

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Thursday, April 2, 2015
9:00 AM
State Capitol, Conference Room 211**

**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.

CARTY S. CHANG
INTERIM CHAIRPERSON
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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



**Testimony of Hawai'i Green Growth In Support of HB1325 HD1
Relating to Storm Water Management**

Senate Committee on Ways and Means
2 April 2015, 9:00am, Room 211

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

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.

Aloha Chair Tokuda, Vice Chair Kouchi, 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'olia*, 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". The signature is written in a cursive style and is positioned above a light blue rectangular background.

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>



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

April 2, 2015

HEARING BEFORE THE
SENATE COMMITTEE ON WAYS & MEANS

TESTIMONY ON HB 1325 HD 1
RELATING TO STORMWATER MANAGEMENT

Room 211
9:00 AM

Aloha Chair Tokuda, Vice Chair Kouchi, 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 1,932 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.

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 1325 HD1 Relating to Stormwater Management
Senate Committee on Ways and Means
Thursday, April 2, 2015, 9:00AM, Room 211

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy 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. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

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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Rafael Bergstrom
Surfrider Foundation Oahu Chapter
HB1325: Re: Stormwater Management
Committee: WAM
Hearing April 2nd 2015 9:00AM
In Strong Support

Aloha Members of the Senate WAM 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 HB 1325. 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. HB 1325, 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

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

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ssims@hawaii.edu
Subject: *Submitted testimony for HB1325 on Apr 2, 2015 09:00AM*
Date: Wednesday, April 01, 2015 3:15:56 PM

HB1325

Submitted on: 4/1/2015

Testimony for WAM on Apr 2, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Afong	Individual	Support	No

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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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: aydeezielke@gmail.com
Subject: Submitted testimony for HB1325 on Apr 2, 2015 09:00AM
Date: Wednesday, April 01, 2015 2:43:07 PM

HB1325

Submitted on: 4/1/2015

Testimony for WAM on Apr 2, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Aydee Zielke	Individual	Support	Yes

Comments: I am in support of stormwater fee's. This is a necessary step towards managing our rainwater resources in a more sustainable manner. Please pass this bill!

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: edward.g.bohlen@hawaii.gov
Subject: Submitted testimony for HB1325 on Apr 2, 2015 09:00AM
Date: Wednesday, April 01, 2015 11:38:25 AM

HB1325

Submitted on: 4/1/2015

Testimony for WAM on Apr 2, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Bohlen	Individual	Support	No

Comments: This bill provides a critical first step empowering counties to control nonpoint stormwater runoff, which is the largest source of water pollution in Hawaii. Please pass. Mahalo.

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To: [WAM Testimony](#)
Cc: kenzen808@gmail.com
Subject: Submitted testimony for HB1325 on Apr 2, 2015 09:00AM
Date: Wednesday, April 01, 2015 10:12:49 AM

HB1325

Submitted on: 4/1/2015

Testimony for WAM on Apr 2, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ken Sentner	Individual	Support	No

Comments: Strong support of HB1325, hd1

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Name/Title: Phil Potter, Environmental Consultant

Committee: WAM

Date/Time: April 2nd, 9:00am

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 1950¹, 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 2000¹ and this is bound to increase as our population grows by at least 30% in the next quarter century². 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 event³. 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.**

¹ 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.

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

³ 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.