

A Bill for an Act Relating to Safe Drinking Water.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 340E-7, Hawaii Revised Statutes, is amended to read as follows:

“§340E-7 **Prohibited acts.** (a) No supplier of water shall violate any rule or regulation promulgated pursuant to section 340E-2.

(b) No supplier of water shall violate any condition or provision of a variance, exemption, permit, or other written authorization issued under this chapter.

(c) No supplier of water shall violate any requirement of an emergency plan promulgated pursuant to section 340E-5.

(d) No supplier of water shall disseminate any false or misleading information with respect to notices required pursuant to section 340E-6 or with respect to remedial actions undertaken to achieve compliance with State Primary Drinking Water Regulations.

(e) No person shall violate any order issued by the director pursuant to this chapter.

(f) No person shall cause a public water system to violate the State Primary Drinking Water Regulations.

(g) No person shall violate underground injection control regulations promulgated pursuant to this chapter.”

SECTION 2. Section 340E-8, Hawaii Revised Statutes, is amended to read:

“§340E-8 **Penalties and remedies.** (a) Any person who violates section 340E-7, except subsection 340E-7(g), shall be civilly penalized not more than \$5,000 per day of violation.

(b) Any person who violates subsection 340E-7(g) shall be civilly penalized not more than \$7,500 per day of violation.

(c) Any person who willfully violates subsection 340E-7(g) shall be criminally fined not more than \$7,500 per day of violation.

(d) Any person may be enjoined from any violation of section 340E-7.

(e) The director may enforce this chapter in either administrative or judicial proceedings:

- (1) Administrative. If the director determines that any person is violating any provision of this chapter, any rule or regulation promulgated thereunder, or any variance, exemption, permit, or other written authorization issued pursuant thereto, the director may have that person served with a notice of violation and an order. The notice shall specify the alleged violation. The order may require that the alleged violator do any or all of the following: cease and desist from the violation, pay a civil penalty as specified in this section, or appear before the director at a time and place specified in the order and answer the charges complained of. The order shall become final twenty days after service unless within those twenty days the alleged violator requests in writing a hearing before the director. Upon such request the director shall specify a time and place for the alleged violator to appear. When the director issues an order for

ACT 12

immediate action to protect the public health from an imminent and substantial danger, the department shall provide an opportunity for a hearing within twenty-four hours after service of the order. After a hearing pursuant to this subsection, the director may affirm, modify, or rescind his order as he deems appropriate. The director may institute a civil action in any court of appropriate jurisdiction for the enforcement of any order issued pursuant to this subsection.

- (2) Judicial. The director may institute a civil action in any court of appropriate jurisdiction for injunctive relief to prevent violation of this chapter or any order or regulation issued pursuant to this chapter, in addition to any other remedy provided for under this section.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date. This Act shall not be construed to invalidate currently existing rules and regulations of the Department of Health.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 5. This Act shall take effect upon its approval.

(Approved April 16, 1981.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.