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# A BILL FOR AN ACT

RELATING TO WASTEWATER MANAGEMENT.

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

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

4       "§342D-     Testing for perfluoroalkyl and polyfluoroalkyl  
5       substances. A wastewater treatment works that has been designed  
6       and approved for land application of its sewage sludge shall  
7       test sewage sludge and any other residual material that is  
8       intended for land application for the presence of perfluoroalkyl  
9       and polyfluoroalkyl substances."

10       SECTION 2. Section 342D-1, Hawaii Revised Statutes, is  
11       amended by adding a new definition to be appropriately inserted  
12       and to read as follows:

13       "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS"  
14       means fluorinated substances that contain either a  
15       perfluoroalkyl moiety with two adjacent fully fluorinated  
16       carbons or perfluoroalkyl ether moiety; or at least one full  
17       fluorinated methyl or methylene carbon atom without any



1 hydrogen, chlorine, bromine, or iodine atom attached to it.  
2 "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS"  
3 includes any chemical with at least a perfluorinated methyl  
4 group (-CF<sub>3</sub>) or a perfluorinated methylene group (CF<sub>2</sub>-)."

5 SECTION 3. Section 342D-5, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "[~~§~~§342D-5~~§~~] **Rules; specific.** The director may  
8 establish by rule, water quality standards, effluent standards,  
9 treatment and pretreatment standards, and standards of  
10 performance for specific areas and types of discharges in the  
11 control of water pollution, thereby allowing for varying local  
12 conditions~~(-)~~; provided that the director shall adopt rules  
13 providing for the safe disposal and sequestration of sewage  
14 sludge and other residual materials accumulated at a wastewater  
15 treatment works that contain specific amounts of perfluoroalkyl  
16 and polyfluoroalkyl substances."

17 SECTION 4. Section 342D-6, Hawaii Revised Statutes, is  
18 amended by amending subsection (c) to read as follows:

19 "(c) The director shall issue a permit for any term, not  
20 exceeding five years, if the director determines that it will be  
21 in the public interest; provided that the permit may be subject



1 to any reasonable conditions that the director may prescribe.  
2 The director may include conditions in permits or may issue  
3 separate permits for management practices for domestic sewage,  
4 sewage sludge, and recycled water, regardless of whether the  
5 practices cause water pollution[-]; provided that if testing  
6 conducted pursuant to section 342D- yields any amount of  
7 perfluoroalkyl or polyfluoroalkyl substances in sewage sludge or  
8 any other residual material, a permit shall not authorize the  
9 land application of that sewage sludge or other residual  
10 material on land used for agronomic purposes, on land where  
11 drainage tiles have been installed, on land that drains into  
12 waters of the State, or lands in a five hundred-year floodplain.  
13 The director, on application, shall renew a permit from time to  
14 time, for a term not exceeding five years, if the director  
15 determines that it will be in the public interest. The director  
16 shall not grant or deny an application for the issuance or  
17 renewal of a permit without affording the applicant and any  
18 person who commented on the proposed permit during the public  
19 comment period an opportunity for a hearing in accordance with  
20 chapter 91. A request for a hearing and any judicial review of  
21 the hearing shall not stay the effect of the issuance or renewal



1 of a permit unless specifically ordered by the director or an  
2 environmental court."

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on December 31,  
6 2050.

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**Report Title:**

DOH; Perfluoroalkyl and Polyfluoroalkyl Substances; PFAS;  
Wastewater Management; Testing; Rules; Permits; Prohibition

**Description:**

Requires a wastewater treatment works to test sewage sludge and any other residual material for the presence of PFAS. Requires the Department of Health to adopt administrative rules for the safe disposal and sequestration of sewage sludge and other residual material that contain specific amounts of PFAS. Prohibits the issuance or renewal of permits if testing yields PFAS in sewage sludge or other residual material on land used for agronomic purposes, on land where drainage tiles have been installed, on land that drains into waters of the State, or land in a five hundred-year floodplain. Effective 12/31/2050. (SD1)

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