



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

**Testimony in SUPPORT of HB1079 HD1
RELATING TO WATER POLLUTION CONTROL**

REPRESENTATIVE KYLE YAMASHITA, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: 02/28/23

Room Number: 308

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (Department) strongly supports this
3 measure as it will strengthen 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.

20 **Offered Amendments:** None.



To: The Honorable Chair Kyle Yamashita, Vice-chair Lisa Kitagawa, and members of the Senate Committee on Water and Land

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing HB1079 HD1 **RELATING TO WATER POLLUTION CONTROL**

Hearing: Tuesday, February 28, 2023, 10:00 a.m.

Aloha Chair Inouye, Vice Chair Elefante, and members of the Committee:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS HB1079 HD1!

I served as the Deputy Attorney General representing the Department of Health Clean Water and Wastewater Branches for fifteen years until retiring in 2020. I can state from my extensive experience that this bill would help the DOH protect Hawaii's waters in key ways.

First and foremost, it would improve deterrence by raising the civil penalty amount to catch up with inflation over several decades, making Hawaii's penalties consistent with EPA's.

Second, it would clarify the DOH Director's authority to conduct water quality certifications.

Third, it would add a definition of wetlands to the statute.

On behalf of HIROC, these changes are needed and appropriate to help the DOH protect water quality. Please pass this bill!

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)
