

# **HB 1325 HD1**

## **RELATING TO STORMWATER MANAGEMENT**

Authorizes the counties to establish and charge user fees for stormwater management.  
(HB1325 HD1)

PSM, WAM



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of H.B. 1325 HD1  
RELATING TO STORMWATER MANAGEMENT**

SENATOR WILL ESPERO, CHAIR  
SENATOR ROSALYN H. BAKER, VICE CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS

Hearing Date: March 24, 2015                      Room Number: 229  
1:20PM

1    **Fiscal Implications:** None.

2    **Department Testimony:** The Department of Health (DOH) strongly supports this bill. The  
3    purpose of this bill is to better protect Hawaii's natural resources and environment by allowing  
4    counties to charge user fees for stormwater management. Specifically, the fees would be used to  
5    create and maintain stormwater management systems or infrastructure. DOH strongly supports  
6    this bill, because it addresses a statewide priority of making our waters cleaner for the health and  
7    benefit of all of Hawaii's people and visitors.

8            Effective stormwater management is important, because polluted stormwater runoff is  
9    discharged untreated into our streams and ocean through stormwater management systems.  
10   Stormwater runoff often contains motor oil and other toxic chemicals, sediment, fertilizers,  
11   pesticides, bacteria, nutrients, and debris, which potentially harm drinking water supplies, public  
12   recreation, fisheries, coral reefs, and other wildlife.

13           This bill would allow the counties to better prevent harmful pollutants from being washed  
14   or dumped into stormwater management systems. Such pollution prevention efforts may include  
15   increasing the amount of porous (or pervious) surfaces on developed property, or implementing  
16   best management practices in agricultural and conservation lands. These efforts would increase  
17   groundwater recharge and stormwater infiltration, which ultimately leads to less polluted  
18   stormwater runoff reaching the precious waters on which we depend.

1           The stormwater management projects that the counties would be able to carry out under  
2 this program complement the pollution prevention efforts of DOH. DOH could assist the  
3 counties in these efforts where applicable and collaborative funding opportunities for  
4 implementation projects addressing nonpoint source pollution.

5           Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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STATE PARKS

Testimony of  
CARTY S. CHANG  
Interim Chairperson

Before the Senate Committee on  
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Tuesday, March 24, 2015  
1:20 PM  
State Capitol, Conference Room 229

In consideration of  
HOUSE BILL 1325, HOUSE DRAFT 1  
RELATING TO STORMWATER MANAGEMENT

House Bill 1325, House Draft 1 proposes to amend Section 46-1.5, Hawaii Revised Statutes, to add to the general powers and limitation of the counties the authority to charge user fees to create and maintain stormwater management systems or infrastructure in order to encourage protection of water resources. **While the Department of Land and Natural Resources (Department) supports augmenting Hawaii's natural water resources through the capture and reuse of stormwater, the Department nonetheless defers to the Counties regarding the undertaking of the actions called for in this measure.**

As an island state, Hawaii has limited access to natural fresh water supplies. Rising development pressure, population growth, and climate change are expected to create more stressors and competition for water in the future. Therefore, it is imperative to study and promote resource augmentation with options like stormwater reclamation and reuse. Stormwater is an underutilized resource in Hawaii that could be captured and reused for purposes such as irrigation and other non-potable uses.

Beneficial reuse of stormwater would help to preserve our limited natural water resources. It will help to achieve our goal of "the right water for the right use" in that non-potable needs may be satisfied with an alternative non-potable water source, thereby reserving higher quality water for domestic and other higher quality uses. It will reduce the amount of polluted runoff that fouls our inland waterways and nearshore waters. It should help to achieve better compliance with the Clean Water Act and reduce potential future enforcement actions and sanctions. For these reasons, the creation of stormwater management systems to capture and reuse stormwater would be beneficial to the State of Hawaii.

The Department defers to the Department of Health with regard to any rules, regulations, or concerns with stormwater reclamation and reuse.

DAVID Y. IGE  
GOVERNOR OF HAWAII



JESSICA E. WOOLEY  
DIRECTOR

STATE OF HAWAII  
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**Testimony in SUPPORT of HB 1325, HD1  
RELATING TO STORMWATER MANAGEMENT**

SENATOR WILL ESPERO, CHAIR  
HOUSE/SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS

Hearing Date: 03-24-15, 1:20 p.m.

Room Number: 229

1 **Office Testimony:** The Office of Environmental Quality Control (OEQC) supports HB1325,  
2 HD1, which encourages the protection of water resources by authorizing counties to charge user  
3 fees to create and maintain stormwater management systems or infrastructure.

4 The intent of this measure is to replenish the State's aquifers and reduce the amount of  
5 rain that ends up as storm runoff instead. The OEQC therefore hopes your committee will  
6 support this measure.

7 Thank you for the opportunity to testify.

# TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, Stormwater management system user fee

BILL NUMBER: HB 1325, HD-1

INTRODUCED BY: House Committee on Finance

BRIEF SUMMARY: Amends HRS section 46-1.5 to allow a county to establish and charge user fees to maintain any stormwater management systems or infrastructure.

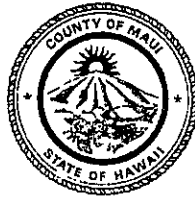
EFFECTIVE DATE: July 1, 2030

STAFF COMMENTS: This measure would authorize the counties to establish and charge another user fee - in this case for stormwater management systems or infrastructure. While it is a user fee, it is questionable to whom the fee will be charged - will it be assessed to everyone, like a sewer fee?

While the amount of the fee is unspecified, if insufficient revenues are generated from this fee, there is no doubt that the amount of the fee will be increased or other sources of revenue may be tapped for the desired programs. It should be remembered that once a fee or tax is adopted, such fee or tax is difficult to repeal and once it makes its way into the door, the amount of the fee can be increased in subsequent years.

Digested 3/16/15

ALAN M. ARAKAWA  
MAYOR



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**OFFICE OF THE MAYOR**

Ke'ena O Ka Meia  
COUNTY OF MAUI – Kalana O Maui

**TESTIMONY OF ALAN ARAKAWA, MAYOR  
COUNTY OF MAUI**

BEFORE THE SENATE COMMITTEE ON  
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Tuesday, March 24, 2015  
1:20 p.m.  
Conference Room 229

**HB 1325, HD1 RELATING TO STORMWATER MANAGEMENT**

Honorable Sen. Will Espero, Chair  
Honorable Sen. Rosalyn H. Baker, Vice Chair  
Honorable Members of the Senate Committee on Public Safety, Intergovernmental  
and Military Affairs

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Thank you for this opportunity to testify in **SUPPORT** of HB 1325.

This measure would encourage the protection of our water resources by amending Section 46-1.5, Hawaii Revised Statutes, and authorizing the counties to establish and charge user fees to create and maintain stormwater management systems or infrastructure.

As Mayor of Maui County, I support this measure for the following reasons:

1. *Use of stormwater to help preserve our water resources.* Hawaii, as an island state, has a limited supply of natural fresh water. As I see it, stormwater is an underutilized resource and could be captured and reused for irrigation and other non-potable uses.

The potential use of stormwater is important as studies have shown that precipitation has dropped 18% over the past 30 years. This trend, along with continued population growth, will inevitably result in a greater demand for water. If we do not have options, this greater demand will likely take a serious toll on our natural fresh water supplies.



**Testimony of Hawai'i Green Growth In Support of HB1325 HD1  
Relating to Storm Water Management  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
24 March 2015, 1:20pm, Room 229**

Audrey Newman  
Hawai'i Green Growth  
P.O. Box 535 Ho'olehua, Hawai'i 96729

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*Hawai'i Green Growth is a voluntary partnership of more than 60 state, county, federal, business, and non-governmental leaders from energy, food production, natural resources, waste reduction, planning, green jobs, and other sectors who have come together to support a shared statewide commitment and tangible actions toward sustainability and a model green economy.*

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Aloha Chair Espero, Vice Chair Baker, and Members of the Committee:

**Hawai'i Green Growth (HGG) strongly supports HB1325 HD1**, which authorizes the Counties to establish storm water utilities and related infrastructure. HGG members agree storm water management is an important step in protecting Hawai'i's limited fresh water resources.

University of Hawai'i's Rainfall Atlas indicates that rainfall has been declining for the past 100 years in Hawai'i; this situation will likely be exacerbated by climate change, resulting in even less rainfall. As HB1325 HD1 states, the State of Hawai'i's increasing population puts even further strain on its fresh water supply. Due to loss of priority watershed areas and increasing impermeable surfaces across the state, more rain ends up as storm run-off instead of replenishing Hawai'i's aquifers. Storm water carries pollutants that affect the health of our near-shore marine ecosystems and impact public beaches, both of which can have long-term impacts on our economy.

HGG members agree that HB1325 HD1 will help advance action on the *Aloha+ Challenge: A Culture of Sustainability – He Nohona 'Ae'oi'a*, a joint leadership commitment to achieve six sustainability targets by 2030 in the areas of clean energy, local food production, natural resource management, solid waste reduction, smart growth and climate resilience, green jobs and education. The *Aloha+ Challenge* was unanimously endorsed by the 2014 Legislature (SCR 69) and signed by Hawai'i's Governor, Mayors and Office of Hawaiian Affairs. It was also internationally recognized as a model of integrated sustainability at the UN Conference on Small Island Developing States in Samoa.

We respectfully urge your support of **HB1325 HD1**.

Mahalo,

A handwritten signature in black ink that reads "Audrey Newman".

**Audrey Newman**

Senior Advisor, Hawai'i Green Growth (HGG)

*Bringing leaders together to achieve sustainability in Hawai'i & be a model for a green economy*

<http://www.hawaiigreengrowth.org>

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 18, 2015 10:42 AM  
**To:** PSMTestimony  
**Cc:** stangonan@tnc.org  
**Subject:** Submitted testimony for HB1325 on Mar 24, 2015 13:20PM  
**Attachments:** HB 1325 HD1 TNC testimony 03 24 15.pdf

**HB1325**

Submitted on: 3/18/2015.

Testimony for PSM on Mar 24, 2015 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Fox	The Nature Conservancy	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 1325 HD1 Relating to Stormwater Management  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Tuesday, March 24, 2015, 1:20PM, Room 229

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*For more than 35 years, The Nature Conservancy of Hawai'i has been working closely with government agencies, local businesses, private landowners, non-profit partners, and interested communities across the state to preserve the lands and waters upon which all life in these islands depends. The Conservancy is a private non-profit conservation organization that has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 35,000 acres in 11 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i, and support 19 coastal communities seeking to co-manage marine resources in partnership with the State of Hawai'i.*

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The Nature Conservancy supports H.B. 1325 HD1 authorizing counties to establish stormwater utilities and related infrastructure.

Scientists estimate that populations of many of Hawai'i's near shore reef fishes have declined by more than 75% over the past 100 years. Marine managers, community stewards, and scientists across the state are also cataloguing and working to address increased instances of coral disease, bleaching and reef smothering alien algae. Scientific analysis together with long-term community experience and observation suggest that a number of factors are contributing to and exacerbating these threats to Hawai'i's marine health, including over-harvesting of fishes, land-based sources of pollution, as well as higher temperatures and acidification due to human induced climate change. Degradation of Hawai'i's reefs and near shore environments is not only a detriment to our health and quality of life, but also a grave loss to Hawai'i's economy, safety, and to a cultural heritage that is unique in the world.

Caring for the health and future productivity of Hawai'i's fresh and marine waters requires a combination of strategies in an ahupua'a approach. Taking care of watershed forests, upgrading wastewater treatment systems, enhancing water re-use, preventing and controlling invasive species, encouraging responsible resource use, and retiring and replacing outdated infrastructure are all a part of the solution to the variety of threats we face. Encouraging the adoption of best practices and infrastructure investment by the counties to capture and retain rainfall before it becomes stormwater run-off is one important component of this collective effort.

Thank you for the opportunity to testify on this measure.

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### TESTIMONY ON HOUSE BILL (HB) 1325 HD1 RELATING TO STORMWATER MANAGEMENT By: The Hawaii Community Foundation

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Tuesday, March 24, 2015; 1:20PM  
State Capitol, Conference Room 229

Chair Espero, Vice-Chair Baker, Members of the Committee on Public Safety, Intergovernmental and Military Affairs:

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HB 1325 HD1 will prevent pollution and protect Hawai'i's fresh water resources by authorizing Hawai'i's four counties to establish "stormwater utilizes" that create and maintain stormwater management systems—if they elect to do so. The Hawaii Community Foundation (HCF) strongly supports this bill.

HCF is one of the oldest and largest philanthropic foundations in the Islands. Recent scientific findings regarding a downward trend of overall precipitation in Hawai'i, coupled with a trend towards more intense weather events when they do occur, have led HCF to prioritize long-term fresh water security in our work. HB 1325 HD1 is a critical and positive step towards empowering our local county governments to capture increased stormwater flow and replenish island aquifers that provide 99% of our drinking water.

HCF commissioned a study in 2014 analyzing "Stormwater Best Practices for State and Counties of Hawai'i" from the Logistics Management Institute in partnership with the Low Impact Development Center. The national study found over 1,400 stormwater utilities successfully addressing stormwater runoff at the local government level across the United States. However, currently none exist in Hawai'i. HB 1325 HD1 simply provides our counties with the option to use this proven, flexible, and locally relevant tool to address the specific issues they face on their islands.

### Neighbor Islands:

Hawai'i:  
65-1279 Kawaihae Road  
Parker Square, Room 203  
Kamuela, Hawai'i 96743  
Phone: 808-885-2174  
Fax: 808-885-1857

Kaua'i:  
4139 Hardy Street  
Suite C  
Lihue, Hawai'i 96766  
Phone: 808-245-4585  
Fax: 808-245-5189

Maui County:  
33 Lono Avenue  
Kahului Building, Suite 390  
Kahului, Hawai'i 96732  
Phone: 808-242-6184

While we understand that the primary focus and benefit of stormwater utilities are pollution/runoff control in our near-shore waters, HCF believes that the significant fresh water recharge that will result from successful stormwater retention is a critical benefit that will help ensure our water supply long into the future.

We strongly support this innovative legislation that empowers local government to address an important environmental and economic issue.

HCF encourages the Committee on Public Safety, Intergovernmental and Military Affairs to pass HB 1325 HD1.



P.O. Box 253, Kunia, Hawai'i 96759  
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March 24, 2015

HEARING BEFORE THE  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY  
AFFAIRS

TESTIMONY ON HB 1325 HD 1  
RELATING TO STORMWATER MANAGEMENT

Room 229  
1:20 PM

Aloha Chair Espero, Vice Chair Baker, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,832 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

Hawaii Farm Bureau **supports the intent of HB 1325 HD 1**, which provides the County with the authority to collect fees to manage stormwater in a manner beneficial to the community.

Water is a critical resource to agriculture. Changing weather patterns and growing agricultural and domestic demands on watersheds have challenged agriculture's access to reliable and reasonably priced water for irrigation, livestock and other agricultural uses. HFB views stormwater as a potential high-value resource. Recent weather patterns and future predictions suggest we may be entering new era of severe storm events followed by extended periods of drought. These conditions dictate that intelligent management and utilization of stormwater is important for Hawaii's future.

We appreciate the Legislature's recognition of the serious implications of drought. In 2007 a measure providing Counties with funding for drought mitigation resulted in a plan on Maui to bring beneficial uses of stormwater for agriculture. The implementation of such plans and duplication of such efforts in other Counties would be significant.

HFB's support of this measure is lukewarm. We temper our support because the regulatory regime and fee schedule is unclear at this time. Furthermore, we have seen how an uneven patchwork of regulations at the County level have proven problematic. We certainly do not want to see an issue as important as stormwater management fall prey to changing political winds. Until we better understand the fee schedule and usage, we provide only comments in support of this measure to move it forward to continue further discussion.

Thank you for this opportunity to provide comments on this important matter.

Rafael Bergstrom  
Surfrider Foundation Oahu Chapter  
HB 1325: Re: Stormwater Management  
Committee: PSM  
Hearing March 24<sup>th</sup> 1:20PM  
In Strong Support

Aloha Members of the Senate PSM Committee,

My name is Rafael Bergstrom and I am the Oahu Chapter Coordinator for the Surfrider Foundation and I am writing to voice my strong support for SB 1310. Over the past 2 years I have been working with a diversely educated group spanning from non-profits, environmental consultants and scientists, the legislature, Department of Health, and the City and County to understand the best solutions to stormwater runoff pollution. SB 1310, protecting the City and Counties in their efforts to establish a stormwater utility, is a very important first step. The bill does not require the fee at this moment, but simply gives state level protections for a needed solution to a very serious problem.

Stormwater is an abstract non-point source pollution that needs serious attention, as it is the largest contributor of pollutants to our vital near-shore ecosystems. As we continue to pave over our landscapes we are channelizing runoff and pollutants into storm drains that empty, untreated, in our oceans. In addition, as rain hits hard, impervious surfaces we are losing the ability to re-charge our fresh water supplies as runoff has no way of infiltrating back into our aquifers. Water security and the protection of our most lucrative natural resources are major issues the state of Hawai'i must address in the immediate future.

Many hours of research have been invested in understanding the best avenues for addressing this pressing issue. The stormwater utility is a solution sweeping the nation with over 1400 being set up in communities and cities to provide a dedicated and transparent fund to clean up and prevent the degradation associated with runoff. Many organizations here in Hawai'i have already begun other EPA recommended steps of education and demonstration sites that must occur in the first years of implementation. Assuring state level protections is part of this initial stepping stone sequence towards creating a utility in the future. The Surfrider Foundation Oahu Chapter is now working towards grass-roots level watershed level awareness, education, and building of residential rain gardens. These steps are helping to create an understanding amongst your constituents with regards to the issue of stormwater runoff pollution and a true ridge-to-reef management that begins within each of our homes and businesses.

We truly have an opportunity to begin a movement of change that will make our islands a greener, less polluted, and sustainable environment to live in for the foreseeable future. Thank you for considering this important piece of legislation and please let me know if you have any questions.

Mahalo for your time and effort,  
Rafael Bergstrom



**HAWAII CHAPTER**  
U.S. GREEN BUILDING COUNCIL

March 23, 2015

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**COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS**

**TESTIMONY IN SUPPORT OF House Bill 1325**

Dear Chair Espero:

The US Green Building Council Hawaii Chapter **supports** HB1325. We believe responsible and sustainable stormwater management is a key component of sustainable development and protecting water resources and public health. As Hawaii continues to develop, more natural drainage systems will be altered or completely replaced with impervious surface such as roads and houses. Fundamentally this means a loss of rainwater recharge back into the ground and the potential for increased pollution into Hawaii's streams and coastal environments. Presently in Hawaii, urban areas contribute trillions of gallons of stormwater runoff annually that carry bacteria, fertilizers, pesticides, heavy metals, oils and other noxious pollutants into our streams and oceans, killing coral reefs and affecting our recreational waters. For certain counties where MS4 permits for stormwater management are in place, this has also become problematic as meeting federal Environmental Protection Agency water quality requirements has become increasingly challenging.

State level support for a county municipal stormwater utility may be a solution. The passing of this bill will provide the level of support for the counties to create the programs required to move Hawaii towards more sustainable stormwater management practices.

We'd also like to acknowledge that this bill upholds the Hawaii State Constitution by helping to protect water resources for the benefit of the people and Hawaii's native ecosystems that rely on clean water. We strongly support HB 1325!

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren C. Roth Venu".

Lauren C. Roth Venu  
Co-Chair  
USGBC Hawaii Chapter Advocacy Committee  
808-781-7583



*hui o ko'olaupoko*

*1051 Keolu Dr. # 208  
Kailua, HI 96734  
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Name: Todd Cullison, Executive Director  
Title: House Bill 1325 HD1: Re: Stormwater Management  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
March 24, 2015 1:20 PM  
In Strong Support

Ladies and Gentlemen of the Committee,

I support House Bill 1325 HD1 to further strengthen water quality Best Management Practices (BMPs) and current National Pollutant Discharge Elimination System (NPDES) regulations that work to protect our stream and ocean health.

Hui o Ko'olaupoko (HOK) is a 501(c) 3 non-profit organization working on protecting ocean health through ecosystem restoration practices. As Executive Director, I focus on storm water management and water quality issues on a daily basis and implement on-the-ground projects to mitigate the effects of storm water pollution on our aquatic and marine environments. In 2007, as part of the Kailua Bay Advisory Council, I completed extensive research and co-authored the Ko'olaupoko Watershed Restoration Action Strategy which provided direction for the implementation of storm water BMPs across windward O'ahu. HOK is currently implementing many of these recommended projects within Ko'olaupoko as well as various sites across the State. These projects work to capture and infiltrate storm water into the ground, thus filtering out contaminants, setting sediments, reducing the amount of runoff that is polluting our streams and ocean. HOK has become an expert in the field of storm water BMPs and strongly supports the use of storm water BMPs in both pre- and post- construction design.

In order to protect our waters, States, municipalities and private companies must comply with increasingly strict permit requirements enforced by the federal Environmental Protection Agency and State of Hawai'i Department of Health. Storm water BMPs, if used effectively and diligently in both pre- and post- construction activities, have the potential to greatly protect water quality and the health of our natural resources. Therefore, re-examination of construction BMPs may be necessary to ensure that design plans are achieving effective storm water management on their project sites. However, with many regulations already in place, it is extremely important that the State and municipalities ensure proper oversight and monitoring of construction contractors and BMPs site plans. It is evident through our observations that many construction projects are not meeting even basic requirements for storm water management and need to be

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*hok* *Protecting ocean health by restoring the 'āina: mauka to makai*



## *hui o ko'olaupoko*

held to a high standard in order to protect Hawai'i's valuable water resources. Therefore, please consider House Bill 1325 HD1 as a means of addressing erosion and sediment run-off issues that have been demonstrated on numerous construction projects in windward O'ahu and across the State of Hawai'i.

Currently, HOK has several restoration projects including riparian restoration, a residential rain garden program and a large projects to address non-point source pollution in Ko'olaupoko. Since our staff is working at these various project sites please accept this written testimony in lieu oral testimony.

Thank you for your time and consideration.

Todd Cullison

Executive Director



March 23, 2015

Committee Chair & Members of PSM

**RE: Strong Support for HB1325 – Relating to Stormwater Management**

**Hearing on Tue., 3/24, State Capitol, Conf. Rm. 229, 1:20pm.**

Dear Chair Espero, Vice Chair Baker, and Committee Members,

As the Hawaii Regional Manager of the Surfrider Foundation, our five chapters strongly support passage of HB 1325. This bill is designed to address the harms of stormwater runoff, which is the leading source of water pollution and a threat to the environment and human health. Our Surfrider members helped form an informal task force that has been working with state and county officials to deal with this issue, and this bill is the result.

Since 1950, Oahu's resident population has doubled and so have the hard surfaces we create in the form of rooftops, parking lots and roads. As rain falls on these hard surfaces, it quickly moves through our system of storm drains and inundates our coastal waters with land-based pollutants such as fertilizers, motor oils and pet waste. This toxic soup of pollution flushes into the ocean via waterways like the Ala Wai Canal, a highly-used recreational water body, which regularly fails state water standards. The frequent brown water advisories and polluted water cast a dark shadow on our shorelines and could dramatically affect our tourism industry.

Right now, counties are being forced to comply with increasingly strict permit requirements enforced by the U.S. Environmental Protection Agency and State Department of Health. Traditionally, the funding needed to screen for pollution, maintain drainage networks and educate the public on best practices has come from general tax funds, whose allocation can change from year to year. Also, the current funding scheme provides little incentive for property owners to reduce the runoff that their properties generate.

HB1325 does NOT charge any fees but just allows counties to explore the option of utility fees, an increasingly popular and effective way of funding stormwater management that has successfully been utilized on the mainland for several decades. The fee is calculated based on the demands a property places on the drainage system, which provides an incentive for property owners to reduce the runoff that they generate. Besides reducing polluted runoff, this bill would promote policies that clean our water and recharge our aquifer and drinking water supplies.

In Hawaii, our waters are an essential part of our lives and provide a key resource for fishing, swimming, surfing and recreation for residents and tourists alike. Our counties need adequate funding to meet the goals set by regulating agencies to keep our surface water clean. User fees are an effective, tested and equitable tool to provide this funding so I strongly urge the committee to pass this measure and allow the counties to further explore this option. Mahalo for your time and consideration and please feel free to contact me if you have any questions or suggestions.

Sincerely,  
Stuart Coleman  
Stuart H. Coleman  
Hawaii Regional Manager

Surfrider Foundation Hawaii Chapters \* 2121 Algaroba St., #1107 \* Honolulu, HI 96826  
808-381-6220 \* [scoleman@surfrider.org](mailto:scoleman@surfrider.org) \* [www.surfrider.org](http://www.surfrider.org)

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 23, 2015 7:59 PM  
**To:** PSMTestimony  
**Cc:** genegbennett@gmail.com  
**Subject:** Submitted testimony for HB1325 on Mar 24, 2015 13:20PM

**HB1325**

Submitted on: 3/23/2015

Testimony for PSM on Mar 24, 2015 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gene Bennett	Individual	Support	No

Comments: This is a good bill to protect our water quality. 400 cities and counties can't go wrong. I support this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 23, 2015 8:03 PM  
**To:** PSMTestimony  
**Cc:** snruiz@hawaii.edu  
**Subject:** \*Submitted testimony for HB1325 on Mar 24, 2015 13:20PM\*

**HB1325**

Submitted on: 3/23/2015

Testimony for PSM on Mar 24, 2015 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Samantha Ruiz	Individual	Support	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 14, 2015 11:00 AM  
**To:** PSMTestimony  
**Cc:** lucialyou@gmail.com  
**Subject:** Submitted testimony for HB1325 on Mar 24, 2015 13:20PM

**HB1325**

Submitted on: 3/14/2015

Testimony for PSM on Mar 24, 2015 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lucia You	Individual	Support	No

Comments: fresh water runoff, including storm water can be filled with pollutants. we must protect our reefs and ocean

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 17, 2015 3:47 PM  
**To:** PSMTestimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for HB1325 on Mar 24, 2015 13:20PM\*

**HB1325**

Submitted on: 3/17/2015

Testimony for PSM on Mar 24, 2015 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 18, 2015 5:08 PM  
**To:** PSMTestimony  
**Cc:** edward.g.bohlen@hawaii.gov  
**Subject:** Submitted testimony for HB1325 on Mar 24, 2015 13:20PM

**HB1325**

Submitted on: 3/18/2015

Testimony for PSM on Mar 24, 2015 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Edward Bohlen	Individual	Support	No

Comments: This bill provides a necessary first step for counties to control the largest source of water pollution in Hawaii--nonpoint storm runoff. Please pass. Mahalo!

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**Name/Title:** Phil Potter, Environmental Consultant

**Committee:** PSM Committee

**Date/Time:** March 24<sup>th</sup>, 1:20pm

**Measure Number:** HB1325

Aloha Ladies and Gentleman of the Committee,

My name is Phil Potter and I am an environmental consultant with over six years of experience addressing water resource management issues in Hawaii. I am here today to **strongly support** House Bill 1325 relating to stormwater management.

As Oahu's resident population has doubled since 1950<sup>1</sup>, so too have the hard surfaces we create in the form of rooftops, parking lots and roads. Over 25 percent of Oahu was classified as developed in 2000<sup>1</sup> and this is bound to increase as our population grows by at least 30% in the next quarter century<sup>2</sup>. As rain falls on these developed areas, it quickly moves through our system of hardened pipes and conveyances, increasing the frequency and severity of flooding and inundating our inland and coastal waters with land-based pollutants like fertilizers, motor oils and pet waste.

To put the problem in context, the urbanized areas of Oahu's south shore host the equivalent of 300 football field's worth of roof area which alone can generate up to 17 Olympic-size swimming pools of runoff during a typical storm event<sup>3</sup>. This toxic soup of pollution flushes into the ocean via waterways like the Ala Wai Canal, a highly-used recreational waterbody which regularly fails state water standards. These hard surfaces also block the land's ability to recharge groundwater, reducing our supply of clean drinking water.

To keep our surface water clean, counties must comply with increasingly strict permit requirements enforced by the Federal Environmental Protection Agency and State Department of Health. Traditionally, the funding needed to screen for pollution, maintain drainage networks and educate the public on best practices has come from general tax funds, whose allocation can change from year to year. Also, the current funding scheme provides little incentive for property owners to reduce the runoff that their properties generate. **HB1325 would explicitly permit counties to explore the use of user fees, a mechanism of funding stormwater management which has successfully been utilized on the mainland for several decades.**

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<sup>1</sup> Klasner, F.L., C.D. Mikami (2003). Land Use on the Island of Oahu, Hawai'i, 1998. U.S. Geological Survey Water Resources Investigations Report 02-4301.

<sup>2</sup> State of Hawai'i Office of Planning (2006). Hawai'i Ocean Resources Management Plan. Coastal Zone Management Program. December.

<sup>3</sup> State of Hawai'i Commission on Water Resource Management [HCWRM] (2008). A Handbook for Stormwater Reclamation and Reuse Best Management Practices in Hawai'i. December.

In this funding scheme, user fees are charged to property owners by a stormwater utility for the service of managing the stormwater runoff and associated pollutants coming from their property. The fee is calculated based on the demands a property places on the drainage system, which provides an incentive for property owners to reduce the runoff that they generate. Also, this fee is usually administered separately from general tax fund, ensuring adequate and dedicated funding for these critical services.

In the current political climate, it may be easy to dismiss this bill as 'just another fee' which will further burden our local residents and business owners. It is important to emphasize, though, that increased stormwater pollution has always been a cost of development; this cost has been traditionally pushed on to public in the form of resource degradation and on to the counties in additional capital and staffing expenses. By requiring property owners to properly manage increased stormwater, the community is simply placing those costs back on the people that create them and benefit from the underlying development.

In Hawaii, our waterbodies are an essential part of our way of life. They provide a key resource for fishing, swimming, and recreation for residents and tourists alike. Our counties need adequate funding to meet the ambitious goals set by regulating agencies to keep our surface water clean. **User fees are an effective, tested and equitable tool to secure this funding, and as such I strongly urge the committee to pass this measure and allow the counties to further explore this funding source.**

Thank you for your time and consideration.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 23, 2015 9:55 PM  
**To:** PSMTestimony  
**Cc:** mhesketts@mac.com  
**Subject:** Submitted testimony for HB1325 on Mar 24, 2015 13:20PM

**HB1325**

Submitted on: 3/23/2015

Testimony for PSM on Mar 24, 2015 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Marvin Heskett	Individual	Support	No

Comments: Aloha Kakou, Precious pure water continues to become even more precious with an increasing demand for it with our increase in population and consumption. This bill helps to initiate a common sense approach to help recharge our aquifers in the most obvious way possible, while helping to deter the enormous load of non point source pollutants from entering our near shore environment and streams. A 2009 City of San Diego Aerial Deposit study demonstrating the impacts from various non point source pollutants showed that over 3,000 kg of zinc entered the storm drains there in one year. Scaling our population accordingly, its easy to see that enormous quantities of pollutants enter our near shore environment through our storm water runoff. After supporting this bill, or perhaps during this session, I suggest trying to look at stormwater runoff during a first flush of rain after a period of relative dryness. Even grab a cup of it from a street or curb, just look at it, smell it and ask yourself, is this healthy? Should it be allowed to flow onto our reefs? The answer will be clear and you will feel proud of yourself for voting the right way. Moreover, your constituents will be pleased and you will have voted in line with your party's platform on the environment. Thank you, Marvin

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**Sent:** Monday, March 23, 2015 8:14 PM  
**To:** PSMTestimony  
**Cc:** madebyming@gmail.com  
**Subject:** Submitted testimony for HB1325 on Mar 24, 2015 13:20PM

**HB1325**

Submitted on: 3/23/2015

Testimony for PSM on Mar 24, 2015 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
MYW	Individual	Support	No

Comments: Dear Chair/Committee - Stormwater is often times an invisible pollution source and reducing the impervious surfaces in our urban environment would greatly improve our ocean health, and our fellow citizens' health in the myriad of ocean activities that we engage in. Stormwater runoff is not treated so that polluted water goes directly into our ocean. Also, the state of Hawaii as an island (chain of islands) with limited water resources, stormwater can be redirected back into our aquifers. I support this bill, Sincerely, Ming-Yi

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