
A BILL FOR AN ACT

RELATING TO WATER.

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

1 SECTION 1. Section 174C-87, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "§174C-87 Abandonment of wells. (a) When a well is
4 abandoned, the owner shall fill and seal the well in a manner
5 approved by the commission. Before abandonment, the owner shall
6 file with the commission a report showing the owner's name and
7 address; the water use permit number, if any; the name and
8 address of the well driller who will be employed to perform the
9 work required for abandonment; the reason for abandonment; a
10 description of the work to be performed to effect the
11 abandonment; and such other information as the commission may
12 require.
13 (b) The owner of an abandoned well shall repair or fill
14 and seal the well at the owner's expense, as provided by rules
15 adopted pursuant to chapter 91.
16 (c) Notwithstanding any other law to the contrary, if the
17 owner of real property that includes an abandoned well transfers



1 ownership of the real property the owner shall notify the
2 commission on water resources of that transfer prior to going
3 into escrow. In addition, if the owner of real property
4 transfers ownership to another person without first reporting
5 and repairing or filling and sealing the abandoned well pursuant
6 to subsection (a), the transferring owner shall be liable for
7 the abandoned well under this section; provided that the
8 commission establishes that:

- 9 (1) The well was abandoned when the transferring owner
10 transferred the property; and
11 (2) The transferring owner did not report and repair or
12 fill and seal the well pursuant to subsection (a);
13 provided further that a new owner shall not be liable for an
14 abandoned well under this section if the commission establishes
15 the transferring owner's liability for that abandoned well
16 pursuant to this subsection."

17 SECTION 2. There is appropriated out of the
18 special fund the sum of \$ or so much thereof as may be
19 necessary for fiscal year 2017-2018 and the same sum or so much
20 thereof as may be necessary for fiscal year 2018-2019 for the



1 following positions in the commission on water resource
2 management of the department of land and natural resources:

3 (1) Two full-time equivalent (2.0 FTE) site inspector
4 positions; and

5 (2) One full-time equivalent position (1.0 FTE) to oversee
6 the procurement, management, and monitoring of well
7 sealing contracts and enforcement of well construction
8 and pump installation standards.

9 The sums appropriated shall be expended by the department
10 of land and natural resources for the purposes of this Act.

11 SECTION 3. There is appropriated out of the
12 special fund the sum of \$ or so much thereof as may be
13 necessary for fiscal year 2017-2018 and the same sum or so much
14 thereof as may be necessary for fiscal year 2018-2019 for
15 enforcement of well abandonment requirements.

16 The sums appropriated shall be expended by the department
17 of land and natural resources for the purposes of this Act.

18 SECTION 4. Contractors and other third parties who receive
19 funds under this Act may be subject to review and inspection by
20 the department of land and natural resources, the attorney
21 general, or the auditor. Upon request by such agencies, the



1 contractor or third party shall be required to submit for review
2 all files, records, documents, and accounting related to the use
3 and expenditure of funds received pursuant to this Act, whether
4 the funds were received via contract, grant, or other agreement.

5 SECTION 5. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 6. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Water; Wells; Abandonment; Liability; Appropriation

Description:

Requires an owner or prior owner of an abandoned well to repair or seal the well at the owner's or prior owner's expense. Appropriates funds for three new positions to assist DLNR with the inspection of abandoned wells, the enforcement of well construction and pump installation standards, and enforcement of well abandonment requirements. (HB631 HD1)

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