

A Bill for an Act Relating to Water Pollution.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 321-16, Hawaii Revised Statutes, is amended to read as follows:

“Section 321-16. Sanitation; drainage, water systems, sewage, penalty, etc.

To the extent and insofar as their sanitary or physical condition affects or may affect the public health, safety, or welfare, and except as may be otherwise provided by the Constitution of the State, the director of health may regulate, supervise, and control all waters within the State, drainage, drainage waters, drainage ditches and systems, water supplies, water systems or plants, sewage outfall areas, and sewage or refuse systems or plants, or the disposal of any sewage, garbage, feculent matter, offal, filth, refuse, any animal, mineral, or vegetable matter or substance, or any liquid, gaseous, or solid substance into any waters of the State as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety, or welfare, including harm, detriment, or injury to public water supplies, fish, and aquatic life and wildlife, recreational purposes and agriculture, industrial, and other legitimate uses of such waters. In connection therewith the director may appoint a master or masters to conduct investigations and to hold hearings. In order to effectuate a comprehensive program for the prevention, control, and abatement of pollution of the waters of the State including shore waters, such master or masters shall divide such waters into areas and shall recommend standards of water quality for such waters according to their present and future best uses. Upon adoption of the recommendations by the director, as submitted by the master or as modified by the director, it shall be unlawful for any person, including any public body, to use such waters for the disposal of the above listed matter or substance without first securing approval in writing from the director.

No person, firm, corporation, public utility, county, or other public body or commission or board shall establish, extend, or alter any system of drainage, sewage, or water supply, or undertake any project in sewage outfall areas where there may be a possibility of alteration of oceanographical currents depended upon for dilution until it has the same approved in writing by the director. For the proper exercise and execution of the foregoing powers the director may consult with and advise any such owner or applicant, having or proposing to have or to alter or to extend any water supply, drainage, or sewage system or plant to the end that the health, safety, and welfare of the public would be protected. He may also consult with and advise any person, firm, corporation, public utility, or other public body, commission, or board engaged in or in-

tending to be engaged in any business or undertaking whose sewage or drainage may tend to pollute water or whose operations may in any way affect the health, safety, or welfare of the public.

He may conduct such experiments or make such investigations as he may deem necessary to the proper determination of the purity and potability of water and for the prevention of the pollution of the same, or to effect the proper disposal of sewage, drainage, and waste. He may require a complete and detailed plan, description and history of the existing works, system, or plant and of any proposed addition to, modification or alteration of any such works, system, or plant, which plan shall be in such form and contain such information as the director may prescribe and shall be furnished at the cost and expense of the owner or applicant. The director may also require a report, in such form and containing such information as the director may prescribe, on the condition and operation of such works, system, or plant, which report shall be made by some competent person acceptable to the director at the expense of such owner or applicant. This section shall not be deemed to apply to or affect any person, firm, corporation, public utility, county or other public body or commission or board engaged strictly in the production and distribution of domestic water in the establishing, operation, extension, modification, or alteration of any water system or water plant for which there is regularly employed a sanitary engineer duly licensed under Chapter 464.

The director shall have the power to adopt, promulgate, and enforce rules and regulations for the execution of his powers and duties under this section.

The director may apply to any court of competent jurisdiction to enjoin any violation of this section or of any rule or regulation promulgated under this section.

Any person who willfully violates this section or any of the rules or regulations promulgated under this section shall be fined not more than \$500. Each day of violation shall constitute a separate offense. The department may institute legal proceedings in the name of the State to recover the penalty, which shall be a government realization.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 22, 1970.)

* Edited accordingly