
A BILL FOR AN ACT

RELATING TO BEACHES.

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

1 SECTION 1. Hawaii is losing its beaches at an alarming
2 rate due to chronic shoreline retreat and shoreline armoring and
3 that this loss of beaches is expected to accelerate in the
4 future. A recent study by the University of Hawaii and the
5 United States Geological Survey found that seventy per cent of
6 the beaches on Kauai, Oahu, and Maui are eroding and more than
7 thirteen miles of beaches included in the study have been lost
8 to erosion over the past century. Rates of coastal erosion and
9 beach loss are predicted to increase in the coming decades with
10 continued climate warming and accelerating sea level rise.

11 The legislature finds that the department of land and
12 natural resources is responsible for management of coastal
13 resources, including beaches and dunes. The department has
14 promoted adaptive sediment management techniques to mitigate
15 erosion and beach loss in some areas, including beach-scraping,
16 stream mouth-clearing, and sand-bypassing and back-passing. To



1 be effective, some of these maintenance activities must be
2 conducted on a recurring basis.

3 Unfortunately, efforts by government and private entities
4 to mitigate beach loss have been hampered by state water quality
5 regulations that severely inhibit the use of sediment management
6 as an erosion management tool. In addition, it has become
7 extremely arduous to obtain the permits necessary for sediment
8 management projects because, based on the State's interpretation
9 of the federal Clean Water Act, clean, locally sourced beach
10 sand is considered a water pollutant. Thus, sand that is
11 cleared from stream mouths or channels is often removed from the
12 beach system because it is considered a water pollutant.

13 Accordingly, the purpose of this Act is to exclude locally
14 sourced beach sand from the definition of "water pollutant" for
15 purposes of department of health water pollution control
16 permits. This exclusion would enable the beneficial use of
17 locally sourced beach sand to support sediment management
18 projects to mitigate erosion on Hawaii's beaches with no adverse
19 effects on water quality or marine and benthic resources beyond
20 those occurring naturally due to wave action, currents, and
21 littoral transport. It is not the intent of this Act to



1 circumvent the provisions of the Clean Water Act or the State's
2 water quality regulations but rather to clarify that locally
3 sourced beach sand is a naturally occurring material along
4 Hawaii's beaches and does not constitute a water pollutant.

5 SECTION 2. Section 342D-1, Hawaii Revised Statutes, is
6 amended by amending the definition of "water pollutant" to read
7 as follows:

8 "Water pollutant" means dredged spoil, solid refuse,
9 incinerator residue, sewage, garbage, sewage sludge, munitions,
10 chemical waste, biological materials, radioactive materials,
11 heat, wrecked or discarded equipment, rock, sand, soil,
12 sediment, cellar dirt and industrial, municipal, and
13 agricultural waste[-]; provided that sand shall not be
14 considered a water pollutant if it is:

- 15 (1) Clean, naturally occurring beach sand sourced from a
16 beach, stream mouth, or channel that is located in the
17 State; and
- 18 (2) Utilized on the adjoining beach or littoral cell for
19 the purposes of beach erosion mitigation, sediment
20 management, beach restoration, erosion control, or
21 dune restoration."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Beach Restoration; Water Pollutant; Sand

Description:

Clarifies that clean, naturally occurring beach sand moved from a beach, stream mouth, or channel to an adjoining beach or littoral cell for purposes of sediment or erosion control or for ecosystem restoration is not a water pollutant for purposes of Department of Health water quality permits. (HB2145 HD2)

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