

ACT 213

S.B. NO. 2752

A Bill for an Act Relating to Abandoned Wells.

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

SECTION 1. The legislature finds that wells in a state of disuse or disrepair can become conduits for contaminants to be introduced into ground water. Abandoned wells can also become receptacles for the disposal of waste, potentially resulting in additional contamination and associated risk to public health and the environment.

The legislature further finds that the commission on water resource management has developed minimum standards relating to water wells, including their sealing and abandonment, in order to protect the quality and quantity of the State's ground water resources.

The purpose of this Act is to require an owner of an abandoned well to repair or seal the well at the owner's expense.

SECTION 2. Section 174C-81, Hawaii Revised Statutes, is amended by amending the definition of "abandoned well" to read as follows:

““Abandoned well” means any well ~~that~~:

- (1) The purpose or use of which has been permanently discontinued~~Any well shall be deemed abandoned which is~~;
- (2) That has served its purpose;
- (3) That is not properly maintained;
- (4) The physical condition of which is causing a waste of ground water or is impairing or threatens to impair the quality of the ground water resources; or
- (5) That is in such a state of disrepair that its continued use [for the purpose of obtaining ground water] is impractical~~or poses a hazard to public health or safety.~~”

SECTION 3. Section 174C-87, Hawaii Revised Statutes, is amended to read as follows:

“§174C-87 [Abandonment] Sealing of abandoned wells. (a) When a well is abandoned, the owner shall ~~[fill and]~~ seal the abandoned well in a manner approved by the commission. Before ~~[abandonment,]~~ sealing, the owner shall file with the commission ~~[a report showing the owner’s name and address; the water use permit number, if any; the name and address of the well driller who will be employed to perform the work required for abandonment; the reason for abandonment; a description of the work to be performed to effect the abandonment;]~~ an application for a well sealing permit signed by a driller licensed to do the work and [such] other information [as] required by the commission [may require].

(b) The owner of an abandoned well shall repair or seal the well at the owner’s expense, as provided by the well construction and pump installation standards.

(c) Notwithstanding any other law to the contrary, if the owner of real property that includes an abandoned well transfers ownership of the real property, the owner shall notify the commission on water resource management of that transfer upon opening of escrow; provided that the presence or existence of the abandoned well is:

- (1) Within the knowledge of the owner; or
- (2) Visible from an accessible area.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

(Approved June 27, 2022.)