

JAN 22 2021

A BILL FOR AN ACT

RELATING TO BEACHES.

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 and that this loss of beaches is expected to
4 accelerate in the future. A recent study by the University of
5 Hawaii and the United States Geological Survey found that
6 seventy per cent of the beaches on Kauai, Oahu, and Maui are
7 eroding and more than thirteen miles of beaches included in the
8 study have been lost to erosion over the past century. Rates of
9 coastal erosion and beach loss are predicted to increase in the
10 coming decades with continued climate warming and accelerating
11 sea level rise.

12 The legislature further finds that the department of land
13 and natural resources is responsible for management of coastal
14 resources, including beaches and dunes. The department has
15 promoted adaptive sediment management techniques to mitigate
16 erosion and beach loss in some areas, including beach-scraping,
17 stream mouth-clearing, and sand-bypassing and back-passing.



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. In addition, it has become
5 extremely arduous to obtain the permits necessary for sediment
6 management projects because, based on the State's interpretation
7 of the federal Clean Water Act, clean, locally sourced beach
8 sand is considered a water pollutant. Thus, sand that is
9 cleared from stream mouths or channels is often removed from the
10 beach system because it is considered a water pollutant.

11 The use of locally sourced beach sand as an erosion
12 management tool will benefit and support sediment management
13 projects to mitigate erosion on Hawaii's beaches with no
14 negative impacts to water quality or marine and benthic
15 resources beyond those occurring naturally due to wave action,
16 currents, and littoral transport. It is not the intent of this
17 Act to circumvent the provisions of the Clean Water Act or the
18 State's water quality regulations, but rather to clarify that
19 locally sourced beach sand is a naturally occurring material
20 along Hawaii's beaches and does not constitute a water
21 pollutant. Accordingly, the purpose of this Act is to exclude



1 locally sourced beach sand from the definition of "water
2 pollutant" within Hawaii's water pollution statutes.

3 SECTION 2. Section 342D-1, Hawaii Revised Statutes, is
4 amended by amending the definition of "water pollutant" to read
5 as follows:

6 "Water pollutant" means dredged spoil, solid refuse,
7 incinerator residue, sewage, garbage, sewage sludge, munitions,
8 chemical waste, biological materials, radioactive materials,
9 heat, wrecked or discarded equipment, rock, sand, soil,
10 sediment, cellar dirt and industrial, municipal, and
11 agricultural waste[-]; provided that sand shall not be
12 considered a water pollutant if it is:

- 13 (1) Naturally occurring sand sourced from a beach, stream
14 mouth, or channel that is located in the State; and
15 (2) Utilized on the adjoining beach or littoral cell for
16 the purposes of beach erosion mitigation, sediment
17 management, beach restoration, erosion control, or
18 dune restoration."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



S.B. NO. 580

1 SECTION 4. This Act shall take effect on July 1, 2021.

2

INTRODUCED BY: *[Signature]*



S.B. NO. 580

Report Title:

Beach Restoration; Water Pollutant; Sand

Description:

Amends the definition of "water pollutant" as used in chapter 342D, HRS, relating to water pollution, to exclude locally sourced sand that meets certain conditions.

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

