

JAN 20 2023

A BILL FOR AN ACT

RELATING TO WATER POLLUTION.

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

1 SECTION 1. The legislature finds that climate change has
2 led to increased frequency and magnitude of extreme rainfall in
3 the State. In addition to the immediate damage caused by
4 extreme rain events, the resulting groundwater can become
5 polluted and carry silt and other debris into coastal waters.
6 Pollution washed into coastal waters is particularly damaging to
7 marine reefs, such as those near Kauai. In 2002 and 2018,
8 runoff from extreme rains on Kauai devastated nearby reefs,
9 which led to a twenty per cent reduction in the local fish
10 population and a forty per cent reduction in the local sea
11 urchin population. Similarly, Molokai's southern reef, which is
12 the longest continuous fringing reef in the United States, has
13 suffered extensive damage from runoff pollution in recent years.
14 The legislature further finds that damage from water runoff
15 has been especially prevalent in areas where owners of large
16 tracts of land use those lands for activities that destabilize



1 the soil, causing a higher risk of runoff and resultant damage
2 to surrounding resources.

3 The purpose of this Act is to:

- 4 (1) Reduce agricultural water pollution by establishing
5 civil liability for certain large landowners; and
6 (2) Direct the department of health to prioritize
7 enforcement of water pollution regulations in rural
8 areas where there have been reports of runoff and
9 other forms of water pollution.

10 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§342D- Agricultural water pollution; liability. (a) A
14 landowner in possession of ten thousand or more acres shall be
15 liable for damages and fines arising from runoff originating on
16 the land and entering into state waters or onto state lands.

17 (b) The department shall adopt rules pursuant to chapter
18 91 as necessary for the purposes of this section.

19 (c) As used in this section:

20 "Landowner" shall have the same meaning as in section
21 152-1.



1 "Runoff" means any water, silt, water pollutant, or other
2 debris originating in an agricultural facility or on lands used
3 for the purposes of an agricultural enterprise."

4 SECTION 3. The department of health shall prioritize
5 enforcement of water pollution control regulations in rural
6 areas where there are existing reports of runoff and other forms
7 of water pollution.

8 SECTION 4. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 5. New statutory material is underscored.

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

13

INTRODUCED BY: Lynn De Coite



S.B. NO. 773

Report Title:

Landowners; Runoff; Agricultural Enterprises; Department of Health

Description:

Requires a landowner in possession of 10,000 or more acres to be liable for damages and fines arising from runoff originating on the land and entering into state waters or onto state lands. Requires the Department of Health to adopt rules as necessary for the purposes of this provision.

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