

STAND. COM. REP. NO.

3415

Honolulu, Hawaii

APR 04 2018

RE: H.B. No. 1934
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred H.B. No. 1934, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the Department of Health from approving the construction of sewage wastewater injection wells, with certain exceptions.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Sierra Club, and one individual. Your Committee received comments on this measure from the Department of Health and American Council of Engineering Companies of Hawaii.

Your Committee finds that Hawaii has over six thousand six hundred injection wells, which can pose risks to nearshore waters and fresh water resources. Your Committee finds that this measure would prohibit the Department of Health from issuing permits for the construction of sewage wastewater injection wells, with certain exceptions.

Your Committee has heard concerns of the Department of Health and the American Council of Engineering Companies of Hawaii that



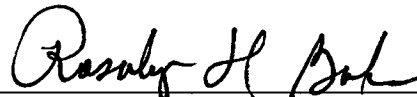
the exception provided for "undue hardship" is poorly defined and may be superfluous in light of other language in this measure providing for an exception where there is no "available, feasible, or practical" alternative. Your Committee also notes the Department of Health's recommendation that the language proposed by this measure might be better placed in section 340E-2(e), Hawaii Revised Statutes, which establishes the underground injection control program, rather than in chapter 342D, Hawaii Revised Statutes, which governs water pollution.

Your Committee has amended this measure by:

- (1) Relocating proposed amendments from chapter 342D, Hawaii Revised Statutes, to section 340E-2(e), Hawaii Revised Statutes;
- (2) Clarifying that the Director of Health is prohibited from issuing permits for the construction of sewage wastewater injection wells unless alternative wastewater disposal options are not available, feasible, or practical, rather than due to undue hardship; 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 Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1934, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1934, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,

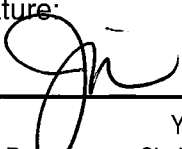


ROSALYN H. BAKER, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1934 HD1, SD1	AEN, CPH	3/28/18		
<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
BAKER, Rosalyn H. (C)	/			
TOKUDA, Jill N. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les				/
NISHIHARA, Clarence K.				/
RUDERMAN, Russell E.				/
TOTAL	4			3
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