

ENVIRONMENTAL COUNCIL MEETING MINUTES, AUGUST 18, 2011,
FROM 1400 HOURS UNTIL 1600 HOURS AT THE
LEIOPAPA A KAMEHAMEHA BUILDING, CONFERENCE ROOM 204
235 SOUTH BERETANIA STREET, HONOLULU, HAWAI'I 96813,

MEMBERS PRESENT: Malia Akutagawa; David Atkin; Scott Glenn; Gary Hooser (Director, Office of Environmental Quality Control); Robert Inouye; Shannon Mears; Charles Prentiss; Mary Steiner (Chairperson, Environmental Council); James Sullivan; and Marjorie Ziegler.

MEMBERS ABSENT: Alvin Char; Peter Cooper; Iris Terashima; Susan Matsushima; and, John Richards

PUBLIC PRESENT: Edward G. Bohlen, Esq.(Deputy Attorney General); George Casen; Stacy Chaussoy (Graduate Intern, Office of Environmental Quality Control); Alice Domingo (Staff, Office of Environmental Quality Control); Norman Lee (Office of the State Auditor); David Penn (University of Hawaii, Environmental Center); Leslie Segundo (Staff, Office of Environmental Quality Control);

1. **CALL TO ORDER AND INTRODUCTIONS:** With a quorum present (ten members), Chairperson Mary Steiner called the meeting of the Environmental Council to order at 1410 hours. All present introduced themselves.
2. **APPROVAL OF MINUTES FOR MAY 11, 2011, AND JULY 13, 2011:** The Chairperson noted the following corrections proffered by members: (1) May 11, 2011, meeting minutes on page 2, under D, correct the spelling of Lisa's last name as "Ferentinos"; (2) May 11, 2011, under item 6, entitled "Director's Report", the third bullet should begin with the phrase "Due to budget restrictions"; (3) July 13, 2011, meeting minutes, under item 12, entitled "Standing Committee on Legislation" strike "Mr. Sullivan" and replace with "Mr. Mears."

MOTION 1: Hearing no objections to the aforementioned corrections, Chairperson Steiner entertained a motion for the Environmental Council to approve the minutes of May 11, 2011, and July 13, 2011, as corrected above; Mr. Sullivan so moved with a second by Mr. Glenn. Hearing no discussion, the Chairperson called for the question. The Environmental Council unanimously approved the motion 1 (10-0-0).

3. **CHAIRPERSON'S REPORT:** (1) Chairperson Steiner reported that she, Mesdames Terashima and Chaussoy, and Messrs. Hooser, Glenn, Atkin, Mears, and Tuiolosega met with Senator Michael Gabbard, Chair of the Energy and Environment Committee and his staff. The purpose of the meeting was for the Environmental Council to brief the Senator on its present and upcoming activities. (2) Chairperson Steiner asked the neighbor island members as to their preferences for travelling to Honolulu for meetings. Ms. Akutagawa requested that if possible, the Environmental Council schedule Friday meetings due to her other commitments during the week. Mr. Inouye indicated that his schedule is flexible and could accommodate any day the Council selects. Mr. Richards indicated that Wednesdays are bad days for him to travel. A brief discussion ensued. Chairperson Steiner announced that the next meeting will be held on Thursday, September 15, 2011, in the same location and at the same time. Chairperson Steiner announced that the various standing committees would meet on the same day as the full Council meeting at the following times: (1) Standing Committee on Legislation, from

1000 hours until 1100 hours; (2) Standing Committee on Administrative Rules, from 1100 hours until 1200 hours; (3) Standing Committee on the Annual Report, from 1200 hours until 1300 hours; and (4) Standing Committee on Exemptions, from 1300 hours until 1400 hours.

4. [REPORT OF THE DIRECTOR OF ENVIRONMENTAL QUALITY CONTROL](#): (1) Director Hooser reported that Mr. Norman Lee of the Office of the State Auditor was present at the meeting. On behalf of the members, Chairperson Steiner welcomed Mr. Lee. Director Hooser noted that the State Auditor's Report on the Superferry, previously provided to all members, contained recommendations for the Environmental Council and the Office of Environmental Quality Control. He noted that Mr. Lee may be contacting members of the Environmental Council for more information. (2) SB 699 (giving the Office of Environmental Quality Control the ability to charge fees) is still alive for the second part of the fiscal biennium with graduate intern Stacy Chaussoy conducting research on proposed language for the bill to enable the Office to be wholly independent of general funding (an idea that the Office of the Governor had asked the Office of Environmental Quality Control to examine). (3) Director Hooser also reported that the Office is very close to issuing a revised Guidance Document for Hawaii Environmental Policy Act (Chapter 343, Hawaii Revised Statutes) to replace the 2004 Guidance (suspended by the Office of the Governor following the appellate rulings in the Superferry and 'Ohana Pale cases). He noted that Ms. Chaussoy and Messrs. Segundo and Tuiolosega, have been meeting with him to discuss and edit the text. Noting that Mr. Glenn had also reviewed the draft and provided some comments, Director Hooser announced that the Office expects to move the draft guidance forward for outside review (including the Department of the Attorney General) within the next two weeks. (4) Director Hooser informed the Environmental Council that the Office had initiated an Education and Outreach program on Chapter 343, Hawaii Revised Statutes, and its implementing administrative rules, with the first meeting to be held at the Kalanimoku Building for the Department of Land and Natural Resources on August 23, 2011, from 0900 hours. As the guidance document is currently undergoing in-house review, Director Hooser noted that he does not plan to release it at the August 23, meeting. He further noted that there are two confirmed meetings on the island of Hawaii: November 30, 2011, in Hilo, and December 01, 2011, in Kona. (5) Director Hooser reported that he has been contacted by the Governor's Office that on September 01, 2011, the Boards and Commissions office will be holding a ceremony at the State Capitol for all appointees on the island of Oahu. He noted that each neighbor island will have its own separate ceremony.
5. [STANDING COMMITTEE ON EXEMPTIONS REPORT](#): Standing Committee Chair Atkin reported that the Exemptions Committee had met earlier to discuss two projects: (1) an Exemption Determination Form; and (2) a letter to all executive agencies of the State and County governments requesting the name, address, electronic mail and telephone number of a designated contact in the agency that deals with Chapter 343, HRS matters. Chair Atkin noted that the County of Maui now publishes its exemption declarations on its Internet website.
6. [STANDING COMMITTEE ON ADMINISTRATIVE RULES REPORT](#): Standing Committee Chair Glenn reported that the Administrative Rules Committee had met earlier to discuss initiating rulemaking and the disposition of the petition for rulemaking from Mr. Syd Singer of the Good Shepherd Foundation.

MOTION 2: Mr. Glenn (Chair of the Standing Committee on Administrative Rules of the Environmental Council) moved, and Ms. Akutagawa seconded that the Environmental Council initiate rulemaking on its own initiative pursuant to Section 11-201-16, Hawaii Administrative Rules, and Section 343-6, Hawaii Revised Statutes. A discussion ensued among the members after which Chairperson Steiner called for the question. The Environmental Council unanimously approved Motion 2 (10-0-0).

MOTION 3: Mr. Glenn moved, and Mr. Atkin seconded that the Environmental Council accept the petition for rulemaking submitted by Mr. Syd Singer of the Good Shepherd Foundation and incorporate said petition into the rulemaking process indicated in Motion 2 *supra*. A discussion ensued among the members after which Chairperson Steiner called for the question. The Environmental Council unanimously approved Motion 3 (10-0-0) with special note that Ms. Ziegler cast her vote “with reservations.”

Mr. Glenn also reported that he had been assisting in the Outreach and Education efforts of OEQC and giving a presentation to the Marine Coastal Advisory Council of the Office of Planning, Department of Business, Economic Development and Tourism.

7. [STANDING COMMITTEE ON THE ANNUAL REPORT](#): Standing Committee Chair Terashima was absent; Ms. Akutagawa reported that write-ups from the Standing Committee Chairs on their work this past year will be due to the Standing Committee on September 02, 2011.
8. [STANDING COMMITTEE ON LEGISLATION](#): Standing Committee Chair Mears reported that he met with Senator Gabbard (*supra* in item 3).
9. [PUBLIC TESTIMONY](#): Mr. George Casen inquired about the Environmental Council streaming its proceedings live on the Internet. A brief discussion ensued.
10. [NEW BUSINESS](#): Ms. Ziegler discussed the anti-lobbying provisions of the State Ethics Commission. A brief discussion ensued.
11. [ADJOURNMENT](#): With no further business to discuss, Chairperson Steiner adjourned the meeting at 1541 hours.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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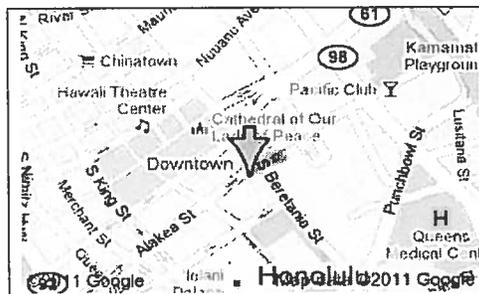
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GARY HOOSER (EX-OFFICIO)

ENVIRONMENTAL COUNCIL MEETING

State Office Tower
235 S. Beretania Street, Room 203
Honolulu, Hawaii 96813
August 18, 2011
2:00 pm –4:00 pm

A G E N D A

1. Call to Order
2. Introductions/Attendance
3. Approval of May 11 and July 13, 2011 Meeting Minutes
4. Chair's Report:
 - Meeting with Senator Gabbard
 - Housekeeping Items
 - Meeting Dates and Times
5. OEQC Director's Report:
 - State Auditor's Request
 - SB 699
 - Guidebook
 - Education Outreach
6. Standing Committee Reports:
 - Exemption Committee
 - Rules Committee
 - Annual Report Committee
 - Legislative Committee
7. Public Testimony (Other)
8. Correspondence Received
9. New Business
10. Adjournment



Parking Permits Valid in Lots:

(Parking permits for Environmental Council Members Only)

1. Iolani Palace (Meters Only)
South King and Richards Street
2. Department of Health (Meters Only)
1250 Punchbowl Street, Honolulu
3. State Capitol Basement (Meters Only)
415 South Beretania Street, Honolulu

Note: See back of the parking permit for list of available parking.

Special Accommodations (such as Sign Language interpreter, large print, taped materials) can be provided, if requested at least five (5) working days before the scheduled meeting by contacting the Office of Environmental Quality Control, 235 South Beretania Street, Room 702, Honolulu, Hawaii 96813. All interested persons will have an opportunity to present testimony on any agenda item for this meeting. For more information, contact the Office of Environmental Quality Control at (808) 586-4185 (voice), (808) 586-4186 (fax), or email: oeqc@doh.hawaii.gov.

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GARY HOOSER (EX-OFFICIO)

EXEMPTION COMMITTEE MEETING
State Office Tower Building
235 S. Beretania Street, Room 203
Honolulu, Hawaii 96813
August 18, 2011
1:00 pm – 2:00 pm

A G E N D A

1. Call to Order
2. Introductions/Attendance
3. Sub-Committee Meeting Schedule
4. Old Business
 - Exemption Determination Form
 - Exemption List Status by Executive Department
5. New Business
6. Public Testimony
7. Items to be Reported to the Environmental Council
8. Next Meeting
9. Adjournment

	<p><u>Parking Permits Valid in Lots:</u> (Parking permits for Environmental Council Members Only)</p> <ol style="list-style-type: none">1. Iolani Palace (Meters Only) South King and Richards Street2. Department of Health (Meters Only) 1250 Punchbowl Street, Honolulu3. State Capitol Basement (Meters Only) 415 South Beretania Street, Honolulu <p><i>Note: See back of the <u>parking permit</u> for list of available parking.</i></p>
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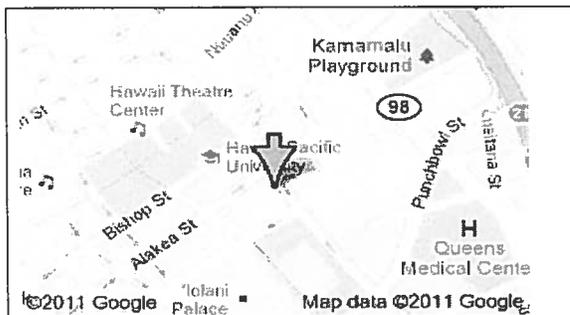
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RULES COMMITTEE MEETING
State Office Tower
235 S. Beretania Street, Room 203
Honolulu, Hawaii 96813
August 18, 2011
11:00 am –12:00 pm

AGENDA

1. Call to Order
2. Introductions/Attendance
3. Old Business
 - Update on Progress of Major Committee Task
 - Update on Previous Meeting's New Business
4. New Business
 - Mr. Syd Singer Petition Request
5. Public Testimony
6. Items to be Reported to the Environmental Council
7. Next Meeting
8. Adjournment

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LEGISLATIVE COMMITTEE MEETING
State Office Tower Building
235 S. Beretania Street, Room 203
Honolulu, Hawaii 96813
August 18, 2011
10:00 am – 11:00 am

A G E N D A

1. Call to Order
2. Introductions/Attendance
3. Recap Meeting with Senator Gabbard
4. Discuss Potential Legislation and Necessary Research
5. Public Testimony
6. Items to be Reported to the Environmental Council
7. Next Meeting
8. Adjournment

CANCELLED

A map of downtown Honolulu, Hawaii, showing the location of the meeting at the State Capitol. The map includes labels for Kamamalu Playground, Hawaii Theatre Center, Bishop St, Alahele St, Iolani Palace, Pacific, Queens Medical Center, Punchbowl St, and Liliha St. A red arrow points to the State Capitol building. The map is credited to Google, 2011.	<p>Parking Permits Valid in Lots: (Parking permits for Environmental Council Members Only)</p> <ol style="list-style-type: none">1. Iolani Palace (Meters Only) South King and Richards Street2. Department of Health (Meters Only) 1250 Punchbowl Street, Honolulu3. State Capitol Basement (Meters Only) 415 South Beretania Street, Honolulu <p>Note: See back of the <u>parking permit</u> for list of available parking.</p>
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STATE OF HAWAII
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August 18, 2011

TO: Lt. Governor's Office
Fax: 586-0231

FROM: Office of Environmental Quality Control
Fax: 586-4186
Phone: 586-4185
E-mail: oeqc@doh.hawaii.gov

Comments:

Please note that the Legislative Committee meeting scheduled today, August 18, 2011, from 10:00am to 11:00pm, was cancelled.

Please call 586-4185, if you need addition information, thank you.

Total pages (including cover sheet): 2

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August 11, 2011

TO: Lt. Governor's Office
Fax: 586-0231

FROM: Office of Environmental Quality Control
Fax: 586-4186
Phone: 586-4185
E-mail: oeqc@doh.hawaii.gov

Comments:

Please see enclosed agendas for the Environmental Council, Exemption Committee, Legislative Committee, and Rules Committee meetings on August 18, 2011.

Total pages (including cover sheet): 5

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Environmental Council 2011 Annual Report Outline

I. Introduction

A. Purpose of Annual Report

1. Overview of legislative mandate for submission of Annual Reports by the Environmental Council
2. Theme: Focus on a vision and call for action for "A New Day" as Governor Abercrombie challenges all of us to work and strive for together.
 - a) What does that mean in terms of caring for the environment?
 - b) What can individuals (common citizens), administrative agencies, and government decision makers do?
 - c) How do we do more with less during these challenging fiscal times?
 - d) How do we support and uplift each other to make that happen?
 - e) What are some examples of collaboration, increased inter-agency communication, and citizen participation and volunteerism?

B. The Environmental Council - Overview of Roles, Functions, and Responsibilities

1. Who is the Environmental Council?

(*Note: may want to include short biographical sketches with photos of the Environmental Council members as a "know your council members" to invite and engage public participation. Another suggestion is to pepper the annual report with various quotes from Environmental Council members who state their personal commitment or area of focus they wish to work on as they serve the environment and our State.)

2. What are the Roles, Functions, and Responsibilities of the Environmental Council?

II. OEQC Director Report

III. Environmental Council Chair Report

IV. The State of Hawaii's Environment

A. Environmental Indicators

1. Identify measurable performance indicators for restoring or maintaining environmental health
2. Current status or progress to date
3. Goals

B. Office of Environmental Quality:

What is the Status of OEQC's progress in its role of environmental oversight and in working with various State & County agencies, applicants and developers, and the general public?

C. Environmental Council:

1. What is the Environmental Council's progress in moving forward its primary agenda as an advocate for the environment and liaison between the people and government?

2. Environmental Council Committee Chair Reports
 - What are the Committee's overall goals and strategies in 2011?
 - What is the result of the work done?
 - "Snapshot" of future activities for 1, 3, and 5 year(s) ahead.

V. A Call to Action for "A New Day"

A. Summary/Conclusion: Synthesis of "Section IV. State of Hawaii's Environment", particularly performance outcomes and strategies identified.

B. Environmental Council Recommendations & Action Steps for the Future

1. Environmental Council Committee Recommendations
2. Recommendations for greater citizen participation
3. Recommendations for applicants/developers in terms of better environmental review

Potential Indicators for the Environmental Council Annual State of the Environment Report

The following topics and guidelines are drawn from HRS Chapter §344-4 Guidelines, of the State Environmental Policy

Guideline	Potential Indicator	Unit	Report	Source
(1) Population (A) Recognize population impact as a major factor in environmental degradation and adopt guidelines to alleviate this impact and minimize future degradation;	State population 1950-2010	In Millions/yr	AR 07, IEH 11	State DBEDT - Databook 06
	Noise complaints	Number/yr	AR 08	DOH - Noise, Radiation and Indoor Air Quality Branch
(B) Recognize optimum population levels for counties and districts within the State, keeping in mind that these will change with technology and circumstance, and adopt guidelines to limit population to the levels	Municipal water consumption	Gallons/yr	AR 08	State of Hawai'i Databook 06
	Safe drinking water	%/yr	AR 08	Hawai'i DOH
(2) Land, water, mineral, visual, air, and other natural resources (A) Encourage management practices which conserve and fully utilize all natural resources;	Air quality	µg/m ³ /yr	AR 08	Hawai'i DOH
	Wastewater treatment plant operations and maintenance compliance	N of plants/yr	IEH 11	Marshall Lum. (WWB)
(B) Promote irrigation and waste water management practices which conserve and fully utilize vital water resources;	Wastewater treatment and reuse	Millions gallons/day/yr.	AR 08	Hawai'i DOH
(C) Promote the recycling of waste water;	Hazardous waste generated	Tons/yr	AR 08	Hawai'i DOH
	Acres of watershed partnerships	Acres	AR 08	Hawai'i DOH
(D) Encourage management practices which conserve and protect watersheds and water sources, forest, and open space areas;	N days beaches posted as unsafe due to pollution	N/yr	AR 08	State of Hawai'i Databook 06
	Acres of forest lands, natural areas, state and national parks in Hawai'i	Acres/yr	AR 08	State of Hawai'i Databook 06
(E) Establish and maintain natural area preserves, wildlife preserves, forest reserves, marine preserves, and unique ecological preserves;	Managed forest areas	Acres/yr	AR 07	State of Hawai'i Databook 03
	Number of impaired streams listed, 2006	N/island	IEH 11	Clean Water Branch
(F) Maintain an integrated system of state land use planning which coordinates the state and county general plans;	Number of impaired coastal waters listed, 2006	N/island	IEH 11	Clean Water Branch
	Solid waste generation and diversion	Tons/yr	AR 08	DOH
(G) Promote the optimal use of solid wastes through programs of waste prevention, energy resource recovery, and recycling so that all our wastes become utilized.	Pounds of solid waste generated per person	LB/person/day	IEH 11	
(3) Flora and fauna (A) Protect endangered species of indigenous plants and animals and introduce new plants or animals only upon assurance of negligible ecological hazard;	Hawaii endangered bird conservation programs	N of releases/yr	AR 08	DUNR, DOFAW
	Estimated N of humpback whale sightings	N/yr	AR 08	NOAA Results of Marine Mammal Surveys on US Navy Underwater Ranges in HI
(B) Foster the planting of native as well as other trees, shrubs, and flowering plants compatible to the enhancement of our environment.	Status of native animal species (E/T/R)			
	Status of plant species (E/T/R)			
(4) Parks, recreation, and open space (A) Establish, preserve and maintain scenic, historic, cultural, park and recreation areas, including the shorelines, for public recreational, educational, and scientific uses;	Acres of forest lands, natural areas, state and national parks in Hawai'i	Acres/yr	AR 08	State of Hawai'i Databook 06

Potential Indicators for the Environmental Council Annual State of the Environment Report

Guideline	Potential Indicator	Unit	Report	Source
(B) Protect the shorelines of the State from encroachment of artificial improvements, structures, and activities;	Shoreline postings due to sewage or other water pollution	Days posted/yr	IEH 11	Clean Water Branch
(C) Promote open space in view of its natural beauty not only as a natural resource but as an ennobling, living environment for its people.				
(5) Economic development				
(A) Encourage industries in Hawaii which would be in harmony with our environment;	Gross state product	Millions of 1996 dollars	AR 03	State of Hawaii ' I Databook 02
(B) Promote and foster the agricultural industry of the State; and preserve and conserve productive agricultural lands;	Statewide land use district acreage	Acres/yr	AR 08	
(C) Encourage federal activities in Hawaii to protect the environment;	State environmental expenditures	Millions \$/yr	AR 08	The Variance Report, State of Hawaii ' i - DOBF
(D) Encourage all industries including the fishing, aquaculture, oceanography, recreation, and forest products industries to protect the environment;	Commercial fisheries (See landings by species) Sea landings by fishing method Main Hawaiian Islands Bottomfish Spawning Potential Ratio by Calendar Year Archipelago-Wide Bottomfish Spawning Potential Ratio by Calendar Year	Lb/yr Lb/yr SPR/yr SPR/yr	AR 08 AR 08 AR 07 AR 07	Commercial Marine Landings Summary Report 05. DLNR, DAR Commercial Marine Landings Summary Report 05. DLNR, DAR National Marine Fisheries Services National Marine Fisheries Services
(E) Establish visitor destination areas with planning controls which shall include but not be limited to the number of rooms;				
(F) Promote and foster the aquaculture industry of the State; and preserve and conserve productive aquacultural lands.				
(6) Transportation				
(A) Encourage transportation systems in harmony with the lifestyle of the people and environment of the State;	Oil and chemical spills Inventory of bikeways	N/yr Miles/island	AR 08 AR 08	State of Hawaii ' I Databook 06
(B) Adopt guidelines to alleviate environmental degradation caused by motor vehicles;	N of bicycles and mopeds Ambient levels of carbon monoxide compared to national standards	N/yr ppm/yr	AR 08 IEH 11	State of Hawaii ' I Databook 06 DOH Clean Air Branch
(C) Encourage public and private vehicles and transportation systems to conserve energy, reduce pollution emission, including noise, and provide safe and convenient accommodations for their users.	Registered motor vehicles N of bus boardings of O'ahu Estimated greenhouse gas emissions Air quality	N/yr N/yr Tons CO2/yr µg/m3/yr	AR 08 AR 08 AR 08 AR 08	DBEDT Databook 06 DBEDT Databook 05 State DEBDT, Databook 06 Hawaii ' I DOH
(7) Energy				
(A) Encourage the efficient use of energy resources.	Energy consumption by source Electric utility sales per capita % renewable and alternative energy Fossil fuel imported into Hawaii ' i	BTU/yr Kwh/capita Trillion BTU/yr Trillion BTU/yr	AR 08 AR 08 AR 07	State DEBDT, Databook 06 Utility FERC Form 1 and Annual Reports to PUC via DBEDT SID State DEBDT, Databook 06 State DEBDT, Databook 05
(8) Community life and housing				

Potential Indicators for the Environmental Council Annual State of the Environment Report

Guideline	Potential Indicator	Unit	Report	Source
(A) Foster lifestyles compatible with the environment; preserve the variety of lifestyles traditional to Hawaii through the design and maintenance of neighborhoods which reflect the culture and mores of the (B) Develop communities which provide a sense of identity and social satisfaction in harmony with the environment and provide internal opportunities for shopping, employment, education, and recreation; (C) Encourage the reduction of environmental pollution which may degrade a community;	N and type of deposit beverage recycled Schools with required asbestos management plan and in compliance	N/Yr N of schools/yr & % of schools in compliance	AR 08 IEH 11	DOH Tom Lilekis - JRHB
	Safe drinking water	%/Yr	AR 08	DOH
	Urbanization rate - number of apartment/condo/townhome dwellers versus N/Yr			
(D) Foster safe, sanitary, and decent homes;				
(E) Recognize community appearances as major economic and aesthetic assets of the counties and the State; encourage green belts, plantings, and landscape plans and designs in urban areas; and preserve and promote mountain-to-ocean vistas.	N of street trees or in City and County Honolulu parks	N/Yr	AR 08	State of Hawaii - I Databook 06
(F) Foster culture and the arts and promote their linkage to the enhancement of the environment;				
(B) Encourage both formal and informal environmental education to all age groups.				
(10) Citizen participation	(A) Encourage all individuals in the State to adopt a moral ethic to respect the natural environment; to reduce waste and excessive consumption; and to fulfill the responsibility as trustees of the environment for the present and succeeding generations; and (B) Provide for expanding citizen participation in the decision making process so it continually embraces more citizens and more issues.			

Additional Indicators

Toxics release inventory, Hawaii report 2009
 Ambient levels of sulfur dioxide compared to national standards
 Vog emissions from Kilauea Volcano, Big Island
 Ambient levels of air-borne particulates compared to national standards

Lb/yr
 ppm/year
 N of exceedance of the SO2 24-hour sta
 µg/m3/yr

IEH 11
 IEH 11
 IEH 11

DOH Clean Air Branch
 DOH Clean Air Branch
 DOH Clean Air Branch

Reports:

IEH 11 = Indicators of Environmental Health 2011
 AR = Annual Report