

STAND. COM. REP. NO.

2636

Honolulu, Hawaii

FEB 13 2020

RE: S.B. No. 2501
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Water and Land, to which was referred S.B. No. 2501 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit any permits to be issued for the discharge of pollution in certain instances;
- (2) Allow the Director of Health to grant a variance pursuant to chapter 342D, relating to water pollution; and
- (3) Provide that in all variance proceedings the burden of proof is on the applicant.

Your Committees received testimony in support of this measure from the Kaneohe Bay Foundation. Your Committees received testimony in opposition to this measure from the Department of Health.

Your Committees find that Hawaii's ocean water are precious resources and that all practicable efforts should be taken to preserve their natural pristine state. Your Committees further find that the Department of Health and the United States



Environmental Protection Agency enforce regulations regarding water pollution and water quality standards. This measure, although well intended, as proposed unfortunately places burdens on the Hawaii Department of Health that may be in conflict with federal law or otherwise negatively affect the agency. Your Committees have been notified that after much discussion, the Kaneohe Bay Foundation and Department of Health have compromised and agree to support an amended version of this measure.

Accordingly, your Committees have amended this measure by:

- (1) Amending the definition of "variance" for purposes of the water pollution statutes to no longer allow the issuance of a special written authorization from the Director of Health to cause or discharge waste or water pollution in an amount in excess of applicable standards;
- (2) Specifying that no permit shall be issued for continuing discharge of point source pollution into highest quality waters, except for temporary construction;
- (3) Clarifying that in all variance proceedings, the burden of proving entitlement to a variance shall be on the applicant; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

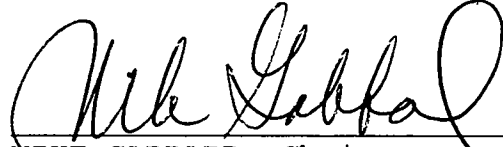
As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2501, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2501, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Environment and Water and Land,



KAIALA KAHELE, Chair



MIKE GABBARD, Chair



The Senate
Thirtieth Legislature
State of Hawai'i


Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SB 2501	Committee Referral: AEN/WTL, CPH/JDC	Date: 02/07/2020		
<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
GABBARD, Mike (C)	✓			
RUDERMAN, Russell E. (VC)				✓
RHOADS, Karl	✓			
THIELEN, Laura H.	✓			
FEVELLA, Kurt	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 2501	Committee Referral: AEN/WTL, CPH/JDC	Date: 2/7/20		
<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
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)				X
NISHIHARA, Clarence K.				X
RIVIERE, Gil	X			
FEVELLA, Kurt	X			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
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