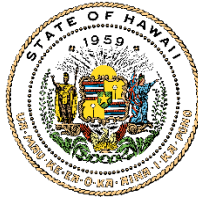


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

**Testimony of
DAWN N. S. CHANG
Chairperson**

**Before the House Committees on
ENERGY & ENVIRONMENTAL PROTECTION
and
WATER & LAND**

**Tuesday, February 11, 2025
9:15 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 999
RELATING TO WATER POLLUTION**

House Bill 999 proposes to amend section 200-14, Hawaii Revised Statutes (HRS), to clarify that enforcement of criminal water pollution offenses remains under the jurisdiction of the Department of Health, rather than the Department of Land and Natural Resources (Department). **The Department supports this measure.**

Chapter 200, HRS, is under the jurisdiction of the Department's Division of Boating and Ocean Recreation. The Department has been in discussion with the Department of the Attorney General (AG) regarding this measure and defers to the AG as to its substance.

Mahalo for the opportunity to testify on this measure.

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
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



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 999, RELATING TO WATER POLLUTION.

BEFORE THE:

HOUSE COMMITTEES ON ENERGY & ENVIRONMENTAL PROTECTION AND ON
WATER & LAND

DATE: Tuesday, February 11, 2025 **TIME:** 9:15 a.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Tricia Nakamatsu, Deputy Attorney General

Chairs Lowen and Hashem and Members of the Committees:

The Department of the Attorney General (Department) strongly supports this bill and offers the following comments.

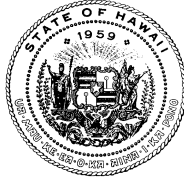
The purpose of this bill is to repeal duplicative and potentially confusing water pollution offenses with relatively low-level penalties from the Department of Land and Natural Resources' (DLNR) criminal enforcement jurisdiction, while solidifying the Department of Health's (DOH) jurisdiction over the same types of offenses, ensuring enforcement with higher criminal penalties of the serious offenses that significantly affect public health

Act 215, Session Laws of Hawaii 2024, made many helpful clarifications to section 200-14, Hawaii Revised Statutes (HRS), regarding criminal and administrative penalties for various offenses relating to ocean recreation. However, Act 215 retained section 200-14(c), HRS, which attempts to criminalize violations of DLNR rules concerning the unauthorized discharge of petroleum products, hazardous materials (undefined), or sewage in state boating facilities or state waters, if such discharges violate the DOH's water quality standards. Under section 200-14(c), HRS, these offenses are currently punishable by up to thirty days imprisonment and/or up to a \$10,000 fine.

Although well-intentioned, this provision conflicts with section 342D-50, HRS, which already prohibits the discharge of "water pollutants" (as defined in section 342D-1, HRS) into state waters. Under section 342D-33, HRS, these offenses, if done knowingly, are punishable by up to three years imprisonment and/or up to a \$50,000 fine. In cases where the wording of these offenses overlaps, courts may be limited to imposing lower penalties under section 200-14(c), HRS (up to thirty days imprisonment and/or up to a \$10,000 fine), rather than the stricter penalties under section 342D-33, HRS (up to three years imprisonment and/or up to a \$50,000 fine). Similarly, a second offense under section 342D-50, HRS, which should be punishable by up to six years imprisonment and/or up to a \$100,000 fine under section 342D-33, HRS, could instead be subject to the lighter penalty under section 200-14(c), HRS.

By repealing section 200-14(c), HRS, this bill will eliminate confusion and potential conflicts, ensuring consistency in enforcement and the application of penalties as intended by the Legislature.

We respectfully ask your committee to pass this bill. Thank you for the opportunity to provide support for this bill.



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

WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of HB0999
RELATING TO WATER POLLUTION.**

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

REPRESENTATIVE MARK J. HASHEM, CHAIR
HOUSE COMMITTEE ON WATER & LAND

February 11, 2025, 9:15 AM, Room Number: 325

- 1 **Fiscal Implications:** Undetermined.
- 2 **Department Position:** The Department of Health ("Department") supports this measure and
- 3 offers comments.
- 4 **Department Testimony:** The Environmental Management Division Clean Water Branch (EMD-
- 5 CWB) provides the following testimony on behalf of the Department.
- 6 The Department has discussed this proposed bill with the Department of the Attorney
- 7 General (AG) and defers to the AG as to its substance.
- 8 **Offered Amendments:** None.
- 9 Thank you for the opportunity to testify on this measure.

HB-999

Submitted on: 1/31/2025 6:36:38 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

Aloha,

I SUPPORT HB 999 which amends section 200-14, HRS, to clarify that enforcement of criminal water pollution offenses remains under the jurisdiction of the Department of Health, rather than the Department of Land and Natural Resources.

At this time, when we are watching closely what happens with our water on all of our islands, it is important to make a clear distinction of the jurisdiction. The DOH should retain jurisdiction because of its direct link to resources and paths to work within the community not only during a crises like Red Hill but in ensuring that our water is healthy before a crises. To date, the DLNR has too many other responsibilities which it has not always been a good steward or a positive track record. We can cite water pollution on our mountains, in our streams, to date. With this support of the DOH, I request that the legislature make sure that they have the appropriate funds and staffing.

Again, I SUPPORT this bill

C. Burghardt

Kou, Oahu

Testimony in Support of HB999

Hearing Date: February 11, 2025

Dear Chair(s) and Members of the Committee,

My name is Tashane Tyson, and I am writing in strong support of HB999, which clarifies enforcement responsibilities for criminal water pollution offenses by designating the Department of Health (DOH) as the appropriate agency.

As someone who values proper enforcement and accountability in legal and environmental matters, I believe this bill is a necessary step toward improving how Hawaii handles water pollution violations. The DOH has the expertise, resources, and authority to enforce these laws effectively, ensuring that cases are handled with consistency and efficiency. This clarification eliminates any confusion over jurisdiction and allows the Department of Land and Natural Resources to focus on its core responsibilities.

Protecting Hawaii's water resources is critical, and ensuring that enforcement is streamlined and properly assigned is a key part of that effort. I urge the committee to pass HB999 to strengthen environmental enforcement and safeguard our communities.

Thank you for the opportunity to provide testimony.

Best,

Tashane Tyson