

**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. 1318, RELATING TO WATER POLLUTION.

BEFORE THE:

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

DATE: Tuesday, March 18, 2025

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Mark S. Tom, 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 higher criminal penalties for these serious offenses that significantly affect public health.

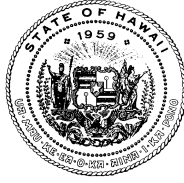
Act 215, Session Laws of Hawaii 2024, made many helpful clarifications to section 200-14, Hawaii Revised Statutes (HRS), regarding criminal and administrative penalties for various offenses relating to ocean recreation. However, Act 215 retained section 200-14(c), HRS, which attempts to criminalize violations 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 the 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 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
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WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of SB1318
RELATING TO WATER POLLUTION.**

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

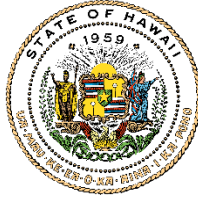
REPRESENTATIVE MARK J. HASHEM, CHAIR
HOUSE COMMITTEE ON WATER & LAND

March 18, 2025; 9:00 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
5 (EMD-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.

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, March 18, 2025
9:00 AM
State Capitol, Conference Room 325**

**In consideration of
SENATE BILL 1318
RELATING TO WATER POLLUTION**

Senate Bill 1318 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, covers ocean recreation and coastal areas programs 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