

Honolulu, Hawaii

FEB 15 2023

RE: S.B. No. 1377
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 1377 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to revise chapter 342D, Hawaii Revised Statutes, to:

- (1) Add wetlands to the definition of "state waters";
- (2) Clarify the Director of Health's role as a certifying agency including enforcement of water quality certifications; and
- (3) Increase certain statutory civil penalties.

Your Committee received testimony in support of this measure from the Department of Health and Hawai'i Reef and Ocean Coalition.

Your Committee finds that the Department of Health has been authorized by the United States Environmental Protection Agency to administer the National Pollution Discharge Elimination System Program and the section 401 Water Quality Certification Program of the federal Clean Water Act. Your Committee further finds that this authority has been incorporated into chapter 342D, Hawaii Revised Statutes (HRS). Your Committee finds that to effectively



administer these programs, the definitions and penalties in chapter 342D, HRS, must be consistent with the regulations of the Clean Water Act. Therefore, this measure revises chapter 342D, HRS, to add wetlands to the definition of "state waters", clarifies the Director of Health's role as a certifying agency and enforcer of water quality certifications, and increases certain statutory civil penalties.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1377, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1377, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 1377	Committee Referral: WTL, JDC/WAM	Date: 02/13/2023		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes