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Honolulu, Hawaii

February 15, 2013

RE: H.B. No. 903  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which  
was referred H.B. No. 903 entitled:

"A BILL FOR AN ACT RELATING TO WATER POLLUTION,"

begs leave to report as follows:

The purpose of this measure is to improve the State's ability  
to manage and reduce nonpoint source pollution and wastewater  
system pollution by:

- (1) Authorizing the Director of Health to set and charge  
fees to owners of individual wastewater systems for  
nonpoint source pollution management plan applications;  
and
- (2) Creating a separate water pollution control account  
within the Water Pollution Control Revolving Fund.

The Department of Health, Department of Land and Natural  
Resources, Office of Planning, Conservation Council for Hawaii,  
Surfrider Foundation, International Coastal Cleanup Get the Drift  
& Bag It!, and a few individuals provided testimony in support of  
this measure. 4 Ag Hawaii; Big Island Dairy; Hawaii Cattlemen's  
Council; Hawaii Egg Producers Association; Hawaii Crop Improvement  
Association; Hawaii Farm Bureau Federation; Alexander & Baldwin,  
Inc.; Syngenta Hawaii, LLC, Ponoholo Ranch, Ltd; McCandless Ranch;  
FAT Law's Farm, Inc.; Kau Farm Bureau; and several individuals  
provided testimony in opposition to this measure. The Department



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of Agriculture and the City and County of Honolulu Department of Environmental Services provided comments on this measure.

Your Committee has amended this measure by:

- (1) Exempting farming operations consisting of less than ten acres and landowners owning property of less than ten acres in area from the requirement to obtain approval of a management plan from the Director of Health prior to discharging any water pollutant from a nonpoint source into state waters or causing and allowing any water pollutant to enter state waters from a nonpoint source;
- (2) Requiring the Director of Health to establish an outreach program to assist landowners and owners of individual waste water systems with applications and provide education on nonpoint source pollution prevention measures, upgrades, and sewer connections;
- (3) Providing that a person shall not incur penalties or fines until one year has passed from the date of service of notice specifying the alleged violation;
- (4) Directing the Director of Health to prescribe a management plan application no later than July 1, 2014;
- (5) Requiring that the measure's management plan application requirements take effect on July 1, 2015; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Health, should it consider this measure, to further consider the effects of the requirements of this measure on soil and water districts.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 903, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 903, H.D. 1, and be referred to the Committee on Health.



Respectfully submitted on  
behalf of the members of the  
Committee on Energy &  
Environmental Protection,

A handwritten signature in black ink, appearing to read 'Chris Lee', written over a horizontal line.

CHRIS LEE, Chair



State of Hawaii  
House of Representatives  
The Twenty-seventh Legislature

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Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: <i>HB 903</i>	Committee Referral: <i>EEP, HLT</i>	Date: <i>2/12/13</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	<i>X</i>			
2. THIELEN, Cynthia (VC)	<i>X</i>			
3. COFFMAN, Denny				<i>X</i>
4. CULLEN, Ty J.K.		<i>X</i>		
5. EVANS, Cindy		<i>X</i>		
6. HANO HANO, Faye P.		<i>X</i>		
7. KAWAKAMI, Derek S.K.	<i>X</i>			
8. LOWEN, Nicole E.	<i>X</i>			
9. FALE, Richard Lee		<i>X</i>		
TOTAL (9)	<i>4</i>	<i>4</i>		<i>1</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s).				
Vice Chair's or designee's signature: <i>Cynthia Thielen</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				