

JAN 25 2006

A BILL FOR AN ACT

RELATING TO WATER USE.

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 be appropriately designated
3 and to read as follows:

4 "§342D- Irrigation of golf courses; use of reclaimed
5 water; required. (a) Effective January 1, 2007, all new golf
6 courses shall be irrigated with only reclaimed water. Effective
7 January 1, 2012, all golf courses shall be irrigated with only
8 reclaimed water. Potable water shall not be used for golf
9 course maintenance or operation, except for water used for human
10 consumption.

11 (b) Each county's board of water supply, in conjunction
12 with the department, shall:

13 (1) Promulgate standards for distribution and use of
14 reclaimed water; and

15 (2) Adopt rules regarding the use of reclaimed water for
16 golf course irrigation.

17 The standards and rules shall protect existing water quality and
18 the health and safety of the public.



1 For purposes of this section:

2 "Ground water" has the same meaning defined in section
3 174C-3.

4 "Potable water" means:

5 (1) Surface water that has been treated and satisfies
6 standards set by administrative rules adopted by the
7 department; and

8 (2) Groundwater that:

9 (A) Contains chlorides at a level; and

10 (B) Can be disinfected to standards,
11 set by administrative rules adopted by the department.

12 "Reclaimed water" means recycled water and groundwater
13 extracted from wells that draw from below the underground
14 injection control line of an aquifer and that contains chlorides
15 in excess of the level, or that can not be disinfected to
16 standards, set by administrative rules adopted by the
17 department. Reclaimed water excludes surface water.

18 "Surface water" has the same meaning defined in section
19 174C-3.

20 "Well" has the same meaning defined in section 174C-3."



1 SECTION 2. Section 174C-3, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Reclaimed water" means recycled water and groundwater
5 extracted from wells that draw from below the underground
6 injection control line of an aquifer and that contains chlorides
7 in excess of the level, or that can not be disinfected to
8 standards, set by administrative rules adopted by the department
9 and excludes surface water."

10 SECTION 3. Section 174C-5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§174C-5 General powers and duties.** The general
13 administration of the state water code shall rest with the
14 commission on water resource management. In addition to its
15 other powers and duties, the commission:

16 (1) Shall carry out topographic surveys, research, and
17 investigations into all aspects of water use and water
18 quality;

19 (2) Shall designate water management areas for regulation
20 under this chapter where the commission, after the
21 research and investigations mentioned in paragraph

22 (1), shall consult with the appropriate county council



1 and county water agency, and after public hearing and
2 published notice, finds that the water resources of
3 the areas are being threatened by existing or proposed
4 withdrawals of water;

5 (3) Shall establish an instream use protection program
6 designed to protect, enhance, and reestablish, where
7 practicable, beneficial instream uses of water in the
8 State;

9 (4) May contract and cooperate with the various agencies
10 of the federal government and with state and local
11 administrative and governmental agencies or private
12 persons;

13 (5) May enter, after obtaining the consent of the property
14 owner, at all reasonable times upon any property other
15 than dwelling places for the purposes of conducting
16 investigations and studies or enforcing any of the
17 provisions of this code, being liable, however, for
18 actual damage done. If consent cannot be obtained,
19 reasonable notice shall be given prior to entry;

20 (6) Shall cooperate with federal agencies, other state
21 agencies, county or other local governmental
22 organizations, and all other public and private



1 agencies created for the purpose of utilizing and
2 conserving the waters of the State, and assist these
3 organizations and agencies in coordinating the use of
4 their facilities and participate in the exchange of
5 ideas, knowledge, and data with these organizations
6 and agencies. For this purpose the commission shall
7 maintain an advisory staff of experts;

8 (7) Shall prepare, publish, and issue such printed
9 pamphlets and bulletins as the commission deems
10 necessary for the dissemination of information to the
11 public concerning its activities;

12 (8) May appoint and remove agents and employees including
13 hearings officers, specialists, and consultants
14 necessary to carry out the purposes of this chapter,
15 who may be engaged by the commission without regard to
16 the requirements of chapter 76 and section 78-1;

17 (9) May acquire, lease, and dispose of such real and
18 personal property as may be necessary in the
19 performance of its functions, including the
20 acquisition of real property for the purpose of
21 conserving and protecting water and water related
22 resources as provided in section 174C-14;



- 1 (10) Shall identify, by continuing study, those areas of
2 the State where salt water intrusion is a threat to
3 fresh water resources and report its findings to the
4 appropriate county mayor and council and the public;
- 5 (11) Shall provide coordination, cooperation, or approval
6 necessary to the effectuation of any plan or project
7 of the federal government in connection with or
8 concerning the waters of the State. The commission
9 shall approve or disapprove any federal plans or
10 projects on behalf of the State. No other agency or
11 department of the State shall assume the duties
12 delegated to the commission under this paragraph;
13 except that the department of health shall continue to
14 exercise the powers vested in it with respect to water
15 quality, and except that the department of business,
16 economic development, and tourism shall continue to
17 carry out its duties and responsibilities under
18 chapter 205A;
- 19 (12) Shall plan and coordinate programs for the
20 development, conservation, protection, control, and
21 regulation of water resources, including reclaimed
22 water, based upon the best available information, and

1 in cooperation with federal agencies, other state
2 agencies, county or other local governmental
3 organizations, and other public and private agencies
4 created for the utilization and conservation of water;
5 (13) Shall catalog and maintain an inventory of all water
6 uses and water resources; and
7 (14) Shall determine appurtenant water rights, including
8 quantification of the amount of water entitled to by
9 that right, which determination shall be valid for
10 purposes of this chapter."

11 SECTION 4. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval;
13 provided that section 1 shall take effect on January 1, 2007.

14

INTRODUCED BY: *Suzanne Chun Oakland*

Report Title:

Golf Course Irrigation; Reclaimed Water

SB. NO. 2633

Description:

Requires new golf courses to irrigate with reclaimed water effective 1/1/07 and all existing golf courses to use reclaimed water by 1/1/12. Emphasizes role of reclaimed water in programs for the development, conservation, protection, control, and regulation of water resources.

