
A BILL FOR AN ACT

RELATING TO STATE WATER CODE PENALTIES.

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

1 SECTION 1. The legislature finds that in 1987, the state
2 water code was adopted to protect the precious water resources
3 of the State. To better enable the department of land and
4 natural resources and commission on water resource management to
5 carry out that mission, the legislature further finds that the
6 water code's penalties and fines must be amended and increased
7 to serve as an effective deterrence to violators.

8 The legislature further finds that increasing potential
9 fines for water code violations will also:

- 10 (1) Help to preserve water resources by ensuring the
11 sustainable management and conservation of limited
12 water resources for future generations, particularly
13 in areas facing over-extraction or misuse;
- 14 (2) Protect the ecosystems by safeguarding wetlands,
15 rivers, and aquifers that depend on healthy water
16 systems to maintain biodiversity and environmental
17 balance;



- 1 (3) Promote public health and safety by preventing
2 contamination of drinking water supplies and reducing
3 health risks associated with waterborne diseases and
4 pollutants;
- 5 (4) Promote climate change resilience by regulating water
6 usage and protecting vulnerable water sources to
7 address challenges posed by prolonged droughts,
8 erratic rainfall, and rising sea levels;
- 9 (5) Promote economic stability by helping to avoid
10 economic losses in agriculture, tourism, and other
11 industries that rely heavily on consistent and clean
12 water supplies;
- 13 (6) Promote enforcement of equity and justice to ensure
14 fair access to water resources for all, including
15 marginalized communities that may be
16 disproportionately affected by water scarcity or poor
17 water management;
- 18 (7) Increase accountability for violations to deter
19 illegal activities such as unauthorized diversions,
20 pollution, or overuse of water resources by imposing
21 stricter penalties and fines; and



1 (8) Increase compliance with federal and state mandates to
2 meet legal obligations under federal or state
3 environmental protection laws, ensuring alignment with
4 broader water management and conservation goals.

5 The purpose of this Act is to ensure that all violators of
6 the state water code are held accountable for their violations
7 by creating a minimum penalty of \$50 and a maximum penalty of
8 \$60,000 for every violation.

9 SECTION 2. Section 174C-15, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§174C-15 Penalties and common law remedies.** (a) The
12 commission may enforce its rules and orders adopted pursuant to
13 this chapter by suit for injunction or for damages or both.

14 (b) Any person who violates any provision of this chapter,
15 ~~[or]~~ violates any rule adopted pursuant to this chapter, [may]
16 violates any order of the commission, fails to obtain a permit
17 when a permit is required under this chapter, or fails to comply
18 with permit conditions, shall be subject to a fine imposed by
19 the commission. ~~[Such fine]~~ The fine shall be not less than \$50
20 and shall not exceed [\$5,000. For a continuing offense, each
21 day during which the offense is committed is a separate



1 ~~violation.]~~ \$60,000 per violation. Each day that a violation
2 exists or continues to exist shall constitute a separate
3 offense. Penalties for continuing violations shall be assessed
4 from the earliest known date of the violation. The earliest
5 known date of a violation shall be determined by the commission
6 by a preponderance of the evidence; provided that if the
7 earliest known date cannot be determined by a preponderance of
8 the evidence, penalties for continuing violations shall be
9 assessed from the earliest date the commission is made aware of
10 the violation.

11 (c) The commission shall determine the penalty amount for
12 each violation upon review of the circumstances of the
13 violation, taking into account the nature, extent, and gravity
14 of the violation and considering the history of such violations,
15 degree of culpability, and other matters as justice may require.

16 ~~[(e)]~~ (d) No provision of this chapter shall bar the right
17 of any injured person to seek other legal or equitable relief
18 against a violator of this chapter.

19 ~~[(d)]~~ (e) Except as otherwise provided by law, the
20 commission or its authorized representative by proper delegation
21 ~~[may]~~ shall set, charge, and collect administrative fines ~~[or]~~;



1 may bring legal action to recover administrative fees and costs
2 as documented by receipts or affidavit, including [~~attorneys'~~
3 attorney's fees and costs; [~~or~~] and may bring legal action to
4 recover administrative fines, fees, and costs, including
5 [~~attorneys'~~] attorney's fees and costs, or payment for damages
6 resulting from a violation of this chapter or any rule adopted
7 pursuant to this chapter."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2025.

11

INTRODUCED BY:



JAN 16 2025



H.B. NO. 300

Report Title:

State Water Code; Commission on Water Resource Management;
Penalties

Description:

Adds a minimum penalty of \$50 and a maximum penalty of \$60,000 per violation of the State Water Code and makes each day that a violation exists or continues to exist a separate offense. Requires the Commission on Water Resource Management to determine the amount of the penalty based on the circumstances of the violation.

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

