

JAN 21 2022

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL REGULATIONS.

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

1 SECTION 1. The legislature finds that climate change has
2 led to increased frequency and magnitude of extreme rains in the
3 State. In addition to the immediate damage caused by extreme
4 rainfall, resulting groundwater can become polluted and carry
5 silt and other debris into coastal waters. Pollution washed
6 into coastal waters is particularly damaging to marine reefs,
7 such as those near Kauai. In 2002 and 2018, runoff from extreme
8 rains on Kauai devastated nearby reefs, which led to a twenty
9 per cent reduction in the local fish population and a forty per
10 cent reduction in the local urchin population. Similarly,
11 Molokai's southern reef, which is the longest continuous
12 fringing reef in the United States, has suffered extensive
13 damage from runoff pollution in recent years.

14 The legislature further finds that damage from water runoff
15 has been especially prevalent in areas where owners of large
16 tracts of land use those lands for activities that destabilize



1 the soil causing a higher risk of runoff and resultant damage to
2 surrounding resources.

3 The purpose of this Act is to reduce or eliminate damaging
4 runoff by implementing additional regulations on runoff from
5 large agricultural enterprises and facilities. Additionally,
6 this Act directs the department of health to prioritize
7 enforcement of water pollution regulations in areas where there
8 have been reports of runoff and other forms of water pollution.

9 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§342D- Agricultural pollution. (a) A landowner in
13 possession of ten thousand or more acres shall be liable for
14 damages and fines arising from runoff originating on their land
15 and entering into state waters or onto state lands.

16 (b) The department shall adopt rules pursuant to chapter
17 91 as necessary for the purposes of this section.

18 (c) As used in this section:

19 "Landowner" shall have the same meaning as in section
20 152-1.



1 "Runoff" means any water, silt, or other debris originating
2 in an agricultural facility or on lands used for the purposes of
3 an agricultural enterprise."

4 SECTION 3. The department of health shall prioritize
5 enforcement of water pollution control regulations in rural
6 areas where there are existing reports of runoff.

7 SECTION 4. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 5. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.

12
INTRODUCED BY: Lynn DeCrite



S.B. NO. 2619

Report Title:

Landowners; Runoff; Department of Land and Natural Resources

Description:

Requires that the Department of Land and Natural Resources adopt rules prohibiting landowners possessing ten thousand or more acres from producing runoff and holding those landowners responsible for any runoff originating on their property.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

