

ACT 268

H.B. NO 2523-84

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-4, Hawaii Revised Statutes, is amended to read as follows:

“~~[]§340E-4[]~~ **Imminent hazards.** The director [may,] shall, upon learning that a contaminant is present in or is likely to enter a public water

system and may present an imminent and substantial danger to the public, take such actions necessary to protect the health of the public. The actions which the director may take include but are not limited to:

- (1) Issuing such orders as may be necessary to protect the health of persons who are or may be users of such system (including travelers); and
- (2) Commencing a civil action for appropriate relief, including a restraining order or permanent or temporary injunction.”

SECTION 2. Section 340E-6, Hawaii Revised Statutes, is amended to read as follows:

“**[]§340E-6[] Notification of users and department.** Whenever a public water system:

- (1) Fails to comply with an applicable maximum contaminant level, treatment technique, or testing procedure requirement of a State Primary Drinking Water Regulation;
- (2) Fails to perform monitoring required by regulations adopted by the director;
- (3) Is subject to a variance granted for an inability to meet a maximum contaminant level requirement;
- (4) Is subject to an exemption; or
- (5) Fails to comply with the requirements of any schedule prescribed by such a variance or exemption[.];

the public water system shall promptly notify the department and local communications media of the conditions and the extent to which they may impose adverse effects on public health[.] and the corrective action being taken when appropriate. At least once every three months so long as the failure, variance, or exemption continues, the public water system shall also publish notice in a newspaper of general circulation within the areas served by the public water system. [Such] The notice shall also accompany the water bills of the public water system so long as the failure, variance, or exemption continues[, as follows: if the water bills are issued more than once every three months, such notice shall be included in at least one water bill of the system for each customer every three months; if the water bills are issued less than once every three months, such notice shall be included in each of the water bills issued by the system for each customer]. The director shall prescribe by [regulations] rules the form and manner for giving such notice. [Such regulations] The rules may contain such additional public notification requirements as the director determines are necessary to best effectuate the purpose of this section and may also contain alternative notice requirements for systems principally serving nonresident users.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved June 5, 1984.)