S.B. NO. ²⁷⁵² S.D. 2 H.D. 2

C.D. 1

A BILL FOR AN ACT

RELATING TO ABANDONED WELLS.

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

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

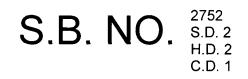
12 The purpose of this Act is to require an owner of an 13 abandoned well to repair or seal the well at the owner's 14 expense.

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]: 2022-3015 SB2752 CD1 SMA.doc

1

Page 2

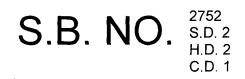


1	(1)	The purpose or use of which has been permanently
2		discontinued[. Any well shall be deemed abandoned
3		which is];
4	(2)	That has served its purpose;
5	(3)	That is not properly maintained;
6	(4)	The physical condition of which is causing a waste of
7		ground water or is impairing or threatens 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	SECT	ION 3. Section 174C-87, Hawaii Revised Statutes, is
14	amended to read as follows:	
15	"§17	4C-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 nu	mber, if any; the name and address of the well driller
21	who will	be employed to perform the work required for

2022-3015 SB2752 CD1 SMA.doc

2

Page 3



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.		

2022-3015 SB2752 CD1 SMA.doc

3



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.

