



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**Testimony in SUPPORT of SB2322 SD1 HD1  
RELATING TO WATER QUALITY**

REPRESENTATIVE DELLA AU BELATTI, CHAIR  
HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

Hearing Date: 03/20/2024

Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (Department) supports this measure.

3 Subject to available resources (i.e., staff and supply availability as specified in the  
4 measure), the Department believes that it is able to implement the measure as written.

5 The Department will need time to amend its Hawaii Beach Monitoring Program  
6 document to incorporate the changes required by this measure. As required by the federal  
7 Beaches Environmental Assessment and Coastal Health (BEACH) Act, amendments to the  
8 Hawaii Beach Monitoring Program require public participation, including a 30-day public  
9 comment period. As such, the Department suggests amending the effective date of the measure  
10 to July 31, 2025.

11 **Offered Amendments:**

12 The Department respectfully suggests the following amendment to the proposed measure.  
13 Addition appears as underlined, and deletion appears as strikeout.

14 SECTION 4, Page 3, Lines 1 - 2: This Act shall take effect on ~~December 31, 2050~~  
15 July 31, 2025.

16 Thank you for the opportunity to testify.



3/17/2024

House Committee on Health and Homelessness  
Hawai'i State Capitol  
Honolulu, Hawai'i 96813

Dear Chair Belatti, Vice Chair Takenouchi, and members of the House Committee on Health and Homelessness

### **Position: Support SB2322 HD 1 - Improving statewide coastal water quality monitoring program**

The Surfrider Foundation STRONGLY SUPPORTS SB2322 HD 1 that requires the Department of Health's Clean Water Branch (CWB) to continue its regular coastal water quality monitoring program at Tier 1 beaches during Brown Water Advisories.

We are extremely grateful for DOH CWB's support of SB2322 HD 1 and their willingness to find a solution that works both for the state and the community. SB2322 is a win-win for our community members and does NOT require any additional funding in an already stretched budget session. Weekly sampling at Tier 1 sites has already been budgeted for in DOH's annual funding from the federal BEACH Act funds. SB2322 simply requires the CWB to maintain its regularly scheduled sampling at Tier 1 beaches, and to pull samples at their regularly scheduled sites regardless if the water is clear or brown.

### **Continued Monitoring During Brown Water Advisories**

Currently the CWB suspends all testing activity when Brown Water Advisories are issued. No samples are collected from any of the affected beaches, not even Tier 1 beaches, until the BWAs are lifted as a result of visual inspections. The problems with this approach are multi-faceted:

- **There is virtually no data to really describe the pollution levels and health risks during Brown Water Advisory (i.e. "wet") conditions.** Because the overall dataset is biased, the public is less informed of risks during pollution associated with Brown Water Advisories.
- In some cases, the bacteria levels could be extremely high and dangerous, and the public should be aware of that risk. Alternatively, some beaches will not have high bacteria readings, but will remain under Brown Water Advisories for sometimes weeks on end. **This practice impacts the ability of our community members to make informed decisions about where it is safe to get in the water.**
- Data from Surfrider Foundation's Blue Water Task Force monitoring clearly demonstrates that many locations have elevated levels of fecal indicator bacteria after rain events and in brown water events. Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains. As noted above, this gap in knowledge puts ocean users at risk and delays the identification and enactment of needed pollution mitigation efforts.
- By never testing during BWAs, cumulative water quality statistics communicated by the CWB beach monitoring program do not give an accurate picture of water quality conditions at many of Hawaii's beaches, and certainly not during wet weather conditions when public health is most likely to be threatened. **EPA Region 9 has likewise recommended to the CWB, "Establishing a protocol to test in Brown Water Advisories would provide much better and accurate data in regards to the water quality."**
- **In some cases the HDOH has left Brown Water Advisories in place for a month or more - even if beaches meet state health standards.** During this time, HDOH will not sample the ocean water. In January 2024, for example, the HDOH issued a [Brown Water Advisory](#) for the entire island of Maui and did not sample for three weeks (from January 4-January 22). The Surfrider Maui Chapter's BWTF volunteers sampled 33 sites across Maui on January 10 and January 11 - in the middle of the HDOH's three week Brown Water Advisory (see map below).

The results from our BWTF sampling indicated that while certain beaches did register high bacteria readings, there were a number of beaches (indicated by green points) that met state health standards. Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains and those that continue to meet state health standards. This gap in knowledge impacts the ability of community members and ocean goers to make informed decisions on where and when it is safe for them and their families to get into the water.

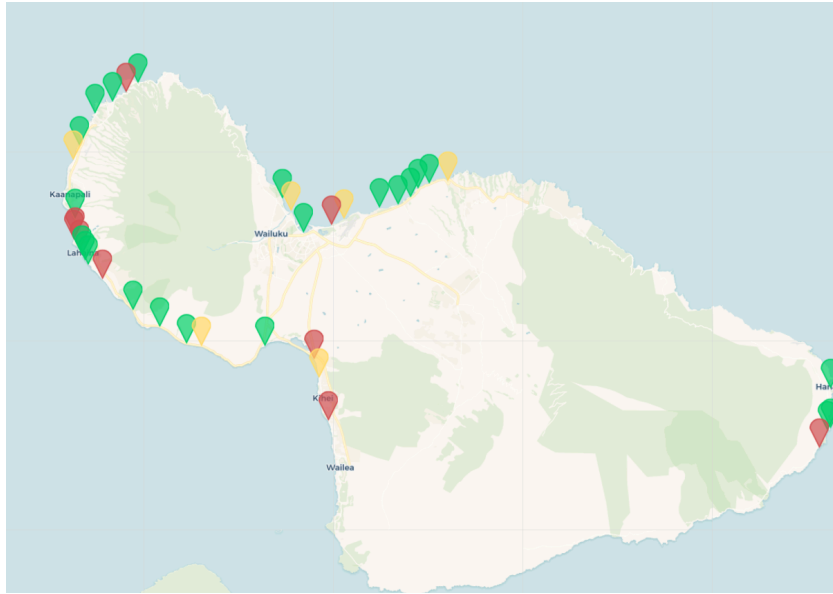
The mission of the Department of Health Clean Water Branch is to *“protect the public health of residents and tourists who enjoy playing in and around Hawaii’s coastal and inland water resources.”* By continuing to sample beaches during Brown Water Advisories at Tier 1 beaches, the DOH CWB would ensure that it is meeting their mission statement and providing our community with the data and tools needed to know where it is safe to enjoy the ocean.

In Hawai‘i, Surfrider Foundation has worked extensively with the DOH CWB to support robust water testing and public notification programs so the beach-going public has the information they need to make decisions on where it is safe to surf, swim and play at the beach in Hawaii. In addition, and attached to our testimony, is a sign-on letter from **23 local organizations** urging your support of this bill.

Sincerely,



Lauren Blickey  
Hawai‘i Regional Manager  
Surfrider Foundation



Map 1. Enterococcus results from Surfrider Foundation Maui Chapter sampling on January 10 and 11, 2024. This sampling was conducted during a DOH Brown Water Advisory that lasted from January 9-January 22, 2024. During this time, the DOH did not sample Maui beaches for 3 weeks.

Sample No	Location	Location Name	Island	Date	Time	Ent Qualifier	Enterococci	CP Qualifier	Chloridium	Comments	
EW11212303	000307	Kapiolani Park	Oahu	12/12/2023	9:56 AM	02.3	<	0001		sunny, light wind, few beach goers, surfers (25+), 1-2 ft waves	Select
RC11212302	303603	Waianalae Beach Pt. 2	Oahu	12/12/2023	9:39 AM	02.3	<	0001		partly cloudy, windy, choppy waves, murky, low tide, organics	Select
RC11212301	303604	Waianalae State Park Pt. 2	Oahu	12/12/2023	9:23 AM	02.3	<	0001		mostly sunny, windy, choppy waves, greenish color, low tide, few beachgoers	Select
RC11292306	000169	Mokuleia Shoreline	Oahu	11/29/2023						No sample taken - Island wide BWA	Select
RC11292302	000218	Chum Reef	Oahu	11/29/2023						No sample taken - Island wide BWA	Select
RC11292303	000246	Lanikea	Oahu	11/29/2023						No sample taken - Island wide BWA	Select
RC11292305	000247	Haleiwa Alii Beach Park	Oahu	11/29/2023						No sample taken - Island wide BWA	Select
RC11292301	000113	Kapiolani Beach	Oahu	11/29/2023						No sample taken - Island wide BWA	Select
RC11292304	308504	Puena Point	Oahu	11/29/2023						No sample taken - Island wide BWA	Select
RC11212302	000194	Lanikai Beach Shoreline	Oahu	11/21/2023						No sample taken - BWA due to heavy rain	Select
RC11212305	000200	Sandy Beach Pt. 1	Oahu	11/21/2023						No sample taken - BWA due to heavy rain	Select
RC11212306	000201	Hanalei Beach Park	Oahu	11/21/2023						No sample taken - BWA due to heavy rain	Select
RC11212304	000216	Makapuu	Oahu	11/21/2023						No sample taken - BWA due to heavy rain	Select
EW11212303	000222	Ala Moana Lagoon	Oahu	11/21/2023	9:53 AM	02.3	<	0001		partly cloudy, light wind, swimmers (15+), beach goers (20+), fish	Select
EW11212307	000228	Sans Souci	Oahu	11/21/2023	11:35 AM	30	<	0001		partly cloudy, light wind, swimmers (25+), beach goers (100+)	Select
EW11212305	000238	Moana Beach, Waikiki	Oahu	11/21/2023	10:59 AM	02.3	<	0001		mostly cloudy, light wind, swimmers (200+), beach goers (250+), surfers (100+), 2-3 ft waves	Select
RC11212301	303421	Kaliua Beach Park Pt. 2	Oahu	11/21/2023						No sample taken - BWA due to heavy rain	Select
RC11212303	303603	Waianalae Beach Pt. 2	Oahu	11/21/2023						No sample taken - BWA due to heavy rain	Select
EW11212301	304903	Ala Moana Park, Center Pt. 2	Oahu	11/21/2023	9:15 AM	10	<	0001		cloudy, light wind, swimmers(5+), beach goers(5+), surfers(10+), 3-4 ft waves, algae, slightly murky	Select
EW11212302	304904	Ala Moana Park, D.H. Pt. 2	Oahu	11/21/2023	9:27 AM	02.3	<	0001		cloudy, light wind, swimmers (25+), beach goers (150+), few surfers, 3-4 ft waves, fish	Select
EW11212304	304905	Kahanamoku Beach, Waikiki Pt. 2	Oahu	11/21/2023	10:28 AM	02.3	<	0001		mostly cloudy, light wind, swimmers (100+), beach goers (150+)	Select
EW11212306	304906	Kuhio Beach, Waikiki Pt. 2	Oahu	11/21/2023	11:15 AM	10	<	0001		partly cloudy, light wind, swimmers (75+), beach goers (100+)	Select
RC11202301	000185	Makaha Beach	Oahu	11/20/2023	10:04 AM	10		01.0		overcast, light wind, high tide, large waves, ~15 surfers	Select
RC11202304	000187	Nanahuli Beach Park	Oahu	11/20/2023	10:59 AM	10		07.0		cloudy, windy, large shorebreak, 3 swimmers	Select
RC11202302	000224	Pokai Bay	Oahu	11/20/2023	10:25 AM	02.3		03.0		overcast, moderate wind, high tide, 4 boat in bay	Select
RC11202306	000252	Kobala, Lagoon 1	Oahu	11/20/2023	9:07 AM	02.3		03.0		overcast, light wind, high tide, murky, 30+ swimmers, jellyfish	Select
RC11202305	000309	Kahe	Oahu	11/20/2023	9:30 AM	02.3		18.0		overcast, high tide, large waves, no swimmers, 2 boats	Select
RC11202303	307002	Mali Beach Park Pt. 2	Oahu	11/20/2023	10:40 AM	02.3		17.0		overcast, windy, high tide, no swimmers, large shorebreak	Select
TM1152301	000152	Ala Moana Park, Ewa	Oahu	11/15/2023	9:19 AM	20		04.0		3 swimmers, overcast, light wind, recent rain	Select
RC1152303	000172	Waimea Bay Shoreline	Oahu	11/15/2023	10:22 AM	02.3	<	01.0		partly cloudy, very windy, large shorebreak, river not flowing	Select

Table 1. Enterococcus results from the Department of Health's CWB water quality sampling 11/21/23 and 11/29/23 when no monitoring was conducted at Tier 1 beaches because of wet conditions. We do not know if these samples would have met or exceeded state standards.



Image 1. Example of Surfrider staff collecting enterococcus bacteria samples during a Brown Water Advisory on January 10, 2024 off of West Maui using protective waders and an extension pole.

March 17, 2024  
HOUSE HLT COMMITTEE  
In SUPPORT of SB2322: Relating to the Environment

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Aloha kākou Chair Belatti and Committee Members,

We, the **23 undersigned organizations**, write to express our support for SB23322 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 and lacks data collection during wet weather.

**SB2322 is a critical step towards improving water quality monitoring in coastal recreational waters in Hawai'i and will ensure that the public is adequately informed about where it is safe to get in the water.**

We ask you to support this bill that will require DOH to continue its water quality testing program at Tier 1 beaches 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.

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 SB2322 and the improvements to beach water quality monitoring that will protect the public health of all our communities.

Sincerely,

**Organizations**



**SB-2322-HD-1**

Submitted on: 3/18/2024 1:41:54 PM

Testimony for HLT on 3/20/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Aliya Smigel	WAI Wastewater Alternatives and Innovations	Support	Written Testimony Only

Comments:

This bill is very important for both the public and environmental health of Hawai'i.

The water testing data during BWA is necessary to inform both the public and our governing bodies of how harmful the water in Hawai'i can get.

I believe that with this data we can properly educate the public to stay out of the water during BWAs. I know from growing up on the Big Island that most of the public doesn't stay out of the water when it is brown and will continue to recreate it because of the lack of information.

Additionally, it is easy for our government to dismiss water quality issues because the current data signals that our water quality isn't as bad as it is which would be shown if they continue to test during BWA.

The current method of testing water in Hawai'i in which we pause during BWA is so backward and counterintuitive. This bill would rectify this immediately, which is why I support Bill SB2322.

Mahalo!

**SB-2322-HD-1**

Submitted on: 3/18/2024 9:32:18 AM

Testimony for HLT on 3/20/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Please support this important bill!

With Aloha,

Lisa Bishop

Oahu Resident



**SB-2322-HD-1**

Submitted on: 3/18/2024 2:30:27 PM

Testimony for HLT on 3/20/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gabrielle Saba Zimmer	Individual	Support	Written Testimony Only

Comments:

**Testimony in Support of Bill SB2322 SD1 HD1**

Honorable Members of the Committee,

I am writing to express my strong support for Bill SB2322 SD1 HD1, which mandates the Department of Health to continue water sampling and analysis of Tier 1 beaches during brown water advisories, with certain exceptions and under certain conditions. As a concerned citizen who values both public health and environmental preservation, I believe this bill is crucial for safeguarding the well-being of our communities and ecosystems.

Water quality is a fundamental aspect of public health, especially in coastal regions where beaches serve as recreational hubs for residents and tourists alike. Brown water advisories, often triggered by heavy rainfall or sewage overflows, pose significant risks to human health due to potential contamination by pathogens and pollutants. Without adequate monitoring and analysis during these events, individuals may unknowingly expose themselves to harmful substances, leading to serious illnesses and infections.

Furthermore, maintaining regular water sampling and analysis at Tier 1 beaches during brown water advisories is essential for understanding the impact of environmental stressors on our coastal ecosystems. By collecting and analyzing data on water quality during these events, scientists and policymakers can identify sources of pollution, assess the effectiveness of mitigation measures, and develop strategies to better protect our natural resources.

In addition to its immediate benefits for public health and environmental conservation, Bill SB2322 SD1 HD1 also promotes transparency and accountability within government agencies responsible for monitoring beach water quality. By codifying requirements for continued sampling and analysis during brown water advisories, this legislation ensures that the Department of Health fulfills its duty to safeguard the well-being of our communities and ecosystems, even under challenging circumstances.

In conclusion, I urge you to support Bill SB2322 SD1 HD1, as it represents a critical step towards protecting human health and preserving the natural beauty of our coastal environments. By ensuring the continuation of water sampling and analysis at Tier 1 beaches during brown water advisories, we can mitigate risks to public health, advance scientific understanding, and uphold our collective responsibility to stewardship of the environment.

Mahalo piha for your attention to this important matter.

Mahalo nui,

Gabby Saba Zimmer

**SB-2322-HD-1**

Submitted on: 3/19/2024 8:24:32 AM

Testimony for HLT on 3/20/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

Please support this bill

**SB-2322-HD-1**

Submitted on: 3/19/2024 9:04:37 PM

Testimony for HLT on 3/20/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Daniel Amato	Individual	Support	Written Testimony Only

Comments:

As a water quality scientist, a resident, and a father, I support SB2322. DOH should be required to test during brown water events if they have already been scheduled. Not doing so puts the health of our people at risk because there is no information on how polluted the water is and when it is safe to go back in the water. The current method of not sampling during brown water events also skews the state's water data, which gives a false sense that Hawai'i's water is great when there are times it is not. Sampling during these scheduled sample dates will not add any additional burden to the DOH. Please support SB2322. Mahalo -Daniel Amato, PhD