

STAND. COM. REP. NO. 1031

Honolulu, Hawaii

MAR 22 2013

RE: H.B. No. 903  
H.D. 2  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committees on Energy and Environment and Health, to which was referred H.B. No. 903, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Improve the State's ability to control and reduce water pollution from nonpoint sources and individual wastewater systems; and
- (2) Require the director of Health to establish by rule fees to fund programs that reduce pollution from nonpoint sources and operating fees for owners of individual wastewater systems.

Your Committees received testimony in support of this measure from the Department of Health; Office of Planning; Department of Land and Natural Resources; University of Hawaii, Environmental Center; Keep the Hawaiian Islands Beautiful; International Coastal Cleanup; Sierra Club; Surfrider Foundation; Sustainable Coastlines; Bear Engineering; and five individuals. Your Committees received testimony in opposition to this measure from Puna Soil and Water Conservation District; Hawaii Crop Improvement Association; General Contractors Association; Hawaii Farm Bureau Federation; Pacific Resource Partnership; Hawaii Cattleman's Council; Maui County Farm Bureau; Hawaii Agricultural Research



Center; Building Industry Association - Hawaii; Hawaii Aquaculture and Aquaponics Association; Alexander and Baldwin; Palani Ranch Company; Ulupalakua Ranch; McCandless Ranch; Ponoholo Ranch; Big Island Dairy; Ka'ala Ranch; and eight individuals. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that Hawaii's fresh, marine, and ground waters are being harmed by water pollution from many sources, including nonpoint stormwater discharges from agriculture and other lands as well as individual wastewater systems, which are facilities, including cesspools, septic systems, and aerobic treatment units, that are not connected to a sewer. Runoff from agriculture and other lands is polluted with soil, fertilizers, pesticides, and other wastes that harm state waters, coral reefs, and public recreation with the frequently required "brownwater advisories" that follow heavy rain events. Your Committees find that the reasonable regulation of nonpoint source water pollution is essential to protecting Hawaii's unique and fragile water resources and attendant ecosystems.

Your Committees have amended this measure by:

- (1) Clarifying its purpose section;
- (2) Excluding agricultural irrigation systems from the mandatory filing of management plan applications pursuant to this measure;
- (3) Specifying that a management plan application does not need to be filed prior to discharging any water pollutant into state waters from an individual wastewater system;
- (4) Removing the authorization for farming operations or landowners with a soil conservation plan or stormwater management plan to submit such plans for review by the Director of Health;
- (5) Removing beyond July 1, 2018, rather than until July 1, 2018; violations of any standards of performance for specific areas and types of discharges in the control of water pollution as grounds for enforcement under this measure;

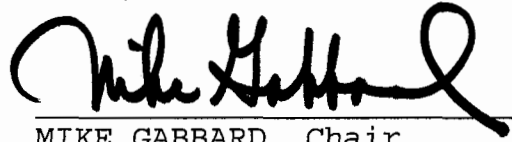


- (6) Exempting farming operations from fees assessed under this measure;
- (7) Removing the definition of "standard of performance" that would have been inserted in section 342E-1, Hawaii Revised Statutes; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 903, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 903, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Energy and  
Environment and Health,

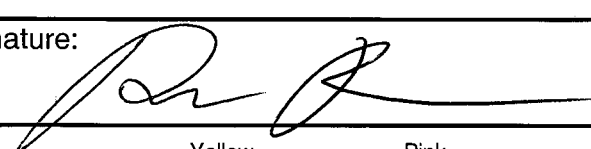
  
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JOSH GREEN, Chair

  
\_\_\_\_\_  
MIKE GABBARD, Chair



The Senate  
Twenty-Seventh Legislature  
State of Hawai'i

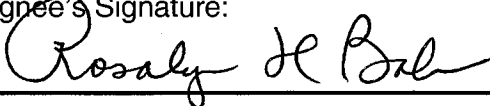
**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 903 HD2</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">ENE/HTH, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3/19/13</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	<input checked="" type="checkbox"/>			
RUDERMAN, Russell E. (VC)	<input checked="" type="checkbox"/>			
CHUN OAKLAND, Suzanne				<input checked="" type="checkbox"/>
IHARA, Jr., Les	<input checked="" type="checkbox"/>			
SLOM, Sam	<input checked="" type="checkbox"/>			
TOTAL	4			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px; text-align: center;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes

The Senate  
Twenty-Seventh Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:*	Committee Referral:	Date:	
<b>HB 903 HD2</b>	<b>ENF/HTH, WAM</b>	<b>03/19/13</b>	
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____			
The Recommendation is:			
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313			
Members	Aye	Aye (WR)	Nay     Excused
GREEN, Josh (C)	✓		
BAKER, Rosalyn H. (VC)	✓		
CHUN OAKLAND, Suzanne			✓
NISHIHARA, Clarence K.			✓
SLOM, Sam	✓		
<b>TOTAL</b>	<b>3</b>	<b>-</b>	<b>-     2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted			
Chair's or Designee's Signature:			
			
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy			

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