

**STATE OF HAWAII  
DEPARTMENT OF HEALTH**

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WRITTEN  
TESTIMONY ONLY

**Testimony in OPPOSITION to SB0350 SD2  
RELATING TO THE ENVIRONMENT**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR  
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Hearing Date: 03/16/21

Room Number: Videoconference

1 **Fiscal Implications:** Adding monitoring activities during Brown Water Advisories would  
2 require additional resources (i.e., more staff time, additional sampling materials, increased  
3 laboratory costs, etc.). Also, collecting samples during brown water conditions may pose a  
4 hardship and safety concern for staff traveling during inclement weather to monitor and/or post  
5 signs on the affected beaches. The additional resources necessary to monitor and to post signs  
6 are of significant concern, since the Department of Health (Department) relies heavily on federal  
7 funds (approximately \$310,000 per year) to conduct the beach monitoring and notification  
8 program. The allotted federal funds are insufficient to pay for additional statewide laboratory  
9 analytical testing. The allotted federal funds are also insufficient to pay for the signs and the  
10 additional staff costs needed to post signs. This measure will impact the priorities identified in  
11 the Governor's Executive Budget Request for the Department's appropriations and personnel  
12 priorities.

13 **Department Testimony:** The Department acknowledges the intent of this measure, but  
14 respectfully opposes it and submits the following comments.

15 Environmental Management Division Chief. Section 1(a)(1) of the bill requires the  
16 Department to fill the vacant environmental management division chief position by October 1,  
17 2021. This position has been filled effective March 1, 2021. The Governor's biennium budget  
18 includes a tradeoff/transfer request to fund the position salary, since that was reduced to \$0 by  
19 Act 9, SLH 2020.

1           Testing During Brown Water Advisories. Section 1(a)(2) of the bill requires the Clean  
2 Water Branch (CWB) to perform water quality testing during brown water advisories as part of  
3 its Hawaii beach monitoring program. This includes testing water samples from affected Tier 1  
4 beaches during advisories, but does not require the CWB personnel to collect water samples until  
5 hazardous conditions have subsided. The Committee on Agriculture and Environment (AEN)  
6 found that there is minimal data to describe the pollution and health risks during brown water  
7 advisory conditions.

8           The Department believes water quality testing during brown water advisories is not  
9 necessary and is an undesirable diversion of an already low supply of resources, both material  
10 and human. The CWB has historic water quality data that shows that the action threshold value  
11 for the fecal indicator is almost always exceeded after heavy rainfall. The CWB has more than  
12 700 data points at this time and does not understand how this is characterized as “minimal.” This  
13 data is available to the public upon request. The Department acknowledges that, as AEN noted,  
14 the EPA Region 9 recommended to the CWB that establishing a protocol to test in brown water  
15 advisories would provide more accurate and comprehensive data regarding water quality. After  
16 the CWB informed the EPA that it had data showing that enterococci counts were almost always  
17 elevated during rain events and that, logistically, it would be nearly impossible to collect samples  
18 from all affected areas, the EPA declined to pursue the matter further.

19           If the Committee believes testing during an advisory is necessary, the Department notes  
20 that the sampler will be required to return to the affected beach(es) while the advisory remains  
21 active. Brown water advisories often last several days and have lasted for several weeks in the  
22 past, and this bill does not provide guidance on how the CWB can determine when it has  
23 achieved the objective this bill requires. The Department further notes that there is only one  
24 sampler each on Kauai and Maui, one in Hilo, one in Kona, and two on Oahu. More field  
25 samplers will clearly be needed to be able to fulfill this requirement.

26           The Committee should be aware that a condition of the federal grant that supports beach  
27 monitoring is weekly monitoring of all statewide Tier 1 beaches and subsequent retesting of all

1 beaches that exceed the threshold on each subsequent work day until the threshold is no longer  
2 exceeded. Samplers are required to deliver the samples to the laboratory within a set timeframe,  
3 often by early afternoon to meet the maximum analytical holding time and to allow time for  
4 processing in the laboratory. This limits the number of sites that can be monitored per day. The  
5 Department notes that testing during brown water advisories will require additional laboratory  
6 resources to analyze those additional samples. In the event laboratory resources are  
7 overburdened during a brown water event, the Department will be faced with a difficult decision  
8 on how to balance this bill's requirement to test waters during brown water advisories and post  
9 signs on the affected beaches and the competing federal requirement that funds much of the  
10 beach testing program, potentially jeopardizing future federal grants.

11 Health Advisories During Brown Water Advisories. Section 1(a)(3) of the bill requires  
12 the Department to issue health advisories during brown water advisories that explain the health  
13 risks associated with water runoff, including, but not limited to, informational signs posted  
14 during these advisories at affected Tier 1 beaches.

15 The CWB already issues health advisories and risk communication on beach water  
16 quality when human health may be at risk and posts signs as warranted. If fecal indicator levels  
17 exceed the threshold, CWB is already required by federal grant obligations to notify the public  
18 and collect follow up samples on each subsequent workday until the fecal indicator levels no  
19 longer exceed the threshold level.

20 As already noted, sign posting and removal will take time away from testing the required  
21 Tier 1 beaches. In addition, posting signs only at Tier 1 beaches may unintentionally mislead the  
22 public if an adjacent non-Tier 1 beach, which is also affected by the same source of brown water,  
23 does not have posted signs. Beaches, as identified for BEACH Act purposes, may not  
24 correspond to what the public commonly considers a beach – for example, “Waikiki Beach” is  
25 actually comprised of 8 individual beaches for BEACH Act reporting purposes and includes both  
26 Tier 1 and non-Tier 1 beaches. The time involved in both posting and removing signs along an  
27 entire coastal stretch with both Tier 1 and non-Tier 1 beaches will likely require more personnel

1 than the CWB has available for the beach monitoring program, and will certainly reduce the  
2 amount of time samplers can devote to collecting samples at other scheduled sites for that day.

3 Determining and Ranking Beaches. Section 1(a)(4) of the bill requires the Department to  
4 take into consideration environmental justice issues in the assessment of use, when considering  
5 usage and public health risk for its determination and ranking of beaches for inclusion in  
6 Hawaii's beach monitoring program. In developing its statewide tier system, the CWB evaluated  
7 the usage level of the various beaches, the availability of facilities such as restrooms and  
8 showers, the presence of staffed lifeguard stations, and accessibility. Currently, Tier 1 beaches  
9 represent the most heavily used beaches on each island. The rationale for this decision was to  
10 protect as many beach users as possible with the resources available. The Department does not  
11 fully understand what additional specific criteria should be used in formulating this  
12 determination but is open to further discussion and concrete guidance.

13 EMD Oversight Advisory Board. Section 1(a)(5) of the bill establishes an oversight  
14 advisory board to provide oversight and guidance to the EMD. It is not clear what the purpose  
15 and scope of an EMD oversight advisory board will be. The EMD covers all the Clean Water  
16 Act, Safe Drinking Water Act, Clean Air Act, and the Resource Conservation and Recovery Act  
17 programs in the state. It seems infeasible to assemble an advisory board that can adequately and  
18 knowledgeably oversee and provide guidance on all the programs under the EMD.

19 LRB Comprehensive Review. Section 2(a) of this bill requires the Legislative Reference  
20 Bureau (LRB) to conduct a comprehensive review of the EMD with a focus on the EMD's CWB  
21 and Wastewater Branch (WWB). An independent review and report by LRB is repetitive and  
22 unnecessary.

23 In 2018, the CWB completed an extensive internal operational review conducted by the  
24 EPA's contractor, Blue Earth Consultants, a Division of ERG. Their report, the "Hawaii  
25 Department of Health Clean Water Branch Program Evaluation, Final Report" was completed on  
26 June 29, 2018. Preparing the report cost the Department over \$200,000, which represents a  
27 significant amount of the EPA grant funds. The Department realizes that improvements can and

1 should be made to managing the Clean Water Act programs. That was one of the reasons for  
2 having the Blue Earth report completed.

3 Also, it is not clear what the purpose and scope of LRB's comprehensive review of the  
4 EMD will be, since the EMD's CWB and WWB have very large and broad program  
5 responsibilities (which include the National Pollutant Discharge Elimination System (NPDES)  
6 permitting, water quality standards, surface water monitoring and assessment, Total Maximum  
7 Daily Load, BEACH Act monitoring and notification, NPDES enforcement and compliance,  
8 non-point source management, state revolving funds management for water pollution control  
9 projects, management and regulatory oversight of individual wastewater systems, onsite  
10 wastewater and reuse treatment facilities, water reuse, and wastewater sludge reuse programs).

11 **Offered Amendments:** None

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

Charlotte A. Carter-Yamauchi  
Director

Shawn K. Nakama  
First Assistant

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LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
Honolulu, Hawaii 96813

## Written Comments

### **SB350 SD2 RELATING TO THE ENVIRONMENT**

Charlotte A. Carter-Yamauchi, Director  
Legislative Reference Bureau

Presented to the House Committee on Energy & Environmental Protection

Tuesday, March 16, 2021, 9:00 a.m.  
Via Video Conference

Chair Lowen and Members of the Committee:

I am Charlotte Carter-Yamauchi, Director of the Legislative Reference Bureau (LRB). Thank you for this opportunity to provide written **comments** on S.B. No. 350, S.D. 2, Relating to the Environment.

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 10/1/2021 and consider environmental justice issues when making certain assessments and determinations;
- (2) Require the Department of Health's 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; and
- (3) Require the Legislative Reference Bureau to conduct a comprehensive review of the Environmental Management Division.

The Bureau takes no position on this measure but submits the following comments for your consideration.

With regard to requiring the Legislative Reference Bureau to conduct a comprehensive review of the Environmental Management Division, we note that the Bureau has no specific expertise or particular experience in matters relating to environmental management or how to conduct what seems to be a performance evaluation of an executive department program. Pursuant to section 23-4, Hawaii Revised Statutes, "*[t]he [A]uditor shall conduct postaudits of the transactions, accounts, programs, and performance of all departments, offices, and agencies of the State and its political subdivisions.*" Consequently, by law, executive agency performance evaluations fall under the purview of the Auditor.

Furthermore, as currently drafted, it is unclear what is the issue to be examined or what is to be achieved under a "comprehensive review of the Environmental Management Division" since no parameters, other than that the review should focus on the Division's Clean Water and Wastewater Branches, are provided under which to frame the scope of the review.

Thank you again for the opportunity to submit written comments.



March 14, 2021

**In Support of SB350 Relating to the Environment**  
House Committee on Energy and Environmental Protection  
March 16, 9:00am, Videoconference

Aloha Chair Lowen, Vice Chair Marten, and members of the EEP Committee,

The Surfrider Foundation Hawaii Chapters would like to offer this testimony in **support of SB 350**. In addition, and attached to our testimony, is a sign-on letter from **22 local organizations** representing thousands of local residents urging your support of this bill.

In their testimony, the Department of Health incorrectly maintains that this bill will increase the Department's workload and cost. On the contrary, SB350 **will not increase costs and does not require DOH to sample more beaches**. It simply requires the Department of Health to maintain its regularly scheduled monitoring activities during Brown Water Advisories, seek partnerships at Tier 1 beaches to post public signage during Brown Water Advisories, and re-evaluate its current Beach Tiering system to account for environmental justice and to protect public health where it is most at risk.

Specifically, SB350 would require:

1. **Continued Monitoring During Brown Water Advisories.** The DOH monitors Tier 1 beaches on a weekly or bi-weekly basis and Tier 2 beaches monthly or every two to three months. If the water is brown, or if there is a Brown Water Advisory in place, the DOH will simply skip over that beach - even if it is on the regular schedule to be monitored. This is unacceptable and creates an incomplete picture of water quality data in Hawaii by skewing data towards dry conditions. Because the overall dataset is biased, the public is less informed of actual pollutant loads during Brown Water Advisories. In some cases, the bacteria levels could be extremely high and dangerous, and the public should be aware of that risk.

To clarify, SB350 does not require additional testing or for DOH to specifically seek out and test beaches with Brown Water Advisories. Rather, it simply requires DOH to stop its practice of skipping over regularly scheduled beaches if there is brown water and/or if a Brown Water Advisory is in place. This should not add any additional sampling costs for the Clean Water Branch. If DOH is concerned about increased testing due to high bacterial readings during Brown Water Advisories, there are options to minimize costs in other areas. For example, HDOH could run samples only for clostridium during second follow-up samples at beaches where *Enterococcus* exceeds health standards, instead of for each sample collected.

2. **Public Advisory Signs Posted at Tier 1 Beaches During Brown Water Advisories.** DOH currently notifies the public of Brown Water Advisories via online alerts, emails, and radio/TV notifications. Physical signs posted at Tier 1 beaches during BWAs would not be cost prohibitive and would provide better notification to beach goers as they are stepping onto the beach of Brown Water conditions, allowing families and people with compromised immune systems to take precautions from becoming sick. Surfrider feels



confident that the Clean Water Branch could work out a system with lifeguards, beach managers, and/or property owners of Tier 1 beaches to develop a reasonable plan to make this work without burdensome costs on staff or financial resources.

- 3. Environmental Justice and Tiering of Beaches.** The current ranking system identifies beaches that are heavily used, but this results in overlooking many areas that are important to local communities for fishing, gathering food, recreation, and cultural practices. Many coastal waters that are used primarily by native Hawaiian communities and local people are in areas with high cesspool density and/or low coastal circulation, such as Kahalu'u on O'ahu. The HDOH should place equal weight on prioritizing beaches for regular testing where pollution concerns are the highest, or where people are most likely to be exposed to sources of pollution, rather than continuing to single-mindedly cover beaches with high use, regardless of potential health threats.

This provision is not asking DOH to sample more beaches, but rather to shift its prioritization from beaches that have years of data indicating clean water to beaches in our communities that do not currently benefit from weekly testing. This is a highly reasonable request that also prioritizes the health and safety of our local communities.

- 4. Oversight of Environmental Management Division.** This position has remained unfilled since Stuart Yamada left HDOH employment over 2 years ago, and should be filled as soon as possible for optimal oversight and implementation of the various Division programs. The DOH already has money for this position.

We also agree that 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 it has been over 10 years since this board has been convened. Sub-committees will be convened to address specific issues.

The Surfrider Foundation supports a robust citizen science program called the Blue Water Task Force (BWTF) that is providing valuable water quality information to coastal communities so people know where it is safe to get into the water. We currently have over 50 BWTF labs established in coastal states across the country, including three water testing programs in Hawaii: Oahu, Maui, and Kauai. Through the Blue Water Task Force program, Surfrider volunteers are testing marine beaches and estuarine and freshwater outflows onto beaches for enterococcus fecal indicator bacteria, and sharing their results with local agencies, decisionmakers and the general public.

Given Hawaii's dependence on the ocean, we believe that our statewide beach monitoring program should represent a model program for states across the country. SB 350 will greatly strengthen our current program and ensure that public health and safety is prioritized. Thank you for your consideration of this testimony in support of SB 350, submitted on the behalf of the Surfrider Foundation's 4 Chapters and 1,000 members in Hawai'i.

Sincerely,



Lauren Blickley  
Hawai'i Regional Manager  
Surfrider Foundation

March 14, 2021  
**HOUSE ENERGY AND ENVIRONMENTAL PROTECTION COMMITTEE**  
In SUPPORT of SB350: Relating to the Environment

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Aloha Chair Lowen, Vice Chair Marten, and members of the EEP Committee,

We, the **22 undersigned organizations**, write to express our support for SB 350 directed towards improving the Department of Health Clean Water Branch's statewide beach water quality monitoring and public notification program.

The ocean is a vital part of our communities in Hawai'i. From recreation and putting food on our tables to cultural and traditional practices, our way of life depends on clean coastal waters. Unfortunately, statewide water quality monitoring at beaches in Hawai'i currently lags other states, favors beaches predominately visited by tourists, and lacks data collection during wet weather.

**SB 350 is a critical step towards improving water quality monitoring in coastal recreational waters in Hawai'i and will achieve the following:**

- Account for environmental justice when DOH is evaluating its beach tiering system.
- Ensure that water quality sampling adequately covers popular local beaches and is not biased towards tourist-dominated beaches.
- Improve public notification of health hazards during Brown Water Advisories by requiring the DOH to post signs at affected Tier 1 beaches and to continue their testing program during Brown Water Advisories. Currently, the Clean Water Branch suspends all testing when Brown Water Advisories are issued, leaving us with an incomplete assessment of coastal water quality conditions across the state.
- Provide for more oversight and guidance to the Environmental Management Division for better implementation of their clean water permitting, monitoring and research programs, including the hiring of a Chief of Staff position that has been vacant for over two years.

We believe that it is a public right to ensure that our beaches and coastal waters are clean and free from pollution. Our local keiki, kupuna, 'ohana, and visitors should furthermore be able to enjoy surfing, swimming and recreating in the ocean safely. We appreciate your support of SB 350 and the improvements to beach water quality monitoring that will protect the public health of all our communities.

Sincerely,



## SUPPORT SB 350

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
Representative Nicole E. Lowen, Chair  
Representative Lisa Martin, Vice Chair

March 16, 2021

### **Aloha Honorable Chair Lowen:**

Would like to thank Senators Mike Gabbard, Stanley Chang, Kurt Fevella and Chris Lee for introducing this measure. This is critical legislation that further protects our environment, residents and visitors. Living near and above the Ala Wai canal, we can observe waste and brown water flow into the ocean. Many others cannot see this.

My neighbors, two elderly Korean women, swim daily in this area. They told me they swam the day I took this picture. Brown water is visible. Shortly after this picture was taken, brown water had extended to the yellow line. My neighbors weren't aware the extent of the brown water nor could they see the pollution from their apartment. They hoped they had swam far enough from shore. Clearly they did not.



I am a member of Surfrider Kaua'i (SK). The organization does an excellent job reporting and advising beach users about water conditions. We need something similar here.

I support SK's position that the Department of Health Clean Water Branch is failing to provide Environmental Justice across the islands. My elderly friends do not receive proper information, and the State of Hawai'i may be complicit in "contributory negligence" if they or others become sick or suffer disease.

The failure to post Brown Water Advisory signs and provide competent general mismanagement justified SK's request for the Advisory Board to be re-established.

Local communities, who use stream mouths for canoe clubs and recreational areas for keiki to play, deserve Environmental Justice. DOH can't solely monitor and test tourist beaches. I have attached the most recent report from the SK Blue Water Task Force on Kauai'i. Volunteers under the direction of Dr. Carl Berg and team are truly heroes to our island 'ohana.

<b>Surfrider Kauai: Blue Water Task Force</b>		
February 13, 2021		
<i>Enterococcus</i> bacterial concentration per 100 mls		
Testing Site	Single-day results*	This year's geomean**
Gillins Beach	144.0	169.8
Kalihiwai Stream Mouth	145.0	17.4
Rock Quarry Surf Beach	161.0	272.1
Hanalei River	173.0	680.4
Anahola Stream	243.0	†
Wailua River Mouth	369.0	279.4
Waimea River Mouth	426.0	578.3
Moikeha Canal	677.0	939.0
Nawiliwili Stream	683.0	856.1
Waikomo Stream	697.0	812.3
Hanapepe River	909.0	559.5
Kilauea Stream Mouth	1,043.0	1,179.8
Waikomo Stream (Koloa Landing)	1,112.0	1,732.8
Niumalu Beach Park	1,153.0	842.1
Moloe'a Stream	1,223.0	961.2
Hanamaulu Stream	1,483.0	823.0
Waiopili Stream	3,654.0	7,850.3

\* Single-day sample results should be <130

\*\* Geomean of samples should be <35

† not enough data

**Geomean is the average. Anything over 130 is polluted. Keep your eyes,face out of the water!**

Thank you for your time,

\s\ Scott Goold \s\  
 Scott Goold  
 1778 Ala Moana Blvd  
 Honolulu, HI 96815

**SB-350-SD-2**

Submitted on: 3/14/2021 3:27:19 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eileen Hilton	Windward Coalition	Support	No

Comments:

The Windward Coalition strongly supports SB350.

Eileen Hilton, President

**SB-350-SD-2**

Submitted on: 3/14/2021 4:13:15 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Megan Lamson / HWF	Hawai'i Wildlife Fund	Support	No

Comments:

Hawai'i Wildlife Fund supports this important effort (senate bill 350) that will help ensure environmental justice around water quality issues statewide. Mahalo for taking the time to move this bill forward and to support clean water for Hawai'i's people, wildlife, and places.

**SB-350-SD-2**

Submitted on: 3/14/2021 5:01:26 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Charlie Quesnel	Surfrider Maui Chapter	Support	No

Comments:

- **HDOH’s current sampling schedule and beach “tiering” system is biased towards testing popular, tourist beaches instead of beaches where public health is more likely to be threatened by pollution. For example, Tier 1 beaches that are tested most frequently (usually weekly or every two weeks) are overwhelmingly based in tourist areas, whereas community beaches are tested far less frequently, often only once every two to three months.**
  - **To ensure that water quality is regularly and equitably monitored at beaches that are utilized by local residents for swimming, surfing, fishing, and canoe paddling, SB 350 requires the Depart of Health to take into consideration environmental justice issues in the assessment of public health risk and the ranking of DOH's beach tiering system.**
  
- **No water quality testing occurs when Brown Water Advisories (BWAs) are issued, resulting in a lack of robust data during wet weather and creating an inaccurate picture of water quality conditions in Hawaii.**
  - **SB 350 requires the Department of Health to continue its regularly scheduled water quality monitoring during BWAs, provided that hazardous conditions have passed.**
  
- **Signs are needed on the beach to warn beachgoers of BWAs. BWAs are currently [posted online](#) and shared via email and radio spots, but health advisories are not required to be posted at beaches themselves.**
  - **SB 350 requires DOH to post BWA signs to warn the public of conditions at affected Tier 1 beaches.**
  
- **The DOH’s Environmental Management Division (EMD) Chief of Staff position has remained vacant for over 2 years. This unfilled position results**

**in a lack of oversight and hinders the implementation of various Division programs.**

- **SB 350 requires the EMD Chief Staff position to be filled by October 2021. It also establishes an Oversight Advisory Board to provide oversight and guidance to the Environmental Management Division. A similar board was active in the past and provided critical guidance that ensured a responsible balance of scientific integrity, public health protection, and due diligence were applied to all clean water permitting and monitoring programs run by EMD and CWB.**



March 14, 2021  
HOUSE ENERGY AND ENVIRONMENTAL PROTECTION COMMITTEE  
In SUPPORT of SB350: Relating to the Environment

Aloha Chair Lowen, Vice Chair Marten, and members of the EEP Committee,

We, the 22 undersigned organizations representing thousands of local community members, write to express our support for SB 350 directed towards improving the Department of Health Clean Water Branch's statewide beach water quality monitoring and public notification program.

The ocean is a vital part of our communities in Hawai'i. From recreation and putting food on our tables to cultural and traditional practices, our way of life depends on clean coastal waters. Unfortunately, statewide water quality monitoring at beaches in Hawai'i currently lags other states, favors beaches predominately visited by tourists, and lacks data collection during wet weather.

**SB 350 is a critical step towards improving water quality monitoring in coastal recreational waters in Hawai'i and will achieve the following:**

- Account for environmental justice when DOH is evaluating its beach tiering system.
- Ensure that water quality sampling adequately covers popular local beaches and is not biased towards tourist-dominated beaches.
- Improve public notification of health hazards during Brown Water Advisories by requiring the DOH to post signs at affected Tier 1 beaches and to continue their testing program during Brown Water Advisories. Currently, the Clean Water Branch suspends all testing when Brown Water Advisories are issued, leaving us with an incomplete assessment of coastal water quality conditions across the state.
- Provide for more oversight and guidance to the Environmental Management Division for better implementation of their clean water permitting, monitoring and research programs, including the hiring of a Chief of Staff position that has been vacant for over two years.

We believe that it is a public right to ensure that our beaches and coastal waters are clean and free from pollution. Our local keiki, kupuna, 'ohana, and visitors should furthermore be able to enjoy surfing, swimming and recreating in the ocean safely. We appreciate your support of SB 350 and the improvements to beach water quality monitoring that will protect the public health of all our communities.

Sincerely,

**Organizations**



**SB-350-SD-2**

Submitted on: 3/14/2021 6:33:32 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Moran	Kihei Community Assoc (KCA)	Support	No

Comments:

Aloha EEP Chair and members

Mahalo for accepting our testimony from Maui this morning **strong support** of SB 350 SD2.

The recent extreme rain storm runoffs, combined with the increase of visitors to our beaches exacerbated the need for warning signage there as needed,

Visitors with pent up enthusiasm & strongly warned about Covid numerous times never hear a peep about brown water. Please take this step to change this situation.

Mahalo Mike Moran for KCA

**SB-350-SD-2**

Submitted on: 3/14/2021 9:35:40 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Bishop	Friends of Hanauma Bay	Support	No

Comments:

Aloha Chair Lowen, Vice Chair Marten, and Committee Members,

Please support this important bill to help ensure the best water quality throughout our State.

Mahalo,

Lisa Bishop

President

Friends of Hanauma Bay

**SB-350-SD-2**

Submitted on: 3/15/2021 5:56:54 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Maxx Phillips	Center for Biological Diversity	Support	No

Comments:

Please accept the Center for Biological Diversity's testimony in strong support of Senate Bill 350 SD2.

March 15, 2021

In Support of **SB350** Relating to the Environment  
House Committee on Energy and Environmental Protection (EEP)  
March 16, 9:00am, Videoconference

Aloha Chair Lowen, Vice Chair Marten, and members of the EEP committee,

Surfrider Foundation - Oahu Chapter would like to submit this testimony in support of SB 350. Surfrider Foundation is dedicated to the protection and enjoyment of the world's ocean, waves and beaches, for all people, through a powerful activist network. SB350 would require the Department of Health to continue normal water testing protocol during brown water events, fill the vacant environmental management division chief staff position, consider environmental justice in beach prioritization, and provide informational public health releases during brown water advisories about the risks of sewage pollution. Enacting these measures would reduce the current biases in the water quality data collected by the department of health, provide the public with better information about ocean pollution risks, improve the Department of Health's water quality program in meeting the needs of local communities and native Hawaiians, and will allow for better management and decision with leadership and accurate data.

The current water quality data collected by the Department of Health are skewed towards dry conditions by avoiding sampling during brown water events. This means that the overall dataset is biased and that the public is less informed of risks during pollution associated with brown water events. Surfrider Foundation's Blue Water Task Force (BWTF) program tests coastal water across Hawaii, with active programs on Oahu, Kauai, Maui, and Big Island. BWTF uses the same methods as the Department of Health to test water samples for evidence of sewage contamination, but does not suspend testing during brown water events. From our data it is clear that many locations have elevated levels of fecal indicator bacteria after rain events and in brown water events (Figure 1). Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains. This gap in knowledge puts ocean users at risk and delays the identification and enactment of needed pollution mitigation efforts.

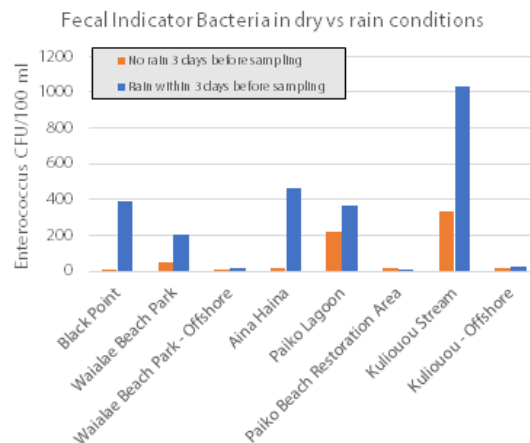


Figure 1. Mean concentrations (colony forming units / 100 ml seawater) of the fecal indicator bacteria *Enterococcus spp.* at 8 sites in Maunaloa Bay, Oahu. Orange bars show counts during dry weather, and blue bars show counts when there was rain within the past 3 days. The beach closure limit is 130 CFU/100ml.

Surfrider Foundation Oahu Chapter also supports the inclusion of environmental justice considerations in the prioritization of beaches for testing. The current ranking system identifies beaches that are heavily used, but this

results in looking over many areas that are important to local communities for fishing, gathering food, and cultural practices. Many coastal waters that are used primarily by native Hawaiian communities and local people are in areas with high cesspool density and/or low coastal circulation, such as Kahalu'u on O'ahu. The Department of Health has a responsibility to the public health of our island communities, and therefore Surfrider supports updating the beach prioritization scheme to include these higher risk areas where local communities fish and work.

SB350 would increase the validity of ocean water quality data collected by the Department of Health by reducing systematic biases in the current sampling methodology. It promotes the health of the local community by requiring that more information is provided to the public about the health risks of swimming in brown water, and by providing an opportunity for the Department of Health to select beaches for testing with environmental justice concerns in mind. Overall, passing this bill will improve the State's handling of water quality issues and allow for better management and mitigation of sewage pollution throughout the state.

Mahalo,  
Christina Comfort  
M.S. Biological Oceanography  
Co-Chair, BWTF 2018-2020

On behalf of  
Surfrider Foundation - Oahu Chapter

**SB-350-SD-2**

Submitted on: 3/13/2021 1:56:45 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Will Caron	Individual	Support	No

Comments:

Aloha committee members,

Please support SB350 SD2, which is designed to help community members and residents make informed decisions on where and when it is safe for them and their families to get into the water, while also ensuring that statewide quality monitoring is more routine, transparent, and equitable across Hawai'i beaches.

The bill also recommends providing more oversight and guidance to the Environmental Management Division for better implementation of their clean water permitting, monitoring and research programs. The Department of Health's current sampling schedule and beach "tiering" system is biased towards testing popular, touristy beaches instead of beaches where public health is more likely to be threatened by pollution. For example, Tier 1 beaches that are tested most frequently (usually weekly or every two weeks) are overwhelmingly based in tourist areas, whereas community beaches are tested far less frequently, often only once every two to three months.

To ensure that water quality is regularly and equitably monitored at beaches that are utilized by local residents for swimming, surfing, fishing, and canoe paddling, SB350 requires the DOH to take into consideration environmental justice issues in the assessment of public health risks and the ranking of DOH's tiering system.

Currently, no water quality testing occurs when Brown Water Advisories (BWAs) are issued, resulting in a lack of robust data during wet weather and creating an inaccurate picture of water quality conditions in Hawai'i. SB350 requires the DOH to continue its regularly scheduled water quality monitoring during BWAs, provided that hazardous conditions have passed.

Signs are needed on the beach to warn beachgoers of BWAs. BWAs are currently posted online and shared via email and radio spots, but health advisories are not required to be posted at beaches themselves. SB350 requires DOH to post BWA signs to warn the public of conditions at affected Tier 1 beaches.

The DOH's Environmental Management Division (EMD) Chief of Staff position has remained vacant for over 2 years. This unfilled position results in a lack of oversight and hinders the implementation of various Division programs. SB350 requires the EMD

Chief Staff position to be filled by October 2021. It also establishes an Oversight Advisory Board to provide oversight and guidance to the Environmental Management Division. A similar board was active in the past and provided critical guidance that ensured a responsible balance of scientific integrity, public health protection, and due diligence were applied to all clean water permitting and monitoring programs run by EMD and CWB.

For these reasons, I urge the committee to support passage of SB350 on to second reading. Mahalo for the opportunity to testify.



**SB-350-SD-2**

Submitted on: 3/13/2021 2:07:01 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dee Fulton	Individual	Support	No

Comments:

On the face of things, water quality monitoring sounds like a good thing. Certainly we know that untreated wastewater carries microbial pathogens and toxicants which pose a risk to human health. However, we are also aware of the limitations of the bacterial test (Enterococcus) which is named by the EPA as an indicator organism. Suffice to say it works better on the mainland.

I support notifying the public of health risks associated with brown water events and I support this bill in anticipation of an improved water quality monitoring assay.

**SB-350-SD-2**

Submitted on: 3/14/2021 7:58:59 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Wiedner	Individual	Support	No

Comments:

Clean water is important to me as a surfer, swimmer and enviromental educator!

**SB-350-SD-2**

Submitted on: 3/14/2021 10:18:53 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Fran McDonald	Individual	Support	No

Comments:

My support for this bill is because of Dept of Health Clean Water Branch's failure to consider Environmental Justice, failure to post Brown Water Advisory signs, and general mismanagement, we are asking for the Advisory Board to be re-established. (Not new, re-established)

But Environmental Justice must be given to local communities who use stream mouths for canoe clubs and where keiki play. DOH can't just test tourist beaches.

**SB-350-SD-2**

Submitted on: 3/14/2021 10:20:35 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
L. Osterer	Individual	Support	No

Comments:

The Advisory Board needs to be re-established because of the Dept. of Health Clean Water Branch's failure to consider Environmental Justice, failure to post Brown Water Advisory signs, and general mismanagement. A review of the environmental management division is in order. Environmental Justice must be given to local communities who use stream mouths for canoe clubs and where keiki play. DOH needs to test more than just tourist beaches.

Thank you for this important consideration from a long-time Kauai resident.

**SB-350-SD-2**

Submitted on: 3/14/2021 10:48:58 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wendy Benton	Individual	Support	No

Comments:

Aloha

I am writing to support SB350 SD2

It is very important to monitor our wai and kai for residents as well as tourists and to caution ignorant people about the quality of our waters. What we focus on and cherish is what we will protect.

I am a retired teacher on Kauai and I am saddened when I often see Keiki in waters that are not safe. We need to let them know when the waters are unsafe and become more vigilant about protecting these waters!

Money is always the issue but if you think creatively there are ways to make that work with community volunteers like the SURFRIDERS. You folks could provide leadership and organize the community. We need to all help our government to work well.

Mahalo for all you do!

Wendy A Benton

**SB-350-SD-2**

Submitted on: 3/14/2021 1:26:55 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
robert brower	Individual	Support	No

Comments:

strongly support this important clean water bill

**SB-350-SD-2**

Submitted on: 3/14/2021 2:15:38 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Greg Masessa	Individual	Support	No

Comments:

As an ocean guide and coordinator the Blue Water Task Force for the Surfrider Foundation on Maui, I see first hand why this bill is needed. We need more and constant water monitoring. Personally I don't understand what good the water quality data is, if the worst quality water is intentionally being looked over.

As a guide on Maui, guests are constantly asking me about brown water, what it's from and if it is safe. There needs to be better public notification about brown water and the dangers associated with it. This bill will help prevent visitors, friends, and 'ohana from risking their health by recreating in and around brown water.

**SB-350-SD-2**

Submitted on: 3/14/2021 3:06:28 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rebecca Pang	Individual	Support	No

Comments:

I support expanded water quality monitoring. Both residents and visitors alike deserve to know if coastal waters are clean and safe -- or not -- as a matter of public health.



**SB-350-SD-2**

Submitted on: 3/14/2021 3:32:12 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lauren johnson	Individual	Support	No

Comments:

Because of the cesspool and septic runoff in Hanalei, countless amounts of people get infections from the ocean, including myself. Top of the list is staph, fungal infections, and parasitic infections. I used to take, process, and analyze water samples for Hanalei Bay. After inoculating the trays and incubation, a uv light was used to determine the concentration of pathogenic bacteria. Every square that would glow indicated fecal matter/bacteria. Out of 50, oftentimes every one would glow, indicating 100% enterococcus feacalis (poop) bacteria. Healthy water would have no squares illuminated. There have been seasons where we can only enter the water a handful of times bc of the brown water issue. If this keeps up, Hanalei Bay will be a sewer. There are just a few houses on the rivers that are causing these problems. My suggestion is requiring all homes in Hanalei, especially the ones on the rivers, to install incinerating composting toilets. They have water in the bowl and are very similar to regular toilets. They have to be NSF approved to be considered by the DOH. This is the only viable solution at this point since the feds are unwilling to provide money to help with a treatment plant. This is a very important issue if anyone wants to continue surfing/swimming in Hanalei Bay as well as Moloaa Bay, Poipu, Kalapaki Bay, etc.... Sewer and cesspool runoff is a problem for a good portion of the state, not just Hanalei. Please please protect our water quality!!!

**SB-350-SD-2**

Submitted on: 3/14/2021 4:39:45 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Reed Gach	Individual	Support	No

Comments:

I support SB350 to ensure that water quality is monitored at local beaches not just tourist beaches. Sample coastal waters during brown water advisors. I think it's vital to protect public health and the public's right to know if the coastal waters are clean and safe.

Michael Reed Gach

**SB-350-SD-2**

Submitted on: 3/14/2021 5:02:11 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jenny	Individual	Support	No

Comments:

With the recent rains, many coastal areas across the state are experiencing brown water. However, per DOH's current protocol, they will not be monitoring these waters until the brown water clears (could be days or even weeks). In addition, there is no plan to post public health advisories at Tier 1 beaches to warn beachgoers of the dangers of brown water. This is why we need SB350.

**SB-350-SD-2**

Submitted on: 3/14/2021 5:20:34 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pam Townsend	Individual	Support	No

Comments:

Please pass SB350 to protect our water resources.

**SB-350-SD-2**

Submitted on: 3/14/2021 5:43:32 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carl J. Berg	Individual	Support	No

Comments:

By its recent actions of not testing during Brown Water Advisories, by not posting signs during them, by not making decisions based on data, and most particularly by not giving force to Environmental Justice in determining what site to test, the Dept. of Health has demonstrated a definite need for re-instatement of an Advisory Committee.

The fact that the Legislative Reference Bureau has never done an environmental review does not excuse them from their mandated duty and shows again why an Advisory Committee is needed.

**SB-350-SD-2**

Submitted on: 3/14/2021 6:20:29 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elijah aasand	Individual	Support	No

Comments:

I support the bill. I had to stop diving at one of my spots because of all the pollutants in the water. I was regularly getting ear infections when I would go there. I am grateful for surfrider informing me of what's in the water, but this really needs to be something the state of Hawaii not only monitors but fixes. I have a right to clean water.

**SB-350-SD-2**

Submitted on: 3/14/2021 6:57:46 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Barry	Individual	Support	No

Comments:

Aloha,

Please protect our water now and for future generations!

It is life!  
mahalo,

Tutu Barbara Barry

Maui

**SB-350-SD-2**

Submitted on: 3/14/2021 8:00:19 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Maria Maitino	Individual	Support	No

Comments:

To the Energy and Environmental Protection committee:

I am submitting testimony in SUPPORT of SB350 with amendments SD2.

Due to the Dept of Health Clean Water Branch's failure to consider Environmental Justice, failure to post Brown Water Advisory signs, and general mismanagement, we are asking for the Advisory Board to be re-established.

It is not enough for the DOH to just test the tourist beaches. Environmental Justice must be given to local communities who use stream mouths for canoe clubs and where keiki play.

Please support SB350 with amendments SD2.

Thank you for your time.

Maria Maitino

Kilauea, Kauai



**SB-350-SD-2**

Submitted on: 3/14/2021 8:53:07 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linda L Jenks	Individual	Support	No

Comments:

I support this bill because it ensures that all beaches, including our local beaches, will be monitored during brown water events, and that local people, who are your constituents, will be warned when there is a public health hazard. This bill will ensure that the waters are tested during these brown water/ problematic events, as that is not happening now, and this is a problem for the public (including your constituents). Thank you for your consideration, and hopefully your support of this bill. We as local residents will be watching if this will be enforced for our local families, rather than just for the tourism industry, as it is currently being done.

**SB-350-SD-2**

Submitted on: 3/14/2021 9:33:47 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel Solemsaas	Individual	Support	No

Comments:

I extend my support to the passing of SB350. Protecting our waters is vital to the health and prosperity of our State. It needs capacity and ongoing monitoring of our precious water resources.

**SB-350-SD-2**

Submitted on: 3/14/2021 9:44:29 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Volker Poelzl	Individual	Support	No

Comments:

I am writing to offer my strong support of SB350. I am a resident of Kaua'i and I am blessed to live on this beautiful island. Like most people living in our island state, I spend a lot of time in or near the ocean. I enjoy snorkeling, swimming, coastal hiking, and scuba diving, as well as volunteering for environmental organizations.

Unfortunately, over the past few years it has become evident that coastal water quality has become a serious problem here on Kaua'i, and also elsewhere in the state. The pollution of our coastal waters by enterococcus bacteria, chemicals, pharmaceuticals, nutrient runoff, and other pollutants is threatening the health of our residents and visitors. There is a plethora of scientific data to support these facts, from each and every county.

Urgent measures are needed to improve the testing of our coastal waters and issue advisories to ensure the health and safety of us all. Environmental justice becomes an issue here, when beaches commonly frequented by local families are not tested with the same frequency as surfing spots popular with tourists.

SB 350 addresses these issues. The bill appropriately calls for the need for better monitoring the quality of our coastal waters, and proposes long-needed steps to improve management, transparency, and oversight of the Environmental Management Division.

The Constitution of the State of Hawai'i says that the State shall conserve and protect all natural resources, including water, and that these public resources are held in trust by the State for the benefit of the people.

It is time that the Department of Health and the Environmental Management Division take the appropriate actions to reflect the commitments expressed in our state constitution. SB350 is an important step in that direction.

Thank you for your consideration.

**SB-350-SD-2**

Submitted on: 3/14/2021 10:47:44 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cynthia Welti	Individual	Support	No

Comments:

The State Dept of Health while competent in several ways such as administering the Covid vaccine, has regularly been lax and inattentive to posting water issues here on Kauai. It is so normal to have an oversight board for such a large, important agency. It is high time this one does again.

Thank you!

Cynthia Welti

Kapaa, HI

**SB-350-SD-2**

Submitted on: 3/14/2021 11:55:07 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bradford Chick	Individual	Support	No

Comments:

Ladies and gentlemen of the legislature of the great State of Hawaii,

Clearly this bill is beyond controversy. Clean waters for beauty, sport or drinking must, surely, be an issue of conscience. Is anybody *for* dirty dirty water? Can you put a price on our environment. Consider the environment future generations will inherit from us.

Respectfully submitted,

Bradford Chick

♻️ • ¥

bradfordwchick@protonmail.com

**SB-350-SD-2**

Submitted on: 3/15/2021 12:02:20 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Best	Individual	Support	No

Comments:

Of course this is a bill that is needed to protect public health by providing the public's right to know if coastal waters are clean and safe. It's surprising that it's not yet in effect!

Mahalo

**SB-350-SD-2**

Submitted on: 3/15/2021 1:00:02 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Gratz	Individual	Support	No

Comments:

I support Senate Bill 350 (SB 350) as part of a larger effort to collect water test samples at Hawaii's beaches and to make those results immediately available in a public forum and particularly with signage at the effected beaches.

I further support a similar effort to sample the affect stormwater run-off has on our natural inland waterways. This should be part of the budget of the new Stormwater Utility.

Thank you for this opportunity to make my opinions known.

**SB-350-SD-2**

Submitted on: 3/15/2021 1:59:39 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matthew Kievlan	Individual	Support	No

Comments:

Because it makes good sense.



**SB-350-SD-2**

Submitted on: 3/15/2021 7:34:37 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gayle Hoffman	Individual	Support	No

Comments:

As a resident and working professional, I support SB350, which requires the Hawaii DOH to fill the vacant division chief staff position within the environmental management division by 10/1/2021, and consider environmental justice issues when making Clean Water assessments and determinations.

This bill requires the Clean Water Division to perform water quality testing during brown water advisories, inform the public of health risks associated with stormwater runoff during brown water advisories, and establish an environmental management division oversight advisory board.

This bill also requires the legislative reference bureau to conduct a comprehensive review of the environmental management division.

I would like to see the DOH incorporate innovative and forward-thinking processes and procedures into environmental protection programs throughout the State of Hawaii. This would be advantageous to the entire state and population and support environmental justice initiatives. The entire population and visitors need to understand and appreciate Hawaii's unique watersheds, ecology, and flora and fauna. I think a population that understands these important issues will also appreciate clean drinking water from the aquifers and surface water sources, how wastewater is treated and managed, as well as the abundant natural resources that need to be protected.

**SB-350-SD-2**

Submitted on: 3/15/2021 8:04:04 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Camile Cleveland	Individual	Support	No

Comments:

I strongly support this bill as it directly relates to the health and safety of the people of Hawai'i. It is essential that water quality be monitored at all times, especially during periods of brown water - I would argue that that is the single most important time to be monitoring the water quality. Thank you.

**SB-350-SD-2**

Submitted on: 3/15/2021 8:23:07 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elizabeth Benyshek	Individual	Support	No

Comments:

Aloha,

I am writing to support SB250 SD2, which requires DOH to test for water quality even if there is a brown water event. This is important for proper data reporting. Brown water events are hazardous nearshore events that the public deserves to be informed about for their own safety. Please support this bill to improve our understanding of the state's water quality hazards.

Thank you for your time and consideration.

Elizabeth Benyshek

Vice Chair, Surfrider Foundation Oahu Chapter

**SB-350-SD-2**

Submitted on: 3/15/2021 8:28:01 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rebecca Eve Solomon	Individual	Support	No

Comments:

I support SB 350 to further protect Hawaii rivers and ocean.

**SB-350-SD-2**

Submitted on: 3/15/2021 9:12:59 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Enzo Magliozzi	Individual	Support	No

Comments:

We need to be testing shore waters for dangerous pathogens and chemicals at all beaches where people swim. We need to do more to prevent illegal dumping on our shorelines and around our state.

**SB-350-SD-2**

Submitted on: 3/15/2021 5:09:18 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Levani Lipton	Individual	Support	No

Comments:

Dear Chair Lowen, Vice-Chair Marten, and Committee Members,

I'm writing in support of SB350 SD2. As evidenced of the most recent storm, we have seen a lot of brown water on our beaches and waterways. It is imperative that testing be done during brown water events. As an active resident, paddler, and community member it has become too common to get brown water notices several days after they occur. We have been told by DOH that it is up to the descretion of the water quality sampler on whether to label an event brown water or not. Moreso, there is no identification or association as to the cause of the brown water.

A few years ago there was a children's surf competition scheduled at Kalama Beach Park and there were several hundred kids who participated and surfed the waves in Kailua. This happened after a rainstorm. A few days later DOH declared a brown water event and tell the public to stay out of the water. This endangers the public's health.

The system needs to be better managed and regulated. We are a state that depends on our natural resoures. Our revenue is tied to our visitors who come to our beaches, especially in Kailua. Regular testing especially during brown water events will help establish metrics and baselines so we can prioritize water quality. I strongly support filling the vacancy position within the environmental division. We need a director who can better coordinate within departments and inter-agency with the City and County of Honolulu. We need regular water quality testing. We need better signage and both need to be timely. I also strongly support environmenal justice components. Access to a healthy environment should be a human right.

Mahalo for your consideration,  
/Levani Lipton/

**SB-350-SD-2**

Submitted on: 3/15/2021 6:51:47 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Danielle	Individual	Support	No

Comments:

I am in support of SB350 and the proposals within that will help maintain our citizens' right to clean ocean water. Please vote YES to ensure more monitoring of our ocean water quality and safety for every one of our communities.

**SB-350-SD-2**

Submitted on: 3/16/2021 7:03:52 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De Austin	Individual	Support	No

Comments:

Honorable members of Hawaii's legislature:

I am a registered voter, parent, and full-time Maui resident. I completely support SB350 SD2 which requires water quality testing during brown water advisories and commits the department of health to informing the public of associated health risks. I am astounded this has to be legislated and is not a matter of common practice.

Ensuring we have a environment that is both beautiful and healthy for our community is a matter of constitutional law, as outlined in article IX, sections 7 and 8, of our Hawaii's state constitution. I would further point out that allowing ill conditions to be unchecked, and to go without censure, could spread diseases to our children, our kupuna, whether kanaka maoli or kamaaina. This would be a flagrant disregard of public safety, as per article IX, section 10.

I strongly urge you to pass this measure.

Respectfully,

Dezireen Austin