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# A BILL FOR AN ACT

RELATING TO WATER QUALITY.

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

1 PART I

2 DRINKING WATER AND WASTEWATER INFRASTRUCTURE

3 SECTION 1. The purpose of this part is to enable Hawaii to  
4 receive and use moneys under the federal American Recovery and  
5 Reinvestment Act of 2009 and any later federal laws for drinking  
6 water or wastewater infrastructure.

7 SECTION 2. Chapter 340E, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows: '

10 **"§340E- Use of American Recovery and Reinvestment Act of**  
11 **2009 and other federal moneys.** (a) The director may provide  
12 financial assistance to public water systems for the  
13 construction of necessary drinking water infrastructure  
14 projects, through the drinking water fund, using moneys from the  
15 American Recovery and Reinvestment Act of 2009 and other  
16 applicable federal acts.

17 (b) The director may establish a separate account within  
18 the drinking water fund and assign to that account federal



1 moneys appropriated under federal laws that authorize principal  
2 forgiveness, zero and negative interest loans, and grants,  
3 including the American Recovery and Reinvestment Act of 2009 and  
4 other applicable federal acts. The director may use those  
5 moneys and in so doing may include additional requirements and  
6 subsidization not applicable to the remainder of the drinking  
7 water fund, including forgiveness of principal, zero and  
8 negative interest loans, and grants to public water systems that  
9 meet eligibility requirements for the drinking water fund.

10 (c) The director shall certify that a project is entitled  
11 to priority over other eligible projects on the basis of  
12 drinking water quality and financial needs, as well as a  
13 preference to those projects that can be started and completed  
14 expeditiously as stipulated under the American Recovery and  
15 Reinvestment Act of 2009 and other applicable federal acts.

16 (d) Among eligible projects, the director may also give  
17 priority to projects that incorporate renewable energy, energy  
18 efficiency, and conservation measures in drinking water  
19 infrastructure, to the extent allowed by federal law.

20 (e) Each project receiving financial assistance shall  
21 conform with the conditions for drinking water project financial  
22 assistance under section 340E-37(a)."



1 SECTION 3. 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- Use of American Recovery and Reinvestment Act of  
5 2009 and other federal moneys. (a) The director may provide  
6 financial assistance for publicly owned wastewater treatment  
7 works for the construction of necessary wastewater  
8 infrastructure projects, through the revolving fund, using  
9 moneys from the American Recovery and Reinvestment Act of 2009  
10 and other applicable federal acts.

11 (b) The director may establish a separate account within  
12 the revolving fund and assign to that account federal moneys  
13 appropriated under federal laws that authorize principal  
14 forgiveness, zero and negative interest loans, and grants,  
15 including the American Recovery and Reinvestment Act of 2009 and  
16 other applicable federal acts. The director may use those  
17 moneys and in so doing may include additional requirements and  
18 subsidization not applicable to the remainder of the revolving  
19 fund, including forgiveness of principal, zero and negative  
20 interest loans, and grants to publicly-owned wastewater  
21 treatment works that meet eligibility requirements for the  
22 revolving fund.



1       (c) The director shall certify that a project receiving  
2 financial assistance is entitled to priority over other eligible  
3 projects on the basis of water pollution and financial needs, as  
4 well as a preference to those projects that can be started and  
5 completed expeditiously as stipulated under the American  
6 Recovery and Reinvestment Act of 2009 and other applicable  
7 federal acts.

8       (d) Among eligible projects, the director may also give  
9 priority to projects that incorporate renewable energy, energy  
10 efficiency, and conservation measures in wastewater  
11 infrastructure, to the extent allowed by federal law.

12       (e) Each project receiving financial assistance shall be  
13 in conformance with the conditions for water pollution control  
14 financing under section 342D-87(a) (1), (2), (4), and (5), and  
15 (b)."

16       SECTION 4. Section 340E-31, Hawaii Revised Statutes, is  
17 amended by adding a new definition to be appropriately inserted  
18 and to read as follows:

19       "American Recovery and Reinvestment Act of 2009" means the  
20 federal law, Public Law 111-5, making appropriations for various  
21 purposes, including job preservation and creation,  
22 infrastructure investment, energy efficiency and science,



1 assistance to the unemployed, and state and local fiscal  
2 stabilization purposes."

3 SECTION 5. Section 342D-80, Hawaii Revised Statutes, is  
4 amended by adding a new definition to be appropriately inserted  
5 and to read as follows:

6 "American Recovery and Reinvestment Act of 2009" means the  
7 federal law, Public Law 111-5, making appropriations for various  
8 purposes, including job preservation and creation,  
9 infrastructure investment, energy efficiency and science,  
10 assistance to the unemployed, and state and local fiscal  
11 stabilization purposes."

12 PART II

13 TOTAL MAXIMUM LOAD COORDINATOR

14 SECTION 6. The department of health may establish not more  
15 than two exempt positions, each entitled "total maximum daily  
16 load coordinator." The total maximum daily load coordinator  
17 positions shall, among other duties, assist the department to  
18 meet federal requirements for establishing total maximum daily  
19 loads in Hawaii. This includes quantifying waste load  
20 allocations and load allocation limits on pollutant loading of  
21 Hawaii inland and marine waters and developing technically based  
22 plans for achieving the State's stated water quality goals. The



1 positions shall be appointed by the director of health without  
2 regard to chapter 76. These positions shall be funded by  
3 federal grants to the State under the Federal Water Pollution  
4 Control Act of 1972, Public Law 92-500 (33 U.S.C. 1251-1387), as  
5 amended.

6 PART III

7 GENERAL PROVISIONS

8 SECTION 7. New statutory material is underscored.

9 SECTION 8. This Act shall take effect upon its approval.



H.B. NO. 1807  
H.D. 1  
S.D. 2  
C.D. 1

**Report Title:**

Water Quality

**Description:**

Authorizes the Director of Health to use federal moneys from the American Recovery and Reinvestment Act of 2009 and other applicable federal acts to fund drinking water and wastewater infrastructure programs. Establishes exempt positions entitled total maximum daily load coordinators. (HB1807 CD1)

HB1807 CD1 HMS 2009-4111

