

JAN 22 2016

A BILL FOR AN ACT

RELATING TO BEACHES.

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

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

12 The legislature further finds that the department of land
13 and natural resources is responsible for management of coastal
14 resources, including beaches and dunes. The department has
15 promoted adaptive sediment management techniques to mitigate
16 erosion and beach loss in some areas, including beach-scraping,
17 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".
15 This will enable the beneficial use of locally sourced beach
16 sand to support sediment management projects to mitigate erosion
17 on Hawaii's beaches with no negative impacts to water quality or
18 marine and benthic resources beyond those occurring naturally
19 due to wave action, currents, and littoral transport. It is not
20 the intent of this Act to circumvent the provisions of the Clean
21 Water Act or the State's water quality regulations, but rather



1 to clarify that locally sourced beach sand is a naturally
2 occurring material along Hawaii's beaches and does not
3 constitute a water pollutant.

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

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

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

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 2016.

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INTRODUCED BY: ~~AND D.C. FORT-AGAN~~

Helen Egg

[Signature]

Clarene W. [Signature]

[Signature]

Randy H. Baker

DM [Signature]
Michelle [Signature]

[Signature]

Lawrence R. [Signature]



S.B. NO. 2245

Report Title:

Beach Restoration; Water Pollutant; Sand

Description:

Amends the definition of "water pollutant" as used in chapter 342D, HRS, to exclude locally sourced beach sand.

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