Re: SB 2535 SB1 Relating to Geothermal

Aloha Chair Tokuda and Members of the Committees:

My name is Jacqui Hoover and I have the privilege of serving as President of Hawaii Leeward Planning Conference (HLPC) a private, member-based 501(c)3 organization incorporated in 1974 by a group of forward-looking individuals who saw the need for an organization which would work with government and the community to promote sound planning decisions for West Hawaii. The 100+members and affiliates of HLPC strongly support SB 2535 which recognizes "... that the development and regulation of geothermal energy production is a matter of statewide concern..." and excludes "... restrictions imposed by the Counties that are inconsistent with or contrary to State laws and regulations" and brings Hawaii geothermal operations on par with other jurisdictions where geothermal drilling is regulated exclusively by state agencies with specific expertise in geology and engineering to ensure safe drilling operations and natural resource conservation.

In 2012 when the Hawaii County Council considered an ordinance prohibiting all geothermal drilling and drilling operations during evening hours within one-mile radius of any residence, HLPC cited international geothermal drilling best practices and safety in testifying in opposition to the County ordinance. Additionally, as the ordinance was intended to support noise abatement, HLPC also provided data to demonstrate the level of noise produced by night-time drilling in comparison to other noise including and not limited to, coqui frogs which produce higher decibels with their calling than is produced by drilling. Despite testimony by experts in the field who also opposed the proposed ordinance, the Council passed the ordinance which interferes with and compromises geothermal producers' ability to comply with industry best practices and the highest level of safety of both people and environment.

Geothermal production is highly regulated by both the U.S. Environmental Protection Agency (EPA) and the State of Hawaii including safety protocols. SB 2535 provides consistency throughout the state to exclude contradictory and misguided regulations such as that adopted by Hawaii County in 2012 which hinder, rather than support safe geothermal production, natural resource management, and the State's clean/renewable energy goals.

Mahalo for the opportunity to speak in support of SB 2535.

Sincerely,

Jacqui L. Hoover
President

DAVID S. DE LUZ, JR.

P. O. BOX 4848

HILO, HI 96720

February 16, 2016

The Honorable Lorraine R. Inouye, Chair

Senate Committee on Transportation and Energy

The Honorable Clarence K. Nishihara, Chair

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

The Honorable Mike Gabbard, Chair

Senate Committee on Water, Land and Agriculture

State Capitol, Room 229

Honolulu, Hawaii 96813

RE: S.B. 2535, Relating to Geothermal

HEARING: Tuesday, February 16, 2016 at 3:00 p.m.

Aloha Chair Inouye, Chair Nishihara, Chair Gabbard, and Members of the Committees:

My name is David S. De Luz, Jr. and I am a lifelong resident of the Big Island of Hawaii. As a family owned business person, I have firsthand experienced the issues, concerns and consequences of our geothermal development and its impact on our community and business. I am in STRONG support S.B. 2535 and following state why:

1. Allows counties to adopt ordinances to regulate geothermal resources exploration conducted less than one mile from a residence if the ordinance is not inconsistent with state law;
2. Prohibits counties from adopting ordinances to regulate geothermal resources exploration conducted one mile or more from a residence;
3. Clarifies that the regulation of geothermal resources development and geothermal resources exploration is reserved to the State unless delegated to the counties by statute;
4. Requires the lessee of a mining lease to comply with all water and air pollution control laws, relating to building, grading, and flood control codes; an

5. Requires the rules of the board of land and natural resources regarding mining operations, geothermal resource development, and geothermal resource exploration, including drilling conditions and restrictions, to be uniform throughout the State.

There are multiple benefits which geothermal power production has for consumers and the public. For example, the current production of power from geothermal energy not only dramatically decreases the State's dependence on fossil fuels (current displacement is equivalent to 300,000 barrels of oil per year from the existing facility in Puna), the on demand power which is available from geothermal power production on a 24/7 basis allows the energy grid to absorb more power from fluctuating renewable sources such as wind and solar energy.

On the Big Island, geothermal energy has proven itself to be a source of reliable and cost efficient power which provides stable cost efficient power of 20% of the island population, and which also serves as a lower rate source during evening hours to charge electric vehicles.

Geothermal power fosters the ability to sustain housing opportunities which are affordable and provide flexibility in housing options. It can lessen costs to those who purchase power from the energy grid, and can allow more net energy metering from PV systems to be linked to the grid.

Already highly regulated by the EPA and the State of Hawaii, geothermal energy exploration and production activities have been proven to be a safe and clean operation which operates under a closed loop system that emits little to no emissions. The highest pollution emissions continue to emanate from plants which burn fossil or other fuels, which only increase the rate of climate change.

The adoption of local county regulations can conflict with State regulation and interfere with the ability of a geothermal energy producer to safely and efficiently conduct exploration or production activities, leading to an increase in the cost of production or discourage investment in the production of additional geothermal energy power.

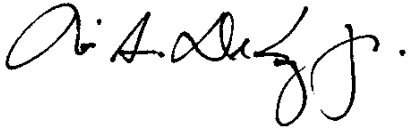
A geothermal energy producer should be allowed to comply with regulations adopted by the EPA and the State, and county efforts to impose improper restrictions which can compromise safety should be preempted. As an example, a recent County of Hawaii ordinance purports to prohibit all night time drilling operations which include safety protocols which are mandated by the State to protect water resources and the environment.

Despite rational opposition from representatives of DLNR who voiced strong concerns about the safety and cost aspects of such restrictions, the ordinance was adopted.

A uniform system of regulation by the State of Hawaii is necessary to further the State's renewable energy goals

.
Thank you for the opportunity to offer my testimony.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "David S. De Luz, Jr.", with a stylized flourish at the end.

David S. De Luz, Jr

808-895-4284

Email: delusdjr@gmail.com

February 25, 2016

The Honorable Jill N. Tokuda, Chair
Senate Committee on Ways and Means
State Capitol, Room 211
Honolulu, Hawaii 96813

RE: S.B. 2535, S.D.1, Relating to Geothermal

HEARING: Thursday, February 25, 2016 at 1:00 p.m.

Aloha Chair Tokuda, Vice Chair Dela Cruz, and Members of the Committee:

I am Mary Begier, Government Affairs Committee Member, submitting written testimony on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,800 members. HAR **supports** S.B. 2535, S.D.1 which:

1. Clarifies that the regulation of geothermal resources development and geothermal resources exploration is reserved to the State unless delegated to the counties by statute;
2. Requires the lessee of a mining lease to comply with all water and air pollution control laws, relating to building, grading, and flood control codes; and
3. Requires the rules of the Board of Land and Natural Resources regarding mining operations, geothermal resource development, and geothermal resource exploration, including drilling conditions and restrictions, to be uniform throughout the State.

There are multiple benefits which geothermal power production has for consumers and the public. For example, the current production of power from geothermal energy not only dramatically decreases the State's dependence on fossil fuels (current displacement is equivalent to 300,000 barrels of oil per year from the existing facility in Puna), the on demand power which is available from geothermal power production on a 24/7 basis allows the energy grid to absorb more power from fluctuating renewable sources such as wind and solar energy.

On the Big Island, geothermal energy has proven itself to be a source of reliable and cost efficient power which provides stable cost efficient power of 20% of the island population, and which also serves as a lower rate source during evening hours to charge electric vehicles.

Geothermal power fosters the ability to sustain housing opportunities which are

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affordable and provide flexibility in housing options. It can lessen costs to those who purchase power from the energy grid, and can allow more net energy metering from PV systems to be linked to the grid.

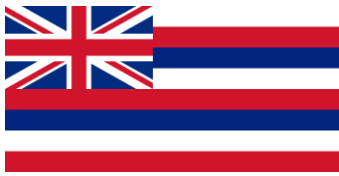
Already highly regulated by the EPA and the State of Hawaii, geothermal energy exploration and production activities have been proven to be a safe and clean operation which operates under a closed loop system that emits little to no emissions. The highest pollution emissions continue to emanate from plants which burn fossil or other fuels, which only increase the rate of climate change.

The adoption of local county regulations can conflict with State regulation and interfere with the ability of a geothermal energy producer to safely and efficiently conduct exploration or production activities, leading to an increase in the cost of production or discourage investment in the production of additional geothermal energy power.

A geothermal energy producer should be allowed to comply with regulations adopted by the EPA and the State, and county efforts to impose improper restrictions which can compromise safety should be preempted. As an example, a recent County of Hawaii ordinance purports to prohibit all night time drilling operations which include safety protocols which are mandated by the State to protect water resources and the environment. Despite rational opposition from representatives of DLNR who voiced strong concerns about the safety and cost aspects of such restrictions, the ordinance was adopted.

A uniform system of regulation by the State of Hawaii is necessary to further the State's renewable energy goals.

Mahalo for the opportunity to submit written testimony.



2/24/2016 @ 9 :07am rev1

To: Representatives **INOUYE, CHUN OAKLAND, DELA CRUZ, KIDANI, Espero, Gabbard, Galuteria, Keith-Agaran, Nishihara, Wakai;** etal.

I, Duke Kaliko Kamaka (K)* born in the presumed Hawaiian Kingdom 1973.

* Descendant of my awesome great-grandfather Jacob Palakiko Kamaka Kama (K) b:1870, Puako, [genealogy Mo'o Kūauhau 'o Lunalilo -The House Of Kalaimamahu -].

Descendant of my lovely great-grandmother Lahapa Kalua (Pimoe) Makahi (W) b:1878 [genealogy Mo'o Kūauhau 'o Kekumulau (aka Kekumu) of 1822 – grandson of Kapokini (K) b:1756 + Ke aka (W) b:1750].

* Descendant of my awesome grandfather Frank Oniula Kamaka (K) b:1903, Kalaoa, son of Jacob Palakiko Kamaka Kama (K) and Kalua Pimoe Makahi (W) b:1878.

Descendant of my lovely grandmother Mary Kapua (Kauhaihao)Kamaka (W) b:1911, Keauhou, daughter of George Kauhaihao (K) and Lucy Kalaukeakekaulaikalani Kaaona (W).

* Descendant of my awesome father Rodney Kaukuna Kamaka (K) b:1938, Kealakekua, son of Frank Oniula Kamaka (K) and Mary Kapua (Kauhaihao)Kamaka (W).

Descendant of my lovely mother Naomi (aka *Nomy Unea*) Kamaka (W) b:1939, Hilo, daughter of Henry Kekuna (K)b:1912 and Rose (*Kaahaolele*) Kaaholeilo Unea (W)b:1912.

I OPPOSE BILL SB2535 SD1; Geothermal Resources Exploration; Drilling; County Authority.

! Why?!

- SB2535 SD1 is intended to preempt county authority to enact geothermal laws;
- it would interfere with ongoing litigation in the Third Circuit Court;
- as such, SB2535 SD1 would confer a special benefit upon PGV; and
- state regulation of PGV has been lacking.

- No geothermal exploration and geothermal development on Mauna Hualalai or any 'āina mauna!
- I was born as raised from Kona Hema to Kona 'Ākau and reside Makaula Ahupua'a (Kalaoa), Ohana stretches around Hawai'i (Moku o Keawe), with Bonifide R.P./L.C.A. documents.
- Do the right thing and end this bill, Thank You for your time.

Dk/end page

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: wao-hsl@WeAreOne.cc
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 9:29:19 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Oppose	No

Comments: Strongly Oppose SB 2535 (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: luanajones777@hotmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 4:13:57 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Luana Jones	Jones 'Ohana (28 Individuals) & Geothermal Neighbors	Oppose	Yes

Comments: Hope I can come personally, but if not know that this bill's intention is not "pono" therefore comes with the "karma" that escapes no one. Please help the "hewa" (ill intentions)... Many testimonies, including OHA's state the concerns! Aloha, Luana Jones.

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SIERRA CLUB OF HAWAII

MĀLAMA I KA HONUA. *Cherish the Earth.*

SENATE COMMITTEE ON WAYS AND MEANS

Thursday February 25, 2016 1PM Room 211

In Opposition SB535, SD1 Relating to Geothermal

Aloha Chairwoman Tokuda and members of the Senate WAM Committee,

On behalf of our 12,000 members and supporters, the Sierra Club of Hawai'i opposes SB2535, which seeks to remove county participation in the siting of geothermal projects. While the Sierra Club remains in strong support of all forms of renewable energy, we also recognize that which form of renewable energy is best suited for which area is a decision best left to the communities directly affected by that decision. We are concerned that this bill undermines the counties' ability to participate in geothermal resources development and exploration.

What SB2535, SD1 would do

This bill would preempt county zoning authority on geothermal projects more than one mile from a residence. It would give the State exclusive authority to regulate geothermal resources research and exploration more than one mile away from a residence and require statewide uniformity in rules for mining operations, geothermal resources development, and geothermal resources exploration.

The bill also provides for statewide rules, which is not a bad thing, but should not be done at the expense of essential county oversight.

Why preempting counties is bad

To be successful, any major project needs the support of its surrounding neighbors. That is why we expect developers to present their projects to Neighborhood Boards and require community meetings in the process of completing environmental impact statements. We have all seen what can happen when a major project fails to gain community support before proceeding — it is wasted effort and money for everyone involved. Geothermal projects are no different.

County involvement in the vetting of geothermal proposals is crucial for ensuring a project is properly sited and the public is fully informed. Local residents are more familiar with the particularities of a location than a state-level regulatory agency.

Why 1 mile is not far

Geothermal exploration and extraction is a major industrial undertaking. Drilling, extraction, off-gassing all have significant detrimental effects to the environment that are felt well beyond a mile from the project site. Moreover, geothermal activities are often conducted in sensitive natural environments; places where people go to experience nature in its pristine state. Geothermal operations are always compatible with those types of locations, even if it happens to be more than a mile from a residence.

Thank you for the opportunity to testify on this measure.

Mahalo,

Martha Townsend
Director

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: clareloprinzi@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 7:12:18 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
clare loprinzi	Birth Sovereignty	Oppose	No

Comments: There are so many of us disappointed on the Senate recently voting to move forward SB2535. You were educated by a brave woman whose hand was held during her first county testimony, as she cried saying how it was for her to grow up near the geothermal plant in Puna and how most of her friends have not been able to carry a child to a healthy gestation and survive, how our Kumu Ohia is dying, our la'au lapa'au are dying and polluted so that they can not be used, endemic medicines dying, noise, pollution that happens and sadly some folks have died. It is clear that geothermal is not clean energy, it is all about big money and destruction. What was your reservation on your vote? What you voted to move forward was; A bill that eliminates two county ordinances protecting local residents and environment. Giving the state it's power to overrule our local legislation (which we work really hard to achieve) that violates the fundamental trust that is the foundation of represented democracy. The only time the state should supersede local legislation should be to protect the local population and environment from unjust county legislation. In passing this legislation you further jeopardized the relationship between the people and their government. So many have worked really hard for so many years, Bob Petricci who testified is just getting water into his house, he has represented us for many years on geothermal bills as it costs hundreds of dollars for each of us to fly over for three minutes of testimony. We will not allow this bill to pass, because we can not. We must win as our papahonua is counting on us to win, our la'au lapa'au, our kumu la'au and our keiki for many generations to come. I would appreciate hearing from you as to your reasons. This remember is the time of Lonoikamakahiki, this is about Pele. We all have kuleana which we choose or not choose to do. Those of us who respect our kuleana know we can never cross the line that is so clear. With all the grassroots work you have done, I am really surprised that you would support big business who has no heart for our struggles and preservation a pau. Me ka haahaa...Birth Sovereignty ClareLoprinzi, Native Cultural Practitioner, CPM Dr. Jade McGaff, MD, Board Certified Obstetrician/Gynecologist Misha Kassel, MD, Board Certified Emergency Medicine Physician Joseph Kassel, ND, LAc. Naturopathic Physician, Licensed Acupuncturist Pa'ahana Kincaid, Hawaiian Cultural Practitioner Luna Kekoa , Hawaiian Cultural Practitioner Leinani Navas-Loa, Hawaiian Cultural Practitioner Ki'inaniokalani Kaho'ohanohano, Hawaiian Cultural Practitioner 'Ilikea Kam, Kumu, Hawaiian Cultural Practitioner Pua Case, Kumu, Hawaiian Cultural

Practitioner Marghee Maupin APRN, Family Nurse Practitioner Lori Kimata, ND, Naturopathic Obstetrician Yolande Luyendyk, RN, LMT, Registered Nurse, Licensed Massage Therapist Tara Mattes, Lac., Licensed Acupuncturist Medrakanoenapua, Midwife Laulani Teale, Hawaiian Cultural Practitioner

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: nimo1767@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 5:58:29 PM
Attachments: [SB2535 SD1 WAM testimony.pdf](#)

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Petricci	Puna Pono Alliance	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: sylviadolena@yahoo.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 2:02:58 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Sylvia Dolena	Pele Lani Farm, LLC	Oppose	No

Comments: I oppose SB2535 SD1 because: (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ann.tavares@va.gov
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 10:20:52 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Tavares	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mizunob001@hawaii.rr.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 10:51:23 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Barry Mizuno	Individual	Support	No

Comments: Safety is a priority and drilling operations must remain under the State Agency, DLNR to regulate and monitor. Please pass SB2535 (SD1).

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To: [WAM Testimony](#)
Cc: brendikelii@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 8:03:24 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
brendi kelii	Individual	Support	No

Comments:

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Cc: casandran@hotmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 10:19:12 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Cassie Kunimoto	Individual	Support	No

Comments:

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Cc: chastaketa@hotmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 11:38:22 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Chas Taketa	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: cjkq143@hotmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 10:53:13 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Chassy	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: cheryl_materne@notes.k12.hi.us
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 1:40:10 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl materne	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: chrisyuenz@hotmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 4:34:30 PM
Attachments: [SB2535 2016 testimony.doc](#)

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Yuen	Individual	Support	No

Comments:

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Cc: 808tavares@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 10:25:22 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Taketa	Individual	Support	No

Comments:

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Cc: crystal.tavares@va.gov
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 10:00:35 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Tavares	Individual	Support	No

Comments:

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To: [WAM Testimony](#)
Cc: dkokazaki@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 9:43:59 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Okazaki	Individual	Support	No

Comments:

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To: [WAM Testimony](#)
Cc: 808deb@hawaii.rr.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 8:18:30 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Cabarloc	Individual	Support	No

Comments: As a matter of effectiveness, efficiency, and most importantly the safety of the community, oversight of geothermal activity needs to be at a State level to ensure consistency statewide. As part of State oversight DLNR has the expertise of qualified departments/individuals to assess individual situations for the best possible outcome. Counties do not have the expertise in this area and may not realize the full scope/gravity of individual situations for decision making; County responsibility is in oversight of administrative regulations.

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From: [Gerald DeMello](#)
To: [WAM Testimony](#)
Subject: Supportive Testimony SB 2535 SD1 (Relating to Geothermal) On 2/25 at 1pm in Wam
Date: Wednesday, February 24, 2016 9:32:22 AM

Dear Senator Jill Tokuda and Members of the Committee

This testimony is in support of SB 2535 SD 1-- supporting the regulation of geothermal resources exploration and as noted in the Bill; delegation with requirement the lessee is to comply with all water and air pollution control laws and all other regulatory requirements noted in this Bill

Mahalo for this opportunity to submit testimony in support of SB 2535 SD 1.

Gerald and Claudette De Mello
381 Haili Street
Hilo, Hawaii 96720

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: fernandezgp@msn.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 10:44:41 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Geri Fernandez	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: takakig002@hawaii.rr.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 12:35:16 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon Takaki	Individual	Support	No

Comments: I am in support of the SB2535. Geothermal drilling should be regulated and monitored by DLNR, the state agency with the knowledge and expertise in this area. This action will NOT take away from County Home Rule.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: guy8539@aol.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 8:01:27 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
guy ha	Individual	Support	No

Comments: I support nighttime drilling and geothermal energy. I think its a good renewable resource.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: hramirez@ormat.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 8:05:00 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Herman Ramirez	Individual	Support	No

Comments: I SUPPORT

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To: [WAM Testimony](#)
Cc: jlee@ormat.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 12:33:51 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Jack lee	Individual	Support	No

Comments: I live less than one mile from PGV and I support night time Drilling

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Cc: emiayumi0507@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 8:45:30 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
JAN ARITA	Individual	Support	No

Comments:

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Cc: jfernandez276@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 12:26:44 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Jayla Fernandez	Individual	Support	No

Comments:

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To: [WAM Testimony](#)
Cc: jennyluvbug@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 11:06:51 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Baptista	Individual	Support	No

Comments:

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Cc: jfhphoto@yahoo.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 7:56:24 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
jordan hara	Individual	Support	No

Comments: we need to support this bill as geothermal is vital to Hawaii. Drilling 24-7 is what is necessary to keep the drilling as safe as possible. When drilling stops you increase the potential for gas migration and blow outs that can contaminate ground water. You also can compromise the mechanical integrity of the formation you are drilling. Noise is not changed significantly as the generators will run 24-7 wither drilling continues or not. This is a very simple decision when it comes to safety. Simple drilling protocol and statistical data supports this bill. Further more DLNR is responsible for drilling regulation.

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Cc: leotiec@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 11:11:38 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua serrao	Individual	Support	No

Comments:

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To: [WAM Testimony](#)
Cc: krissy.halemanu@va.gov
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 10:00:18 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Krissy Halemanu	Individual	Support	No

Comments:

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To: [WAM Testimony](#)
Cc: kristiekelly808@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 12:51:05 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kristie Calicdan	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: laurisanishimoto@msn.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 8:12:15 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Laurisa Nishimoto	Individual	Support	No

Comments:

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Kapoho Management Company, Inc.
General Partner
Kapoho Land Partnership
(a Hawaii Limited Partnership)
P. O. Box 374
Hilo Hawaii, 96721
(808) 935-5810

February 24, 2016

Subject: Hearing on SB 2535 (SD1)

Senator Jill N. Tokuda, Chair Senate Ways and Means Committee
Senator Donovan M. Dela Cruz, Vice Chair Senate Ways and Means Committee
Members, Senate Ways and Means Committee

Aloha Ways and Means Committee Members:

I am the president of Kapoho Management Company, Inc. and managing partner of Kapoho Land Partnership. Kapoho Land Partnership holds the subsurface rights and surfaces leases for about 3,500 acres in the Puna District of Hawaii Island. These lands have been owned by my family for over one hundred years. The lands include the Puna Geothermal Venture project site, which currently produces about 38 megawatts of electricity and supplies about 30 percent of Hawaii Island's electrical power. Since the 1970s, with the exception of the four year period between late-1984 and late-1988, I have been involved in the family entities and managed all the geothermal related matters. I have managed the lands full-time since 2002.

SB 2535 would provide a consistent basis for regulating geothermal drilling throughout the State. Currently, geothermal drilling is not regulated on a consistent basis throughout the State; while solar, wind and all other basis of producing electricity are consistently regulated.

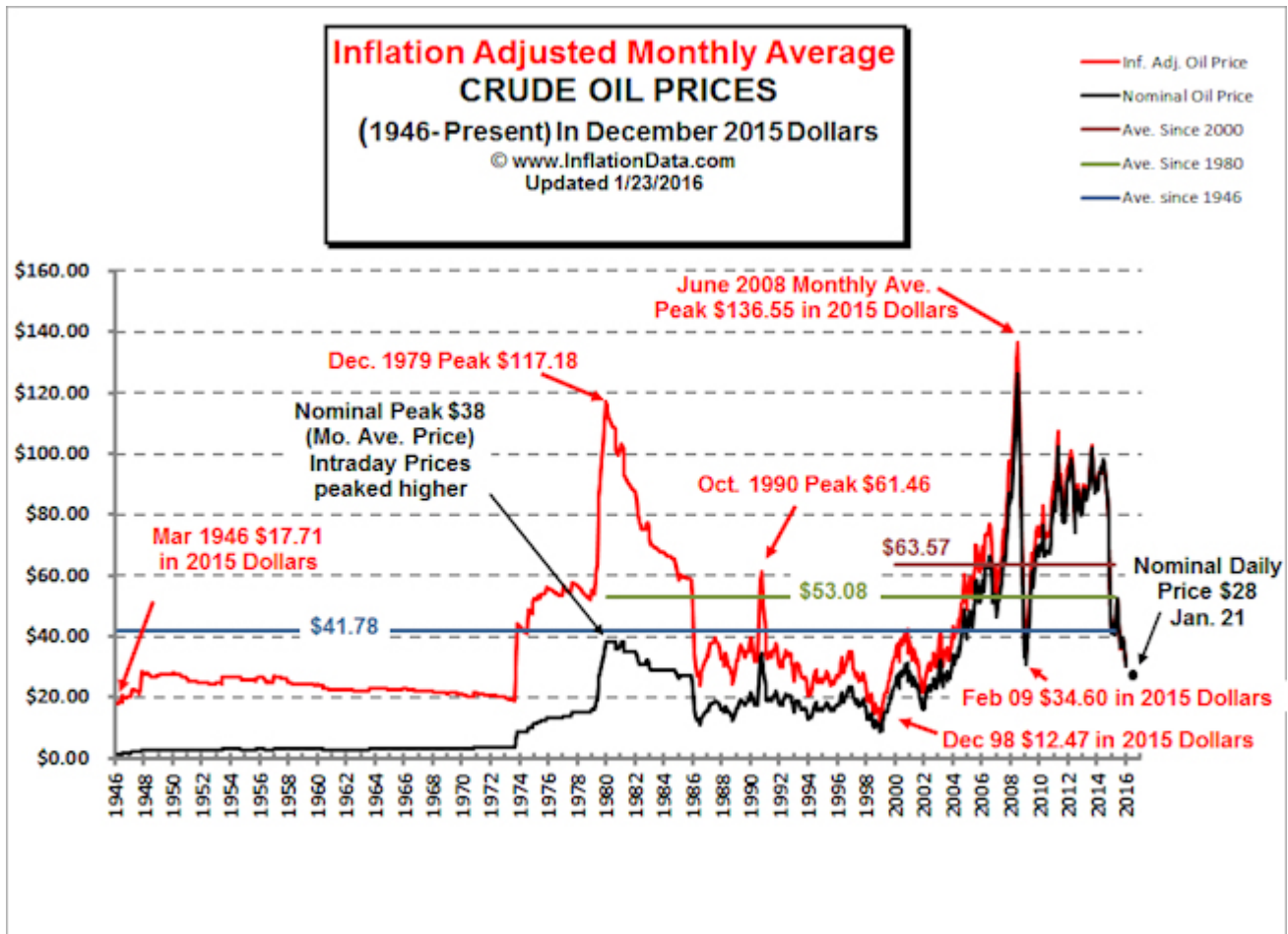
With current low oil prices, it is important that policy makers focus on what would nurture alternative energy production. Adjusted for inflation, current oil prices are comparable prices to the 1990s when a global economic slowdown and rising oil production lowered prices for the first time since 1973. Nationally, during the 1990s, the Reagan-Bush administrations sacrificed renewable energy production for the sake of oil-based production.

SB 2535 would nurture geothermal by assuring the same consistency that is afforded solar, wind and all other basis for producing electricity.

Mahalo a nui loa,
A Lono Lyman

A Lono Lyman

President Kapoho Management Company, Inc.
Managing Partner Kapoho Land Partnership



Inflation adjusted oil prices reached an all-time low in 1998 (lower than the price in 1946). And then just ten years later in June 2008 Oil prices were at the all time monthly high for crude oil (above the 1979-1980 prices) in real inflation adjusted terms (although not quite on an annual basis).

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: moggiepooh@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 12:25:43 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Lori	Individual	Support	No

Comments:

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Cc: keala.nakasato@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 7:37:16 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
mark nakasato	Individual	Support	No

Comments:

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Cc: marshalee@hawaiiantel.net
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 9:16:34 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
MARSHA LEE HOKAMA	Individual	Support	No

Comments:

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Cc: michaelkaleikini@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 12:55:20 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Kaleikini	Individual	Support	No

Comments: I strongly support the purpose of SB 2535 (SD1). Reaffirming and clarifying that DLNR is the State of Hawaii's agency that has the expertise, manpower and knowledge for safely regulating the State's geothermal resources. Clarifying this brings Hawai'i up to par with other States that have geothermal exploration and development. Please pass SB 2535 (SD1).

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From: mailinglist@capitol.hawaii.gov
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Cc: kandmchow@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 12:13:09 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Chow	Individual	Support	No

Comments:

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To: [WAM Testimony](#)
Cc: norberto_orellano@yahoo.com.ph
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 12:32:31 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
norberto orellano	Individual	Support	No

Comments: I support...

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To: [WAM Testimony](#)
Cc: mikithorson@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 9:54:59 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Thorson	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: kaukid@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 8:03:27 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
R.A.Huffman	Individual	Support	No

Comments:

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To: [WAM Testimony](#)
Cc: rbaguinbin@ormat.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 12:18:29 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Reynaldo Baguinbin	Individual	Support	No

Comments:

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From: [Richard Ha](#)
To: [WAM Testimony](#)
Subject: SB2535 Geothermal
Date: Wednesday, February 24, 2016 3:28:14 PM

Aloha Chair Jill

I am very strongly in favor of the state administering rules and regulations for geothermal operations. The counties are not qualified to handle this responsibility.

Aloha
Richard

Sent from Richard's iPad

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: rquesada37@hotmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 8:45:10 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Quesada	Individual	Comments Only	No

Comments: I support SB2535. DLNR is proper agency in the state of Hawaii to oversee all geothermal resource, exploration and development.

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Cc: ross@current-events.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 3:17:52 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ross Wilson Jr.	Individual	Support	No

Comments: i'm concerned about safety when ordinances call for shutting down all operations at night.

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Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 11:02:28 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
russel taketa	Individual	Support	No

Comments:

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THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2016
Thursday, February 25, 2016, 1:00 p.m.
Conference Room 211 State Capitol
415 South Beretania Street, Honolulu, Hawai'i 96813
Hearing on SB 2535 (SD1)

Senator Jill Tokuda, Chair, COMMITTEE ON WAYS AND MEANS (WAM)

Aloha Chair Tokuda and respected committee members of the Ways and Means committee:

Thank you for the opportunity to provide this testimony on SB 2535 (SD1).

Regulatory oversight of all geothermal resources in the State, with regards to exploratory or development of geothermal resources need to be with the agency that has the expertise, understanding, knowledge and human resources to safely regulate all aspects of geothermal drilling operations with the primary focus of protecting and preserving Hawaii's natural resources.

SB 2535 (SD1) will bring Hawaii to par with all other leading states in geothermal development, e.g. California, Nevada, Utah, New Mexico, Oregon and Alaska. In all these states, geothermal drilling is regulated exclusively by state agencies who have specific expertise in geology and engineering to be able to ensure safe drilling operation and conservation of the natural resource. Such agencies include the California Department of Oil, Gas and Geothermal Resource; Nevada Department of Minerals, Alaska Oil and Gas Conservation Commission, etc. States like Nevada and California regulate the drilling of tens of wells per year, many times more than what Hawaii sees.

In 2015, the State of Hawai'i passed a law requiring that Hawai'i reach 100% renewable energy by the year 2045. Geothermal energy has played a substantial role on the energy needs of Hawai'i Island. SB 2535 (SD1) will help facilitate the entire State of Hawai'i's ability to safely develop available geothermal resources throughout the State.

We appreciate the continued support from our State legislators and want to express our gratitude for the opportunity to provide the aforementioned testimony. Mahalo a nui loa.

Respectfully,



Russell M. Arikawa
JCCIH, 1st Vice-President

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: rygar1332@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 12:43:59 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Garcia	Individual	Support	No

Comments:

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Date: Wednesday, February 24, 2016 11:46:32 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Kadota	Individual	Support	No

Comments: As we face the highest electricity prices in the nation, I support the geothermal industry on the Big Island as a renewable source of energy for the County of Hawaii.

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Cc: kmedeiros45@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 10:28:45 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Sheryl Medeiros	Individual	Support	No

Comments:

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Cc: steph.taketa@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 10:59:43 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Taketa	Individual	Support	No

Comments:

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Cc: meedolly@yahoo.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 12:55:26 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
taylor sumida	Individual	Support	No

Comments: The county is not qualified to take this position.

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To Whom It May Concern:

This testimony is in support of SB 2535 SD 1, supporting the regulation of geothermal resources exploration and as noted in the Bill; delegation with requirement the lessee is to comply with all water and air pollution control laws and all other regulatory requirements noted in this Bill.

Mahalo for this opportunity to submit testimony in support of SB 2535 SD 1.

Tia Medeiros
94 Laimana Street
Hilo, Hawai'i 96720

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: lanigirl_hawnchic@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 12:37:21 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
U'ilani Ha	Individual	Support	No

Comments:

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Cc: zadachi@ormat.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 7:36:07 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Zach Adachi	Individual	Support	No

Comments:

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SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Alapa?i	Individual	Oppose	Yes

Comments: I believe that they should allow the counties to make their own policies. They are representative of the people who live in their district. I believe that this bill will be preempting the county and I feel it is a theft of our freedoms and rights to have voice in our own community. The people who choose to live in a concrete jungle will not have the same mind set as the people who live in the tropical jungle (I.e.- seeing land as a source of life as opposed to seeing land as a piece of property!!)

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Cc: mandyjohnson2@yahoo.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 12:52:56 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Amanda Johnson-Campbell	Individual	Oppose	No

Comments: February 24, 2016 To: Senate Committee on Ways and Means Sen. Jill Tokuda, Chair Sen. Donovan M. Dela Cruz, Vice-Chair (email: WAMtestimony@capitol.hawaii.gov) Re: SB2535 SD1 (relating to geothermal) – oppose Hearing on February 25, 2016, at 1:00 p.m., Conference Room 211 Aloha Senators, I am a resident of Holualoa Ahupua‘a on Hawai‘i Island and I am concerned with adverse impacts from badly planned, engineered and managed geothermal proposals in Hawai‘i. I oppose SB2535 SD1 because: (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking- the state barely has the resources to manage all it is responsible for now on this island. How is it going to regulate this industry that has the capacity to do serious harm to the environment and public health? If geothermal is something that is to be pursued, it must follow the right environmental compliance path and be supported by the people. This is the wrong way to pursue this. Please oppose these measures. Mahalo, Amanda Johnson-Campbell

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Cc: begoniabarry@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 12:42:37 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Oppose	No

Comments: Aloha I strongly oppose this Bill for the following reasons. SB2535 would preempt county ordinances affecting geothermal development retroactive to 2012. The preemption follows initial language that appears to give counties new rights to regulate geothermal exploration, but what is then taken away is more significant than what is given. It expands the concept of preemption on a wide scale by saying, "the absence of state law shall be interpreted to mean that the power to regulate geothermal resources development and geothermal resources exploration, as those terms are defined in section 182-1, has been reserved to the State." In other words, for example, the absence of a state law that regulates fracking or night drilling (as addressed by existing Hawaii County ordinances) results in preemption of county authority. The bill suggests involvement by PGV in its creation, as its content and retroactive effect appear intended to eliminate PGV's problems with county ordinances such as the night drilling ban. Mahalo,

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Cc: bill@puna.us
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 3:46:33 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Smith	Individual	Oppose	No

Comments: I strongly opposes SB2535 SD1 because: (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking.

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Cc: carolinesdelano@aol.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Tuesday, February 23, 2016 1:26:05 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Delano	Individual	Oppose	No

Comments:

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Aloha State Senators,

I would like to strongly OPPOSE SB2535. Why would you change the rules and allow nighttime drilling (7pm-7am every night with football stadium lights and jet engine noises)? There is an ordinance that requires outdoor concerts to end by 10pm because of the noise, why should geothermal be exempt from following rules everyone else has to follow? The requirement for an Environmental Assessment has been waived, why? Why should geothermal be exempt from following the rules everyone else has to follow?

I would like to request that SB 2267 be scheduled for a hearing. I would also like to request a review of the state regulating Puna Geothermal. Who is accountable for the sickness including death that PGV is responsible for?

The Goddard and Goddard Engineering Environmental Study was specifically submitted to you Senator Lorraine Inouye on June 22nd, 1991 when you were the Mayor. This study has Summary of Findings and a Summary of Recommendations, and you have done nothing to address these issues. Here is a link to the study so you can review it again:

<http://evols.library.manoa.hawaii.edu/bitstream/handle/10524/19341/2882.pdf>

The Marvin Legator study shows the Health Effects from Chronic Low-Level Exposure to Hydrogen Sulfide. When there is a blow out everyone in the surrounding area gets sick, but low-level exposure everyday puts us at an even greater risk. The blow-out after Hurricane Iselle caused 2 deaths, 10 people knocked unconscious, and 130 people got sick...when they called 911 for help no one could help them. Here is a link to the Legator study:

<http://punapono.com/docs/Legator.pdf>

The EPA just fined Puna Geothermal \$76,000 for a 2013 inspection, the EPA found a number of deficiencies in PGV's health and safety measures, "Specifically, the company had not tested and inspected its equipment with the frequency consistent with manufacturers' recommendations, good engineering practices, and prior operating experience," the EPA said. The inspectors also found a number of unsafe practices revolving around the use and handling of pentane, a flammable substance used as a working fluid in the facility's electricity producing turbines. Here is a link to this article from January 13, 2016:

<http://westhawaiiitoday.com/news/local-news/epa-fines-puna-geothermal-clean-air-act-violations>

Here are written findings of what needs to be done to make this safer. You were elected by the RESIDENTS of Hawaii, and you took an oath to protect the people of Hawaii. I know the legislators in the past have made mistakes but now is our chance to correct them. Thank you in advance for taking the time to look into the past history of PGV

Cherie Griffore

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Cc: burgharc@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 9:09:47 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

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

Comments: I oppose for these reasons: (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking. In addition, it seems that the legislature needs to spend more time looking at their oversight of companies who are working within our state.

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Cc: clareloprinzi@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 3:40:57 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
clare loprinzi	Individual	Oppose	No

Comments: You should be ashamed this bill has moved to this place, it is literally saying, we don't care that you care about your keiki, your trees, plants and absolutely no respect for tuttu Pele. You at this level of government should respect the people you say you are representing, we work to work with our county council and this bill would allow geothermal to keep on poisoning us, making our women not able to carry full term their babies. rethink what you should be doing, many would call this bill facism. Hewa

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Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 4:35:51 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Leilani Dudoit	Individual	Oppose	No

Comments: I oppose bill SB2535. This should be a county matter. There is a huge concern regarding health and safety around geothermal plants. Shouldn't the people of the areas opinions and concerns outweigh the opinions of those that will not be affected?

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Date: Wednesday, February 24, 2016 8:39:17 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal West	Individual	Oppose	No

Comments:

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Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
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SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Keawe	Individual	Oppose	No

Comments:

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Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 2:50:44 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Dave Kisor	Individual	Oppose	No

Comments: We had Act 96, which gave us protections, but then the geothermal industry didn't want to have to deal with regulations, so they wrote Act 97 which was a shafting for those in the general proximity of their operations. They don't want to be held accountable for what their operations do to us, such as make a bunch of people sick. Two deaths were attributable to the Iselle release, that is of humans, no telling how many pets may have died, as some friends lost their cat the evening of Iselle. She convulsed and died. Now that the entire state is susceptible to them, I hope the industry sets up ops in your districts and makes your constituents sicker than dogs. Who know, perhaps another unabated release like we had could kill a few humans and pets for good measure. Then you may take notice. You may have surmised by now that I oppose SB2535.

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Cc: junglejahnava@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 1:34:31 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
jahnava baldassarre	Individual	Oppose	No

Comments: The County should have a say in regulating geothermal. The geothermal sites are located in the County, which is more in tune with the needs of the people in the area. The State is too far removed to know the needs of the people. The State could have different priorities because it would not necessarily have to deal with living near the site.

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Cc: deborah@imaginariums.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
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SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Davis	Individual	Oppose	No

Comments: I oppose this bill because (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking. It is a detrimental bill for our Puna community.

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Date: Wednesday, February 24, 2016 10:28:37 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Dephlia Rackley	Individual	Oppose	No

Comments:

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Cc: yanahwanna@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 11:53:09 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
diominique pajot	Individual	Oppose	No

Comments: stop giving the island away to big corporations...we just need to use solar ,wind ,ocean waves , tesla ,technology as an energy source

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Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Tuesday, February 23, 2016 2:38:18 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Oppose	No

Comments:

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Date: Tuesday, February 23, 2016 3:40:13 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
joe kassel	Individual	Oppose	No

Comments: The greatest problem that I see with SB2535 is that it preempts all County measures that affect geothermal development. As a subject of County and State laws and having the most influence on County legislation, I find efforts by the State Legislature to preempt local law to be counterproductive and counter-democratic. In my world view, preemption of local influence by the larger government should only occur in specific circumstances to protect the environment, underrepresented minorities and other special circumstances. The use of State or Federal powers to remove the ability of the County to protect it's people and environment is the the antithesis of democratic representative democracy. Such legislation represents the worst of political and economic powerhouses abusing the rights of the local populace. I would hope to see the various levels of government to share a more respectful relationship in passing legislation that affects our lives and the future of our island. SB2267 restores to some degree the ability of local citizens to share their voices and engage in the decision making process with regards to geothermal development. I hope that you will support it. Sincerely, Dr. Joseph Kassel N.D., L.Ac.

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From: [John Richards](#)
To: [WAM Testimony](#)
Subject: SB2535 SD1 -- strongly oppose
Date: Tuesday, February 23, 2016 1:44:17 PM

Regarding SB2535 SD1

To those who feel there is too much regulation of the geothermal plant, I welcome you to spend a night living next door to the plant. Why our voices are continually ignored, I imagine has to do with our relatively small numbers. We tolerate noise, air, and light pollution on a regular basis, all of which could be eliminated with much less fuss and expense than the current approach. Please come to your senses soon and come up with a plan to ease the hardship of those who live with this menace on a daily basis. The County's night drilling ban is the only regulation I've seen to help the people living near the plant. State regulation has failed to bring us any relief, and so I strongly oppose this bill. You are representatives of the people, please stop favoring commercial interests an lieu of ours.

Sincerely,
John Richards
Property owner in Lanipuna Gardens.

From: outlook_945bcbf227049f41@outlook.com on behalf of [Joseph Kohn](#)
To: [WAM Testimony](#)
Subject: SB2535 SD1 -- strongly oppose
Date: Wednesday, February 24, 2016 9:28:32 AM

Strongly Oppose SB 2535

- (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws;
- (2) it would interfere with ongoing litigation in the Third Circuit Court;
- (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and
- (4) state regulation of PGV has been lacking.

Joseph Kohn MD
1268 W Hiahia Pl
Wailuku, HI 96793-9762
808-359-6605
Joseph@WeAreOne.cc
www.WeAreOne.cc

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: Salinascki@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 10:06:22 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kimberly crawford	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ckbaltero@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 10:44:09 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimiloa K Baltero	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: kamaladock@yahoo.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 10:05:15 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kamala Galletes	Individual	Oppose	No

Comments: Aloha, Thank you for your time! I can assume by the senates vote to move forward with SB2535 you have NOT heard the voices of the people for the past 30+ years!! I strongly oppose SB2535, I strongly believe you have disregarded community input, the serious health affects geothermal HAS & DOES have on individuals lives; poisoning people should not be legal for corporate gain!! Those most in educated and affected by geothermal have been screaming out for help for years and it's time to give them control NOT the state!! SB2535 blatantly ignores the litigation that is in motion, litigation that rightfully compensates those TRULY effected!! I ask you to hold these innocent individuals in a higher regard, to hold the land and water in a higher regard, and lastly, to hold yourself as our representatives in the highest regard...make the BEST votes for the earth possible!! Aloha & MAHALO,

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From: [Sonja Enos](#)
To: [WAM Testimony](#)
Subject: opposing bill SB2535 SD1
Date: Wednesday, February 24, 2016 12:57:50 PM

To all it may concern,

On behalf of the 'aina, my children, and the health of Hualalai and all she feeds and supports, I strongly oppose SB2535 SD1 for many reasons including:

1. SB3525 SD1 is intended to preempt county authority to enact geothermal laws;
2. It would interfere with ongoing litigation in the Third Circuit Court;
3. as such, SB3525 SD1 would confer special benefit upon PGV; and
4. state regulation of PGV has been lacking.

Mahalo,

Kanani Enos

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: katc31999@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 9:18:07 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Katarina Culina	Individual	Oppose	No

Comments: Aloha Senators, Please oppose SB2535. I strongly agree with the Puna Pono Alliance's letter below: February 23, 2016 To: Senate Committee on Ways and Means Sen. Jill Tokuda, Chair Sen. Donovan M. Dela Cruz, Vice-Chair (email: WAMtestimony@capitol.hawaii.gov) Re: SB2535 SD1 (relating to geothermal) – strongly oppose Hearing on February 25, 2016, at 1:00 p.m., Conference Room 211 Aloha Senators, Puna Pono Alliance (PPA) is a community organization concerned with adverse impacts from Puna Geothermal Venture (PGV), the only geothermal site in Hawai'i. We strongly oppose SB2535 SD1 because: (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking. (1) Preemption is a popular legislative tool for special interests nationwide. County government is more closely connected to and accessible by the people. Local communities are sources of innovation and catalysts for statewide change. The ability of local governments to pass laws that protect the health, safety and welfare of their constituents has been increasingly attacked nationwide in recent years by special interest groups. In those legitimate areas of local concern, counties should be able to build upon and improve general State standards, reflecting their communities' unique character and needs – one size does not fit all. Removing home rule authority in geothermal matters would be a damaging step backwards. SB2535 SD1 removes county authority twice over: first, in section 2, it amends HRS §46-1.5 regarding county powers by saying regulation of geothermal development and exploration are generally reserved to the State; then, in section 3, it specifically removes county authority to create drilling conditions and restrictions (wiping out two existing Hawai'i County ordinances). There is no need for a double whammy – the overkill helps illustrate the bill's origin and intent. In 2012 PGV's drilling of a new geothermal well continually disturbed its neighbors – in extensive testimony Hawai'i's County Council heard about families unable to sleep and children unable to do homework. The outpouring of complaints about noise and vibration led the Council to pass Bill 292. When signed by the Mayor on December 5, 2012, it became Ordinance 12-151, and a part of the Hawai'i County Code, with § 14-114, saying "Geothermal resource exploration drilling and geothermal production drilling operations being conducted one mile or less from a residence, shall be restricted to the operating hours of 7:00 a.m. – 7:00 p.m". Then

in 2015 PGV began to drill another new well – ignoring the county ban by drilling 24 hours a day, seven days a week. That led to the pending litigation to enforce the night drilling ban in PunaPono Alliance vs. Puna Geothermal Venture, Third Circuit Civil No. 15-1-0034. (2) Litigation of the night drilling ban between PPA and PGV in the Hilo Circuit Court has included a PGV motion to dismiss based in part on its argument that state law preempts the county night drilling ban. The motion was denied. Hawai`i case precedent allows preemption when a county law (1) directly conflicts with a state law or (2) covers the same subject matter as a comprehensive state statutory scheme that is intended to be exclusive and uniform throughout the state. The lack of any direct conflict is shown by attached copies of state regulations. PGV's motion to dismiss also argued that a comprehensive state statutory scheme to regulate geothermal preempted the county law. Former HRS § 205-5.1 authorized issuance of permits to allow geothermal development activities in geothermal resource subzones. PGV received Hawai`i County Geothermal Resource Permit (GRP-2) pursuant to that law. However, HRS § 205-5.1 and related geothermal regulatory laws were repealed in 2012 by Act 97, and no substitute laws have been enacted by the Hawai`i Legislature since then. (3) A special benefit for PGV is the self-evident purpose of SB2535 SD1. Sen. Lorraine Inouye has been quoted in the Hilo newspaper as saying she was asked by PGV to introduce the bill. There can be no mistaking the fact that only Hawai`i County has any geothermal resource development and that PGV is the state's only geothermal developer. PGV wants to preempt the county's night drilling ban, as it fears the Third Circuit Court will enforce the law against PGV. If PGV had confidence in its position under existing law, then why would it be trying to change the existing law through SB2535 SD1?" This bill is NOT in interest of public, but a corporation interest. Please protect public interest - that is the purpose of the legislation. Public shouldn't be begging you to uphold its interest. Mahalo, Katarina Culina Po box 2142 Pahoa, HI 96778

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: kerinnesmith@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 10:39:28 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kerinne Smith	Individual	Comments Only	No

Comments: I am not in support of this bill.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: OccupyHiloMedia@yahoo.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 8:50:25 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kerri Marks	Individual	Oppose	No

Comments: OPPOSE! stop undermining home rule of the Counties

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: lynhowe1946@yahoo.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 2:55:19 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Lyn Howe	Individual	Oppose	No

Comments: SB2535 SD1 is intended to preempt county authority to enact geothermal laws; and it would interfere with ongoing litigation in the Third Circuit Court; as such, SB2535 SD1 would confer a special benefit upon PGV; State regulation of PGV has been lacking

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: luanajones777@hotmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 4:13:57 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Luana Jones	Jones 'Ohana (28 Individuals) & Geothermal Neighbors	Oppose	Yes

Comments: Hope I can come personally, but if not know that this bill's intention is not "pono" therefore comes with the "karma" that escapes no one. Please help the "hewa" (ill intentions)... Many testimonies, including OHA's state the concerns! Aloha, Luana Jones.

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From: [Luella Crutcher](#)
To: [WAM Testimony](#)
Subject: RE: SB2535 Relating to Geothermal Scheduled for Thursday, February 25, 2016 At 1PM in Conference Room 211 @ State Capitol, 415 South Beretania Street, Honolulu, Oahu
Date: Tuesday, February 23, 2016 11:13:33 PM

Dear Members of the Committee on Ways and Means,

I am strongly opposed to SB2535.

We in the Puna district of Hawai'i Island have a long history of problems with geothermal activity in our area. For me it is the health and safety issues and cultural issues - both have been ignored by the powers that be, from the beginning.

I have heard that for the safety of a community, there should be no geothermal activity for at least 10 miles from any homes. Yet on Big Island, people live less than a mile from the facility AND there are documentations of safety and health issues because of being too close to the facility.

If you allow regulations to be a state issue rather than a county issue, you will compound the existing problems. Leaving us out of the loop will create more problems, because our community can offer the reality of what really goes on near a facility. And I do not believe that you would want your families to be exposed to the same problems we have to deal with, on a daily basis.

I also agree with Robert Petricci's clear statement:

- (1) It is a preemption bill, that would deprive counties of their right to enact geothermal laws.
- (2) As a legislative act, it would interfere with ongoing litigation in the Third Circuit Court.
- (3) As such, it is special legislation intended to benefit Puna Geothermal Venture (PGV). (4) The state has a poor record of regulating PGV.

Thank you for your consideration and your time,

Luella Nohea Crutcher

Mail: P O Box 928, Paho, Hawaii 96778

Residence: 14-3763 Government Beach Rd, Wa`awa`a Subdivision, Paho, Hawaii Island

From: [Maile Lindsey](#)
To: [WAM Testimony](#)
Subject: SB2535
Date: Wednesday, February 24, 2016 10:55:45 AM

I oppose SB2535. No to geothermal. Solar panels are less evasive to our environment and people.

Sent from my iPhone

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: micahkw@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 12:06:52 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: naniomerod1@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 10:45:27 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
MaryAnn Omerod	Individual	Comments Only	No

Comments: I strongly oppose SB2535 SD1 because: (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: kona3gurl@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 6:58:27 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Reyes	Individual	Oppose	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: kona3gurl@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 6:58:27 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Reyes	Individual	Oppose	Yes

Comments:

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From: [Mish Kass](#)
To: [WAM Testimony](#)
Subject: Opposing sb2535
Date: Tuesday, February 23, 2016 2:57:35 PM

Hello my name is Misha Kassel, I'm an emergency physiican here on Oahu but have family on big island and own a home on big island. As I plan to raise a family on the big island the more I have reserved geothermal the more worrisome I believe it is. Legislation should be encouraging solar much more than geothermal. Other reasons I oppose are: (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws;

- (2) it would interfere with ongoing litigation in the Third Circuit Court;
- (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and
- (4) state regulation of PGV has been lacking.

Thank you for your time,
Misha Kassel

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: pamelapcm@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 3:26:31 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela M Williams	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: paul@punapono.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 8:25:03 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Kuykendall	Individual	Oppose	No

Comments: I strongly oppose this bill for the following reasons: (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking. This bill protects the geothermal industry at the expense of citizens who live near the plants and is basically a wish list by industry. Please oppose this bill and support the health of Hawaii citizens that are in danger near the plant due to poor state regulation.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mmcardle19@aol.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 7:34:49 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Peggy McArdle	Individual	Oppose	No

Comments: I strongly opposes SB2535 SD1 because: (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) SB2535 SD1 would confer a special benefit upon PGV. Hawaii Senators need to stop introducing special interest bills for the benefit of one business. You work for the People of Hawaii. Mahalo.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: k21loa@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 12:44:47 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Pi'ikea Loa	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ponosize@hotmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 6:58:57 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Pono Kealoha	Individual	Oppose	No

Comments: fakestate with No Treaty/ No Annexation and NO JURISDICTION opposed to this and the continuation of GENOCIDE since 1893 Mahalo

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: octopus@maui.net
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Tuesday, February 23, 2016 2:01:05 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Umberger	Individual	Oppose	No

Comments:

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From: [Renee](#)
To: [WAM Testimony](#)
Subject: SB2535 SD1 Testimony
Date: Wednesday, February 24, 2016 8:59:29 AM

Aloha,

I opposed SB2535 SD1 because:

- SB2535 SD1 is intended to preempt county authority to enact geothermal laws.
- It would interfere with ongoing litigation in the Third Circuit Court.
- SB2535 SD1 would confer a special benefit upon PGV.
- State regulation of PGV has been lacking.

Mahalo for killing this bill,
Renee

--

Renee Robinson
Kailua-Kona
808-896-3950 c

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ahicatcher2@yahoo.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 8:00:10 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

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

Comments: I am against any type of Geothermal anywhere in Hawaii for the following reasons. 1. The State of Hawaii does not own the land, it belongs to Hawaiians. 2. The pollution it is causing to those that already live in Puna have been affected for years. 3. Before you approve this bill, how about you come live next to the current plant in Puna for a year with your family before you make any decision. 4 Pele is sacred to Hawaiians and should not be drilled into. 4. When Hawaiians recover our lands we will be filing lawsuits against the state and those that approve this bill.

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Greetings,

I am writing in STRONG OPPOSITION to SB2535. Through my readings, I have learned that SB2535:(1) is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking. For these reasons, I cannot support the passage of this bill and suggest that SB2535 be postponed until the following concerns are dealt with.

If you have questions or comments I can be reached at via email (ruthaloua@gmail.com) or phone (808.785.0211).

Thank-you for the opportunity to comment.

Ruth Aloua

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: sleinaninavasloa@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 12:27:54 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
S. Leinani Loa	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: uhiwai@live.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 10:10:21 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Kihoi-Low	Individual	Oppose	No

Comments: Stop catering to corporate interests and listen to the people! The people are sick, the 'aina is sick, the waters are sick, the air is sick. Do the right thing. Just because you can, doesn't mean you should.

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To: [WAM Testimony](#)
Cc: sgajate@yahoo.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 7:42:35 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Serafina Gajate	Individual	Oppose	No

Comments: Aloha, My name is Serafina Gajate, and I am a resident and registered voter of Mt. View, Hawaii Island. I am writing to express my opposition to SB2535 SD1, a bill that seeks to preempt county authority to regulate geothermal. I strongly opposes SB2535 SD1 because: (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking. Mahalo for your time.
Serafina Gajate Mt. View, Hawaii

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Cc: Thecarbass@msn.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 1:25:07 PM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Sharade Carba	Individual	Comments Only	No

Comments: Should be left in it's pristine condition for our generations. Not for big Corporations to abuse and destroy.

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Cc: slwsurfing@yahoo.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 8:19:51 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
sharon willeford	Individual	Oppose	No

Comments: SB2535 proposes to preempt (eliminate) county ordinances, including Ordinance 12-151 that became part of the Hawai`i County Code, § 14-114, saying "Geothermal resources exploration drilling and geothermal production drilling operations being conducted one mile or less from a residence, shall be restricted to the operating hours of 7:00 a.m. – 7:00 p.m". The County night drilling law is the subject of pending litigation. SB2535 proposes to give Puna Geothermal Venture special treatment. No FRACK a dormant volcano ~ earthquakes!

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: stephmanera@gmail.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 11:41:30 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Manera	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: steve_hirakami@notes.k12.hi.us
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 9:00:28 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Hirakami	Individual	Oppose	No

Comments: I strongly oppose this bill. I have lived in the proximity of the geothermal plant for 42 years. I have seen first hand the geothermal industry develop in a residential area starting with the open venting HGPA experimental well on Pohoiki Road. I have personally witnessed the blow outs, the worst being in 1991. I was here during Hurricane Iselle when PGV decided to sacrifice our lives over corporate profit. I was here during the recent drilling of a new well (operations going on 24/7) when, in fact, there was a County ordinance banning night time drilling. We are citizens of the State of Hawaii not denizens of the district of Puna. We have a right to our health and safety. You legislators have a duty to ensure health and safety of the people of Hawaii. I am surprised that no County officials, including the nine councilmen that passed the night drilling ban and the Mayor that signed it, are not weighing in to protect the ordinance that they adopted here to protect our lives and our quality of lives here in Puna. This bill should be killed or people will be. It's on your plate, legislators. Do the right thing (and that's not in monetary terms).

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To: [WAM Testimony](#)
Cc: hyposusan@sbcglobal.net
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 11:32:58 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Bambara	Individual	Oppose	No

Comments: Aloha and thank you for considering my opposition to SB2535 SD1. I oppose SB2535 SD1 because: (1) SB2535 SD1 is intended to preempt county authority to enact geothermal laws; (2) it would interfere with ongoing litigation in the Third Circuit Court; (3) as such, SB2535 SD1 would confer a special benefit upon PGV; and (4) state regulation of PGV has been lacking. And it SMELLS. Please, just stop trying to pass bills that compromise the rights of your constituents for profits and confers special benefits to PGV in particular! It's UNTENABLE and wrong. Thank you.

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To: [WAM Testimony](#)
Cc: suzannewakelin@yahoo.com
Subject: *Submitted testimony for SB2535 on Feb 25, 2016 13:00PM*
Date: Wednesday, February 24, 2016 11:42:05 AM

SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Wakelin	Individual	Oppose	No

Comments:

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Cc: wai'ala.ahn@gmail.com
Subject: Submitted testimony for SB2535 on Feb 25, 2016 13:00PM
Date: Tuesday, February 23, 2016 7:29:01 PM

SB2535

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Wai'ala Ahn	Individual	Oppose	No

Comments: Aloha Mai Senators, Council Members & Officials, My name is Wai'ala Ahn, and I'm a long time resident of Lower Puna, Pohoiki area; but was permanently relocated by the county due to geothermal development. I spent my childhood growing up in Lani Puna Gardens, a small neighborhood next to Pu'u Honua Ula and neighbor to PGV (Puna Geothermal Venture). I come as a concerned and educated citizen in Support of Bill2267 asking that it be heard, and with deepest Opposition of Bill2535 asking that it be dissolve/removed. My concern comes from that of a child, who watched their own parent suffer with the fact and fear that their was nothing they could do to protect them against the adverse effects of geothermal. To protect me from the harmful health effects, due to geothermal leaks, from a blow up, with the knowledge that there are people in your community that are sick, that died and that you are and your child are no better off; that those in power aren't listening and you, and your children and your community are dammed. I'm the concerned child helpless to aid their parent, but able to see their fear, a fear no child should have to see in their parents/saviors/super heroes eyes....now as an adult my Kuleana is to prevent this reality, this fear from happen in any other community, for any other parent or any other children. Let my story be a cautionary tale and please do not allow it to happen again. To state that geothermal development is Safe, Monitored or Beneficial to the community/state is the opposite of the truth. For thirty years there has been opposition, proof and causalities due to geothermal activity. From the moment of the 91' blow out there has been miscarriages and stillbirths and adverse medical issues, especially for woman and children. To this day there has been no proper testings/studies or outreach. Still no studies on the long term effects of geo; as one of the closest and long term residents of the area, I have not once been asked to participate in a study, though I have offered publicly multiple times, and have read that the county and health dept have done them, but I haven't know one person who suffers from ailments or has concern that's been apart of them. It's scary to think that the state wants to expand geo production, and start exploratory drilling in new locations like mauna Hualalai in Kona and Maui's mauna Haleakala, when No One really knows the long term effects of the one plant that's already in use and has been grossly miss ran for over thirty years. Please look into the damages done and their long term effects of residents health, water, land, before any further development whatsoever; Puna lives with this genocide, please don't allow it to spread. To subject

communities to an array of childhood illness that range from respiratory issues, auto immune issues, high levels of heavy metals that attribute to learning disabilities, heightened aggression, impaired comprehension, and emotional instability. Bloody sores, skin issues and rashes on body orifices, and mucous membranes. Abscesses, and growths in respiratory areas (chest, throats, mouths). The temporary inability to work, extended flu like systems, loss of appetite, congestion, and labored/struggled breathing, just to name a few. For adults the ailments are very much the same but can be detrimental/ deadly for the elderly, as with the high level un-monitored leaks resulting in deaths during hurricane Iselle in 2014. These toxins seem to effect the fragile; like fetuses, elderly or those with compromised health. They are also extremely damaging to woman and their reproductive health, with multiple cases of infertility, high risk pregnancies, ectopic pregnancies, multiple miscarriages, late term miscarriages, tumors, cysts and abnormal reproductive pain/health. Many woman that grew up with in the surrounding area of PGV were not able to conceive or bring babies to term until they lived years outside of the surrounding area. Until these issues and others including cultural and spiritual effects, water and land contamination, evacuation safety, land rights/use, buffer zones, relocation, alternative sources, etc.etc, are discussed with the effected communities and Proper Monitoring, like that recommended in the '91 Goddard & Goddard study recommend called PAMP (Puna Air Monitoring Program) is implemented no bills that don't offer support to effective monitoring should even be considered. So again, Please Strongly Oppose and dissolve Bill2535 and allow Bill2267 to be heard and Supported. I look forward to speaking with you and give testimony on Bill2267 in person. Mahalo Nui. Wai'ala Ahn

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Thomas Lee Travis

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February 24, 2016

To: Senate Committee on Ways and Means

Sen. Jill Tokuda, Chair

Sen. Donovan M. Dela Cruz, Vice-Chair

Testimony: SB2535 SD1 (relating to geothermal) – ***strongly oppose*** (Hearing on February 25, 2016, at 1:00 p.m., Conference Room 211)

Senators,

I ***strongly oppose*** SB2535 SD1 because:

- . (1) SB2535 SD1 is intended to ***preempt*** county authority to enact geothermal laws;
- . (2) it would interfere with ***ongoing litigation*** in the Third Circuit Court;
- . (3) as such, SB2535 SD1 would confer a ***special benefit*** upon PGV; and
- . (4) ***state regulation*** of PGV has been lacking.

I concur with Puna Pono Alliance testimony submitted by Robert Petricci which discusses these issues. My testimony will focus on the States record in regulating geothermal. I will make the following points:

- The County has inherent interest in regulating geothermal, making the regulatory structure appropriate to the local conditions.
- The State has not demonstrated that it has the resources or wherewithal to appropriately regulate geothermal, a potential community health hazard.
- State regulation of geothermal has been inadequate to support community health.

The County has inherent interest in regulating geothermal, making the regulatory structure appropriate to the local conditions.

First, the County coordinates Civil Defense on the Island of Hawaii. The status of roads, capabilities and priorities of first responders, and the ability to provide warning and direct evacuation are all affected by the regulatory structure.

Secondly, each geothermal plant will be different distances from homes and in areas of different acoustic and meteorological conditions. The County clearly should have authority to ensure the geothermal plant, a major industrial facility, is regulated to ensure the plant fits inside the community in which it was built.

The State has not demonstrated that it has the resources or wherewithal to appropriately regulate geothermal, a community health hazard.

Many homes are at the fence line near the PGV plant. In 2001, the letter to PGV issuing Geothermal Resource Permit-2 refers to the fact that the HDoH noise level of 70dBA during day and night is "unreasonably loud and the Planning Commission believes that nearby residents are justified in seeking a stricter standard. It is also understandable that they did not expect that noise standards would be so drastically relaxed, after the permittee made representations that the noise levels would not exceed 55/45 dBA". Although identified as a regulatory requirement over a decade ago, unacceptable State noise regulations have not yet been revised.

By regulation, PGV can produce noise equivalent to placing a running vacuum cleaner in each of the homes around the clock. I would opine that if I were to bring a portable vacuum cleaning into this chamber, turn it on, and refuse to shut it off I would be arrested. Don't people in their homes deserve the same peace and quiet that you insist on in your chambers. State law does not provide that peace and quiet.

Additionally the number and sampling height of hydrogen sulfide samplers are inadequate:

- to determine the severity of a PGV upset,
- to determine need for community warning and evacuation, or
- to have confidence that PGV is being honest and straightforward about when and what has been released.

The three perimeter samplers do not cover the full azimuth of possible release directions. The sample height of 15 feet is too high to detect ground hugging hydrogen sulfide released during maintenance and too low to detect hydrogen sulfide mixed with steam that rises over the samplers and descends into the community as it cools. Additionally only hydrogen sulfide is sampled although other dangerous pollutants are released during upsets.

State lacks of expertise to understand PGV operation. This lack of understanding is exacerbated by a cozy familiar relationship between PGV and regulatory personnel.

- The DOH relies on PGV to report violations of rules. In one case in April of 2013, PGV denied a release of hydrogen sulfide for many days before it became clear a release had occurred during maintenance. Such incompetent and possibly

dishonest reporting from PGV personnel was apparently taken in stride by regulators.

- Following the release of unabated geothermal fluid to the community in August of 2014, PGV claimed publicly that the release was abated and the plant operated by design. Neither assertion was true. Before any investigation, senior DOH personnel in Honolulu told the public that there were no health effects.

DOH lack of expertise and cozy relationship with PGV becomes more serious when it is coupled with DOH's poor relationship with the community. Community members are often treated as unreliable observers and troublemakers rather than as participants in the regulatory process. For example, DOH denied requests to provide qualified personnel to conduct a survey of health effects following August 7 release, When asked why she did not effectively monitor for hydrogen sulfide and then enforce PGV violations that resulted in exceeding the State hydrogen sulfide limit, Dr. Rosen, the Director stated that she was not sure PGV could operate if they were regulated to that level... she believed such regulation may be excessive and not in the public interest.

When the State does take action finding PGV at fault, the action is disproportionate. For example, DLNR recently fined someone over fifty thousand dollars for cutting down a few trees on state land. When PGV released gas during Tropical Storm Iselle—causing a dozen people to pass out, probably contributing to the deaths of one ill and one elderly man, and injuring a score of others—DOH fined PGV less than thirty thousand dollars. PGV has apparently appealed the level of fine.

Summary

Senate Bill 2535 is poorly conceived, would use State government to aid special interests, and would further contribute to making the community surrounding PGV a sacrificial community.

Please kill this bill.

/s/ Thomas L Travis

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SB2535

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Aoki	Individual	Comments Only	No

Comments: SB2535

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