

**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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**Testimony in OPPOSITION to SB 2776 SD1
RELATING TO THE ENVIRONMENT**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: February 28, 2020

Room Number: 211

1 **Fiscal Implications:** Additional funding, field staff positions, laboratory staff positions, and
2 laboratory supplies will be required to collect samples, analyze samples, and post informational
3 signs around the State. The additional resources necessary to monitor and to post signs are of
4 significant concern, since the Department of Health (Department) relies heavily on federal funds
5 (approximately \$310,000 per year) to conduct the beach monitoring and notification
6 program. For the federal fiscal year 2021, the President's budget request discontinues the
7 funding for the beach program. If federal funds are eliminated, the cost of continuing the beach
8 monitoring program would have to be reallocated from limited State funds.

9 Requiring an audit of the Department's Environmental Management Division (EMD) will
10 be expensive as the programs within EMD have very large and broad program responsibilities.
11 For example, the EMD's CWB already completed an operational review that cost the
12 Department over \$200,000.

13 This measure may impact the priorities identified in the Governor's Executive Budget
14 Request for the Department's appropriations and personnel priorities.

15 **Department Testimony:** The Department respectfully opposes SB2776. The bill proposes to
16 require the CWB to perform water quality testing of all affected beaches during brown water
17 advisories and inform the public of health risks associated with water runoff during brown water
18 advisories; establish an EMD Oversight Advisory Board; and requires the Auditor to conduct a
19 performance and management audit of the EMD.

1 The Department’s, Clean Water Branch (CWB) already performs routine water quality
2 monitoring of Hawaii’s beaches and implements a public notification/risk communication
3 process, developed after extensive stakeholder outreach, which includes sign posting at beaches,
4 website advisory posting, dissemination of informational placards, and email advisories.
5 Additional monitoring during Brown Water Advisories would require additional resources (i.e.,
6 more staff time, additional sampling materials, increased lab costs, etc.), and will not provide any
7 relevant or useful information for beach management. The CWB automatically issues brown
8 water advisories during predicted storm events, because several scientific studies have
9 demonstrated that stormwater runoff increases fecal bacteria indicator levels above action levels.
10 Quantifying bacterial indicator levels is therefore unnecessary. Sampling during brown water
11 conditions may also pose hardship and safety concerns to staff traveling during inclement
12 weather to monitor and/or post beaches. The Department provides an explanation for opposition
13 to each of the sections of the proposed bill below:

14 Section 1(a)(1) of the bill proposes to require the CWB to include as part of its Hawaii
15 beach monitoring program, water quality testing during brown water advisories, including, but
16 not limited to, testing water samples from affected Tier 1 beaches during these advisories;
17 provided that no water sample shall be collected by CWB personnel until any hazardous
18 conditions at the affected beach has subsided.

19 The Federal Clean Water Act was amended by the Beaches Environmental Assessment
20 and Coastal Health Act of 2000 (BEACH Act) to require states to monitor coastal recreational
21 waters and provide prompt notification to the public whenever there is an exceedance or
22 likelihood of exceedance of recreational water quality standards. The overall goal of the
23 BEACH Act is to reduce the risk of disease to users of coastal recreational waters by identifying
24 coastal recreational waters that may be impacted by pathogen indicators. Hawaii’s recreational
25 water quality standards specify the use of enterococci as a fecal indicator or pathogen indicator
26 that is used to identify the possible presence of pathogenic bacteria that may cause illness in
27 users of recreational waters.

1 As part of the BEACH Act monitoring program, the CWB performs routine monitoring
2 of Hawaii’s beaches which encompasses sample collection, field measurements, and field
3 observations. Tier 1 beaches or the frequently utilized beaches are monitored on a weekly basis.
4 Water quality samples are analyzed for enterococci by five microbiological laboratories on the
5 islands of Oahu, Maui, Kauai, and two on the island of Hawaii. If there is an exceedance in the
6 level of enterococci above the Beach Action Value or BAV (130 colony forming units per 100
7 milliliters), the CWB notifies the public of these exceedances and provides specific actions that
8 they should take to protect their health.

9 CWB’s public notification and risk communication was developed after extensive
10 stakeholder outreach and includes posting of beach advisory signs at beach parking lots,
11 entrances, and points of access when there is indication of potential exposure to sewage or toxic
12 pollutants from water contact. There are different types of beach advisory notification signs: 1)
13 for temporary water quality exceedance advisories, 2) permanent water quality exceedance
14 advisories, and 3) sewage spill warning advisories. Other types of risk communication includes
15 posting the advisories on the CWB Water Quality Notification and Advisories website at:
16 <https://eha-cloud.doh.hawaii.gov/cwb/#!/landing> and through informational placards
17 disseminated to lifeguards, hotel personnel, volunteers, and CWB staff to help explain the beach
18 advisory signs posted by CWB to beach users. Other means of notifying the public of beach
19 water quality (including brown water advisories) is through email advisories sent to subscribers,
20 officials from each county, various state and federal offices, local news media outlets, county
21 lifeguards, visitor industry representatives, community partners, and interested parties.

22 Advisories in response to exceedances of the BAV remain in place until follow-up
23 sampling results indicate that the BAV is no longer exceeded. Field and laboratory monitoring
24 results are publicly available on the CWB website after being verified and validated. Monitoring
25 data are also uploaded to the Environmental Protection Agency (EPA) STORET database on a
26 monthly basis.

27 As part of the BEACH Act, the EPA made funding available to states in the form of
28 grants to help implement coastal recreational water monitoring and public notification programs.

1 The Department is a recipient and relies heavily on this grant (approximately \$310,000 per year)
2 to conduct the beach monitoring and notification program. Adding monitoring activities during
3 Brown Water Advisories would require additional resources (i.e. more staff time, additional
4 sampling materials, increased lab costs, etc.). For the federal fiscal year 2021, the President's
5 budget request discontinues the funding for the beach program. If federal funds are eliminated,
6 the cost of continuing the beach monitoring program would have to be reallocated from limited
7 State funds.

8 Water quality testing during brown water advisories is unnecessary. The purpose of
9 water quality testing for the BEACH Act monitoring program is to determine if the BAV of a
10 fecal indicator bacteria has been exceeded to trigger advisories. The CWB automatically issues
11 brown water advisories during predicted storm events because past data and studies show that the
12 enterococci BAV will almost always be exceeded during storm events. The brown water
13 advisories are issued as a preemptive, precautionary notice to the public of the potential risks of
14 entering coastal waters, especially during predicted storm events. Data collected by the CWB
15 and several scientific studies have shown that waters impacted by surface runoff (the cause of
16 brown water) almost always have increased levels of enterococci of which the sources cannot be
17 determined. Surface water runoff leading to brown water advisories may also contain other
18 harmful pollutants, such as pesticides, solvents, heavy metals, and other toxic chemicals. As
19 such, brown water advisories issued by the department are proactive in alerting the public of the
20 possible risks associated with recreating in the affected waters.

21 Also, higher levels of enterococci beyond the BAV does not necessarily mean greater
22 chance of illness among beach users. Studies conducted by the University of Hawaii Water
23 Resources Research Center and other universities have shown that enterococci are not a reliable
24 indicator of sewage or pathogens in Hawaii. In addition to human sources, enterococci have
25 been shown to originate from decaying organic matter, sediment, land and aquatic vegetation,
26 and wildlife. The EPA acknowledges that enterococci associated with animal sources pose a
27 significantly lower health risk than enterococci from human sources (i.e., sewage); however, the
28 extent of the risk is undetermined. Also, there is no established risk associated with non-animal
29 sources of enterococci in the environment.

1 Section 1(a)(2) of the bill proposes to require the CWB to issue health advisories during
2 brown water advisories that explain the health risks associated with water runoff, including, but
3 not limited to, informational signs posted during these advisories at affected Tier 1 beaches.

4 As mentioned above, the CWB provides public notification and risk communication on
5 beach water quality and post signs as warranted. Brown water can affect all beaches in the state.
6 Therefore, it is not reasonable to post informational signs at all beaches impacted by brown
7 water. Also, brown water advisories may include non-Tier 1 beaches and may span several
8 adjoining beaches, an entire portion of an island, an entire island, or the entire state. Posting
9 signs only at Tier 1 beaches may send the wrong information to beach users recreating at non-
10 Tier 1 beaches. It is also unreasonable to post informational signs at all beaches impacted by
11 brown water, especially on the neighbor islands where there is only one staff member to cover
12 the entire island. Also, as brown water advisories are often issued during heavy or severe storm
13 conditions, it is unsafe to have the CWB staff traveling and posting signs in coastal areas.

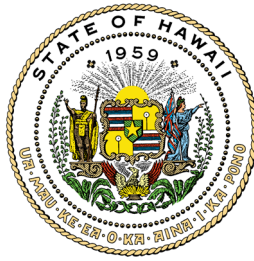
14 Section 1(a)(3) of the bill proposes to require the establishment of an oversight advisory
15 board to provide oversight and guidance to the EMD. It is not clear what the purpose and scope
16 is of an EMD oversight advisory board. The EMD covers all the Clean Water Act, Safe
17 Drinking Water Act, Clean Air Act, and the Resource Conservation and Recovery Act programs.
18 It would seem infeasible to assemble an advisory board that can adequately and knowledgeably
19 oversee and provide guidance on all the programs under EMD.

20 Sections 2 and 3 of the proposed bill requires the auditor to conduct a performance and
21 management audit of the EMD with a focus on the EMD's CWB and Wastewater Branch
22 (WWB). It is not clear what the purpose and scope is of the auditor's performance and
23 management audit of the EMD, since the EMD's CWB and WWB have very large and broad
24 program responsibilities (which include the National Pollutant Discharge Elimination System
25 [NPDES] permitting, water quality standards, surface water monitoring and assessment, Total
26 Maximum Daily Loads, BEACH Act monitoring and notification, NPDES enforcement and
27 compliance, non-point source management, state revolving funds management for water
28 pollution control projects, management and regulatory oversight of individual wastewater

1 systems, onsite wastewater and reuse treatment facilities, water reuse, and wastewater sludge
2 reuse programs). Also, the CWB already completed an extensive internal operational review
3 conducted by the EPA's contractor, Blue Earth Consultants, a Division of ERG. Their report,
4 the "Hawaii Department of Health Clean Water Branch Program Evaluation, Final Report" was
5 completed on June 29, 2018. The report preparation cost the Department over \$200,000, which
6 represents a significant amount of EPA grant funds. The Department realizes that improvements
7 can and should be made to managing the Clean Water Act programs. That was one of the
8 reasons for having the Blue Earth report completed. Another independent review and report by
9 an auditor in less than two years is repetitive and unnecessary.

10 **Offered Amendments:** None.

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



SENATE COMMITTEE ON WAYS AND MEANS
The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair

S.B. NO. 2776, S.D. 1, RELATING TO THE ENVIRONMENT.

Hearing: Friday, February 28, 2020, 11:10 a.m.

The Office of the Auditor has **no position** regarding S.B. No. 2776, S.D. 1, and offers the following comments.

This bill directs the Department of Health (DOH) to require the Clean Water Branch to perform water quality testing during brown water advisories, inform the public of health risks associated with water runoff during brown water advisories, and establish an Environmental Management Division Oversight Advisory Board. This bill also requires and appropriates funds to the Auditor to conduct a performance and management audit of the Environmental Management Division, provided that the audit shall focus on but not be limited to the Division's Clean Water Branch and Wastewater Branch.

DOH submitted testimony to the Committee on Agriculture and Environment and the Committee on Government Operations stating that a performance and management audit would be "repetitive and unnecessary" because the Clean Water Branch completed "an extensive internal operational review" on June 29, 2018, which is reported in a "Hawai'i Department of Health Clean Water Branch Program Evaluation, Final Report."

We were not able to find or review a report with this title and therefore cannot comment on whether a performance audit by our office would assess the same or similar areas of the Clean Water Branch's operations. We strongly suggest that the Committee limit the scope of the audit and identify as specifically as possible the programs or activities that it wants assessed to ensure that we report on those issues that the Legislature is most interested in having us examine.

While we appreciate the appropriation in the bill, we are unable to determine whether we will require a subject matter expert or consultant without a more specific audit scope.

Thank you for considering our testimony related to S.B. No. 2776, S.D. 1.

SB-2776-SD-1

Submitted on: 2/27/2020 11:25:14 AM

Testimony for WAM on 2/28/2020 11:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Roberts	Testifying for Surfrider Foundation	Support	No

Comments:

Dear Committee Members,

The Surfrider Foundation Maui Chapter would like to offer this testimony in support of SB 2776.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Our chapter works hard on Maui to ensure that our beaches and coastal waters are clean and free from pollution and people are able to enjoy surfing, swimming, and recreating in the ocean safely.

To increase public knowledge of water quality conditions at the beach, we are testing 18 beaches and coastal recreation sites on the North Shore of Maui through the Surfrider Foundation's Blue Water Task Force (BWTF) program. We would like to offer our enthusiastic support for SB 2776 because of the positive changes it requires in the beach water quality monitoring and public notification program run by the Hawaii Department of Health (HDOH).

Specifically, Maui supports the bill's requirements that the HDOH tests water quality conditions during Brown Water Advisories (BWA's) so we have better information available to describe the impact of rain and flooding on pollution levels at the beach. We also think posting physical signs at the beach to warn people of BWAs who are not aware of the online system is needed so they can make informed decisions on where and when it is safe to get into the water.

Finally, we agree that an Oversight Advisory Board is necessary to provide oversight and guidance to the Environmental Management Division for better implementation of their clean water permitting, monitoring, and research programs.

On behalf of the Maui Chapter's Blue Water Task Force Coordinator, thank you for your consideration.



**TESTIMONY OF THE SURFRIDER FOUNDATION, OAHU
IN REGARDS TO SB2776, RELATING TO THE ENVIRONMENT
BEFORE THE
COMMITTEE ON WAYS AND MEANS
FRIDAY FEBRUARY 28, 11:10AM ROOM 211**

Chair Dela Cruz, Vice-Chair Keith-Agaran, and members of the committee, my name is Alexandra Kahn and I represent the Surfrider Foundation of Oahu.

The Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches for all people, through conservation, activism, research and education. Comprised of over 50,000 members and supporters at 60 chapters across the United States, Surfrider has been fighting to protect the world's oceans for over 35 years.

Surfrider Foundation Hawaii **supports SB2776** and provides comments. This measure requires Directs the Department of Health to require the Clean Water Branch to perform water quality testing during brown water advisories, inform the public of health risks associated with water runoff during brown water advisories, and establish an Environmental Management Division Oversight Advisory Board. Requires and appropriates funds to the Auditor to conduct a performance and management audit of the Environmental Management Division. (SD1)

To increase public knowledge of water quality conditions at the beach, we are testing approximately 20 beaches and coastal recreation sites on Oahu through the Surfrider Foundation's Blue Water Task Force (BWTF) program. We would like to offer our enthusiastic support for SB 2776 because of the positive changes it requires in the beach water quality monitoring and public notification program run by the Hawaii Department of Health (HDOH). Specifically, Oahu supports the bill's requirements that HDOH tests water quality conditions during Brown Water Advisories (BWAs) so we have better information available to describe the impact of rain and flooding on pollution levels at the beach.

We also think posting physical signs at the beach to warn people of BWAs who are not aware of the online system is needed so they can make informed decisions on where and when it is safe to get into the water.

Finally we agree that an Oversight Advisory Board is necessary to provide oversight and guidance to the Environmental Management Division for better implementation of their clean water permitting, monitoring and research programs.

We **support SB2776** and we urge this committee to **pass** this measure. Thank you for the opportunity to testify.

Sincerely,

Alex Kahn
Surfrider, Oahu



February 27, 2020

Ways and Means Committee
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Committee Members,

The Surfrider Foundation Maui Chapter would like to offer this testimony in support of SB 2776.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Our chapter works hard on Maui to ensure that our beaches and coastal waters are clean and free from pollution and people are able to enjoy surfing, swimming and recreating in the ocean safely.

To increase public knowledge of water quality conditions at the beach, we are testing at 18 coastal recreation sites on Maui through the Surfrider Foundation's Blue Water Task Force (BWTF) program. We would like to offer our enthusiastic support for SB 2776 because of the positive changes it requires in the beach water quality monitoring and public notification program run by the Hawaii Department of Health (HDOH).

Specifically, Surfrider Foundation Maui Chapter supports the bill's requirements that HDOH tests water quality conditions during Brown Water Advisories (BWAs) so we have better information available to describe the impact of rain and flooding on pollution levels at the beach. We also think posting physical signs at the beach to warn people of BWAs who are not aware of the online system is needed so they can make informed decisions on where and when it is safe to get into the water.

Finally we agree that an Oversight Advisory Board is necessary to provide oversight and guidance to the Environmental Management Division for better implementation of their clean water permitting, monitoring and research programs.

Thank you for your consideration.

Sincerely,

Te'sha Makamae Kaikamahine Martines-Melim
Legislator Coordinator, Surfrider Foundation Maui Chapter

SB-2776-SD-1

Submitted on: 2/27/2020 11:46:23 AM

Testimony for WAM on 2/28/2020 11:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
robert brower	Testifying for surfrider foundation kauai chapter	Support	No

Comments:

This is a very important Bill that must be passed in order to correctly monitor our recreational water resources. Passage of this Bill is a top priority for our Chapter.



LATE

February 27, 2020

Ways and Means Committee
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chairman Dela-Cruz and Vice-Chair Keith Agaran,

The Surfrider Foundation offers this testimony in support of SB 2776.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 5 chapters in the Hawaiian Islands.

We have worked extensively with the Hawaii Dept. of Health (DOH) and their Clean Water Branch (CWB) to support their water quality monitoring and public notification programs across the state. We also conduct testing to monitor fecal indicator bacteria level at beaches and in recreational waters across Oahu, Maui, Kauai and Hawaii Island, so beachgoers have more information on where it is safe to surf, swim and play in the water.

The Surfrider Foundation enthusiastically supports SB 2776 as it directs the Department of Health to make needed changes to the Clean Water Branch's (CWB) beach water quality and public notification program to better assess the threats to public health in Hawaii's recreational waters and to take further steps to communicate these risks to the public.

Specifically, Surfrider supports the bill's requirements that HDOH tests water quality conditions during Brown Water Advisories (BWAs) so we have better information available to describe the impact of rain and flooding on pollution levels at the beach. This will help HDOH provide more specific information to the public on the health risk of exposure to ocean water following rain and flooding events. Currently BWAs remain in effect until visual inspections indicate clear conditions and HDOH rescinds the advisory. Sometimes BWAs are short in length, less than 24 hours even, while in some circumstances, advisories can remain in effect for days and even weeks. Regular weekly testing during BWAs would provide more precise information on how long an advisory should last and could even result in BWAs being lifted earlier than visual inspection would, allowing regular recreational and commercial activity to resume sooner. This would be a big benefit for coastal tourism based local businesses like kayak and canoe rentals.

We also think posting physical signs at the beach is needed to warn people of BWAs who are not aware of the online system so they can make informed decisions on where and when it is safe to get into the water. The HDOH CWB staff should be able to accomplish this at the most popular Tier 1 beaches by working with beach managers and/or lifeguards and they wouldn't necessarily have to travel to each beach themselves.

Finally we agree that an Oversight Advisory Board is necessary to provide oversight and guidance to the Environmental Management Division for better implementation of their clean water permitting, monitoring and research programs. This board could provide much needed guidance to the EMD and Clean Water Branch to ensure that a responsible balance of scientific integrity, public health protection and due diligence are applied to all the clean water permitting and monitoring programs that they run, as well as any special research or pollution investigations that they undertake.

Thank you for your consideration of this testimony in support of SB 2776, submitted on the behalf of the Surfrider Foundation's 5 Chapters in Hawaii and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

A handwritten signature in cursive script that reads "Mara Dias". The letters are dark and fluid, with a slight shadow effect.

Mara Dias

Water Quality Manager

Surfrider Foundation

LATE

Feb. 27, 2020

In Support of SB2776 Relating to Environmental Protection
Senate Committee on Ways And Means (WAM)
Feb. 28, 11:10am, Room 211

Aloha, Chair Dela Cruz, Vice Chair Keith-Agaran and Members of the Committee:

I am writing in strong support of SB2776. Along with other provisions, this bill would protect water quality by making sure that the Dept. Of Health's Clean Water Branch tests during Brown Water Advisories. Currently, Hawaii is one of the only states that suspends water quality monitoring during rain events, and this creates an inconsistent record and insufficient data about the safety of our waters.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches, with 5 chapters located in Hawaii. We work at the local, state and federal level to ensure adequate monitoring programs are in place to protect public health in recreational waters across the country.

Though our citizen-science Blue Water Task Force water quality testing program, we have worked extensively with the Hawaii Dept. of Health (DOH) and their Clean Water Branch (CWB) to improve water testing and public notification programs so the beach-going public has the information they need to make decisions on where it is safe to surf, swim and play at the beach throughout the state.

SB 2776 directs the Department of Health to make changes to the Clean Water Branch's (CWB) beach water quality and public notification program to better assess the threats to public health in Hawaii's recreational waters and to take further steps to communicate these risks to the public, so people can make informed decisions on where and when it is safe for them or their families to get into the water. The bill also recommends more oversight and guidance be provided to the Environmental Management Division for better implementation of their clean water permitting, monitoring and research programs. We strongly agree with both objectives.

The CWB should follow its normal beach monitoring schedule under Brown Water Advisories to better assess water quality conditions and communicate public health risk.

- Currently all testing activity is suspended under BWA's, leaving virtually no data to really describe the pollution levels and health risks during these conditions.
- As a result, water quality statistics communicated by the CWB beach monitoring program do not give an accurate picture of water quality conditions at many of Hawaii's beaches, and certainly not during wet weather conditions when public health is most likely to be threatened.
- EPA Region 9 has made this recommendation to the CWB: *"Establishing a protocol to test in Brown Water Advisories would provide much better and accurate data in regards to the water quality."*
- Testing during BWA's could help lift those advisories sooner, minimizing the disruption to people's enjoyment of Hawaii's beautiful beaches and coastal environment, especially for tourism and water sports activity companies that cannot operate due to liability issues.



Physical signs posted at the beach during BWAs would provide better notification to beach goers.

Physical signs posted at popular Tier 1 beach entrances would provide better warning:

- To families with young children and people with compromised immune systems to take precautions from becoming sick.
- To tourists and visitors who have no idea that Brown Water Advisories have been issued that could be affecting water quality conditions.
- This should not require any more staff time or logistical problems than it does to post temporary advisory signs for high bacteria readings. The Clean Water Branch should be able to figure out a system with beach managers or property owners to develop a reasonable plan to make this work at Tier 1 beaches.

Oversight of Environmental Management Division

The vacant Environmental Management Division (EMD) Chief Staff position should be filled as soon as possible for optimal oversight and implementation of the various Division programs.

An oversight advisory board should be created to provide oversight and guidance to the Environmental Management Division (EMD). A similar board was active in the past, but has not convened for over 10 years. This board could provide much needed guidance to the EMD and Clean Water Branch to ensure a responsible balance of scientific integrity, public health protection and due diligence are applied to all the clean water permitting and monitoring programs that they run, as well as any special research or pollution investigations that they undertake.

Mahalo for your leadership on this issue and consideration of this bill. Please let me know if you have any questions or concerns.

Aloha,

Stuart Coleman

Stuart H. Coleman

LATE

SB-2776-SD-1

Submitted on: 2/27/2020 10:03:42 PM

Testimony for WAM on 2/28/2020 11:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Doorae Shin	Testifying for Surfrider Foundation Oahu Chapter	Support	No

Comments:

Aloha Committee Members,

The Surfrider Foundation Oahu Chapter testifies in strong support of SB 2776.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Our chapter works hard across Oahu, with thousands of community members, to ensure that our beaches and coastal waters are clean and free from pollution and people are able to enjoy surfing, swimming and recreating in the ocean safely.

To increase public knowledge of water quality conditions at the beach, we test at over a dozen beaches and coastal recreation sites on Island or Coast Name through the Surfrider Foundation's Blue Water Task Force (BWTF) program (all data available at oahu.surfrider.org). We would like to offer our enthusiastic support for SB 2776 because of the positive changes it requires in the beach water quality monitoring and public notification program run by the Hawaii Department of Health (HDOH). These improvements are incredibly important for the public health of both residents and visitors across the islands and have the potential to offer greatly improved data that can save people from illness and even death.

Specifically, Surfrider Oahu supports the bill's requirements that HDOH tests water quality conditions during Brown Water Advisories (BWAs) so we have better information available to describe the impact of rain and flooding on pollution levels at the beach. We also think posting physical signs at the beach to warn people of BWAs who are not aware of the online system is needed so they can make informed decisions on where and when it is safe to get into the water.

Finally, we wholeheartedly agree that an Oversight Advisory Board is necessary to provide oversight and guidance to the Environmental Management Division for better implementation of their clean water permitting, monitoring and research programs.

Mahalo nui loa for your consideration of this important bill.

Dooraee Shin

Surfrider Foundation Oahu Chapter Coordinator

SB-2776-SD-1

Submitted on: 2/27/2020 11:01:17 AM

Testimony for WAM on 2/28/2020 11:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl J. Berg	Individual	Support	No

Comments:

As a Ph.D. scientist who has been monitoring water quality in Hawaii for 20 years, first as an Environmental Scientist with the Clean Water Branch of the Hawaii Department of Health and later with non-governmental organizations (Surfrider Foundation, Hanalei Watershed Hui, Malama Huleia) I ask you to pass Senate Bill 2776 out of the Ways and Means committee. This bill is extremely important to improving the Department of Health's oversight and actions to protect public health. Too many of our recreational waters are polluted with surface runoff and cesspool contamination. The Department of Health needs to better test the waters and post warning signs to alert both tourists and locals of the dangers of water pollution.

SB-2776-SD-1

Submitted on: 2/27/2020 1:20:56 PM

Testimony for WAM on 2/28/2020 11:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Wiedner	Individual	Support	No

Comments:

I supoort this bil.

Mahalo

Barbara Weidner

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Kapaa Hi

808-635-2593

SB-2776-SD-1

Submitted on: 2/27/2020 12:29:48 PM

Testimony for WAM on 2/28/2020 11:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ruta Jordans	Individual	Support	No

Comments:

Testimony in SUPPORT of SB 2776 SD1
RELATING TO THE ENVIRONMENT

LATE

SABRINA M. ESTUDILLO
STUDENT AT UH MĀNOA BACHELOR OF SOCIAL WORK

Hearing Date: February 28, 2020

Room Number: 211

Personal Testimony: I am in support of SB2776. 1. The testing of the brown water on a regular basis before, during and after a storm is critical to the health of the people of Hawai'i. It will be highly educational for residents and tourists alike who often go to the beaches and use the ocean everyday. The people must be informed of the health risks involved with the components pollutants in the brown water. Having worked in the Maui Memorial Medical Center for almost 4 years, I have observed cases of patients coming into the Emergency Department due to feeling ill after entering the ocean post storm. Patients complained of feeling nausea, stomach pains or infections after a day or more from entering water. According to the Surfrider Association, many surfers and ocean water enthusiasts have experienced and seen first-hand the health problems resulting from entering the brown waters and the types of illnesses it brings. They addressed this growing issue of runoff from the streams carrying this bacteria to the coastline exceeding the bacteria level, including cesspools in which Governor Ige banned in May 2016. In Kaua'i the Department of Health is not doing their job and not effectively using the money that they already received from the EPA. You may refer to their website: <https://www.surfrider.org/coastal-blog/entry/hawaii.-shouldnt-someone-be-warning-the-public-of-dangerous-bacteria-levels>. The Department of Health is failing in their obligations to protect the health of the residents and tourist people alike. The Clean Water Branch will be communicating to the public about this matter by emailing their subscribers but this is insufficient enough because most tourists and residents do not read or receive emails, especially for non-subscribers. The children and the youth may not subscribe either and will be more at risk. What is needed is large signage of the dangers and risks posted along the beaches, especially the most populated areas. We will need more testing in order to continue research on the health risks aspect regarding what exactly is in the brown water besides pathogens and its negative effects towards aquatic life. The Non-profit organization Heal The Bay located in Santa Monica, California is dedicated to monitoring the beaches regularly giving all of them a score of its pollutants level and which ones to avoid. They stated in their articles of the common illnesses that occur, such as: "stomach flu, ear infections, upper respiratory infections, rashes" and much more problems associated with a poor grade level of a C or lower. Just as they educate the public of the ocean water safety along the entire coastline of California, Hawai'i must take similar action to educate everyone about the risks they will face. You may refer to their website: <https://healthebay.org/>. The Beach Report Card Program monitors roughly 700 beaches in the state of California with staff scientists that find out that more rain means more bacteria ridden runoff, shown in their website: <https://beachreportcard.org/33.910299999999999/-118.51929100000001/11>.

There are many golf courses right along the coast in more than one town, we need to know what exactly is in that run off such as fertilizers, pesticides or herbicides used for the golf courses. Everyone must be informed of the pesticide and pollutant levels being absorbed into the nearby marine life as well. In regards to the fundings and payment for the position and testing, it could be paid for by those who are responsible in polluting the ocean from businesses, hotels, golf course companies, gas refineries, manufacturing or shipping companies located near the ocean, or anyone that uses pesticides, herbicides, fertilizers, etc. Their run-off from their facilities often go to the ocean and we need to know what exactly is from these entities.

Clean ocean water would be an economic benefit to the state by bringing in more tourists knowing that the beaches are monitored regularly for safety to enable them to make informed decisions for the health and safety of their families.

LATE

SB-2776-SD-1

Submitted on: 2/27/2020 8:53:57 PM

Testimony for WAM on 2/28/2020 11:10:00 AM

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

Comments:

Dear Committee Members,

My name is Dr. Daniel Amato and I would like to offer this testimony in support of SB 2776. As a water quality specialist in Hawaii, it is clear to me that there is a great need for more testing of state recreations waters. More specifically, we cannot adequately protect public health unless we are testing waters during and after brown water events. The public deserves to know when it is safe to enter the water after rain events.

As the leader of the Surfrider Foundation- Oahu Chapter Blue Water Task Force, I have firsthand knowledge of the impact of rain events on the level of sewage-derived bacteria in nearshore waters. Last year during a short rain event, stormwater blasting our of a drain pipe onto Cromwells beach at Black Point had nearly 50X more bacteria than the 130 cfu threshold to notify the public / close the beach – the ocean water next to the pipe was about 25X higher.

In addition, I support the posting of signs near recreational waters to indicate the bacterial status of the waters for the public. A simple Green Yellow Red system would work great. This is very common in American Samoa. The sign color stays the same until the next test indicates it should change. If the ASEPA can to this for American Samoa, we can surely provide the same or better information for Hawaii. I also agree that an Oversight Advisory Board is necessary to provide oversight and guidance to the Environmental Management Division for better implementation of their clean water permitting, monitoring and research programs.

Thank you for considering this bill! Mahalo

-Daniel Amato, PhD

SB-2776-SD-1

Submitted on: 2/28/2020 2:06:16 AM

Testimony for WAM on 2/28/2020 11:10:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Eileen Kechloian	Individual	Support	No

Comments:

Please vote yes on SB2776. Mahalo

LATE

SB-2776-SD-1

Submitted on: 2/28/2020 6:43:37 AM

Testimony for WAM on 2/28/2020 11:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Drew Wilkinson	Individual	Support	No

Comments:

I strongly support bill SB2776.and believe there should be a better system in place for warning and educating the public of potential harmful bacteria levels in the ocean as a result of runoff and rainwater. Thank you for your consideration.

LATE

SB-2776-SD-1

Submitted on: 2/28/2020 8:39:27 AM

Testimony for WAM on 2/28/2020 11:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
whitney wolfe	Individual	Support	No

Comments:

This seems very logical and necessary for the health and well-being of all.

LATE

SB-2776-SD-1

Submitted on: 2/28/2020 9:44:33 AM

Testimony for WAM on 2/28/2020 11:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Lynn Kaysing	Individual	Support	No

Comments:

Committee Members:

BROWN WATER collection at the time of advisories makes the collection data more accurate and also easier to indentify the source of pollution. When the source of pollution is accurately identified, concrete measure can be taken to PREVENT the pollution of our ocean waters.

NOTIFICATION is ESSENTIAL to inform the public so they can make informed decisions about entering polluted/brown waters. An email sent to a limited number of subscribers is NOTsufficient to accomplish this task. Rather, FREQUENTLY UPDATED signage posted at public beaches, streams, ponds and flood zones is ESSENTIAL to inform the public of healthy dangers BEFORE DURING AND AFTER brown water advisories.

HEAL THE BAY, a non-profit organization located in Santa Monica California, REGULARY tests the ocean waters along the entire coast of California, then publishes a "report card" grading the safety of the dozens of beaches to enable the public to an informed decision re entering the ocean at multiple points.

Notification of brown/potentially polluted waters is CRITICALLY needed all over Hawaii, clearly warning the public of the real dangers of coming into contact with brown/polluted water.

"Intellectuals solve problems, geniuses prevent them," said Albert Einstein. The State DOH has the opportunity to prevent disease by properly and adequately informing the public of potential health dangers and risks.

<https://beachreportcard.org/33.9102999999999999/-118.51929100000001/11>

<https://www.surfrider.org/initiatives/clean-water>

I respectfully request that the committee pass SB277 SD1.

Wendy L. Kaysing