HB 3342
RELATING TO WATER POLLUTION

House Committees on
Energy and Environmental Protection
Judiciary

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HB 3342 would amend the Hawaii Revised Statutes by adding a new chapter on nonpoint source pollution management and control to be administered by the Department of Health.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

Both locally and nationally, nonpoint source (NPS) management increasingly is recognized as a primary water quality control requirement. Thus we generally concur with the intent of this measure, although we are not sure why a new chapter is required, since existing water quality statutes may already be found in Chapter 342D, HRS. However, we emphasize that effective management of NPS pollution will require adequate funding to whichever agency, DOH or the new DEP, is entrusted with the responsibility for implementing the program. If realistic funding is not identifiable, then this initiative should be suspended until such time as the fiscal commitment is forthcoming.

With regard to specifics of the bill, it is unclear what subsection (3), lines 7-10, page 3, is referring to in terms of areas. In particular, we question what is the relationship between rules adopted under this section and existing areawide management plans adopted pursuant to Section 208 of the Federal Clean Water Act.

Under subsection (4), lines 11-15, page 3, it would seem advisable to specify the provision for enforcement as a necessary element of the state's compliance with federal regulatory standards.
Although demonstration projects called for in subsection (10), page 5, are clearly useful, dedicated funding for these projects must be committed. Also, such projects probably should focus on areas such as Kaneohe Bay, for which extensive baseline ecosystem, watershed, and water quality data already exist.

Finally, the words, "whenever appropriate", in line 21, page 5 should be deleted. Inclusion of such language merely provides a loophole which inappropriately qualifies content requirements of Chapter 343 documents as specified in rules established under separate statutory authority.