

Small Business Regulatory Review Board

MEETING MINUTES

March 14, 2023

- I. **CALL TO ORDER:** Chair Cundiff called the meeting to order at 10:02 a.m., with a quorum present.

MEMBERS PRESENT:

- Robert Cundiff, Chair
- Mary Albitz, Vice Chair
- Jonathan Shick, 2nd Vice Chair
- Garth Yamanaka
- James (Kimo) Lee
- Taryn Rodighiero
- Tessa Gomes
- Sanford Morioka
- Mark Ritchie

ABSENT MEMBERS:

- Dr. Nancy Atmospera-Walsh
- William Lydgate

STAFF: DBEDT

Dori Palcovich
Jet'aime Ariola

Office of the Attorney General

Alison Kato

II. **APPROVAL OF January 19, 2023 MINUTES**

Vice Chair Albitz motioned to accept the January 19, 2023 meeting minutes, as presented. Mr. Lee seconded the motion, and the Board members unanimously agreed.

III. **NEW BUSINESS** – Before Public Hearing

- A. Discussion and Action on the Small Business Statement After Public Hearing and the Proposed Amendments to HAR Title 11 Chapter 55, Water Pollution Control, as follows, promulgated by DOH
- a. Appendix C – Discharges of Storm Water Associated with Construction Activities
 - b. Appendix J – Occasional or Unintentional Discharges from Recycle Water Systems
 - c. Appendix L – Discharges of Circulation Water from Decorative Ponds or Tanks

Discussion leader Mr. Morioka previously reviewed the proposed rule amendments with Mr. Darryl Lum, Engineering Section Supervisor at DOH's Clean Water Branch, and based on their discussion, the rules appear not to have an impact on small business.

Mr. Lum explained that the rule changes are for the National Pollutant Discharge Elimination System (NPDES) permits. These permits are required because the Clean Water Branch's mission is to protect the public's health for everyone who uses state waters and to protect and restore the state waters for marine life and wildlife.

Thus, one of the tools to carry out this mission is the NPDES permits, which is a federal permitting system that DOH administers. The purpose of the permits is to impose legally binding water pollution control requirements on a discharger to minimize the impact on state waters and to ensure that the state's water quality standards and applicable federal requirements are not violated.

There are a total of 11 appendices in Chapter 55 that have been in existence since the 1990's with the exception of one appendix that was issued in 2013. The subject three general permits (Appendices C, J, and L) will expire on February 8, 2024, and in order to utilize these general permits, they must be readopted and reissued; therefore, it is essential that these rule amendments move forward.

Mr. Lum has concurred that the proposed rule changes would not adversely impact small businesses. An early stakeholder outreach was performed in February 2023 with approximately 1,800 emails sent out. In total, only 6 substantive comments were submitted to DOH, 3 from government agencies and 3 from small business consultants; none of the comments/recommendations changed the subject rules.

Mr. Morioka thanked Mr. Lum for the detailed information that was provided today as it tremendously helps to understand the issues regarding any impact on small businesses. Second Vice Chair Shick concurred, stating that because of the extensive outreach, there may likely be very little, if any, concerns during the public hearing.

Second Vice Chair Shick motioned to move the proposed rules to public hearing. Ms. Rodighiero seconded the motion, and the Board members unanimously agreed.

IV. LEGISLATIVE Matters

- A. Review of House Bill 511, Related to the Small Business Regulatory Review Board – for appropriation for staffing, commissioner inter-island travel, and other related operating expenses associated with the small business regulatory review board under the Department of Business, Economic Development and Tourism

Chair Cundiff stated that this bill was introduced by House Representative Gene Ward. The bill unfortunately died due to it not being scheduled for a hearing, but that does not impact the Board's current allotted budget with DBEDT. However, because the bill is "on the radar," it may help with next year's legislative session.

B. Discussion and Action on the Upcoming Governor's Message Submitted for Consideration for the Gubernatorial Nomination of Sanford Morioka to the Small Business Regulatory Review Board for a term to expire June 30, 2027

Mr. Lee motioned to provide testimony in support of Mr. Morioka's upcoming nomination to the Small Business Regulatory Review Board. Vice Chair Shick seconded the motion, Mr. Morioka abstained, and the remaining Board members agreed.

C. Discussion and Action on the Upcoming Governor's Message Submitted for Consideration for the Gubernatorial Nomination of Jennifer Salisbury to the Small Business Regulatory Review Board for a term to expire June 30, 2027

Vice Chair Albitz referred Ms. Jennifer Salisbury, PhD, as a member to this Board, stating that they have known each other for six to seven years. Ms. Salisbury is very ethical, very smart and is very interested in contributing to this Board; her business is largely in real estate developing. Written testimony in support of Ms. Salisbury from Maui Chamber of Commerce was submitted and reviewed by the members.

Vice Chair Albitz motioned to provide testimony in support of Ms. Salisbury's expected upcoming nomination to the Small Business Regulatory Review Board. Ms. Rodighiero seconded the motion, and the Board members unanimously agreed.

V. ADMINISTRATIVE MATTERS

A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, HRS

Chair Cundiff reminded the members of the Board's goals discussed at the January 2023 board meeting. To date, over 40 letters were sent out to Hawaii chambers and trade associations. Presentations are scheduled with the Maui Liquor Commission in March and the Chinese Chamber of Commerce in April.

Vice Chair Albitz will also be doing a presentation for the Maui Chamber of Commerce's radio show on March 28th. In addition, last week, Vice Chair Albitz and DBEDT's Ms. Ariola did a virtual presentation to the Maui Economic Development Board, which went well.

Correspondence to the state directors is drafted and on schedule but waiting for all the directors to be confirmed by the Senate. Chair Cundiff suggested that we begin scheduling with those directors who have been preliminarily confirmed by the Senate.

Ms. Palcovich noted that she and Ms. Ariola will be meeting soon with DBEDT's Deputy Director Mr. Dane Wicker to discuss the Board's goals and monthly benchmarks. Chair Cundiff added that he met with DBEDT's Director Mr. Chris Sadayasu who is very supportive of this Board and Hawaii small businesses. Also noted was that Ms. Ariola has been performing outreach two days a week by venturing out into the communities where there are many small businesses to meet; recently she ventured into the Kapolei and Ewa Beach areas.

- VI. NEXT MEETING** - Thursday, April 20, 2023 at 10:00 a.m. in conference room 405 at Leiopapa A Kamehameha Building – State Office Tower – 235 Beretania Street, Honolulu, HI 96813.
- VII. ADJOURNMENT** – Mr. Morioka motioned to adjourn the meeting and Mr. Lee seconded the motion; the meeting adjourned at 10:50 a.m.