

STAND. COM. REP. NO.

935

Honolulu, Hawaii

MAR 05 2021

RE: S.B. No. 367  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 367, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to waive the requirement for section 401 water quality certification for certain small-scale beach restoration projects authorized by the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Health, Department of Land and Natural Resources, Hawai'i Shore and Beach Preservation Association, Waikiki Beach Special Improvement District Association, and one individual.

Your Committee finds that waiving the requirement of water quality certification for small-scale beach restoration projects will result in the efficient administration of site-specific water pollution control and more practical and realistic erosion control alternatives to the deleterious practice of coastal armoring. Your Committee further finds that the intent of this measure is not to undermine provisions of the Federal Clean Water Act, and that the Federal Clean Water Act specifically provides for states to waive water quality certification requirements.



Your Committee has amended this measure by:

- (1) Removing language from section 1 of the measure relating to the permitting process; and
- (2) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 367, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 367, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



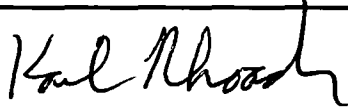
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KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 367 SD 1	WTL/AEN, JDC	03/02/2021		
<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
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura			✓	
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt			✓	
<b>TOTAL</b>	5	0	2	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes