

STAND. COM. REP. NO. 1219

Honolulu, Hawaii

MAR 2 1 2023

RE: H.B. No. 1079
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred H.B. No. 1079, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Revise chapter 342D, Hawaii Revised Statutes, to add definitions that are consistent with federal Clean Water Act regulations;
- (2) Consolidate separate water quality certification statutes into one section for clarity;
- (3) Clarify the authority of the Director of Health to conduct water quality certifications; and
- (4) Revise certain civil penalty amounts for consistency within the Department of Health and certain civil penalty amounts to conform with federal inflation adjusted penalties under the federal Clean Water Act.

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

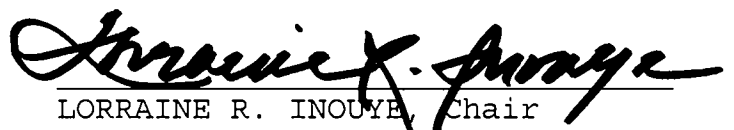


Your Committee finds that the Department of Health has been authorized by the United States Environmental Protection Agency to administer the National Pollution Discharge Elimination program and section 401 Water Quality Certification of the federal Clean Water Act. This authority was codified in chapter 342D, Hawaii Revised Statutes. Your Committee further finds that to effectively administer the programs under the Clean Water Act, the definitions and penalties under chapter 342D, Hawaii Revised Statutes, should be amended to be consistent with their federal counterparts. Therefore, this measure amends the State's definitions and penalties for various consistency purposes and consolidates the water quality certification statutes into one section for clarity.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1079, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1079, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* HB 1079, HD2	Committee Referral: WTL, JDC/WAM	Date: 3/15/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes