

JAN 19 2024

A BILL FOR AN ACT

RELATING TO WATER CONSERVATION.

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

1 SECTION 1. The legislature finds that it is the policy of
2 the State to engage in comprehensive water resource planning to
3 address the problems of supply and conservation of water.
4 However, more needs to be done to ensure that only nonpotable
5 water is used for nonpotable purposes and that the maximum
6 amount of potable water is available for all potable purposes.
7 One source of nonpotable water is groundwater produced by wells
8 drawing water from below the ingestion control line aquifers
9 that also produce potable water. Another source of nonpotable
10 water is recycled water, including treated sewage effluent, but
11 the use of recycled water is limited by the infrastructure
12 available for the production and distribution of, and the cost
13 of acquiring, recycled water.

14 Accordingly, the purpose of this Act is to prohibit the use
15 of potable water to irrigate golf courses, except in certain
16 situations.



1 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§342D- Irrigation of golf courses; use of potable
5 water prohibited; exemption. (a) Potable water shall not be
6 used for golf course irrigation, maintenance, or operation,
7 except for human consumption.

8 (b) The department may exempt a golf course operator from
9 subsection (a) if:

10 (1) The department determines that there is a threat to
11 water quality or to public health and safety;

12 (2) The county in which the golf course is located
13 determines that a source of nonpotable water will not
14 be reasonably available in the near future; or

15 (3) The department determines that there is a serious
16 threat to pre-existing permitted ground or surface
17 water uses.

18 (c) Each county water service provider, in consultation
19 with the department, shall establish standards for the
20 distribution and use of nonpotable water and shall adopt rules
21 in accordance with chapter 91 regarding the use of nonpotable



1 water for golf course irrigation. The standards and rules shall
2 protect water quality and the health and safety of the public."

3 SECTION 3. Section 174C-5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§174C-5 General powers and duties.** The general
6 administration of the state water code shall rest with the
7 commission on water resource management. In addition to its
8 other powers and duties, the commission:

- 9 (1) Shall carry out topographic surveys, research, and
10 investigations into all aspects of water use and water
11 quality;
- 12 (2) Shall designate water management areas for regulation
13 under this chapter where the commission, after the
14 research and investigations mentioned in paragraph
15 (1), shall consult with the appropriate county council
16 and county water agency, and after public hearing and
17 published notice, finds that the water resources of
18 the areas are being threatened by existing or proposed
19 withdrawals of water;
- 20 (3) Shall establish an instream use protection program
21 designed to protect, enhance, and reestablish, where



1 practicable, beneficial instream uses of water in the
2 State;

3 (4) May contract and cooperate with the various agencies
4 of the federal government and with state and local
5 administrative and governmental agencies or private
6 persons;

7 (5) May enter, after obtaining the consent of the property
8 owner, at all reasonable times upon any property other
9 than dwelling places for the purposes of conducting
10 investigations and studies or enforcing any of the
11 provisions of this code, being liable, however, for
12 actual damage done. If consent cannot be obtained,
13 reasonable notice shall be given prior to entry;

14 (6) Shall cooperate with federal agencies, other state
15 agencies, county or other local governmental
16 organizations, and all other public and private
17 agencies created for the purpose of utilizing and
18 conserving the waters of the State, and assist these
19 organizations and agencies in coordinating the use of
20 their facilities and participate in the exchange of
21 ideas, knowledge, and data with these organizations



1 and agencies. For this purpose the commission shall
2 maintain an advisory staff of experts;

3 (7) Shall prepare, publish, and issue printed pamphlets
4 and bulletins as the commission deems necessary for
5 the dissemination of information to the public
6 concerning its activities;

7 (8) May appoint and remove agents, including hearings
8 officers and consultants, necessary to carry out the
9 purposes of this chapter, who may be engaged by the
10 commission without regard to the requirements of
11 chapter 76 and section 78-1;

12 (9) May hire employees in accordance with chapter 76;

13 (10) May acquire, lease, and dispose of real and personal
14 property as may be necessary in the performance of its
15 functions, including the acquisition of real property
16 for the purpose of conserving and protecting water and
17 water related resources as provided in
18 section 174C-14;

19 (11) Shall identify, by continuing study, those areas of
20 the State where salt water intrusion is a threat to



1 fresh water resources and report its findings to the
2 appropriate county mayor and council and the public;

3 (12) Shall provide coordination, cooperation, or approval
4 necessary to the effectuation of any plan or project
5 of the federal government in connection with or
6 concerning the waters of the State. The commission
7 shall approve or disapprove any federal plans or
8 projects on behalf of the State. No other agency or
9 department of the State shall assume the duties
10 delegated to the commission under this paragraph;
11 except that the department of health shall continue to
12 exercise the powers vested in it with respect to water
13 quality, and except that the department of business,
14 economic development, and tourism shall continue to
15 carry out its duties and responsibilities under
16 chapter 205A;

17 (13) Shall plan and coordinate programs for the
18 development, conservation, protection, control, and
19 regulation of water resources, including nonpotable
20 water, based upon the best available information, and
21 in cooperation with federal agencies, other state



1 agencies, county or other local governmental
2 organizations, and other public and private agencies
3 created for the utilization and conservation of water;

4 (14) Shall catalog and maintain an inventory of all water
5 uses and water resources; and

6 (15) Shall determine appurtenant water rights, including
7 but not limited to the quantification of the amount of
8 water and the specification of the water course or the
9 means of access and delivery entitled to by that
10 right, which determination shall be valid for purposes
11 of this chapter."

12 SECTION 4. Section 342D-1, Hawaii Revised Statutes, is
13 amended by adding two new definitions to be appropriately
14 inserted and to read as follows:

15 "Potable water" means:

16 (1) Surface water that has been treated and satisfies
17 standards set by administrative rules adopted by the
18 department; and

19 (2) Ground water extracted at an acceptable rate that
20 contains chlorides at a level, and that can be




1 disinfected to standards, set by administrative rules
2 adopted by the department.

3 "Surface water" has the same meaning defined in
4 section 174C-3."

5 SECTION 5. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

7

INTRODUCED BY:  _____



S.B. NO. 2620

Report Title:

Potable Water; Nonpotable Water; Golf Courses; Irrigation; Water Conservation

Description:

Prohibits the use of potable water to irrigate golf courses subject to certain exceptions. Defines potable water.

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