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In reply, please refer to:  
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**Testimony in SUPPORT of SB1377 SD1  
RELATING TO WATER POLLUTION CONTROL**

SENATOR KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY  
SENATOR DONOVAN DELA CRUZ, CHAIR  
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: 3/03/23

Room Number: 211

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.