

STAND. COM. REP. NO.

1438

Honolulu, Hawaii

MAR 30 2023

RE: S.C.R. No. 3

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

Sir:

Your Committees on Agriculture and Environment and Health and Human Services, to which was referred S.C.R. No. 3 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES FOR A PERMIT TO DISCHARGE POLLUTANTS THAT INCLUDE THE MAJOR FACTORS THAT ARE CONSIDERED IN IDENTIFYING THE FUNCTIONAL EQUIVALENT OF A DIRECT DISCHARGE FOR POINT SOURCES OR NON-POINT SOURCES,"

beg leave to report as follows:

The purpose and intent of this measure is to request the Department of Health to adopt rules for a permit to discharge pollutants that include the major factors that are considered in identifying the functional equivalent of a direct discharge for point sources or non-point sources.

Your Committees received testimony in support of this measure from the Hawaii Reef and Ocean Coalition. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Health.

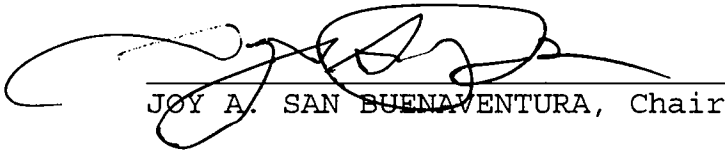
Your Committees find that on July 26, 2021, the Hawaii District Court concluded that the County of Maui was required to obtain a National Pollutant Discharge Elimination System permit for the Lahaina Wastewater Reclamation Facility's discharge into the Pacific Ocean based on the United States Supreme Court case ruling in *County of Maui v. Hawaii Wildlife Fund*. Furthermore,



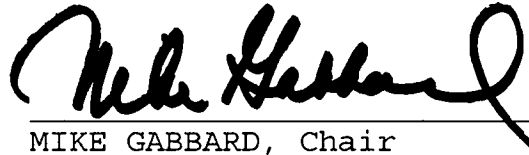
this measure requests that the Department of Health use the ruling of the United States Supreme Court in *County of Maui v. Hawaii Wildlife Fund* and guidelines established by the United States Environmental Protection Agency to adopt rules for a permit to discharge that include the major factors that are considered in identifying, for point sources or non-point sources, the functional equivalent of a direct discharge.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Health and Human Services that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 3 and recommend its adoption.

Respectfully submitted on  
behalf of the members of the  
Committees on Agriculture and  
Environment and Health and  
Human Services,



JOY A. SAN BUENAVENTURA, Chair



MIKE GABBARD, Chair





The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Health and Human Services**  
**HHS**

Bill / Resolution No.:* <i>SCR 3</i>	Committee Referral: <i>AEN/HHS</i>	Date: <i>3/20/23</i>		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.				✓
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Signature]</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes