

---

---

# HOUSE RESOLUTION

REQUESTING ALL BRANCHES OF THE UNITED STATES GOVERNMENT TO  
PROHIBIT DUMPING OF VESSEL SEWAGE IN FEDERAL WATERS IN THE  
VICINITY OF THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL  
MARINE SANCTUARY.

1           WHEREAS, the waters around the islands of Hawaii are  
2 enjoyed by residents, tourists, sports enthusiasts, and  
3 recreational users, and provide an essential habitat for many  
4 kinds of animals, whether birds, fish, or mammals; and  
5

6           WHEREAS, the ocean resources of the State of Hawaii include  
7 the waters of the Hawaiian Islands Humpback Whale National  
8 Marine Sanctuary, created pursuant to the Hawaiian Island  
9 National Marine Sanctuary Act, Title II, Subtitle C, Public Law  
10 102-397, herein referred to as the "Whale and Marine Sanctuary";  
11 and  
12

13           WHEREAS, the Whale and Marine Sanctuary adjoins portions of  
14 all of the Hawaiian islands of Kauai, Oahu, Maui, Molokai,  
15 Hawaii, and Lanai; and  
16

17           WHEREAS, the waters of the Whale and Marine Sanctuary are  
18 relatively shallow, calm, protected waters, and are a critical  
19 habitat in winter months of the endangered North Pacific  
20 humpback whales; and  
21

22           WHEREAS, critically endangered humpback whales breed,  
23 calve, and nurse their young in the Whale and Marine Sanctuary;  
24 and  
25

26           WHEREAS, the Whale and Marine Sanctuary provides an  
27 important habitat for other endangered and protected species,  
28 including green sea turtles, hawksbill sea turtles, monk seals,  
29 and others; and  
30

31           WHEREAS, the waters of the Whale and Marine Sanctuary  
32 include complex ecosystems of marine life populations and reefs  
33 that are fragile and under stress from human activities; and



1           WHEREAS, the waters of the Whale and Marine Sanctuary  
2 include areas previously designated for preservation of wildlife  
3 by the State of Hawaii, including the Molokini Shoal Marine Life  
4 and Bird Conservation District, Honolulu-Mokule'ia Marine Life  
5 Conservation District, Manele-Hulopo'e Marine Life Conservation  
6 District, Hanauma Bay Marine Life Conservation District, Pupukea  
7 Marine Life Conservation District, Lapakahi Marine Life  
8 Conservation District, Waialea Bay Marine Life Conservation  
9 District, and the marine portion of the 'Ahihi-Kina'u Natural  
10 Area Reserve; and

11  
12           WHEREAS, the economy of Hawaii benefits from the tourism  
13 industry that, in turn, relies upon the ocean's resources,  
14 including the waters within the Whale and Marine Sanctuary; and

15  
16           WHEREAS, residents and tourists alike enjoy the resources  
17 located within the Whale and Marine Sanctuary in a variety of  
18 ways, including snorkeling, diving, fishing, kayaking, canoeing,  
19 and wildlife observation tours; and

20  
21           WHEREAS, human activities in the waters surrounding Hawaii  
22 and in particular within the Whale and Marine Sanctuary have  
23 increased dramatically in recent years; and

24  
25           WHEREAS, governmental agencies have received an increasing  
26 number of complaints from Hawaii residents and from tourists  
27 about tour boat operators' practice of dumping concentrated  
28 human sewage into the waters surrounding Hawaii and in  
29 particular into the waters within the Whale and Marine  
30 Sanctuary; and

31  
32           WHEREAS, the County of Maui has declared, by Council  
33 Resolution adopted February, 2006, that "...it is imperative  
34 that dumping of raw sewage and chemical contaminants into our  
35 ocean cease immediately, and that our precious marine ecosystem,  
36 which our residents and tourism industry cherish and depend on,  
37 be protected..."; and

38  
39           WHEREAS, the County of Maui has taken the initiative in  
40 this problem and provided funds for vessel operators to be  
41 reimbursed for pumping sewage contents at Ma'alaea Harbor via  
42 mobile pump trucks that haul away the sewage for land-based  
43 treatment; and



1           WHEREAS, other governmental agencies have pledged  
2 additional funds for mobile dock-side pump trucks to haul vessel  
3 sewage to land-based treatment facilities; and  
4

5           WHEREAS, mobile dock-side pump trucks are available at  
6 other harbors within Maui and Hawaii counties; and  
7

8           WHEREAS, the State of Hawaii has provided permanent land-  
9 based sewage treatment facilities at certain harbors; and  
10

11           WHEREAS, the State of Hawaii has prohibited the dumping of  
12 most vessel sewage within state waters; and  
13

14           WHEREAS, the United States government can and should  
15 prohibit dumping sewage into federal waters in the vicinity of  
16 the islands of Hawaii and particularly into the waters of the  
17 Whale and Marine Sanctuary by creating a no-discharge zone,  
18 pursuant to the Clean Water Act, 33 United States Code section  
19 1251 et seq. and by adopting appropriate rules pursuant to 16  
20 United States Code section 1431 et seq.; and  
21

22           WHEREAS, residents of Hawaii have requested a no-discharge  
23 zone for the waters of the Whale and Marine Sanctuary and were  
24 informed that pursuant to the Clean Water Act, the United States  
25 Congress is required to receive a request for a no-discharge  
26 zone from the State of Hawaii in order for the Environmental  
27 Protection Agency to create a no-discharge zone for federal  
28 waters; and  
29

30           WHEREAS, the Environmental Protection Agency is requested  
31 to consider an application for a no-discharge zone from the  
32 State of Hawaii if made pursuant to the Clean Water Act; and  
33

34           WHEREAS, residents of Hawaii have requested that laws and  
35 rules designed to prohibit the dumping of sewage by tour vessels  
36 within state waters, federal waters in the vicinity of the  
37 Hawaiian islands, and in particular within the Whale and Marine  
38 Sanctuary, be enacted and adopted, and specific laws and rules  
39 have not been instituted; and  
40

41           WHEREAS, the State of Hawaii's representative serves as  
42 co-manager of the Whale and Marine Sanctuary; and



1 WHEREAS, the United States Department of Commerce is the  
2 federal agency responsible for the administration of the Whale  
3 and Marine Sanctuary, and the Environmental Protection Agency is  
4 the federal agency responsible for administration of the Clean  
5 Water Act; and

6  
7 WHEREAS, the sewage dumped in federal waters in the  
8 vicinity of the Hawaiian islands and in particular within the  
9 Whale and Marine Sanctuary impacts the health, welfare, and  
10 enjoyment of Hawaii residents and visitors; now, therefore,

11  
12 BE IT RESOLVED by the House of Representatives of the  
13 Twenty-fourth Legislature of the State of Hawaii, Regular  
14 Session of 2007, that the United States Congress is respectfully  
15 requested to prohibit the dumping of vessel sewage in federal  
16 waters in the vicinity of the island of Hawaii and especially  
17 within the boundaries of the Hawaiian Islands Humpback Whale  
18 National Marine Sanctuary, by creation of a no-discharge zone  
19 pursuant to the Clean Water Act, 33 United States Code section  
20 1251 et seq., and by requiring appropriate federal executive  
21 agencies to adopt necessary regulations pursuant to 16 United  
22 States Code section 1431 et seq. to ensure proper  
23 administration, management, and enforcement of applicable laws;  
24 and

25  
26 BE IT FURTHER RESOLVED that the Hawaii Department of Land  
27 and Natural Resources and other state agencies and personnel,  
28 including the Hawaii co-manager of the Hawaiian Islands Humpback  
29 Whale National Marine Sanctuary, are requested to cooperate,  
30 assist, and encourage efforts to prohibit dumping of vessel  
31 sewage into federal waters in the vicinity of the islands of  
32 Hawaii and the Hawaiian Islands Humpback Whale National Marine  
33 Sanctuary; and

34  
35 BE IT FURTHER RESOLVED that the Division of Boating and  
36 Ocean Recreation of the Department of Land and Natural Resources  
37 is requested to develop a plan to implement so called "pump-  
38 don't dump" stations, where mobile pump trucks pump sewage from  
39 vessels and transport the sewage to land-based sewage treatment  
40 facilities; and

41  
42 BE IT FURTHER RESOLVED that the Division of Boating and  
43 Ocean Recreation is requested to submit a report of its findings  
44 and recommendations, including suggested legislation, to the



1 Legislature no later than 20 days prior to the convening of the  
2 Regular Session of 2008; and

3

4 BE IT FURTHER RESOLVED that certified copies of this  
5 Resolution be transmitted to the Majority Leader of the United  
6 States Senate, the Speaker of the United States of House of  
7 Representatives, the United States Secretary of Commerce, the  
8 Administrator of the Environmental Protection Agency, the  
9 members of Hawaii's Congressional delegation, the co-managers of  
10 the Hawaiian Islands Humpback Whale National Marine Sanctuary,  
11 the Governor, and the Chairperson of the Board of Land and  
12 Natural Resources.

