
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 without limitation the American Recovery and
4 Reinvestment Act of 2009 and other applicable federal acts. The
5 director may use those moneys and in so doing may include
6 additional requirements and subsidization not applicable to the
7 remainder of the drinking water fund, including forgiveness of
8 principal, zero and negative interest loans, and grants to
9 public water systems that meet eligibility requirements for the
10 drinking water fund.

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

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

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

4 SECTION 3. Chapter 342D, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§342D- Use of American Recovery and Reinvestment Act of
8 2009 and other federal moneys. (a) The director may provide
9 financial assistance for publicly owned wastewater treatment
10 works for the construction of necessary wastewater
11 infrastructure projects, through the revolving fund, using
12 moneys from the American Recovery and Reinvestment Act of 2009
13 and other applicable federal acts.

14 (b) The director may establish a separate account within
15 the revolving fund and assign to that account federal moneys
16 appropriated under federal laws that authorize principal
17 forgiveness, zero and negative interest loans, and grants,
18 including without limitation the American Recovery and
19 Reinvestment Act of 2009 and other applicable federal acts. The
20 director may use those moneys and in so doing may include
21 additional requirements and subsidization not applicable to the
22 remainder of the revolving fund, including forgiveness of

1 principal, zero and negative interest loans, and grants to
2 publicly-owned wastewater treatment works that meet eligibility
3 requirements for the revolving fund.

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

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

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

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

1 each entitled "total maximum daily load coordinator". The total
2 maximum daily load coordinator positions shall, among other
3 duties, assist the department to meet federal requirements for
4 establishing total maximum daily loads in Hawaii. This includes
5 quantifying waste load allocations and load allocation limits on
6 pollutant loading of Hawaii inland and marine waters and
7 developing technically based plans for achieving the State's
8 stated water quality goals. The positions shall be appointed by
9 the director without regard to chapter 76. These positions
10 shall be funded by federal grants to the State under the Federal
11 Water Pollution Control Act of 1972, P.L. 92-500 (33 U.S.C.
12 §§1251-1387), as amended."

13 **PART III**

14 **APPROPRIATIONS AND GENERAL PROVISIONS**

15 SECTION 7. There is appropriated out of federal funds
16 received by the State from the American Recovery and
17 Reinvestment Act of 2009 and any other applicable federal acts
18 the sum of \$ or so much thereof as may be necessary
19 for fiscal year 2009-2010 to fund drinking water and wastewater
20 infrastructure projects pursuant to part I of this Act.

21 The sum appropriated shall be expended by the department of
22 health for the purposes of part I of this Act.

- 1 SECTION 8. New statutory material is underscored.
- 2 SECTION 9. This Act shall take effect upon its approval.

Report Title:

Water Quality

Description:

Authorizes the director 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 coordinator. (SD1)