

STAND. COM. REP. NO. 943-22

Honolulu, Hawaii

MAR 04 , 2022

RE: H.B. No. 2148
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2148, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WATER POLLUTION CONTROL,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Add, amend, and reorganize sections under Hawaii's water pollution chapter to consolidate water quality certification requirements and include wetlands in the definition of "state waters";
- (2) Clarify the Director of Health's responsibility as a water quality certifying agency under federal regulations;
- (3) Increase the maximum statutory civil penalties to match the amounts of federal penalties; and
- (4) Increase the penalty for denying, obstructing, or hampering the entry or inspection by authorized officers or employees of any building, place, or vehicle to match a similar penalty under Hawaii's air pollution chapter.



Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Reef and Ocean Coalition, and one individual.

Your Committee finds that existing laws relating to state waters are inconsistent, as wetlands are considered state waters only for purposes of nonpoint source pollution management and control and water quality standards and not for purposes of water pollution control. This measure remedies the existing inconsistency and further clarifies the State's water quality certification program by aligning statutory civil penalties with corresponding federal and state amounts.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "Act";
- (2) Changing the effective date to January 1, 2222, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2148, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2148, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



