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# A BILL FOR AN ACT

RELATING TO ABANDONED WELLS.

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

1       SECTION 1. The legislature finds that wells in a state of  
2       disuse or disrepair can become conduits for contaminants to be  
3       introduced into ground water. Abandoned wells can also become  
4       receptacles for the disposal of waste, potentially resulting in  
5       additional contamination and associated risk to public health  
6       and the environment.

7       The legislature further finds that the commission on water  
8       resource management has developed minimum standards relating to  
9       water wells, including their sealing and abandonment, in order  
10      to protect the quality and quantity of the State's ground water  
11      resources.

12      The purpose of this Act is to require an owner of an  
13      abandoned well to repair or seal the well at the owner's  
14      expense.

15      SECTION 2. Section 174C-81, Hawaii Revised Statutes, is  
16      amended by amending the definition of "abandoned well" to read  
17      as follows:

18      "Abandoned well" means any well ~~[that]~~:



- 1        (1) The purpose or use of which has been permanently  
2                discontinued~~[. Any well shall be deemed abandoned~~  
3                ~~which is]~~ ;
- 4        (2) That has served its purpose;
- 5        (3) That is not properly maintained;
- 6        (4) The physical condition of which is causing a waste of  
7                ground water or is impairing or threatens to impair  
8                the quality of the ground water resources; or
- 9        (5) That is in such a state of disrepair that its  
10               continued use ~~[for the purpose of obtaining ground~~  
11               ~~water]~~ is impractical~~[.]~~ or poses a hazard to public  
12               health or safety."

13        SECTION 3. Section 174C-87, Hawaii Revised Statutes, is  
14 amended to read as follows:

15        "§174C-87    ~~[Abandonment]~~    Sealing of abandoned wells.    (a)  
16 When a well is abandoned, the owner shall ~~[fill and]~~ seal the  
17 abandoned well in a manner approved by the commission. Before  
18 ~~[abandonment,]~~ sealing, the owner shall file with the commission  
19 ~~[a report showing the owner's name and address; the water use~~  
20 ~~permit number, if any; the name and address of the well driller~~  
21 ~~who will be employed to perform the work required for~~



1 ~~abandonment; the reason for abandonment; a description of the~~  
2 ~~work to be performed to effect the abandonment;]~~ an application  
3 for a well sealing permit signed by a driller licensed to do the  
4 work and [such] other information [as] required by the  
5 commission [may require].

6 (b) The owner of an abandoned well shall repair or seal  
7 the well at the owner's expense, as provided by the well  
8 construction and pump installation standards.

9 (c) Notwithstanding any other law to the contrary, if the  
10 owner of real property that includes an abandoned well transfers  
11 ownership of the real property, the owner shall notify the  
12 commission on water resource management of that transfer upon  
13 opening of escrow; provided that the presence or existence of  
14 the abandoned well is:

15 (1) Within the knowledge of the owner; or

16 (2) Visible from an accessible area."

17 SECTION 4. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 5. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



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



**Report Title:**

Water; Abandoned Wells

**Description:**

Clarifies the definition of the term "abandoned well". Requires abandoned well owners to seal the well at the owner's expense.

(CD1)

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

