

DAVID Y. IGE  
GOVERNOR

JOSH GREEN M.D.  
LT. GOVERNOR



ISAAC W. CHOY  
DIRECTOR OF TAXATION

STATE OF HAWAII  
**DEPARTMENT OF TAXATION**  
P.O. BOX 259  
HONOLULU, HAWAII 96809  
PHONE NO: (808) 587-1540  
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To: The Honorable Mark M. Nakashima, Chair;  
The Honorable Scot Z. Matayoshi, Vice Chair;  
and Members of the House Committee on Judiciary & Hawaiian Affairs

From: Isaac W. Choy, Director  
Department of Taxation

Date: Tuesday, March 15, 2022  
Time: 2:00 P.M.  
Place: Via Video Conference, State Capitol

**Re: S.B. 2111, S.D. 2, Relating to Public Notices**

The Department of Taxation (Department) strongly supports S.B. 2111, S.D. 2, and offers the following comments for the Committee's consideration.

S.B. 2111, S.D. 2, amends section 1-28.5, Hawaii Revised Statutes, to allow government agencies to publish certain public notices on the official State or relevant county website as an alternative to newspaper publishing. The measure is effective upon approval.

First, allowing the Department and other government agencies to publish routine notices online instead of purchasing newspaper advertisements would help save time and money that could be better applied to other areas of government administration. Online publishing would also likely be more convenient and accessible for the majority of taxpayers and other interested members of the public.

Second, the Department notes that the current version of the measure contains provisions to ensure individuals with visual impairments, limited broadband access, and limited technological experience are not negatively affected by this change. The Department appreciates these provisions and requests that they remain intact.

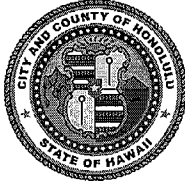
Finally, the Department notes that the current version of the measure requires that, beginning January 1, 2023, any public notice include a disclaimer stating that online notice can be given beginning July 1, 2023. The is date appears to be inconsistent with the current effective date of the measure, which provides the bill is effective upon approval.

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.dpp.org](http://www.honolulu.dpp.org) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

RICK BLANGIARDI  
MAYOR



DEAN UCHIDA  
DIRECTOR

DAWN TAKEUCHI APUNA  
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

March 15, 2022

The Honorable Mark M. Nakashima, Chair  
and Members of the Committee on Judiciary  
and Hawaiian Affairs  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Nakashima and Committee Members:

**Subject: Senate Bill No. 2111, SD 2  
Relating to Public Notices**

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 2111, SD 2, which allows government agencies to publish public notices on their official website as an alternative to the newspaper.

Public notices in newspapers are expensive and have limited visibility, especially among those who tend to obtain daily news and information from social media and other online sources. In fiscal year 2021, City and County of Honolulu departments spent a combined \$296,000 on legal ads in the local daily newspaper, and that cost will surely rise. The DPP alone spent \$32,000 in legal notices, up from \$18,000 just two years prior.

The public's access to information has evolved with the advancement in internet and mobile technology. It is our responsibility to adapt and accommodate the public, in order to serve them in the most efficient and cost-effective way possible. The Hawaii Legislature has already shown that it can successfully transition away from paper documents, as nearly all of its activities are web-based, from the posting of bills and hearings, to the submittal of testimony, be it in written or oral form.

This Bill would allow the DPP and other agencies to accommodate people's preference and reach a wider audience at lower cost, which will increase government efficiency, transparency, and encourage more public engagement.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dean Uchida".

Dean Uchida  
Director



Hawai'i Convention Center  
1801 Kalākāua Avenue, Honolulu, Hawai'i 96815  
**kelepona** tel 808 973 2255  
**kelepa'i** fax 808 973 2253  
**kahua pa'a** web [hawaiiitourismauthority.org](http://hawaiiitourismauthority.org)

**David Y. Ige**  
*Governor*

**John De Fries**  
*President and Chief Executive Officer*

Statement of  
**JOHN DE FRIES**

Hawai'i Tourism Authority  
before the

**COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

March 15, 2022  
2:00 p.m.  
State Capitol  
via videoconference

In consideration of  
**SENATE BILL NO. 2111 SD2**  
**RELATING TO PUBLIC NOTICE**

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Aloha Chair Nakashima, Vice Chair Matayoshi, and members of the Committee on Judiciary & Hawaiian Affairs.

The Hawai'i Tourism Authority appreciates the opportunity to testify in **support** of SB2111 SD2, which allows government agencies to publish public notices on an official website as an alternative to a newspaper.

The HTA, from time to time, must publish public notices. Allowing us to utilize our official website to publish these notices would allow us to reduce and/or eliminate these costs in the future. Furthermore, posting these notices electronically through our official website would considerably reduce the time it would take to otherwise post it through the current process.

We appreciate this opportunity to testify in **support** of SB2111 SD2. Mahalo.



1001 Bishop Street | Suite 625 | Honolulu, HI 96813-2830  
1-866-295-7282 | Fax: 808-536-2882  
aarp.org/hi | [aarphi@aarp.org](mailto:aarphi@aarp.org) | [twitter.com/AARPHawaii](https://twitter.com/AARPHawaii)  
[facebook.com/AARPHawaii](https://facebook.com/AARPHawaii)

**The State Legislature**  
**The House Committee on Judiciary and Hawaiian Affairs**  
**Tuesday, March 15, 2022**  
**2:00 p.m.**

TO: The Honorable Mark Nakashima, Chair  
RE: S.B. 2111 S.D.2, Relating to Public Notices

Aloha Chair Nakashima, and Members of the Committee:

My name is Keali'i Lopez and I am the State Director for AARP Hawai'i. AARP is a membership organization of people age fifty and over, with over 140,000 members in Hawai'i. **AARP Hawai'i is submitting written comments on S.B. 2111, S.D. 2** which allows government agencies under certain circumstances to publish public notices on an official website as an alternative to a newspaper.

While we appreciate the efficiency and expediency of electronic posting especially for time-sensitive public notification, we are concerned that this may pose a problem for those with limited or no access to broadband/internet services. The number of digital technology users is increasing, however, there are still many who lack access to reliable connectivity especially in rural areas, affordability, and/or have limited digital literacy skills. Furthermore, it is not clear whether the State will create one consolidated public notification website for easy viewing of all official postings. Otherwise, it will be difficult for the public to scan through multiple official websites for new notices on a regular basis. Many people especially kūpuna, still rely on traditional print publications which remain as one of the primary modes for public communication.

Thank you for the opportunity to comment on S.B. 2111 S.D. 2.

Sincerely,

A handwritten signature in black ink that reads "Keali'i S. Lopez". The signature is written in a cursive style.

Keali'i Lopez, State Director

**SB-2111-SD-2**

Submitted on: 3/11/2022 11:43:58 PM

Testimony for JHA on 3/15/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Azuma Chrupaluk	Administrator of Mahiku A'o Mai - a Native Farm	Oppose	Written Testimony Only

Comments:

The bill would be more beneficial if it were structured to send the press release from the publication on the state website. While I understand your wanting accuracy in the news that is published, it would be more beneficial to do so with the addition of a press release and a legal statement that requires a link to the original information on the state's own page.

**SB-2111-SD-2**

Submitted on: 3/12/2022 5:48:48 AM

Testimony for JHA on 3/15/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jake Seaton	Column Software, PBC	Oppose	Remotely Via Zoom

Comments:

My name is Jake Seaton, I'm the Founder & CEO of Column.

Column is a public benefit company with a charter purpose to build technology to improve the utility of public information, beginning with public notice. We incubated at the Shorenstein Center for Media, Politics, and Public Policy at the Harvard Kennedy School of Government prior to launching in 2020.

We operate a technology platform that streamlines the public notice process which is currently a collaboration between government officials, law firms, and the staff of local media businesses in Hawaii. We've also built centralized, state-wide databases of public notices for over 15 US states including Florida, Texas, and California. We have a vision to build upon this unique collaboration to deliver more massive from public notice back to the government and the public.

At the moment our software automates and digitizes all of the routine back and forth of communication as well as document generation that is currently required in this process. We also ensure that every public notice that is published via our software is available online at no cost in an ADA compliant, mobile friendly, accessible online format from which we are able to analyze and report out the audience and engagement metrics with this content to anyone who is interested.

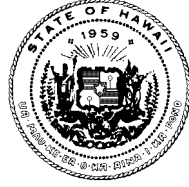
We recently signed a contract to begin processing all of the public notices for the island of Maui that are published by agencies and law firms in the Maui News. As the CEO of the company I flew to Maui in September and met with the county & courthouse staff as well as the Maui News staff that does most of the work on their behalf in this process.

Our experience designing software for these stakeholders has given us empathy as well as an intimate familiarity with the public notice process from a technical, operational, and financial perspective. This has led us to believe that this legislation would actually create more work, a heavier financial burden, and greater liability for those agencies that are required to notify the public.

We have worked hard to bring innovation to the public notice process for the state of Hawaii -- there are tens of full-time software engineers and designers who have left behind careers in high technology to work all day every day to make public notice more efficient and effective -- and

we are writing to ask the legislature for the time to see our work through before changes are introduced to the process that would disrupt the system we've designed.

DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

March 12, 2022

TO: The Honorable Representative Mark M. Nakashima, Chair  
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **SB2111 SD2 – RELATING TO PUBLIC NOTICES.**

Hearing: March 15, 2022, 2:00 p.m.  
Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this measure.

**PURPOSE:** The purpose of this measure is to allow government agencies under certain circumstances to publish public notices on an official website as an alternative to a newspaper. (SD1) The SD1 amended the measure by,

- (1) Amending section 1-28.5(a)(3), Hawaii Revised Statutes, to:
  - (A) Require the evaluation and documentation of the rationale for posting online-only notices for individuals with limited broadband access or technological experience; and
  - (B) Provide online-only notices accessible to individuals with visual impairments through screen reader accessible format; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

The SD2 amended the measure by,

- (1) Incorporating a technical amendment recommended by the Office of Information Practices;



- 2) Incorporating a recommendation proposed by the Disability and Communication Access Board specifying that the government agency shall post documents in accessible formats on an accessible official website;
- (3) Specifying that the government agency shall provide a disclaimer in any public notice from January 1, 2023, through June 30, 2023, that states that the government agency may begin to post notices online after July 1, 2023; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

DHS supports the option to publish notices via posting on our website. DHS remains committed to maintaining timely communication with its applicants and recipients, especially during this pandemic when there were many program updates and changes. DHS will continue utilizing its website to communicate program information that may affect applicant and recipient eligibility and disbursement of essential benefits.

Thank you for the opportunity to provide comments on this measure.

Statement Before The  
**HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

Tuesday, March 15, 2022

2:00 PM

Via Video Conference and Conference Room 325

in consideration of  
**SB 2111, SD2**  
**RELATING TO PUBLIC NOTICES.**

Chair NAKASHIMA, Vice Chair MATAYOSHI, and Members of the House Judiciary & Hawaiian Affairs Committee

Common Cause Hawaii provides written comments with concerns regarding SB 2111, SD2, which allows government agencies to publish public notices on an official website as an alternative to a newspaper.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to upholding the core values of our representative democracy – a democracy that works for everyone.

As technology advances, many of our basic democracy values depend on robust connectivity. Broadband enhances civic engagement, participation in the democratic process, and a responsive government. Yet too many in Hawaii lack access to affordable, high-speed broadband and continue to face significant barriers to get online.

SB 2111, SD2, allowing government agencies to publish public notices on an official website as an alternative to a newspaper, would increase the divide in government services and accessibility between those with broadband access and those without. Everyone should be made aware of “clean water environmental hazard advisories, as well as in more urgent conditions such as disaster—related response and recovery activities.” See SB 2111, SD2, at page 1, lines 7-9. These critical and time-sensitive matters should not just be limited for those who know how to navigate the internet and have broadband. SB 2111, SD2 may have unintended, severe consequences.

Thus, Common Cause Hawaii proposes that only routine, non-critical, non-time sensitive, and non-urgent public notices may be solely posted on an official website as an alternative to a newspaper. Critical, time sensitive, urgent public notices may be dual posted on a government agency’s website as well as in the public newspaper.

Thank you for the opportunity to provide cautioning comments on SB 2111, SD2. If you have questions of me, please contact me at [sma@commoncause.org](mailto:sma@commoncause.org).

Very respectfully yours,

Sandy Ma  
Executive Director, Common Cause Hawaii

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 CASE  
Chairperson**

**Before the House Committee on  
JUDICIARY & HAWAIIAN AFFAIRS**

**Tuesday, March 15, 2022**

**2:00 PM**

**State Capitol, Conference Room 325, Via Videoconference**

**SENATE BILL 2111, SENATE DRAFT 2  
RELATING TO PUBLIC NOTICES**

Senate Bill 2111, Senate Draft 2 proposes to amend Section 1-28.5, Hawaii Revised Statutes, to allow government agencies to publish public notices on their official website or the state calendar as an alternative to the newspaper, provided 1) a statute or rule with more specific notification requirements does not apply; 2) an evaluation and rationale has been prepared as to why use internet postings if the information affects people with poor or no internet or limited computer access; and 3) it is published in an accessible format on an accessible official website., and 4) Publish a disclaimer in any public notice from January 1, 2023 through June 30, 2023 stating the government may begin to post on-line after July 1, 2023. **The Department of Land and Natural Resources (Department) supports this Administration measure.**

The Department supports this measure as it will make the notification process simpler, timelier and more effective. Newspaper subscriptions have decreased as more people rely on web-based news sources and information. For example, the Star Advertiser had a circulation of 268,244 in 2012. In 2022, its circulation is 147,959, a decrease of near 50%. Thirty percent (30%) of people under 30 have never read a newspaper (Statistica 2022). The option to use web-based notification allows government agencies to choose the most effective media for their public notices.

Thank you for this opportunity to comment on this measure.

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

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
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

Representative Mark Nakashima, Chair  
Representative Scot Matayoshi, Vice Chair  
House Committee on Judiciary & Hawaiian Affairs

Tuesday, March 15, 2022; 2:00 PM  
Via Videoconference

**RE: SB 2111 SD2 – Relating to Public Notices – IN OPPOSITION**

Aloha Chair Nakashima, Vice Chair Matayoshi and members of the committee:

Oahu Publications Inc. (OPI) respectfully opposes SB 2111 SD2, which allows government agencies under certain circumstances to publish public notices on an official website as an alternative to a newspaper.

OPI publishes 4 of the 5 daily newspapers in the State, including the Honolulu Star-Advertiser, The Garden Island, Hawaii Tribune-Herald and West Hawaii Today. This bill is unnecessary as we already have all legal ads on the following websites:

[www.staradvertiser.com](http://www.staradvertiser.com)  
[www.hawaiitribune-herald.com](http://www.hawaiitribune-herald.com)  
[www.westhawaii.com](http://www.westhawaii.com)  
[www.thegardenisland.com](http://www.thegardenisland.com)

The total combined monthly views per month is over 28 million. Anyone can view these ads, not just subscribers. You don't need a password or subscription to view them.

The intent of most legal notices is to make a valid attempt to reach (notice) the largest general public audience possible. Allowing other websites for legal notices maintained by the State or a county, which will incur costs and resources, is duplicative and we question whether it will accomplish the intent. There may be confusion if government agencies each selected a different venue to publish their notices. Government websites may be inadequate as people may be unaware of them and will not check them with any regularity. This undermines the intent to notify the public and increase transparency.

A shift to an internet-based publication would disproportionately disadvantage low-income residents and rural communities that have less access to the internet. Also, a significant number of kupuna do not use the internet at all. The Star-Advertiser print version alone has nearly 300,000 daily readers. The neighbor island papers are the primary source for local news with over 60% reach of all households.



Further, websites do not create permanent records. In some cases, it is important to have a hard-copy archival of historical documents.

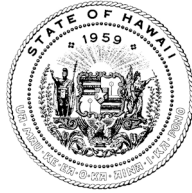
The Star-Advertiser views public notices as a necessary service to the community, and the print version is vital for kupuna and those without reliable internet access. In the last ten years, our already low State rate (half of normal rate) has only increased 6%, although our costs for paper, shipping, distribution and labor have increased.

For these reasons, we ask that you hold this bill. Thank you for the opportunity to submit testimony.

Dennis E. Francis  
President & Publisher



DAVID Y. IGE  
GOVERNOR



DOUGLAS MURDOCK  
CHIEF INFORMATION  
OFFICER

## OFFICE OF ENTERPRISE TECHNOLOGY SERVICES

P.O. BOX 119, HONOLULU, HI 96810-0119  
Ph: (808) 586-6000 | Fax: (808) 586-1922  
ETS.HAWAII.GOV

Testimony of  
DOUGLAS MURDOCK  
Chief Information Officer  
Enterprise Technology Services

Before the

SENATE COMMITTEE ON GOVERNMENT OPERATIONS  
Tuesday, March 15, 2022  
SEANTE BILL NO. 2111 SD2  
RELATING TO PUBLIC NOTICES

Dear Chair Nakashima, Vice Chair Matayoshi, and members of the committee:

The Office of Enterprise Technology Services (ETS) supports this bill which allows government agencies to publish public notices on an official government website as an alternative to a newspaper.

This measure removes specific references to Hawaii FYI, an old state government website, and adds other publicly accessible government on-line options as timely and cost-effective alternatives for posting government legal notices. We support efforts that provide for and encourage adopting modern technologies and business practices that expand public engagement.

Thank you for the opportunity to provide testimony on this measure.



## DISABILITY AND COMMUNICATION ACCESS BOARD

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1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129

March 15, 2022

### TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

#### Senate Bill 2111, Senate Draft 2 – Relating to Public Notices

The Disability and Communication Access Board (DCAB) opposes Senate Bill 2111, Senate Draft 2 Relating to Public Notices. The purpose of this bill is to allow government agencies under certain circumstances to publish public notices on an official website as an alternative to a newspaper.

DCAB recommends the bill be amended to require the public notice be published in the newspaper and on an accessible official website for legal notices maintained by the State or appropriate county, thereby reaching the maximum audience possible in multiple and accessible formats.

Thank you for the opportunity to provide testimony.

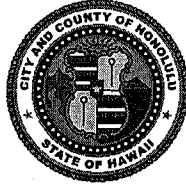
Respectfully submitted,

KIRBY L. SHAW  
Executive Director

DEPARTMENT OF DESIGN AND CONSTRUCTION  
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11<sup>TH</sup> FLOOR  
HONOLULU, HAWAII 96813  
Phone: (808) 768-8480 • Fax: (808) 768-4567  
Web site: [www.honolulu.gov](http://www.honolulu.gov)

RICK BLANGIARDI  
MAYOR



ALEX KOZLOV, P.E.  
DIRECTOR

HAKU MILLES, P.E.  
DEPUTY DIRECTOR

March 14, 2022

The Honorable Mark M. Nakashima, Chair  
The Honorable Scott Z. Matayoshi, Vice-Chair  
and Members of the Committee on Judiciary & Hawaiian Affairs  
The House  
State Capitol, Conference Room 325  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Nakashima, Vice-Chair Matayoshi, and Members:

SUBJECT: Senate Bill No. 2111 SD2  
Relating to Public Notices

The Department of Design and Construction (DDC) respectfully **supports** Senate Bill No. 2111 SD2. The purpose of the bill is to provide government agencies the option to publish notice via a posting on their official website, in lieu of or in addition to publication in daily or weekly publication such as a printed newspaper.

Electronic posting of notices would be more expedient and cost-effective, particularly for routine and/or time-sensitive notices.

Based on the above consideration, DDC respectfully **supports** Senate Bill No. 2111 SD2.

Thank you for the opportunity to express our support for this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Kozlov", written over a horizontal line.

Alex Kozlov, P.E.  
Director



PETER L. FRITZ

HOUSE OF REPRESENTATIVES  
THE THIRTY-FIRST LEGISLATURE  
REGULAR SESSION OF 2022

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Testimony on S.B. 2111 SD2  
Hearing: March 15, 2022

RELATING TO PUBLIC NOTICES

Chair Nakashima, Vice Chair Matayoshi, members of the Committee, my name is Peter Fritz. I am a former Chair of the Disability and Communication Access Board, and former board member of Assistive Technology Resource Centers, attorney and an individual with a disability. I am testifying in **Support of Senate Bill 2111 SD2 with amendments.**

This bill would allow government agencies, under certain circumstances, to publish public notices on an official website as an alternative to a newspaper. I offer the following suggestions for amendments to promote transparency and establish uniform accessibility standards.

**Transparency:**

To promote transparency, it is suggested that “electronic calendar”, page 2, line 20, be deleted from paragraph (3) so that the public would only need to search a dedicated state or county webpage for notices. Without this change, the public could be required to search the state or county website and any electronic calendar for notices.

The revised paragraph would read as follows:

- (3) For statewide or county publication of public notices, as applicable, by posting on ~~an electronic calendar~~ or an official website for legal notices maintained by the State or the appropriate county; provided that the government agency shall:

**Documentation of the Rationale for Publishing Only Online:**

To protect the State and County from claims that the notice should not have been published online, paragraph (3)(A), page 3, lines 3 to 8 could be amended to require a written statement for the rationale for publishing notices only online if the subject of the public notice is likely to impact persons with limited broadband access. The amended paragraph could read as follows:

- (A) Evaluate and document, **by a written statement of the reasons for the rationale** for posting only online if the subject of the public notice is likely to impact persons with limited, inconsistent, or unreliable broadband access or significant inexperience with broadband-enabled telecommunications;

Peter L. Fritz  
Testimony on S.B. 2111 SD2  
March 15, 2022  
Page 2

**Establish a Uniform Standard For Accessibility.**

Paragraph (3)(B) requires that documents be posted in an accessible format on an accessible website. Hawaii has not adopted a statewide standard for accessibility. For example, the legislature’s website, capitol.hawaii.gov, states that it makes “every effort to comply to ADA standards, and Section 508 of the Rehabilitation Act”. Compliance is voluntary. The County of Honolulu says that its website is maintained to W3C standards, but Hawaii County’s website is silent about the standards it uses to provide accessibility. Only if a uniform standard for accessibility is incorporated into this bill, will public notices be uniformly accessible.

To incorporate a uniform accessibility standard, this bill could be amended by replacing paragraph (3)(B), page 3, lines 9 to 11, with the following:

(B) Online Public notices shall meet or exceed the most current, ratified standards under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility Guidelines adopted by the World Wide Web Consortium for accessibility.

Respectfully submitted,



Peter L. Fritz



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Judiciary & Hawaiian Affairs  
March 15, 2022 at 2:00 p.m.

by  
Kalbert K. Young  
Vice President for Budget and Finance/Chief Financial Officer  
University of Hawai'i System

### SB 2111 SD2 – RELATING TO PUBLIC NOTICES

Chair Nakashima, Vice Chair Matayoshi, and members of the committee:

Thank you for the opportunity to submit testimony in support of SB 2111 SD2. This bill would provide government agencies the option to publish public notices on an official website as an alternative to a newspaper.

The University supports SB 2111 SD2 as it will make the public notification process for certain notices more effective and efficient without compromising public engagement and transparency. We have found that the number of newspaper subscriptions have decreased in recent years, thereby reducing our reach for public notices. Alternatively, more citizens tend to rely on online news sources for information which makes publishing public notices more challenging to ensure that they are seen by readers. The University also already publishes its public notices for administrative rules, bond transactions, Board of Regents meetings, and committees on various websites beyond what is currently required by state statute in order to ensure that it is more broadly advertised.

Thank you for the opportunity to testify on this measure.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: House Committee on Judiciary & Hawaiian Affairs

From: Cheryl Kakazu Park, Director

Date: March 15, 2022, 2:00 p.m.  
State Capitol, Conference Room 325

Re: Testimony on S.B. No. 2111, S.D. 2  
Relating to Public Notices

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Thank you for the opportunity to submit testimony on this bill, which would allow government agencies to publish public notices on an official website as an alternative to a newspaper in some circumstances. The Office of Information Practices (OIP) recommended a technical amendment to a previous version of this bill, and that amendment was made in S.B. 2111, S.D. 2. OIP has no further concerns regarding this bill.

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
ON  
SENATE BILL NO. 2111, S.D. 2

**March 15, 2022**  
**2:00 p.m.**  
**Room 325 and Videoconference**

RELATING TO PUBLIC NOTICES

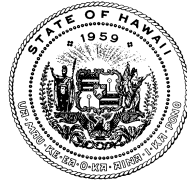
The Department of Budget and Finance (B&F) supports this bill.

Senate Bill No. 2111, S.D. 2, provides government agencies the option to publish public notices via a posting on their official website in lieu or addition to publications such as printed newspapers.

The Director of Finance (DOF) is currently required to give, twice in successive weeks, statewide public notice of the State growth and expenditure ceiling. Additionally, the Governor reports the status of unreleased grants once every quarterly allotment period in the manner prescribed by Section 1-28.5, HRS. Section 1-28.5, HRS, requires the public notice to be published statewide in a daily or weekly publication of statewide circulation or by publication in separate daily or weekly publications whose combined circulation is statewide. In practice, the Governor has delegated the reporting of the status of grants to the DOF.

The cost of publishing public notices in the newspaper at B&F totals approximately \$11,000 each fiscal year. It would be more cost effective if the Governor or the DOF could report the information on the Governor's or B&F's website, as applicable.

Thank you for your consideration of our comments.



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of SB2111 SD2  
RELATING TO PUBLIC NOTICES.**

REP. MARK M. NAKASHIMA, CHAIR  
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing Date: March 15, 2022

Room Number: Videoconference

1 **Fiscal Implications:** Operational cost savings in the tens of thousands of dollars for individual  
2 programs within executive agencies.

3 **Department Testimony:** The Department of Health (DOH) strongly supports this measure  
4 intended to improve government efficiency without compromising public engagement and  
5 transparency. This is accomplished by authorizing executive agencies the option to publish  
6 certain public notices on its official web site in lieu of in printed newspapers. SB2111 SD2 is  
7 intended for routine public notices such as those required by federal agencies, usually for  
8 regulated industries and that are highly technical. Examples (also attached) include notices for:

- 9 • Clean Air Branch: Modifications to portable crushing and screening plants, specifically  
10 the use of water suppression to mitigate fugitive emissions for a 253 TPH Powerscreen  
11 Maxtrack Crushing Plant and a 441 TPF Powerscreen Chieftain Screening Plant;
- 12 • Waste Water Branch: Variance to continue previously approved use of an individual  
13 wastewater system at TMK (4) 4-6-016: 005;
- 14 • Clean Water Branch: Modification of the chlordane maximum daily and average annual  
15 effluent limitations pursuant to a change in 40 CFR Sections 122.62(a)(2), specifically,  
16 consideration of additional data and new dilution study; and
- 17 • Safe Drinking Water Branch: Notification of a violation of the Volatile Organic  
18 Chemical monitoring requirements, specifically that sample water collected was received  
19 by the testing lab over the allowable sample temperature.

1 Stakeholders affected by this measure are entities that already monitor government rules and  
2 regulations, either by paid professionals in regulated industries or advocates. Examples of  
3 annual cost savings this measure will provide include \$100,000 for National Pollutant Discharge  
4 Elimination System permits, \$100,000 for waste water variance postings, \$5,000 for  
5 underground injection control permits, and \$30,000 for clean air permits.

6 Public notices of substance, such as hearings for Hawaii Administrative Rules, Sunshine Law  
7 notices, or contested case hearings are governed by other statutes that require newspaper and  
8 internet posting, so SB2111 SD2 would not apply. For example, public notice for a hearing to  
9 amend the eligibility criteria for DOH's supplemental nutrition access program or to repeal  
10 outdated care home inspection rules must go through chapter 91 requirements to solicit as broad  
11 public input as possible.

12 DOH acknowledges that many residents and communities still rely on printed newspapers due to  
13 lack of access to broadband or unfamiliarity with digital telecommunications systems. The  
14 requirement for state and county agencies to conduct an impact analysis is prudent, and the  
15 department remains open to amendments to diminish unintended consequences.

16 Thank you for the opportunity to testify.

17 **Offered Amendments:** N/A.

18

**REQUEST FOR PUBLIC COMMENTS  
ON DRAFT AIR PERMIT  
REGULATING THE EMISSIONS OF AIR POLLUTANTS**

**(Docket No. 21-CA-PA-13)**

Pursuant to Hawaii Revised Statutes (HRS), Chapter 342B-13 and Hawaii Administrative Rules (HAR), Chapter 11-60.1, the Department of Health, State of Hawaii (DOH), is requesting public comments on the following **DRAFT PERMIT** presently under review for:

**Temporary Covered Source Permit (CSP) No. 0856-01-CT**

Application for Significant Modification Nos. 0856-02, 0856-03

Big Island Hauling, Inc., dba Soil Plus

Portable Crushing and Screening Plants

Located At: Various Temporary Sites, State of Hawaii

Initial Location: 74-591 Honokohau Street, Kailua-Kona, Hawaii

The **DRAFT PERMIT** is described as follows:

**The issuance of Temporary CSP No. 0856-01-CT** will grant conditional approval for the addition of a 253 TPH Powerscreen Maxtrak Crushing Plant and a 441 TPH Powerscreen Chieftain Screening Plant to the existing 308 TPH Powerscreen Premiertrak Crushing Plant and 441 TPH Powerscreen Chieftain Screening Plant. Water suppression will be used as necessary to minimize fugitive emissions from crushing and screening operations, material transfer points, stockpiles, and plant roads. The crushing and screening plant is subject to 40 Code of Federal Regulations (CFR) Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants. This permit, if issued, will supersede CSP No. 0856-01-CT, issued on February 9, 2018, in its entirety.

The **ADMINISTRATIVE RECORD**, consisting of the **APPLICATION** and non-confidential supporting material from the applicant, the permit review summary, and the **DRAFT PERMIT**, is available for public inspection online at <http://health.hawaii.gov/cab/public-notices/> and at the following locations during regular office hours, Monday through Friday, 7:45 a.m. to 4:15 p.m.:

**Oahu:**

- State of Hawaii  
Clean Air Branch  
2827 Waimano Home Road, #130  
Pearl City, Hawaii 96782



**Hawaii:**

- Hawaii District Health Office  
Department of Health  
1582 Kamehameha Avenue  
Hilo, Hawaii 96720
- Sanitation Branch  
Department of Health  
79-1020 Haukapila Street, Room 115  
Kona, Hawaii 96750

All comments on the draft permit and any request for a public hearing must be in writing, addressed to the Clean Air Branch at the above address on Oahu and must be postmarked or received by **January 18, 2022**.

Any person may request a public hearing by submitting a written request that explains the party's interest and the reasons why a hearing is warranted. The DOH may hold a public hearing if a hearing would aid in DOH's decision. If a public hearing is warranted, a public notice for the hearing will be published at least thirty (30) days in advance of the hearing.

Interested persons may obtain copies of the administrative record or parts thereof at a copying cost of five (5) cents per page. Please send written requests to the Clean Air Branch listed above or call Mr. Jensen Kennedy at the Clean Air Branch at (808) 586-4200.

Comments on the draft permit should address, but need not be limited to, the permit conditions and the facility's compliance with federal and state air pollution laws, including: (1) the National and State Ambient Air Quality Standards; and (2) HRS, Chapter 342B and HAR, Chapter 11-60.1.

DOH will make a final decision on the permit after considering all comments and will send notice of the final decision to each person who has submitted comments or requested such notice.

Elizabeth A. Char, M.D.  
Director of Health

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P.O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File: SDWB  
237M0218.docx

February 23, 2018

SDWLS  
5/11/18 SIA 1/3/18 ✓  
— SIF 6/27/18 ✓  
6/5 SOX 6/5/18 ✓

Ms. Joy Gannon  
Director of Utilities  
Pulama Lanai  
P.O. Box 630310  
Lanai City, HI 96763  
[via [jgannon@pulamalanai.com](mailto:jgannon@pulamalanai.com) only]

Dear Ms. Gannon:

**SUBJECT: PUBLIC WATER SYSTEM ID 237, LANAI CITY WATER SYSTEM, NOTICE OF VOLATILE ORGANIC CHEMICAL MONITORING VIOLATIONS (TIER 3), 2017 MONITORING PERIOD**

The Department of Health (DOH) informed you on January 3, 2018, that the Lanai City water system violated the Volatile Organic Chemical (VOC) monitoring requirements in 2017. A sample was collected and sent to a private laboratory, but it was received at over the allowable sample temperature. Pulama Lanai incurred violations for each regulated VOC contaminant as follows:

Contaminant(s)	Number of contaminants	Number of violations
VOCs*	21	21

\* VOCs include the following regulated contaminants: 1,1,1-Trichloroethane (TCA); 1,1,2-Trichloroethane; 1,1-Dichloroethylene; 1,2,4-Trichlorobenzene; 1,2-Dichloroethane (EDC); 1,2-Dichloropropane (DCP); Benzene; Carbon Tetrachloride (CTC); Chlorobenzene; cis-1,2-Dichloroethylene; Dichloromethane; Ethylbenzene; o-Dichlorobenzene; p-Dichlorobenzene; Styrene; Tetrachloroethylene; Toulene; trans-1,2-Dichloroethylene; Trichloroethylene (TCE); Vinyl Chloride; and Xylenes (total).

Failure to comply with a monitoring requirement is a Tier 3 violation. Tier 1 violations are the most serious violations, and Tier 3 violations are the least serious. However, these 21 violations are major monitoring violations because no sample for VOCs was properly analyzed during the monitoring period.

Public Notification Requirements. Tier 3 violations require public notification through mail delivery:

Public Notice Requirement Deadline  
Mail delivery Deliver public notice within 1 year – by **January 2, 2019**

Ms. Joy Gannon  
February 23, 2018  
Page 2

We highly encourage you to distribute the public notice within one quarter, or by April 2, 2018, due to the number of violations incurred. You also have the option of distributing the public notice with your annual Consumer Confidence Report in June.

We also encourage you to collect your 2018 VOC sample as soon as possible so that you would be able to report in your public notice if there were any VOCs detected in the current monitoring period. Please note that you must report these violations in your Consumer Confidence Report in June.

The following documents are enclosed for your use and information:

1. A brief explanation of the public notice requirements,
2. A sample public notice for mail delivery,
3. A sample public notice issuance form letter which must be returned to the SDWB.

Please complete the issuance letter and send it **within 10 days of delivering the public notice**, with a copy of the notice, to the SDWB Chief, Ms. Joanna L. Seto, P.E., at the address above.

If you have questions concerning these violations, please call Mr. Zhaohui Wang of the Compliance Section at 808-586-4258. If you have any questions on the public notice requirements, please call Ms. Ann Zane, Supervisor of the SDWB Compliance Section, at the same phone number.

Sincerely,

JOANNA L. SETO, P.E., ACTING CHIEF  
Environmental Management Division

AZ:mc

Enclosures

## Instructions for Monitoring Violations Annual Notice

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation. Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following:

- Hand or direct delivery
- Mail, or a separate notice included with the water bill

Noncommunity systems must use one of the following:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.204(c)]. Such methods could include newspapers, email, or delivery to community organizations. If you post this notice, it must remain posted until the violation is resolved. If the violation has already been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the next page is appropriate for insertion in an annual notice of the Consumer Confidence Report (CCR), as long as public notification timing and delivery requirements are met [40 CFR 141.204(d)]. You may need to modify the template for a notice for individual monitoring violations. This example represents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g. in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time. If you do modify the notice, you must still include all the required PN elements from 40 CFR 141.205(1) and leave the mandatory language unchanged (see below).

### Mandatory Language

Mandatory language for monitoring and testing procedure violations [40 CFR 141.205(d)] must be included as written (with blanks filled in) and is presented in this notice in italics. You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)].

### Corrective Action

In your notice, describe corrective actions you took, or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

### After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within 10 days after issuing the notice [40 CFR 141.31(d)].

**SAMPLE PUBLIC NOTICE**

**DRINKING WATER NOTICE**

Monitoring requirements not met for the Lanai City water system

Our water system violated drinking water monitoring requirements in 2017. Even though this was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct this situation.

*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During 2017, we did not complete all monitoring or testing at the Lanai City water system for Volatile Organic Chemicals (VOCs). We therefore cannot be sure of the quality of the Lanai City drinking water with regard to these chemicals at that time.*

**What should I do?**

There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for during the time period, how many samples we were supposed to take, how many samples we took, and when samples were last collected.

Contaminant(s)	Required sampling frequency	Number of samples taken	When sample was last taken
VOCs <sup>1</sup>	1 sample every year	0	Month/year

One sample for VOCs was collected in 2016, and these chemicals were not detected.

**Steps We Are Taking**

[Describe corrective action.] e.g. you may add "...After samples have been collected in current year, the water system is expected to again be in compliance with drinking water monitoring requirements for VOCs." For more information, please contact name of contact of at phone number or location/address.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

State Water System ID#: 237

Date Distributed: date

<sup>1</sup>VOCs include the following regulated contaminants: 1,1,1-Trichloroethane (TCA); 1,1,2-Trichloroethane; 1,1-Dichloroethylene; 1,2,4-Trichlorobenzene; 1,2-Dichloroethane (EDC); 1,2-Dichloropropane (DCP); Benzene; Carbon Tetrachloride (CTC); Chlorobenzene; cis-1,2-Dichloroethylene; Dichloromethane; Ethylbenzene; o-Dichlorobenzene; p-Dichlorobenzene; Styrene; Tetrachloroethylene; Toulene; trans-1,2-Dichloroethylene; Trichloroethylene (TCE); Vinyl Chloride; Xylenes (total).

**SAMPLE PUBLIC NOTICE ISSUANCE LETTER**

date

Ms. Joanna L. Seto, P.E.  
Department of Health  
Safe Drinking Water Branch  
919 Ala Moana Blvd., Room 308  
Honolulu, HI 96814-4920

Dear Ms. Seto:

**SUBJECT: PWS ID 237, LANAI CITY WATER SYSTEM, VOLATILE ORGANIC CHEMICAL MONITORING VIOLATIONS, 2017 MONITORING PERIOD, PUBLIC NOTICE**

The public water system indicated above hereby affirms that public notice has been provided to consumers in accordance with the delivery, content, format requirements and deadlines in Chapter 11-20, "Rules Relating to Potable Water Systems," sections 11-20-18(d) and (e) (Tier 3 violations).

Please contact name at phone if there are any questions. A copy of the public notice is attached. The following information pertains to this public notice.

- \_\_\_ Consultation with primacy agency on date
- \_\_\_ Public notice contained required language, and DOH reviewed the draft
- \_\_\_ Notice distributed by: method on date

Form completed by:

\_\_\_\_\_  
Signature Date

Sincerely,

\_\_\_\_\_  
Signature of owner/operator Date

RECEIVED  
SAFE DRINKING WATER BRANCH

JUL 12 2018

*J. 2.12.18  
AL*



LANA'I WATER COMPANY, INC.  
P.O. Box 630310  
Lana'i City, Hawaii 96763  
Telephone: (808) 565-3355  
Fax: (808) 565-3360

July 2, 2018

Ms. Joanna L. Seto, P.E.  
Department of Health  
Safe Drinking Water Branch  
919 Ala Moana Blvd., Room 308  
Honolulu, HI 96814-4920

Subject: PWS ID 237, Lanai City Water System, Volatile Organic Chemical Monitoring Violations,  
2017 Monitoring Period, Public Notice

Dear Mr. Seto:

The Public Water System indicated above hereby affirms that public notice has been provided to consumers in accordance with the deliver, content, format requirements and deadlines in Chapter 11-20, "Rules Relating to Potable Water Systems," Section 11-20-18(d) and (e) (Tier 3 violations).

Please contact Joy Gannon at 808-563-0259 if there are any questions. A copy of the public notice is attached. The following information pertains to this public notice.

- Consultation with primary agency on 6/19/18
- Public notice contained required language, and DOH reviewed the draft
- Notice distributed by mail throughout the week of June 25<sup>th</sup> – June 28<sup>th</sup> (Large mailing and it took several days).
- Form completed by Joy Gannon on July 2, 2018

Sincerely,

Joy Gannon  
Director of Utilities





LANA'I WATER COMPANY, INC.

P.O. Box 630310  
Lana'i City, Hawaii 96763  
Telephone: (808) 565-3355  
Fax: (808) 565-3360

## DRINKING WATER NOTICE

### Monitoring Requirements not met for the Lanai City water system

Our water system violated drinking water monitoring requirements in 2017. Even though this was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct the situation.

We are required to monitor the Lanai Water System drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During 2017, we did not complete all monitoring or testing at the Lanai City water system for Volatile Organic Chemicals (VOCs). We therefore cannot be sure of the quality of the Lanai City drinking water with regard to these chemicals at that time.

#### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for during the time period, how many samples we were supposed to take, how many samples we took, and when samples were last collected.

Contaminant(s)	Required sampling frequency	Number of samples taken	When sample was taken previous to 2017
VOCs <sup>1</sup>	1 sample every year	0	2016

One sample for VOCs was collected in 2016, and these chemicals were not detected.

#### Steps We Are Taking

VOC samples were taken in June of 2018 and were non-detectable. After samples were collected this year, the Lanai Water system is again in compliance with drinking water monitoring requirements for VOCs. For more information, please contact Joy Gannon at 808.563.0259 or at the Lanai Water Company office located at 1311 Fraser Ave. in Lanai City.

Please share this information with all the other people who are customers in Lanai City service area, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses).

State Water System ID#: 237

Date Distributed: June 27, 2018

<sup>1</sup>VOCs include the following regulated contaminants: 1,1,1-Trichloroethane (TCA); 1,1,2-Trichloroethane; 1,1-Dichloroethylene; 1,2,4-Trichlorobenzene; 1,2-Dichloroethane (EDC); 1,2-Dichloropropane (DCP); Benzene; Carbon Tetrachloride (CTC); Chlorobenzene; cis-1,2-Dichloroethylene; Dichloromethane; Ethylbenzene; o-Dichlorobenzene; p-Dichlorobenzene; Styrene; Tetrachloroethylene; Toulene; trans-1,2-Dichloroethylene; Trichloroethylene (TCE); Vinyl Chloride; Xylenes (total).



AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
Public Notice

STATE OF HAWAII
City and County of Honolulu

Doc. Date: MAY 01 2018 # Pages: 1
Notary Name: COLLEEN E. SORANAKA First Judicial Circuit
Doc. Description: Affidavit of Publication
Notary Signature: [Signature] Date: MAY 01 2018
Notary Public Seal: COLLEEN E. SORANAKA, NOTARY PUBLIC, No. 90-263, STATE OF HAWAII

Gwyn Pang being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the

Honolulu Star-Advertiser 1 times on: 05/01/2018
MidWeek 0 times on:
The Garden Island 0 times on:
Hawaii Tribune-Herald 0 times on:
West Hawaii Today 0 times on:
Other Publications: 0 times on:

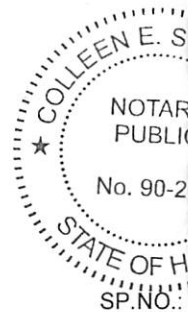
And that affiant is not a party to or in any way interested in the above entitled matter.

Gwyn Pang
Gwyn Pang

Subscribed to and sworn before me this 1 day of May A.D. 2018

Colleen E. Soranaka, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Jan 06 2020

Ad # 0001093494



NOTICE OF PROPOSED MODIFICATION OF WATER POLLUTION CONTROL PERMIT

May 1, 2018

The Department of Health (DOH) proposes to modify the Sand Island Wastewater Treatment Plant (SIWWTP), HI 0020117, National Pollutant Discharge Elimination System (NPDES) permit to discharge to receiving State waters:

This permit, issued to the City and County of Honolulu, is being modified pursuant to Hawaii Administrative Rules (HAR), Section 11-55-16 and Title 40 Code of Federal Regulations (40 CFR), Section 122.62(a)(2). The proposed major modification includes:

- 1. Removing the DDT maximum daily and average annual effluent limitations and revising the monitoring frequency from monthly to semi-annually pursuant to 40 CFR Section 122.62(a)(15) (specifically, excluding non-detects from RPA calculations);
2. Removing the chlordane maximum daily and average annual effluent limitations pursuant to 40 CFR Sections 122.62(a)(2) (specifically, consideration of additional data and new dilution study) and (a)(15) (specifically, (1) utilizing an RPA that projected daily maximum concentrations, thereby not considering the long exposure time associated with human health criteria for carcinogens (e.g. 70 years) and the fact that human health criteria for carcinogens is expressed as an annual average and (2) the treatment of non-detects in RPA calculations);
3. Revising the dieldrin maximum daily and average annual effluent limitations pursuant to 40 CFR Sections 122.62(a)(2) (specifically, consideration of additional data and new dilution study) and (a)(15) (specifically, (1) utilizing an RPA that projected daily maximum concentrations, thereby not considering the long exposure time associated with human health criteria for carcinogens (e.g. 70 years) and the fact that human health criteria for carcinogens is expressed as an annual average and (2) the treatment of non-detects in RPA calculations);
4. Removing the ammonia nitrogen maximum daily effluent limitations pursuant to 40 CFR Sections 122.62(a)(2) (specifically, utilization of additional data) and (a)(15) (specifically, the treatment of non-detects in RPA calculations);
5. Revising the enterococcus maximum daily and average monthly effluent limitations pursuant to 40 CFR Section 122.62(a)(2) (specifically, consideration of additional data and new dilution study);
6. Revising certain Whole Effluent Toxicity ("WET") requirements, including for the Instream Waste Concentration ("IWC") and test species pursuant to 40 CFR Section 122.62(a)(2) (specifically, consideration of additional information regarding projected changes to the treatment train and species sensitivities, and new dilution study); and
7. Removing Part 1.5 of the 2014 Permit, "Planned Changes" pursuant to 40 CFR Section 122.62(a)(15) (specifically, to achieve consistency with 40 CFR 122.41(l)).

The draft modified permit shall expire on November 11, 2019.

In accordance with 40 CFR Sections 124.5(c)(2) and 122.62, only the conditions outlined above are being proposed for modification. Please note that DOH is only requesting comments on, or considering requests for a public hearing on, the items proposed for modification as described above.

Persons wishing to comment upon or object to the proposed modified SIWWTP NPDES permit or to request a public hearing, should submit their comments or requests in writing no later than 30 calendar days after the date of this notice, either in person or by mail, to:

Clean Water Branch
Environmental Management Division
Department of Health
2827 Waimano Home Road, Room 225
Pearl City, HI 96782

Copies of the proposed modified permit and other information are available for public inspection, Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m., at the DOH office address shown above and on the WPC Viewer located at:

http://eha-web.doh.hawaii.gov/wpc-viewer. Copies may be bought. The proposed modified permit and rationale are also available on the internet at: http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/public-notices-and-updates and on the WPC Viewer located at: http://eha-web.doh.hawaii.gov/wpc-viewer. For more information or if you have special needs due to disability that will aid you in inspecting and/or commenting on the proposed modified permit and related information, please contact Mr. Darryl Lum, Supervisor of the Engineering Section, at the above address or (808) 586-4309 (Voice) at least seven (7) calendar days before the comment deadline. For those who use a TTY/TDD, please call through Sprint Relay Hawaii, at 1-711 or 1-877-447-5991.

All comments and requests received on time will be considered. If DOH determines that there is significant public interest, a public hearing may be held after at least 30 calendar days of public notice.

If DOH's position is substantially unchanged after considering all timely written comments and all oral comments at any public hearing that may be held, then the DOH will issue the modified NPDES permit and this action will be final.

VIRGINIA PRESSLER, M.D.
Director of Health

**SB-2111-SD-2**

Submitted on: 3/14/2022 12:34:11 PM

Testimony for JHA on 3/15/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kathy Jaycox	Individual	Comments	Written Testimony Only

Comments:

Aloha, Representatives --

Thank you for this opportunity to submit comments in relation to SB 2111 S.D.2.

As a taxpayer, I am happy that our government is looking for ways to cut costs, yet sustain services. As a kupuna, though, I know that many folks who need to read public notices lack access to the internet.

For the next few years, I would suggest that posting remain both/and, rather than either/or. I believe that federal funds will be coming to our state to improve internet access as a result of all the problems we saw during CoVid. So please let the access improve before making this change.

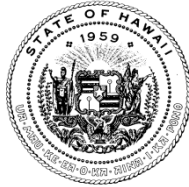
To: House Committee on Judiciary & Hawaiian Affairs  
From: Cheryl K. Park  
Date: March 14, 2022  
Re: SB 2111, SD 2, Relating to Public Notices

SB 2111, SD 2 would allow government agencies under certain circumstances to publish public notices online instead of in a newspaper of statewide circulation. I agree with the goals of saving government funds and increasing accessibility by the posting of notices online and understand that it is not necessary or effective to publish all details of a proposal in a printed newspaper, but I also want to express my personal concern as an individual about the inadvertent effects this bill may have in maintaining the viability of a newspaper with statewide circulation in Hawaii and how its potential demise could lead to a lack of competition that would adversely affect fair and accurate news reporting.

I believe it is important to maintain a free press that follows ethical journalistic standards to report on local issues and that Hawaii would have very limited options to fairly and accurately receive in-depth analyses and varied local news without a newspaper of statewide circulation. I would not want Hawaii to become a local news desert with mere sound bites, if any, covering important local issues, or lose the wide variety of local news coverage provided by a statewide newspaper, which includes local sports, politics, cultural events, charitable efforts, human interest stories, and obituaries, along with national and international news. I am concerned that the loss of printed newspapers would greatly affect people who have no skills, equipment, internet connection, or desire to access news online, especially on the small screens of smartphones. I also fear that the loss of a newspaper of statewide coverage could lead to a virtual monopoly of local news reporting that would shape public opinion without the benefit of competition to help ensure fair, accurate, and balanced reporting.

Thank you for considering these additional concerns in developing an appropriate solution to meet the bill's other laudable goals.

DAVID Y. IGE  
GOVERNOR



**TESTIMONY BY:**

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
ROSS M. HIGASHI  
EDUARDO P. MANGLALLAN  
PATRICK H. MCCAIN  
EDWIN H. SNIFFEN

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

March 15, 2022  
2:00 p.m.  
State Capitol, Teleconference

**S.B. 2111, S.D. 2**  
**RELATING TO PUBLIC NOTICES**

House Committee on Judiciary and Hawaiian Affairs

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The Department of Transportation (DOT) **supports** S.B. 2111, S.D. 2 which proposes to allow government agencies the option to publish certain public notices on its official web site in lieu of publication in a daily or weekly printed newspaper.

S.B. 2111, S.D.2 as written will allow government agencies, when not otherwise stated in a specific statute, to publish public notices without undertaking the monetary and time cost of procuring a print ad. Public notices for hearings on Hawaii Administrative Rules and Sunshine Law notices would continue to be published in the daily or weekly printed newspaper of the affected county. The DOT believes this would increase efficiency of permit and design processes and supports the proposed amendment to Section 1-28.5.

Thank you for the opportunity to provide testimony.