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# A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that wildfires and other  
2 natural disasters pose a threat to Hawaii's safe drinking water.  
3 Wildfires nationally are increasing in frequency and severity  
4 and can contaminate water or interrupt water distribution.  
5 Recent wildfires in the State affected safe drinking water in  
6 Lahaina, Kohala, Wahiawa, and communities in upcountry Maui.  
7 The legislature believes that the State should have a detailed  
8 plan for providing clean drinking water to better prepare for  
9 any emergencies.

10           Accordingly, the purpose of this Act is to specify some of  
11 the measures the director of health may take in response to:

- 12           (1) Emergency circumstances affecting the availability of  
13                 safe drinking water; or  
14           (2) The discovery of contamination in a public water  
15                 source.

16           SECTION 2. Section 340E-5, Hawaii Revised Statutes, is  
17 amended to read as follows:



1            "[+]§340E-5[+] **Plan for emergency provision of safe**  
2 **drinking water.** (a) The director shall promulgate a plan for  
3 the provision of safe drinking water under emergency  
4 circumstances. When the director determines that emergency  
5 circumstances exist in the State with respect to a need for safe  
6 drinking water, including a type A or type B emergency, the  
7 director may [~~take such actions as necessary to provide water~~  
8 ~~where it otherwise would not be available.~~]:

- 9            (1) Coordinate with other government agencies and the  
10            private sector to provide safe drinking water and  
11            necessary supplies to affected areas;  
12            (2) Analyze water samples from each affected area to  
13            determine the existence and extent of any  
14            contamination;  
15            (3) Recommend appropriate measures to be taken by water  
16            suppliers and residents in the affected area, to  
17            minimize the health risks of any contamination;  
18            (4) Assist water suppliers, if necessary, in notifying  
19            affected residents regarding the seriousness of the  
20            emergency circumstances and any measures to be taken  
21            by residents pursuant to paragraph (3); and



1        (5) If emergency drinking water supplies are to be  
2        provided by an alternative water source, confirm that  
3        the alternative water source is safe and that the  
4        means of transporting the water to the affected area  
5        will not affect the water's quality or safety.

6        (b) If contamination is discovered in a public water  
7        source, the director may require any affected public water  
8        supplier to:

9        (1) Investigate and carry out additional testing, in  
10       consultation with the department;

11       (2) Create timelines for further investigation and  
12       additional testing;

13       (3) Increase the frequency and duration of future testing;

14       (4) Test in additional locations, including specific  
15       locations within a distribution system;

16       (5) Flush the public water system prior to the confirmed  
17       detection of contaminants;

18       (6) Provide notice to affected customers, in the form and  
19       on a timeline determined by the director, of a  
20       confirmed contamination; or



1       (7) Implement any additional remediation measures,  
2       including disconnecting sources, flushing distribution  
3       systems, carrying out repairs, or replacing equipment,  
4       if contamination is found in a water source, treatment  
5       facility, conveyance facility, or distribution system.

6       (c) For purposes of this section:

7       "Type A emergency" means a major state or county disaster,  
8       including a nuclear disaster, tsunami, earthquake, volcanic  
9       eruption, flood, wildfire, hurricane, or tornado. Type A  
10      emergencies are generally characterized by:

11      (1) Relatively widespread disruption of many basic public  
12      services in the affected area;

13      (2) A significant number of affected people and,  
14      consequently, a significant extent and degree of  
15      public health risk, requiring greater assistance from,  
16      and cooperation with, other government agencies; and

17      (3) Major strains on available resources, with greater  
18      likelihood that assistance priorities and allocation  
19      of the department's resources will be set by agencies  
20      other than the department.



1        "Type B emergency" means a limited situation affecting only  
2 water systems, including a drought, major contamination of a  
3 system's basic water source, or major destruction or impairment  
4 of a system's physical facilities, that substantially interferes  
5 with the quantity and quality of water delivered to the public.

6 Type B emergencies are generally characterized by:

- 7        (1) An impact essentially limited to the water system and  
8        not directly affecting other public services;  
9        (2) A more limited number of affected people, but a  
10       possibly high degree of public health risk; and  
11       (3) More flexibility available to the department in  
12       setting its assistance priorities and more access by  
13       the department and water supplier to other resources  
14       for assistance."

15       SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17       SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Lyn DeBetto



# S.B. NO. 3284

**Report Title:**

Department of Health; Safe Drinking Water; Emergency Measures

**Description:**

Specifies some of the measures the Director of Health may take in response to emergency circumstances affecting the availability of safe drinking water or the discovery of contamination in a public water source.

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