
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 SECTION 1. The legislature finds that wildfires and other
2 natural disasters pose a threat to Hawaii's safe drinking water.
3 Wildfires nationally are increasing in frequency and severity
4 and can contaminate water or interrupt water distribution.

5 Recent wildfires in the State affected safe drinking water in
6 Lahaina, Kohala, Wahiawa, and communities in upcountry Maui.

7 The legislature believes that the State should have a detailed
8 plan for providing clean drinking water to better prepare for
9 any emergencies.

10 Accordingly, the purpose of this Act is to specify some of
11 the measures the director of health may take in response to:

12 (1) Emergency circumstances affecting the availability of
13 safe drinking water; or

14 (2) The discovery of contamination in a public water
15 source.

16 SECTION 2. Section 340E-5, Hawaii Revised Statutes, is
17 amended to read as follows:



1 " ~~[+]~~ §340E-5 ~~[+]~~ Plan for emergency provision of safe
2 drinking water. (a) The director shall promulgate a plan for
3 the provision of safe drinking water under emergency
4 circumstances. When the director determines that emergency
5 circumstances exist in the State with respect to a need for safe
6 drinking water, including a type A or type B emergency, the
7 director may ~~[take such actions as necessary to provide water~~
8 ~~where it otherwise would not be available.]~~ :

- 9 (1) Coordinate with other government agencies and the
10 private sector to provide safe drinking water and
11 necessary supplies to affected areas;
12 (2) Analyze water samples from each affected area to
13 determine the existence and extent of any
14 contamination;
15 (3) Recommend appropriate measures to be taken by water
16 suppliers and residents in the affected area, to
17 minimize the health risks of any contamination;
18 (4) Assist water suppliers, if necessary, in notifying
19 affected residents regarding the seriousness of the
20 emergency circumstances and any measures to be taken
21 by residents pursuant to paragraph (3); and



1 (5) If emergency drinking water supplies are to be
2 provided by an alternative water source, confirm that
3 the alternative water source is safe and that the
4 means of transporting the water to the affected area
5 will not affect the water's quality or safety.

6 (b) If contamination is discovered in a public water
7 source, the director may require any affected public water
8 supplier to:

- 9 (1) Investigate and carry out additional testing, in
10 consultation with the department;
11 (2) Create timelines for further investigation and
12 additional testing;
13 (3) Increase the frequency and duration of future testing;
14 (4) Test in additional locations, including specific
15 locations within a distribution system;
16 (5) Flush the public water system prior to the confirmed
17 detection of contaminants;
18 (6) Provide notice to affected customers, in the form and
19 on a timeline determined by the director, of a
20 confirmed contamination; or



1 (7) Implement any additional remediation measures,
2 including disconnecting sources, flushing distribution
3 systems, carrying out repairs, or replacing equipment,
4 if contamination is found in a water source, treatment
5 facility, conveyance facility, or distribution system.

6 (c) For purposes of this section:

7 "Type A emergency" means a major state or county disaster,
8 including a nuclear disaster, tsunami, earthquake, volcanic
9 eruption, flood, wildfire, hurricane, or tornado. Type A
10 emergencies are generally characterized by:

11 (1) Relatively widespread disruption of many basic public
12 services in the affected area;

13 (2) A significant number of affected people and,
14 consequently, a significant extent and degree of
15 public health risk, requiring greater assistance from,
16 and cooperation with, other government agencies; and

17 (3) Major strains on available resources, with greater
18 likelihood that assistance priorities and allocation
19 of the department's resources will be set by agencies
20 other than the department.



1 "Type B emergency" means a limited situation affecting only
 2 water systems, including a drought, major contamination of a
 3 system's basic water source, or major destruction or impairment
 4 of a system's physical facilities, that substantially interferes
 5 with the quantity and quality of water delivered to the public.

6 Type B emergencies are generally characterized by:

- 7 (1) An impact essentially limited to the water system and
 8 not directly affecting other public services;
- 9 (2) A more limited number of affected people, but a
 10 possibly high degree of public health risk; and
- 11 (3) More flexibility available to the department in
 12 setting its assistance priorities and more access by
 13 the department and water supplier to other resources
 14 for assistance."

15 SECTION 3. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18
 INTRODUCED BY: Michelle E. Lowen

JAN 19 2024



H.B. NO. 2095

Report Title:

Department of Health; Safe Drinking Water; Emergency Measures

Description:

Specifies some of the measures the Director of Health may take in response to emergency circumstances affecting the availability of safe drinking water or the discovery of contamination in a public water source.

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

