H.B. NO. 1457

A BILL FOR AN ACT

RELATING TO NATURAL RESOURCES.

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

1   SECTION 1. The legislature finds that Hawaii is losing its

2 beaches at an alarming rate due to chronic shoreline retreat and

3 shoreline armoring. A rise in sea levels will accelerate beach

4 loss in the future. A recent study by the University of Hawaii

5 and United States Geological Survey found that seventy per cent

6 of beaches in Hawaii are eroding and over thirteen miles of

7 beach have been lost to erosion over the past century. Rates of

8 coastal erosion and beach loss are certain to increase in the

9 coming decades with continued climate warming and an

10 accelerating rise in sea levels.

11   The department of land and natural resources is responsible

12 for the management of coastal resources, including beaches and

13 dunes. The department has promoted adaptive sediment management

14 techniques to mitigate erosion and beach loss in some areas,

15 including beach scraping, stream mouth clearing, and sand

16 bypassing and back-passing. To be effective, some of these

17 maintenance activities must be conducted on a recurring basis.

1   Unfortunately, efforts by government and private entities

2   to mitigate beach loss have been hampered by state water quality

3   regulations that severely inhibit the use of sediment management

4   as an erosion management tool. The reason is that Hawaiian

5   beach sand has been interpreted to be a "water pollutant" under

6   state water quality regulations. As a result, sand that is

7   cleared from stream mouths or channels is often removed from the

8   beach system because it is considered a "water pollutant." In

9   addition, it has become extremely arduous to obtain the permits

10   necessary for sediment management projects because, based on the

11   State's interpretation of the federal Clean Water Act, clean

12   locally-sourced beach sand is considered to be a "water

13   pollutant."

14   The purpose of this Act is to exclude Hawaiian beach sand

15   from the definition of "water pollutant", thereby enabling the

16   use of such sand to support sediment management projects to

17   mitigate erosion on Hawaii's beaches with no adverse effects on

18   water quality or marine and benthic resources beyond those

19   occurring naturally due to wave action, currents, and littoral

20   transport. It is not the intent of this Act to circumvent the

21   provisions of the federal Clean Water Act or the State's water

H.B. NO. 1457

1 quality regulations. Rather it is simply to clarify that

2 Hawaiian beach sand is a naturally occurring material along the

3 State's beaches and does not constitute a "water pollutant."

4 SECTION 2. Section 342D-1, Hawaii Revised Statutes, is

5 amended by amending the definition of "water pollutant" to read

6 as follows:

7 ""Water pollutant" means dredged spoil, solid refuse,

8 incinerator residue, sewage, garbage, sewage sludge, munitions,

9 chemical waste, biological materials, radioactive materials,

10 heat, wrecked or discarded equipment, rock, sand, soil,

11 sediment, cellar dirt and industrial, municipal, and

12 agricultural waste[-]; provided that "water pollutant" shall not

13 include naturally-occurring beach sand sourced from a Hawaiian

14 beach, stream mouth, or channel that is used on an adjacent

15 beach for the purposes of beach erosion mitigation, sediment

16 management, beach restoration, erosion control, or dune
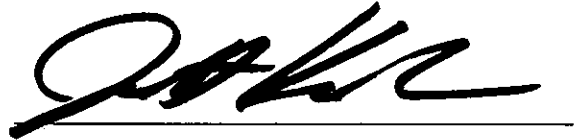
17 restoration."

18 SECTION 3. Statutory material to be repealed is bracketed

19 and stricken. New statutory material is underscored.

H.B. NO. 1457
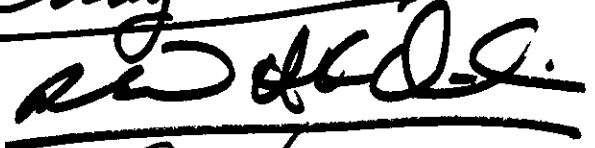
1   SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: _____

_____

Cindy Evans

_____

_____

_____

Calvin K.Y. Say

Takashi _____

_____

_____

_____

Tom Brower

JAN 2 9 2015

H.B. NO. 1457

Report Title:
Hawaiian Beach Sand

Description:
Clarifies that Hawaiian beach sand is not considered a "water pollutant."

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.