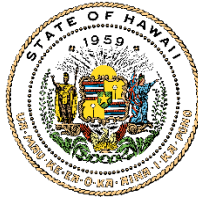


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

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 Senate Committee on  
JUDICIARY

Thursday, February 27, 2025  
10:01 AM  
State Capitol, Conference Room 016

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



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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1318, RELATING TO WATER POLLUTION.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Thursday, February 27, 2025      **TIME:** 10:01 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**

(For more information, contact Tricia M. Nakamatsu,  
Deputy Attorney General, at 808-586-1500)

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Chair Rhoads and Members of the Committee:

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.