
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The development of lands by public and private
2 entities often relies upon the use of pesticides, herbicides,
3 and other chemicals to treat the land prior to development.
4 There is growing evidence that the use of these chemicals may be
5 harmful to human health. Furthermore, there is growing concern
6 about the use of these chemicals and their contribution to non-
7 point source pollution of streams, coastal waters, and ground
8 drinking water. Hawaii has already faced situations of chemical
9 contamination of groundwater that has cost millions of dollars
10 to make the water safe to drink.

11 Although Hawaii currently has laws relating to safe
12 drinking water and non-point source pollution management and
13 control, development of a strategy to minimize the use of
14 chemicals by land developers would increase the effectiveness of
15 these laws and take a proactive approach to protecting the
16 state's drinking water.



1 The purpose of this Act is to develop a strategy to protect
2 groundwater from contamination by minimizing the use of
3 chemicals when developing lands.

4 SECTION 2. Chapter 340E, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§340E- Groundwater protection program. (a) There is
8 established within the department a groundwater protection
9 program to protect all public water systems within the state
10 from chemical pollution from land development projects. The
11 program may request the assistance of the nonpoint source
12 pollution management and control program of the department
13 established in section 342E-2, whenever necessary, to administer
14 this section.

15 (b) A strategy for groundwater protection from chemical
16 pollution shall be designed to minimize costs, minimize the use
17 of chemical methods, and promote the use of non-chemical methods
18 for land development projects. The overall goal of this
19 strategy shall be the reduction and minimization of chemical use
20 while taking into account human health, environmental,
21 aesthetic, and economic concerns.



- 1 (1) Two representatives from the department of health,
2 which shall include:
- 3 (A) A representative of the clean water branch; and
4 (B) A representative of the nonpoint source pollution
5 management and control program;
- 6 (2) A representative from each of the counties of Maui,
7 Hawaii, and Kauai, and the city and county of
8 Honolulu;
- 9 (3) A representative from each of the respective boards of
10 water supply from the city and county of Honolulu and
11 counties of Maui, Hawaii, and Kauai;
- 12 (4) A representative from the land use commission;
- 13 (5) A representative from the building industry;
- 14 (6) A representative who is an expert in the field of
15 biodiversity;
- 16 (7) A representative from the pesticide industry;
- 17 (8) A representative from the herbicide industry;
- 18 (9) A representative from the environmental community; and
- 19 (10) Any other representative or designee deemed
20 appropriate by the director of health.
- 21 (e) The committee shall elect a chairperson and vice-
22 chairperson from among its members. A majority of the members



1 shall constitute a quorum. The committee shall be placed within
2 the department of health for administrative purposes. Members
3 of the committee shall serve without compensation. The
4 committee shall meet at least twice a year and shall submit a
5 report on the progress made to reduce chemical use, including
6 any recommendations for administrative or statutory changes, to
7 the legislature not less than twenty days prior to the convening
8 of each regular session of the legislature.

9 (f) The committee may engage in efforts to encourage and
10 recognize superior ground water protection efforts made by land
11 developers that exceed any recommendations of the committee or
12 any requirements established by law.

13 (g) For the purposes of this section:

14 "Chemical pollution" means:

15 (1) Such contamination or other alteration of the
16 physical, chemical, or biological properties of any
17 public water system, including change in taste, color,
18 turbidity, or odor of the water in the water system;

19 or

20 (2) Such discharge of any liquid, gaseous, solid,
21 radioactive, or other substances into any public water
22 system,



1 as will or is likely to create a nuisance or render such waters
2 unreasonably harmful, detrimental, or injurious to public
3 health, safety, or welfare, including harm, detriment, or injury
4 to fish and aquatic life and wildlife, recreational purposes,
5 and agricultural and industrial research and scientific uses of
6 such waters, or as will or is likely to violate any water
7 quality standards, effluent standards, treatment and
8 pretreatment standards, or standards of performance for new
9 sources adopted by the department.

10 "Land development projects" means the planning, financing,
11 acquisition of real and personal property, demolition of
12 existing structures, clearance of real property, construction,
13 reconstruction, alteration, or repairing of approaches, streets,
14 sidewalks, utilities, and services, or other site improvements,
15 or construction, reconstruction, repair, remodeling, extension,
16 equipment, or furnishing of buildings or other structures, or
17 any combination of the foregoing, of any housing project. It
18 also includes any and all undertakings necessary therefor, and
19 the acquisition of any housing, in whole or in part.

20 "Nonchemical methods" means methods that reduce or
21 eliminate noxious plant and weed species, pests, or fungi



1 through the use of mechanical, manual, cultural, biological,
2 thermal, structural, and other methods of control."

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2006-2007 for
6 establishing and maintaining the groundwater protection program.

7 The sum appropriated shall be expended by the department of
8 health for the purposes of this Act.

9 SECTION 4. The department of health shall submit a
10 preliminary report to the legislature no later than twenty days
11 prior to the convening of the regular session of 2007 on the
12 progress and plans to comply with section 2 of this Act.

13 SECTION 5. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2006.

15

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H.B. NO. 2174

Report Title:

Safe drinking water; groundwater contamination

Description:

Establishes the groundwater protection program to develop strategies to protect groundwater from chemical contamination associated with the use of chemicals on land development projects.

HB HMS 2006-1073

