



STATE ENVIRONMENTAL COUNCIL

DEPARTMENT OF HEALTH, STATE OF HAWAII
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David Y. Ige
Governor

Chairperson
Puananionaona Thoene

Vice Chair
Mary Begier

Members
Roy Abe
Stephanie Dunbar-Co
Scott Glenn (*Ex Officio*)
Maka'ala Ka'auomoana
P. Ka'anohi Kaleikini
I. Robin Kaye
Theresita Kinnaman
Robert Parsons
Charles Prentiss
Ron Terry
Michael Tulang
N. Mahina Tuteur

State of Hawai'i Environmental Council
Thursday 25, 2018, 9:00 AM – 12:00 PM

Executive Office on Aging
250 South Hotel Street, #410, Honolulu, Hawaii 96813

Members Present:

Puananionaona Thoene (Chairperson), Mary Begier (Vice-Chairperson), Robert Parsons, Stephanie Dunbar-Co, Ronald Terry, Roy Abe, Robin Kaye, Charles Prentiss, Maka'ala Kaaumoana, Michael Tulang

Members Absent:

P. Ka'anohi Kaleikini

Environmental Council Counsel:

Susan Hohmann and Edward Bohlen (Deputies Attorney General)

Office of Environmental Quality Control (OEQC) Staff:

Sheri McNeil

Public:

Rachel Goldberg (Student), John Rohat

Note: **Bolded** items indicate text from the agenda.

1. **Call to order, roll call and quorum, introductions**
 - a. With quorum of nine members present.
Chair Thoene called the meeting to order 9:11am.
All present introduced themselves.
2. **Review and approval of prior meeting minutes**
 - a. Minutes for the meeting(s) held April 10, 2018, May 1, 2018, and June 12, 2018
Parsons motioned to approve as amended, unanimous acclamation by Environmental Council.
 - b. Minutes for the meeting held August 7, 2018, at the advice of the Chairperson Thoene minutes will be submitted for review at next Environmental Council meeting.
3. **OEQC Director's Report**
 - a. Director Glenn shared Les Segundo will be on vacation through mid-November. Laura McIntyre will be in and out of the office and continue email for her feedback. The council should make a plan for the coverage of annual report without her.
4. **Exemption Committee**
 - a. Council concurrence with State of Hawai'i Department of Defense exemption list (Attachment 1) has been adopted by the Environmental Council on October 25, 2018.

- b. Approval of 30-day comment period on Hawai'i County Department of Environmental Management exemption list (Attachment 2) has been adopted by the Environmental Council on October 25, 2018 and will be posted on the Office of Environmental Quality Control website.

5. **Annual Report Committee**

- a. Discussion of 2018 Annual Report content and timeline
There will be more discussion and editing by the next meeting whether each article has a disclaimer. Essays of individual of the council and decide on
- b. Discussion of Outreach Plan

6. **Information & Outreach Committee**

- a. Planning for invasive species public information forum
- b. Discussion of cesspool issues and draft article for 2018 Annual Report

Susan Hohmann, Deputy Attorney General, shared three comments on cesspool Article. Ms. Hohmann starts with the State opinions here are not formal and the publication from any State agency with any position on discharge on Ground water is premature given that Maui County law suit to Supreme Court is still pending and the State did not support any brief. The State currently does not have any rules or standards of distribution of pollution ground water below the UIC of the Hawai'i Administrative Rules 11.23, only standards are to protect underground drinking water above the UIC maps line. Hawai'i Supreme Court recent interpretation of Hawai'i State Constitution provisions and application of public trust doctrine cautions any kind of criticism of public statement in public state agency.

Member? questions Hohmann indicating if the Environmental council gets behind states environmental rules and regulations then it will be approved. Hohmann states the State has a cesspool working group and recommendation is to not publish this article at this time due to its content standpoint is ahead of legislature. The State mandates to get rid of cesspools by a certain date but article has different focus.

Member Dunbar-Co questioned if it's a matter of revision or to cut it all together while Member Parsons pointed out the Deputy Attorney General Bohlen gave clear instructions for this article to informational and not opinionated. Revisions based off advice making mention of cesspool working group in the article with disclaimer about Member Abe's article and his role as an expert contributor as to not be held responsible while sharing technical information in parts.

Multiple members of Environmental Council discuss milestones for office of Environmental Quality Control such as Environmental Assessments or Environmental Impact Statements as subject matter for whole State. Member

Tulang stated we can't take a position on whether it is right or not, moreover a public concern amongst all islands.

Chair Theone reads Hawai'i Revised Statutes 341-6 Functions of the environmental council. The council shall serve as a liaison between the director and the general public by soliciting information, opinions, complaints, recommendations, and advice concerning ecology and environmental quality through public hearings or any other means and by publicizing such matters as requested by the director pursuant to section 341-4(b)(3). The council may make recommendations concerning ecology and environmental quality to the director and shall meet at the call of the council chairperson or the director upon notifying the council chairperson. The council shall monitor the progress of state, county, and federal agencies in achieving the State's environmental goals and policies and with the assistance of the director shall make an annual report with recommendations for improvement to the governor, the legislature, and the public no later than January 31 of each year. All state and county agencies shall cooperate with the council and assist in the preparation of such a report by responding to requests for information made by the council.

Member Begier stated for the record it makes her very uncomfortable as a tax payer that professionals serving on a body such as this hesitate to participate with another State Agency because they might have to do business with another entity.

Chair Theone and Deputy Attorney General Hohmann agree to make recommendations to look at the scope of the articles for submittal based on the tone of the information published. Members agree on disclaimers submission after the council submits the article. Chair Theone stated

7. Update from the Permitted Interaction Group regarding status of review of public comments received on the Proposed Rules, HAR Title 11, Chapter 200.1, including written and oral comments received during public hearings on the Proposed Rules (PDF available for download at <http://oegc2.doh.hawaii.gov/Laws/v1.0-Proposed-HAR-11.200.1-All-Comments-2018-10-02.pdf>)
 - a. Submittal of the Permitted Interaction Group (to be distributed to the public and Council before or at the meeting).

Member Terry explained that the Permitted Interaction Group organized in two documents. All comments have been reviewed and now is the job of the council to respond to submitters of comments and decide if the rules are ready for acceptance.

Exofficio Member Glenn described the format of the summary of the comments that have been received through a matrix and with a report as submitted to the council. The principles Organized by Commenter, and the specific comment which is to the actual comment. The Director Glenn, requires further discussion or other amendments that you want to see by reading the matrix carefully and flag the rules you want to see changed. Deputy Attorney General Bohlen, states to council to be prepared for all amendments for discussion.

Director Glenn and Chair Theone discuss any additional comments council members want to discuss need to be prepared for the council meeting on November 13, 2018. Deputy Attorney General Bohlen, motions for the Permitted Interaction Group is hereby disbanded from June 12th, 2018. The Environmental Council unanimously accepts. WELL THERE IS YOUR COMMENT about 8 accepted and one excused because Chuck was not in the room but if we are only in quorum at 9 then Id like to leave it as Unanimously.

Director Glenn shared that Mark Fox from the Nature Conservancy commented on page 54. Mr. Fox really appreciated the rules of various issues and iterations; this process was completed in a manner that he had never seen anything like this in 18+ years in government and a good set of rules are coming from your work.

Member Kaaumoana would like to see communities notified for their comments and how it changed the rules when submitting an Environmental Assessment in the future to follow this organized manner.

Chair calls for Annual Report meeting on November 13th at 9:00am -9:45am. The Information and Outreach Committee will meet from 10:00am – 10:45am. The full Environmental Council will meet from 11:00am – 3:00pm.

8. **Adjournment**

Chair Theone adjourns at ____pm.