

Small Business Regulatory Review Board

MEETING MINUTES

May 16, 2024

ZOOM Meeting Recording

- I. **CALL TO ORDER:** Chair Albitz called the meeting to order at 10:00 a.m., with a quorum present.

MEMBERS PRESENT:

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

ABSENT MEMBERS:

- Dr. Nancy Atmospera-Walch

STAFF: DBEDT

Dori Palcovich
Jet'aime Ariola

Office of the Attorney General

Alison Kato

II. **APPROVAL OF April 18, 2024 MINUTES**

Vice Chair Cundiff motioned to accept the April 18, 2024 meeting minutes, as presented. Second Vice Chair Shick seconded the motion and the Board members unanimously agreed.

III. **NEW BUSINESS**

- A. Discussion and Action on the Small Business Impact Statement and Proposed Amendments to HAR Title 13 Chapter 3 Rules Relating to Industrial Wastewater Discharge Local Limits, promulgated by Department of Environmental Services – City and County of Honolulu

Discussion leader and Second Vice Chair Shick stated that there were several technical changes and very little, if any, financial impact. Mr. Drew Nishigata, Civil Engineer from the Division of Environmental Quality at the City and County of Honolulu’s Department of Environmental Services, summarized the proposed changes.

Mr. Nishigata explained the “local limits” development process and potential effects, costs and benefits associated with the proposed rule changes. He further explained that only

small businesses with the SIWWTP (Sand Island Wastewater Treatment Plant) are considered because these local limits would only apply to industrial users in this area.

The City is required by EPA to evaluate and implement any necessary local limits pursuant to its SIWWTP National Pollutant Discharge Elimination System, which they are now in the process of doing via the administrative rules. Further, the SIWWTP permits require the City to implement a pretreatment program in accordance with the Code of Federal Regulations. The City is then required to develop and enforce appropriate local limits to prevent Pass Through and/or interference at SIWWTP.

The basic potential impact to the industrial users is sampling of the three identified pollutants – zinc, BOD5, and TPH, however, the exact impact is unknown. The price of the tests for these pollutants range at around \$100 for sampling and are performed about once a month.

Vice Chair Cundiff commended Mr. Nishigata for the tremendous amount of research and information provided as well as the active participation with the small businesses in the decision-making process and the contribution to the development of practical and effective compliance measures.

Second Vice Chair Shick made a motion to pass the rules onto public hearing. Mr. Yamanaka seconded the motion, and the Board members unanimously agreed.

B. Discussion and Action on the Small Business Impact Statement and Proposed Amendments to HAR Title Chapter 60.1 Air Pollution Control, promulgated by Department of Health (DOH)

Discussion leader Mr. Morioka stated that the proposed rules have very little impact to small businesses, if any, which was concurred by Ms. Catherine Lopez, Engineer at DOH's Clean Air Branch.

Ms. Lopez explained that the changes to the rules, which include removing the emergency affirmative defense provision, and amending language to allow for non-structural types of firefighting training with proper advanced notification to the director. Changes will also clarify that non-burn periods are not only for weather conditions which inhibit the dispersion of air pollutants, but are also for high wind events that can spread air pollutants and increase fire danger.

When asked who the stakeholders are regarding the rules, Ms. Lopez stated that it would likely be businesses that offer firefighter training.

Mr. Morioka made a motion to pass the rules onto the Governor for public hearing. Vice Chair Cundiff seconded the motion, and the Board members unanimously agreed.

IV. ADMINISTRATIVE MATTERS

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

1. Update and Discussion on Becker Communications, Inc., regarding the Board's Small Business Outreach

Board members reviewed the proposed logo proposals for this Board, which mirror the new DBEDT logo. These logos can be used for headings of the Board's stationery, reports, signage, etc.

Mr. Yamanaka made a motion to accept the color scheme provided by Becker Communications for the Board's "SBRRB" logo. Chair Albitz seconded the motion and the Board members unanimously agreed.

2. Presentations to Industry Associations

Nothing was reported.

3. Staff's Small Business Outreach

Program Specialist Ms. Ariola performed the following outreach/meetings, particularly during the "Small Business" week – City County of Honolulu Office of Economic Revitalization; Meet the Resource Connectors workshop; and the Small Business Administration; Small Business Connection in West Oahu.

Ms. Gomes stated that during COVID, she was working with the Office of Economic Revitalization to create a grant for small businesses. She is very interested in working with and connecting the State and city regarding Japanese tourists in Hawaii. In addition, she is working to bridge the gap between the different agencies, state; city and county and available resources for small businesses. Ms. Gomes would like to start a conversation with city and state officials (perhaps even HVCB) to see how her organization can work together with government officials to find a balance between a strong tourist market. She has been trying to connect with DBEDT Director Tokioka and has requested Ms. Palcovich and Ms. Ariola assistance.

Mr. Yamanaka noted that he added the "Small Business Bill of Rights" brochure onto the Big Island Japanese Chamber's website. He questioned whether it would be prudent to have the brochure available to businesses on DCCA's website as a resource, specifically with the Business Action Center.

Ms. Ariola will research this, and she will also research any available options to assist with the Board's audio of the hybrid meetings, especially for those attending remotely who have some difficulty hearing when people are speaking in-person.

VI. LEGISLATIVE MATTERS

A. Update, Discussion and Action, if necessary, on the following legislative matters:

1. House Bill 2354 HD1 SD1 Relating to the S-small Business Regulatory Review Board – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners.

This measure passed and is now awaiting the Governor's signature.

2. Senate Bill 2974 SD2 HD1 Relating to Economic Development – Establishes a Business Revitalization Task Force within the Department of Business, Economic Development, and Tourism to identify methods to improve Hawaii's general economic competitiveness and business climate, including the mitigation of regulatory and tax burdens; requires a report to the Legislature.

This measure passed and is now awaiting the Governor's signature.

Ms. Gomes and Mr. Yamanaka both expressed an interest in being appointed as a member of measure's outlined Task Force.

VII. NEXT MEETING – Thursday, June 20, 2024 at 10:00 a.m., via Zoom and in conference room 405 at Leiopapa A Kamehameha Building – State Office Tower – 235 S. Beretania Street, Honolulu, HI 96813.

VIII. ADJOURNMENT – Vice Chair Cundiff motioned to adjourn the meeting and Second Vice Chair Shick seconded the motion; the meeting adjourned at 10:51 a.m.