

STAND. COM. REP. NO.

1224

Honolulu, Hawaii

MAR 23 , 2021

RE: S.B. No. 350  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred S.B. No. 350, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Department of Health to fill the vacant Division Chief staff position within the Environmental Management Division by October 1, 2021, and consider environmental justice issues when making certain assessments and determinations;
- (2) Require the Clean Water Branch of the Environmental Management Division 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; and
- (3) Require the Legislative Reference Bureau to conduct a comprehensive review of the Environmental Management Division.



Your Committee received testimony in support of this measure from the Surfrider Foundation Hawaii Chapters, Mālama Maunaloa, Polanui Hiu Community Managed Makai Area, Kihei Community Association, Hui O He'e Nalu, Wastewater Alternatives and Innovations, Waiwai Ola Waterkeepers Hawaiian Islands, Kaiola Canoe Club, Hui O Mana Ka Pu'uwai Outrigger Canoe Club, Friends of Hanauma Bay, Sierra Club of Hawai'i, Earthjustice, Center for Biological Diversity, WMPA, Windward Coalition for Community Concerns, The Makali'i Group, Friends of Maha'ulepu, Kia'i Wai O Wai'ale'ale, HAMER, Young Progressives Demanding Action Hawai'i, Hawai'i Wildlife Fund, HI Strikes Back, Windward Coalition, Surfrider Foundation - Maui Chapter, Surfrider Foundation - Oahu Chapter, and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of Health. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that the Environmental Management Division oversees the clean air, clean water, solid and hazardous water, wastewater, and safe drinking water branches of the Department of Health. Because water quality continues to be a concern to residents and visitors, this measure seeks to ensure the continued safety and protection of the public and environment.

Your Committee has amended this measure by:

- (1) Deleting provisions that would have required the Department of Health to fill the vacant Division Chief staff position within the Environmental Management Division by October 1, 2021;
- (2) Directing the Clean Water Branch of the Environmental Management Division to continue to test water quality during brown water advisories, as practicable;
- (3) Requiring the Department of Health, in issuing health advisories during brown water advisories, to make proactive efforts to communicate brown water advisories with the public;
- (4) Deleting language that would have required the Department of Health to establish an Environmental Management Division Oversight Advisory Board;



- (5) Deleting language that would have required the Legislative Reference Bureau to:
  - (A) Conduct a comprehensive review of the Environmental Management Division's Clean Water Branch and Wastewater Branch; and
  - (B) Submit a report to the Legislature prior to the Regular Session of 2022; and
- (6) 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 Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 350, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 350, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Energy &  
Environmental Protection,



NICOLE E. LOWEN, Chair



