



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:

December 5, 2023

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Thirty-second State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirty-second State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the

Administratively Established Accounts and Funds Report pursuant to §37-52.5, Hawaii Revised Statutes (HRS). In accordance with Section 93-16, HRS, I am also informing you that the report may be viewed electronically at:

<https://health.hawaii.gov/opppd/department-of-health-reports-to-2023-legislature/>

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth A. Char".

Elizabeth A. Char, M.D.
Director of Health

Enclosures

c: Legislative Reference Bureau
Hawaii State Library System (2)
Hamilton Library

Report on Administratively Established Accounts or Funds
for Submittal to the 2023 Legislature

Department: HTH
 Prog ID(s): HTH 840 FG
 Name of Fund: KUALOA SEP (SUPPLEMENTAL ENVIRON PROJ)
 Legal Authority: §37-52.5, HRS

Contact Name: Nancy Bartter
 Phone: 586-7567
 Fund type (MOF) T
 Appropriation Acct. No. T 905 H

Intended Purpose: \$150,000 for a Kualoa Supplemental Environmental Project (SEP), for increased water quality monitoring. Additional testing of the ocean water off Kualoa Regional Park could help determine both when the ocean is safe for swimming and from where any pollutants are entering the ocean water off Kualoa Regional Park. The Parties agree that the SEP is intended to secure significant environmental benefits. The SEP may be replaced by an alternative SEP with the written agreement of both Parties.

Source of Revenues: The revenue for this fund was from payments pursuant to the Agreement for Resolution of Order between the State of Hawaii, Department of Health, and the City and County of Honolulu. Docket Nos. 06-CW-EO-05N & 06-WW-EO-06.

Current Program Activities/Allowable Expenses: The funds in this account were provided to the Department of Health by the City and County of Honolulu to complete the Environmentally Beneficial Project detailed in the legal settlement of the Kualoa Regional Park enforcement action. All funds have been expended and the account was closed.

Financial Data	
	FY 2022
	(actual)
Beginning Cash Balance	38
Revenues	0
Expenditures	38
Ending Cash Balance	0
Encumbrances	0
Unencumbered Cash Balance	0

Report on Administratively Established Accounts or Funds
for Submittal to the 2023 Legislature

Department: HTH
 Prog ID(s): HTH 840 FG
 Name of Fund: MAI'ILI'ILI WATERSHED SEP
 Legal Authority: §37-52.5, HRS

Contact Name: Nancy Bartter
 Phone: 586-7567
 Fund type (MOF) T
 Appropriation Acct. No. T 927 H

Intended Purpose: To fund an environmentally beneficial project (EBP) pursuant to a legal settlement: \$200,000 for an environmental information sharing resource project. The Department of Health (DOH) shall use this \$200,000 to contract with a consultant to create a web-based tool to increase transparency by making certain DOH databases (e.g., National Pollutant Discharge Elimination System (NPDES) permits) accessible to the public.

\$1,000,000 for development of a Lualualei Watershed Management Plan (LWMP) and execution of water quality improvement projects identified in the LWMP. The LWMP shall meet all nine of the U.S. Environmental Protection Agency's required funding elements under Section 319 of the Clean Water Act and shall clearly identify and list water quality projects that may qualify for funding from the Mailiili SEP (Supplemental Environmental Project) account. DOH shall use this \$1,000,000 to develop the LWMP and implement identified projects.

Source of Revenues: The revenue for this fund is from payments pursuant to the First Amended Settlement Agreement between the State of Hawaii, Department of Health, and the City and County of Honolulu, Department of Facility Maintenance. Docket No. 2009-CW-EO-05N.

Current Program Activities/Allowable Expenses: The funds in this account were provided to the DOH by the City and County of Honolulu to complete the EBP detailed in the legal settlement of the Mailiili Stream enforcement action.

Financial Data	
	FY 2022
	(actual)
Beginning Cash Balance	688,540
Revenues	0
Expenditures	16,754
Ending Cash Balance	671,786
Encumbrances	0
Unencumbered Cash Balance	671,786

Report on Administratively Established Accounts or Funds
for Submittal to the 2023 Legislature

Department: HTH
 Prog ID(s): HTH 840 FG
 Name of Fund: CLEAN WATER BR KAHALUU DEBRIS BASIN EBP
 Legal Authority §37-52.5, HRS

Contact Name: Nancy Bartter
 Phone: 586-7567
 Fund type (MOF) T
 Appropriation Acct. No. T 928 H

Intended Purpose: \$149,000 to support an enforcement enhancement Environmentally Beneficial Project (EBP). The trust funds shall be used to develop and improve enforcement information and technology systems, staff training, compliance activities, and other data systems, including related equipment, for the benefit of the public.

Source of Revenues: The revenue for this fund was from payments pursuant to the Settlement Agreement for the State of Hawaii, Department of Health, vs. the City and County of Honolulu and Koga Engineering, for Kahaluu Debris Basin. Docket Number 2015-CW-EO-08.

Current Program Activities/Allowable Expenses: The funds in this account were provided to the Department of Health by Koga Construction Co. to complete the EBP detailed in the legal settlement of the Kahaluu Debris Basin enforcement action.

Financial Data	
	FY 2022
	(actual)
Beginning Cash Balance	40,250
Revenues	0
Expenditures	0
Ending Cash Balance	40,250
Encumbrances	0
Unencumbered Cash Balance	40,250

Report on Administratively Established Accounts or Funds
for Submittal to the 2023 Legislature

Department: HTH
 Prog ID(s): HTH 840 FG
 Name of Fund: CLEAN WATER BRANCH-MOLASSES SPILL EBP
 Legal Authority: §37-52.5, HRS

Contact Name: Nancy Bartter
 Phone: 586-7567
 Fund type (MOF) T
 Appropriation Acct. No. T 929 H

Intended Purpose: The Settlement Agreement with Matson stemming from the Honolulu Harbor Molasses Spill includes payment of \$450,000 to be used specifically by the Department's Clean Water Branch to support an Environmentally Beneficial Project (EBP) for the prevention of water pollution in Hawaii.

Source of Revenues: The revenue for this fund is from payments pursuant to the Settlement Agreement with Matson stemming from the Honolulu Harbor Molasses Spill.

Current Program Activities/Allowable Expenses: The funds in this account were provided to the Department of Health by Matson Shipping Co. via the Department of the Attorney General to complete the EBPs as deemed appropriate following the Honolulu Harbor Matson Molasses Spill.

Financial Data	
	FY 2022
	(actual)
Beginning Cash Balance	353,750
Revenues	0
Expenditures	0
Ending Cash Balance	353,750
Encumbrances	0
Unencumbered Cash Balance	353,750

Report on Administratively Established Accounts or Funds
for Submittal to the 2023 Legislature

Department: HTH
 Prog ID(s): HTH 840 FG
 Name of Fund: WATER QUALITY INFO & TECHNOLOGY EBP
 Legal Authority: §37-52.5, HRS

Contact Name: Nancy Bartter
 Phone: 586-7567
 Fund type (MOF): T
 Appropriation Acct. No.: T 930 H

Intended Purpose: To fund information and technology (IT) and enforcement-related Environmentally Beneficial Projects (EBPs) conducted by the Department of Health-Clean Water Branch, pursuant to the Administrative Order on Consent (AOC). The use of the payment for an EBP is appropriate given that the parties agree that earlier detection, notification, and regulatory intervention of the effluent limit exceedances may have limited the amount of the permit violations. Further, the parties agree that a modernized discharge monitoring report system with automated features could facilitate easier compliance and timely regulatory intervention where needed.

Source of Revenues: The revenue for this fund is from payments pursuant to the AOC between the State of Hawaii, Department of Health vs. the City and County of Honolulu and Southland Mole JV. Docket Number 2015-CW-EO-57.

Current Program Activities/Allowable Expenses: The funds in this account were provided to the Department of Health by the City and County of Honolulu to complete the EBP detailed in the legal settlement of the Kaneohe/Kailua Tunnel enforcement action.

Financial Data	
	FY 2022
	(actual)
Beginning Cash Balance	560,000
Revenues	0
Expenditures	0
Ending Cash Balance	560,000
Encumbrances	0
Unencumbered Cash Balance	560,000