



STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

**Testimony in SUPPORT of HB1079
RELATING TO WATER POLLUTION CONTROL**

REPRESENTATIVE LINDA ICHIYAMA, CHAIR
HOUSE COMMITTEE ON WATER & LAND
REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Hearing Date: 2/9/23 Room Number: 325

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department strongly supports this measure as it will strengthen
3 and clarify State water pollution control requirements.

4 The proposed measure will ensure consistency with federal definitions. The inclusion of
5 “wetlands” into the definition of “State waters” is consistent with the revised definition of
6 “Waters of the United States” published on Wednesday, January 18, 2023 in the Federal Register
7 (Vol. 88, No. 11). The proposed “water quality certification” definition is consistent with
8 Section 401 of the Federal Clean Water Act.

9 The proposed amendments to water quality certification statutes will clarify the Director
10 of Health’s authority to act as a certifying agency. It will also provide clarity for the public and
11 regulated entities, and improve ease of reference.

12 Updating the maximum statutory civil penalty in 342D-30(a), HRS, which was last
13 updated in 1997, to match the federal inflation adjusted penalty amount will deter and
14 compensate the State when persons violate State water pollution control laws. Increasing the
15 penalty maximum in 342D-30(b), HRS for water pollution with the penalty maximum in
16 342B-47(d), HRS for air pollution will ensure that the Department will have the same penalty for
17 water and air pollution control for those who obstruct, deny, or hamper authorized inspectors
18 from entering authorized areas for inspection.

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

20 **Offered Amendments:** None.

HB-1079

Submitted on: 1/31/2023 8:23:24 PM

Testimony for WAL on 2/9/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill.

HB-1079

Submitted on: 2/4/2023 1:36:58 PM

Testimony for WAL on 2/9/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

We need Less Government and More Services for the PEOPLE OF HAWAII!!!!

HB-1079

Submitted on: 2/8/2023 8:24:57 AM

Testimony for WAL on 2/9/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Individual	Support	Written Testimony Only

Comments:

As a former Deputy Attorney General, I strongly support this bill. In particular, the statutory civil penalties for violations are outdated and should be raised from \$25,000 to about \$59,000, consistent with EPA penalties. Including the wetlands definition in statute and clarifying the Director's role in water quality certifications are also appropriate.

Mahalo!