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# 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 342D-1, Hawaii Revised Statutes, is  
4 amended by adding two new definitions to be appropriately  
5 inserted and to read as follows:

6 "Potable water" means:

7 (1) Surface water that has been treated and satisfies  
8 standards set by administrative rules adopted by the  
9 department; and

10 (2) Ground water extracted at an acceptable rate that  
11 contains chlorides at a level, and that can be  
12 disinfected to standards, set by administrative rules  
13 adopted by the department.

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

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

18 **"§174C-5 General powers and duties.** The general  
19 administration of the state water code shall rest with the  
20 commission on water resource management. In addition to its  
21 other powers and duties, the commission:



- 1           (1) Shall carry out topographic surveys, research, and  
2                    investigations into all aspects of water use and water  
3                    quality;
- 4           (2) Shall designate water management areas for regulation  
5                    under this chapter where the commission, after the  
6                    research and investigations mentioned in paragraph  
7                    (1), shall consult with the appropriate county council  
8                    and county water agency, and after public hearing and  
9                    published notice, finds that the water resources of  
10                  the areas are being threatened by existing or proposed  
11                  withdrawals of water;
- 12          (3) Shall establish an instream use protection program  
13                  designed to protect, enhance, and reestablish, where  
14                  practicable, beneficial instream uses of water in the  
15                  State;
- 16          (4) May contract and cooperate with the various agencies  
17                  of the federal government and with state and local  
18                  administrative and governmental agencies or private  
19                  persons;
- 20          (5) May enter, after obtaining the consent of the property  
21                  owner, at all reasonable times upon any property other



1 than dwelling places for the purposes of conducting  
2 investigations and studies or enforcing any of the  
3 provisions of this code, being liable, however, for  
4 actual damage done. If consent cannot be obtained,  
5 reasonable notice shall be given prior to entry;

6 (6) Shall cooperate with federal agencies, other state  
7 agencies, county or other local governmental  
8 organizations, and all other public and private  
9 agencies created for the purpose of utilizing and  
10 conserving the waters of the State, and assist these  
11 organizations and agencies in coordinating the use of  
12 their facilities and participate in the exchange of  
13 ideas, knowledge, and data with these organizations  
14 and agencies. For this purpose the commission shall  
15 maintain an advisory staff of experts;

16 (7) Shall prepare, publish, and issue printed pamphlets  
17 and bulletins as the commission deems necessary for  
18 the dissemination of information to the public  
19 concerning its activities;

20 (8) May appoint and remove agents, including hearings  
21 officers and consultants, necessary to carry out the



1 purposes of this chapter, who may be engaged by the  
2 commission without regard to the requirements of  
3 chapter 76 and section 78-1;

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

5 (10) May acquire, lease, and dispose of real and personal  
6 property as may be necessary in the performance of its  
7 functions, including the acquisition of real property  
8 for the purpose of conserving and protecting water and  
9 water related resources as provided in  
10 section 174C-14;

11 (11) Shall identify, by continuing study, those areas of  
12 the State where salt water intrusion is a threat to  
13 fresh water resources and report its findings to the  
14 appropriate county mayor and council and the public;

15 (12) Shall provide coordination, cooperation, or approval  
16 necessary to the effectuation of any plan or project  
17 of the federal government in connection with or  
18 concerning the waters of the State. The commission  
19 shall approve or disapprove any federal plans or  
20 projects on behalf of the State. No other agency or  
21 department of the State shall assume the duties



1 delegated to the commission under this paragraph;  
2 except that the department of health shall continue to  
3 exercise the powers vested in it with respect to water  
4 quality, and except that the department of business,  
5 economic development, and tourism shall continue to  
6 carry out its duties and responsibilities under  
7 chapter 205A;

8 (13) Shall plan and coordinate programs for the  
9 development, conservation, protection, control, and  
10 regulation of water resources, including nonpotable  
11 water, based upon the best available information, and  
12 in cooperation with federal agencies, other state  
13 agencies, county or other local governmental  
14 organizations, and other public and private agencies  
15 created for the utilization and conservation of water;

16 (14) Shall catalog and maintain an inventory of all water  
17 uses and water resources; and

18 (15) Shall determine appurtenant water rights, including  
19 but not limited to the quantification of the amount of  
20 water and the specification of the water course or the  
21 means of access and delivery entitled to by that



1 right, which determination shall be valid for purposes  
2 of this chapter."

3 SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY: 



# S.B. NO. 1239

**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.

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

