

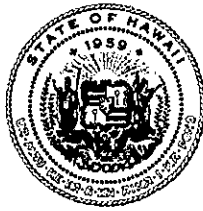
# **SB 1310**

## **RELATING TO STORMWATER MANAGEMENT**

Authorizes the counties to establish and charge user fees for stormwater management

PSM, WAM

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
CARTY S. CHANG  
Interim Chairperson

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

Tuesday, February 17, 2015

1:05 PM

State Capitol, Conference Room 229

In consideration of  
SENATE BILL 1310  
RELATING TO STORMWATER MANAGEMENT

Senate Bill 1310 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.

Rafael Bergstrom  
Surfrider Foundation Oahu Chapter  
Senate Bill 1310: Re: Stormwater Management  
Committee on Public Safety, Intergovernmental and Military Affairs  
Hearing February 17<sup>th</sup> 1:05PM  
In Strong Support

Aloha Members of the Senate Committee on PSM,

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 1000 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

Jodi Malinoski  
Rise Above Plastics- Surfrider Foundation Oahu Chapter  
Senate Bill 1310: Stormwater Management  
Committee on Public Safety, Intergovernmental and Military Affairs  
Hearing February 17<sup>th</sup> at 1:05 PM in Room 229  
Strong Support of SB 1310

Dear Chair Espero and Vice Chair Baker,

Aloha and good afternoon. My name is Jodi Malinoski and I am the Rise Above Plastics Coordinator for Surfrider Foundation Oahu Chapter. The Rise Above Plastics coalition comprises of five environmental groups: Surfrider Foundation, Styrophobia, Sustainable Coastlines, Conservation Council for Hawaii, and Kōkua Hawaii Foundation; I am writing to represent our coalition who is in strong support of Senate Bill 1310.

Although this Bill does not specifically deal with plastic pollution, it involves pollutants from non-point sources that are affecting our near shore aquatic environments and therefore are an issue of our coalition's concerns. Stormwater is a major form of non-point source pollution, and its importance was identified in the early 1990's by the U.S. congress and EPA as a "significant factor in coastal water degradation" that is "linked to major coastal problems". In Hawaii, this pollution is derived from sources such as impervious surfaces and parking lots, agricultural sediments and subsequent nutrient loads, and persistent organic pollutants such as pesticides. Currently, this type of pollution is being untreated and unfiltered before running off into our oceans. When left uncontrolled, this water pollution can result in the destruction of fish, wildlife, and aquatic life habitats, a loss in aesthetic value, and threats to public health due to contaminated food, drinking water supplies, and recreational waterways.

It is therefore imperative that this Bill be passed in order to provide the counties of Hawaii the authority to set up a stormwater utility. This Bill could eventually lead to a dedicated fund for cities and counties to cleanup and prevent stormwater, while simultaneously incentivizing green infrastructure and low impact development. This Bill would also allow a greater amount of rainfall to be recharged to our underground aquifers, ensuring future water security for the Islands. This Bill would facilitate the city and counties of Hawaii's ability to administer a fee or funding for a stormwater utility; it is a crucial first step to protect Hawaii's coastal environments from this pollution and protect our resources that we rely upon for our drinking water, fisheries, and tourism industry.

In Hawaii, stormwater runoff is variable depending on the weather. While we cannot predict or prevent storms, factors such as climate change have already been linked to increased frequency and intensity of storms. In last week's Star-Advertiser I read an article that indicated different areas of the islands are experiencing unexpected rainfall patterns, which are not linked to natural patterns such as La Niña and El Niño years. We need to consider the Earth's changing environment as a reason to pass this Bill for Hawaii's future. No one likes to swim in a dirty beach after the rain. The sediments and nutrients that are being runoff into our oceans are affecting not only our environment, but have health and economic impacts as well. On behalf of the Rise Above Plastics Coalition, I urge you to pass SB 1310 and thank you for this opportunity.

Warmest Mahalo,

Jodi Malinoski

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

**Committee:** Senate Committee on Public Safety, Intergovernmental and Military Affairs

**Date/Time:** Tuesday February 17<sup>th</sup>, 1:05pm

**Measure Number:** SB 1310

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 1310 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. **SB1310 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, February 16, 2015 10:01 AM  
**To:** PSMTestimony  
**Cc:** tbohl8@yahoo.com  
**Subject:** Submitted testimony for SB1310 on Feb 17, 2015 13:05PM

**SB1310**

Submitted on: 2/16/2015

Testimony for PSM on Feb 17, 2015 13:05PM in Conference Room 229

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

Comments: This bill would provide counties with authority they will need to control stormwater runoff and nonpoint sources, the largest sources of water pollution in Hawaii.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 16, 2015 11:11 AM  
**To:** PSMTestimony  
**Cc:** kenzen808@gmail.com  
**Subject:** Submitted testimony for SB1310 on Feb 17, 2015 13:05PM

**SB1310**

Submitted on: 2/16/2015

Testimony for PSM on Feb 17, 2015 13:05PM in Conference Room 229

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

Comments: Strong support of SB1310 to ensure accountability for runoff which pollutes our treasured ocean, upon which we depend for our economic and spiritual survival.

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Testifier name: Kristie Reilly (independently testifying)  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Tuesday, February 17, 2015 @ 1:05 pm  
SB1310 – Stormwater Management

Aloha Committee Chair Will Espero, Vice Chair Rosalyn H. Baker, and committee members,

Thank you for the opportunity to submit my comments. I strongly **support** SB1310 which authorizes the counties to establish and charge user fees for stormwater management. Stormwater management is an important step in protecting Hawaii's limited water resources, public health and nearshore ecosystems.

As the measure states, Hawaii has an increasing population. This is leading to the spread of development and an increase in the impermeable surfaces overall. With less surface to infiltrate, lower amounts of rainwater are able to recharge the freshwater aquifer. In addition, with climate change, Hawaii has experienced a decrease in rainfall. As indicated by scientists, as the sea level rises, so does the likelihood of saltwater intrusion at coastal aquifers which would reduce the available freshwater in those areas. A growing population coupled with a decreasing trend in freshwater availability puts more strain on Hawaii's limited freshwater resources.

Additionally, due to the impermeable surfaces that are increasing across the state, when it does rain, water is quickly flushed through the system of synthetic channels as runoff. This stormwater runoff carries with it many pollutants including pesticides, bacteria, hydrocarbons and other chemicals from pavement, and sediment that then dumps directly into the ocean. All of these factors are affecting the health of our nearshore environment and leading to public health issues at beaches.

Establishing user fees that will support implementation of stormwater reclamation and reuse projects will help ease the strain on our aquifer, and promote a smarter use of this vital resource. I urge you to pass SB1310. Thank you for your time.

Mahalo,  
Kristie Reilly  
1542 Thurston Ave. C  
Honolulu, HI 96822  
(808) 594- 7161

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 16, 2015 12:42 PM  
**To:** PSMTestimony  
**Cc:** ahuntemer@aol.com  
**Subject:** Submitted testimony for SB1310 on Feb 17, 2015 13:05PM

**SB1310**

Submitted on: 2/16/2015

Testimony for PSM on Feb 17, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Angela Huntemer	Individual	Support	No

Comments: Aloha Chair, Vice Chair and Committee members I support SB1310 because it authorizes our counties to establish and charge user fees for stormwater management. It is critical for the health of our watersheds and reefs that controls be implemented and revenue collected. Mahalo. Angela Huntemer North Shore O'ahu.

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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