

---

---

## A BILL FOR AN ACT

RELATING TO WATER CONSERVATION.

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

1           SECTION 1. The legislature finds that sixty-six per cent  
2 of Oahu's sustainable daily groundwater yield of four hundred  
3 forty-six million gallons is allocated to current agricultural,  
4 commercial, industrial, residential, and other uses. Based upon  
5 current forecasts, all but two per cent, or ten million gallons,  
6 of that sustainable yield will have been allocated by the year  
7 2020. That leaves precious little yield in reserve should there  
8 be a sudden increase in demand or sudden decrease in production  
9 capacity.

10           The legislature also finds that it currently is the policy  
11 of this State to engage in comprehensive water resource planning  
12 in order to address the problems of supply and conservation.  
13 However, more needs to be done to ensure that only nonpotable  
14 water is used for purposes that require only nonpotable water  
15 and that the maximum amount of potable water is available for  
16 uses that require potable water. One source of nonpotable water  
17 is ground water produced by wells drawing water from below the  
18 underground injection control line of aquifers that also produce



1 potable water. Another source of nonpotable water is recycled  
2 water, including treated sewage effluent, but requiring use of  
3 recycled water is limited by the infrastructure available for  
4 its production and distribution and the cost of acquiring it.

5 The purpose of this Act is to declare that it is the policy  
6 of this State that the use of potable water should be limited  
7 wherever possible to personal use in homes and businesses, to  
8 ensure that an adequate supply of potable water will be  
9 available for current and future needs, to maximize the use of  
10 nonpotable water and recycled water wherever possible, and to  
11 prohibit the use of potable water to irrigate golf courses  
12 except where necessary to protect other water resources or the  
13 public health and safety.

14 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 and to read as follows:

17 **"§342D- Irrigation of golf courses; use of potable water**  
18 **prohibited; exemption.** (a) Effective January 1, 2010, all new  
19 golf courses shall be irrigated only with nonpotable water.  
20 Potable water shall not be used for golf course maintenance or  
21 operation, other than as water for human consumption.



1        (b) The department may exempt a golf course operator from  
2 the requirement that nonpotable water shall be used for  
3 irrigation if:

4        (1) There is a threat to existing water quality or to  
5 public health and safety, as determined by the  
6 department;

7        (2) A source of nonpotable water will not be reasonably  
8 available in the near future as determined by the  
9 county in which the golf course is located; or

10       (3) There is a serious threat to permitted ground or  
11 surface water uses as determined by the department.

12       (c) The counties, in consultation with the boards of water  
13 supply, the department, and the commission on water resource  
14 management, shall adopt appropriate provisions by ordinance that  
15 facilitate distribution and use of nonpotable water for golf  
16 course irrigation. The ordinances shall provide appropriate  
17 protections for existing water resources and the health and  
18 safety of the public.

19       (d) For purposes of this section:

20       "Ground water" has the same meaning defined in section  
21 174C-3.



1       "Nonpotable water" means recycled water and groundwater  
2 extracted from wells that draw from below the underground  
3 injection control line of an aquifer and that contains chlorides  
4 in excess of the level, or which can not be disinfected to  
5 standards, set by administrative rules adopted by the department  
6 and excludes surface water.

7       "Potable water" means:

8       (1) Surface water that has been treated and satisfies  
9 standards set by administrative rules adopted by the  
10 department; and

11       (2) Groundwater that contains chlorides at a level, and  
12 which can be disinfected to standards, set by  
13 administrative rules adopted by the department.

14       "Surface water" has the same meaning defined in section  
15 174C-3.

16       "Well" has the same meaning defined in section 174C-3."

17       SECTION 3. Section 174C-5, Hawaii Revised Statutes, is  
18 amended to read as follows:

19       "**§174C-5 General powers and duties.** The general  
20 administration of the state water code shall rest with the  
21 commission on water resource management. In addition to its  
22 other powers and duties, the commission:



- 1           (1) Shall carry out topographic surveys, research, and  
2           investigations into all aspects of water use and water  
3           quality;
- 4           (2) Shall designate water management areas for regulation  
5           under this chapter where the commission, after the  
6           research and investigations mentioned in paragraph  
7           (1), shall consult with the appropriate county council  
8           and county water agency, and after public hearing and  
9           published notice, finds that the water resources of  
10          the areas are being threatened by existing or proposed  
11          withdrawals of water;
- 12          (3) Shall establish an instream use protection program  
13          designed to protect, enhance, and reestablish, where  
14          practicable, beneficial instream uses of water in the  
15          State;
- 16          (4) May contract and cooperate with the various agencies  
17          of the federal government and with state and local  
18          administrative and governmental agencies or private  
19          persons;
- 20          (5) May enter, after obtaining the consent of the property  
21          owner, at all reasonable times upon any property other  
22          than dwelling places for the purposes of conducting



1 investigations and studies or enforcing any of the  
2 provisions of this code, being liable, however, for  
3 actual damage done. If consent cannot be obtained,  
4 reasonable notice shall be given prior to entry;

5 (6) Shall cooperate with federal agencies, other state  
6 agencies, county or other local governmental  
7 organizations, and all other public and private  
8 agencies created for the purpose of utilizing and  
9 conserving the waters of the State, and assist these  
10 organizations and agencies in coordinating the use of  
11 their facilities and participate in the exchange of  
12 ideas, knowledge, and data with these organizations  
13 and agencies. For this purpose the commission shall  
14 maintain an advisory staff of experts;

15 (7) Shall prepare, publish, and issue printed pamphlets  
16 and bulletins as the commission deems necessary for  
17 the dissemination of information to the public  
18 concerning its activities;

19 (8) May appoint and remove agents, including hearings  
20 officers and consultants, necessary to carry out the  
21 purposes of this chapter, who may be engaged by the



- 1           commission without regard to the requirements of  
2           chapter 76 and section 78-1;
- 3           (9) May hire employees in accordance with chapter 76;
- 4           (10) May acquire, lease, and dispose of such real and  
5           personal property as may be necessary in the  
6           performance of its functions, including the  
7           acquisition of real property for the purpose of  
8           conserving and protecting water and water related  
9           resources as provided in section 174C-14;
- 10          (11) Shall identify, by continuing study, those areas of  
11          the State where salt water intrusion is a threat to  
12          fresh water resources and report its findings to the  
13          appropriate county mayor and council and the public;
- 14          (12) Shall provide coordination, cooperation, or approval  
15          necessary to the effectuation of any plan or project  
16          of the federal government in connection with or  
17          concerning the waters of the State. The commission  
18          shall approve or disapprove any federal plans or  
19          projects on behalf of the State. No other agency or  
20          department of the State shall assume the duties  
21          delegated to the commission under this paragraph;  
22          except that the department of health shall continue to



1 exercise the powers vested in it with respect to water  
2 quality, and except that the department of business,  
3 economic development, and tourism shall continue to  
4 carry out its duties and responsibilities under  
5 chapter 205A;

6 (13) Shall plan and coordinate programs for the  
7 development, conservation, protection, control, and  
8 regulation of water resources, including nonpotable  
9 water, based upon the best available information, and  
10 in cooperation with federal agencies, other state  
11 agencies, county or other local governmental  
12 organizations, and other public and private agencies  
13 created for the utilization and conservation of water;

14 (14) Shall catalog and maintain an inventory of all water  
15 uses and water resources; and

16 (15) Shall determine appurtenant water rights, including  
17 quantification of the amount of water entitled to by  
18 that right, which determination shall be valid for  
19 purposes of this chapter."

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Ken L.  
Guthrie Tucker  
Jim McHenry  
Steve De  
Mele Carroll  
Marilyn Murray  
By James  
Paul Chondy

JAN 18 2007



**Report Title:**

Water Conservation; Golf Course Irrigation

**Description:**

Prohibits use of potable water to irrigate new golf courses effective 7/1/10, except where there is no reasonably available source of nonpotable water or use of nonpotable water poses a threat to public health and safety or other surface and ground water uses. Defines potable and nonpotable water. Emphasizes role of nonpotable water in programs for the development, conservation, protection, control, and regulation of water resources.

