
A BILL FOR AN ACT

RELATING TO WATER QUALITY CERTIFICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the requirement for
2 water quality certification pursuant to section 401 of the
3 federal Clean Water Act is an important tool that protects
4 Hawaii's water from pollutants. Pursuant to the Clean Water Act
5 and Hawaii law, any applicant for a federal license or permit to
6 conduct activity that may result in any discharge into navigable
7 waters is required to obtain water quality certification from
8 the department of health clean water branch.

9 The legislature further finds that Hawaii has some of the
10 strictest requirements for water quality certification in the
11 nation, particularly for minor activities that have the
12 potential to affect only small areas or portions of waters.
13 Unfortunately, these requirements have needlessly increased the
14 cost of projects without providing additional protection for
15 Hawaii's environment.

16 The legislature believes that other states provide water
17 quality certification in a more efficient manner. For example,



1 Texas, Oregon, North Carolina, and California approach water
2 quality certification using a tiered approach with deadlines and
3 fees commensurate with the potential environmental impact and
4 complexity of each project.

5 The purpose of this Act is to require the state auditor to
6 review the State's water quality certification process and to
7 recommend how the water quality certification process can be
8 improved without decreasing the ability of the department of
9 health to protect Hawaii's water.

10 SECTION 2. (a) The state auditor shall conduct a review
11 of the water quality certification process of the department of
12 health clean water branch under section 401 of the federal Clean
13 Water Act. The review shall include:

- 14 (1) Whether the efficiency of the water quality
15 certification process would be improved through the
16 implementation of tiers reflecting the potential
17 environmental impact and complexity of each activity
18 and if so, recommendations on how those tiers should
19 be structured and recommended fees for each tier; and
20 (2) How the water quality certification process in Hawaii
21 differs from approaches taken by other states and



1 recommendations on how approaches used in other states
2 may be incorporated into the policies of the
3 department of health to increase efficiency without
4 sacrificing water quality protection.

5 (b) The state auditor shall submit a report of its
6 findings and recommendations, including any proposed
7 legislation, to the legislature no later than twenty days prior
8 to the convening of the regular session of 2019.

9 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Clean Water Act; Water Quality Certification; Auditor; DOH;
Clean Water Branch; Report

Description:

Requires the Auditor to review the water quality certification
process of the Department of Health's Clean Water Branch.
(HB2027 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

