STAND. COM. REP. NO. 87 -22

Honolulu, Hawaii , 2022

FEB 0 8

RE: H.B. No. 2148 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 2148 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- Add, amend, and reorganize sections in chapter 342D, Hawaii Revised Statutes, to consolidate water quality certification requirements and include wetlands in the definition of "state waters";
- (2) Clarify the Director of Health's responsibility as a water quality certifying agency under federal regulations; and
- (3) Increase maximum statutory civil penalties to match the amounts of federal penalties and the state penalty in section 342B-47(d), Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Health and three individuals.

Your Committee finds that although wetlands are included in the definitions of "state waters" under section 342E-1, Hawaii

2022-1045 HB2148 HD1 HSCR HMSO

STAND. COM. REP. NO. **87** -22 Page 2

Revised Statutes, and Hawaii Administrative Rules, wetlands are not included in the definition of "state waters" in section 342D-1, Hawaii Revised Statutes. Additionally, your Committee finds that this measure will provide a framework for the State's certification program to implement Hawaii's water quality standards and further maintain a sufficient economic deterrence against violations of water pollution control laws.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2148, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2148, H.D. 1, and be referred to your Committee on Water & Land.

> Respectfully submitted on behalf of the members of the Committee on Energy & Environmental Protection,

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NICOLE E. LOWEN, Chair

State of Hawaii House of Representatives The Thirty-first Legislature

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 2148	Committee EE	Referral: EP, WAL	JHA Dates	2/03	22	
 The committee is reconsidering its previous decision on the measure. 						
The recommendation is to: □ Pass, unamended (as is) □ Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)						
EEP Members		Ayes	Ayes (WR)	Nays	Excused	
1. LOWEN, Nicole E. (C)					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
2. MARTEN, Lisa (VC)	· · · · · · · · · · · · · · · · · · · ·					
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3. HASHEM, Mark J.						
4. MATAYOSHI, Scot Z.	<u>e laver e and in an e</u>			<u> Adde Antonio printen add</u>		
5. PERRUSO, Amy A.	anno - Non - No - Antara ann an Antara a' Chuis	/	 Second and a second state of the second state of the		ne bana na anta su na ana ana mangha ka s	
6. TODD, Chris		/				
				an a		
7. TOKIOKA, James Kunane						
8. MATSUMOTO, Lauren	<u>interis en s</u> er anti-			and a stand of the state of the	teri i interimenta di seconda di s	
6. WATSONOTO, Lauren			·			
TOTAL (8)		6			2	
	recommendation is: Adopted Not Adopted If joint referral,					
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						