

Honolulu, Hawaii

**FEB 08 2023**

RE: S.B. No. 445

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 Agriculture and Environment, to which was referred S.B. No. 445 entitled:

"A BILL FOR AN ACT RELATING TO POLLUTION ABATEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to increase civil penalties for the violation of various pollution provisions.

Your Committee received testimony in support of this measure from the Department of Health. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the civil penalties addressed in this measure have not been updated for more than twenty years. In the intervening years, there have been many changes to the economy, most notably due to inflation, which has weakened the financial deterrence of these penalties. Your Committee further finds that financial deterrence is essential to preventing violations of environmental law in the State and enables the Department of Health to enforce the law with a tougher stance against any such violators. This measure provides updates to these penalties and establishes and appropriates funds for one full-time environmental health specialist position within the Clean Water Branch of the Department of Health to assist in implementing and enforcing these penalties, among other related responsibilities.

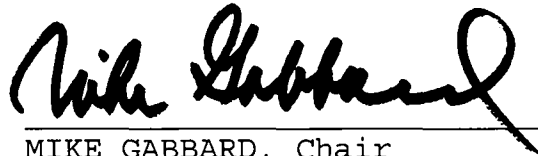


Your Committee has amended this measure by:

- (1) Increasing certain proposed penalty amounts from \$56,460 to \$59,973, per the Department of Health's recommendation, to align with the recent inflation adjusted penalty promulgated by the United States Environmental Protection Agency for similar violations;
- (2) Increasing the proposed fine for denial, obstruction, hinderance, or failure of certain acts relating to underground storage tanks from \$10,000 to \$25,000; and
- (3) 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 Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 445, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 445, 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 Agriculture and  
Environment,

  
MIKE GABBARD, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:* <b>SB445</b>	Committee Referral: <b>AEN, JDC/WAM</b>	Date: <b>2/1/23</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	X			
RICHARDS, III, Herbert M. "Tim" (VC)	X			
DECOITE, Lynn	X			
RHOADS, Karl	X			
AWA, Brenton	X			
<b>TOTAL</b>	<b>5</b>			

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:  


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\*Only one measure per Record of Votes