



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 5, 2018

GOV. MSG. NO. 1232

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2018, the following bill was signed into law:

HB1934 HD1 SD2

RELATING TO ENVIRONMENTAL PROTECTION
ACT 131 (18)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. The legislature finds that, according to the
2 Environmental Protection Agency's 2016 Underground Injection
3 Well Inventory, Hawaii has over six thousand six hundred
4 injection wells. The Environmental Protection Agency recognizes
5 an injection well as a method to place fluid underground into
6 porous geologic formations and that it has a wide range of uses,
7 including storing carbon dioxide and disposing of waste. Some
8 of the injection wells in the State can possibly harm the nearby
9 local environment.

10 Researchers from the University of Hawaii at Manoa used
11 field experiments and chemical analysis of water and algae in
12 Maui to establish a connection between coastal groundwater and
13 the health of nearshore ecosystems. The results were detailed
14 and published on November 3, 2016, in the study "Impact of
15 Submarine Groundwater Discharge on Marine Water Quality and Reef
16 Biota of Maui" and showed a large impact that the wastewater
17 injection wells at the Kahului Wastewater Reclamation Facility



1 have had on Kahului Bay. The study highlighted that there were
2 relatively high nutrient levels in marine surface waters in
3 Kahului Bay and shallow areas were almost entirely dominated by
4 a thick fleshy mat of colonial zoanths, a phenomenon not
5 reported anywhere else in the State.

6 Injection wells can be hazardous to the environment and
7 pose a risk to the health and safety of the public.
8 Accordingly, the purpose of this Act is to prohibit the director
9 of health from issuing permits for the construction of sewage
10 wastewater injection wells unless alternative wastewater
11 disposal options are not available, feasible, or practical.

12 SECTION 2. Section 340E-2, Hawaii Revised Statutes, is
13 amended by amending subsection (e) to read as follows:

14 "(e) The director shall promulgate regulations
15 establishing an underground injection control program. Such
16 program shall prohibit any underground injection which is not
17 authorized by a permit issued by the director [~~except~~];
18 provided that the director shall not issue permits for the
19 construction of sewage wastewater injection wells unless
20 alternative wastewater disposal options are not available,
21 feasible, or practical; provided further that the director may



1 authorize underground injection by regulation. Underground
2 injection authorized by regulation shall not endanger drinking
3 water sources. Any underground injection control program shall:

- 4 (1) Set standards and prohibitions controlling any
5 underground injection if such injection may result in
6 the presence of any contaminant in underground water
7 which supplies or may be expected to supply any public
8 water system, and if the presence of such contaminant
9 may result in such system's not complying with any
10 national primary drinking water regulation or may
11 otherwise adversely affect the health of persons[-];
12 (2) Require, in the case of a program which authorizes
13 underground injection by permit, that the applicant
14 for the permit satisfy the director that the
15 underground injection will meet the requirements of
16 [~~item~~] paragraph (1) [~~of this subsection~~]; and
17 (3) Include inspection, monitoring, recordkeeping, and
18 reporting requirements.

19 For purposes of this subsection:

20 "Injection well" means a bored, drilled, or driven shaft,
21 or a dug hole, whose depth is greater than its widest surface



1 dimension and into which subsurface disposal of fluid or fluids
2 occurs or is meant to occur by means of injection.

3 "Sewage wastewater" means any liquid wastewater that
4 includes sewage from humans or household operations, regardless
5 of whether the wastewater has been treated or whether the
6 wastewater pollutes or tends to pollute state waters."

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

APPROVED this 05 day of JUL , 2018



GOVERNOR OF THE STATE OF HAWAII



HB No. 1934, HD 1, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 6, 2018
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.


President of the Senate


Clerk of the Senate