

A Bill for an Act Relating to Water Quality.

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

PART I
DRINKING WATER AND WASTEWATER INFRASTRUCTURE

SECTION 1. The purpose of this part is to enable Hawaii to receive and use moneys under the federal American Recovery and Reinvestment Act of 2009 and any later federal laws for drinking water or wastewater infrastructure.

SECTION 2. Chapter 340E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§340E- Use of American Recovery and Reinvestment Act of 2009 and other federal moneys. (a) The director may provide financial assistance to public water systems for the construction of necessary drinking water infrastructure projects, through the drinking water fund, using moneys from the American Recovery and Reinvestment Act of 2009 and other applicable federal acts.

(b) The director may establish a separate account within the drinking water fund and assign to that account federal moneys appropriated under federal laws that authorize principal forgiveness, zero and negative interest loans, and grants, including the American Recovery and Reinvestment Act of 2009 and other applicable federal acts. The director may use those moneys and in so doing may include additional requirements and subsidization not applicable to the remainder of the drinking water fund, including forgiveness of principal, zero and negative interest loans, and grants to public water systems that meet eligibility requirements for the drinking water fund.

(c) The director shall certify that a project is entitled to priority over other eligible projects on the basis of drinking water quality and financial needs, as well as a preference to those projects that can be started and completed expeditiously as stipulated under the American Recovery and Reinvestment Act of 2009 and other applicable federal acts.

(d) Among eligible projects, the director may also give priority to projects that incorporate renewable energy, energy efficiency, and conservation measures in drinking water infrastructure, to the extent allowed by federal law.

(e) Each project receiving financial assistance shall conform with the conditions for drinking water project financial assistance under section 340E-37(a).”

SECTION 3. Chapter 342D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§342D- Use of American Recovery and Reinvestment Act of 2009 and other federal moneys. (a) The director may provide financial assistance for publicly owned wastewater treatment works for the construction of necessary wastewater infrastructure projects, through the revolving fund, using moneys from the American Recovery and Reinvestment Act of 2009 and other applicable federal acts.

(b) The director may establish a separate account within the revolving fund and assign to that account federal moneys appropriated under federal laws that authorize principal forgiveness, zero and negative interest loans, and grants, including the American Recovery and Reinvestment Act of 2009 and other applicable federal acts. The director may use those moneys and in so doing may

include additional requirements and subsidization not applicable to the remainder of the revolving fund, including forgiveness of principal, zero and negative interest loans, and grants to publicly-owned wastewater treatment works that meet eligibility requirements for the revolving fund.

(c) The director shall certify that a project receiving financial assistance is entitled to priority over other eligible projects on the basis of water pollution and financial needs, as well as a preference to those projects that can be started and completed expeditiously as stipulated under the American Recovery and Reinvestment Act of 2009 and other applicable federal acts.

(d) Among eligible projects, the director may also give priority to projects that incorporate renewable energy, energy efficiency, and conservation measures in wastewater infrastructure, to the extent allowed by federal law.

(e) Each project receiving financial assistance shall be in conformance with the conditions for water pollution control financing under section 342D-87(a)(1), (2), (4), and (5), and (b)."

SECTION 4. Section 340E-31, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"American Recovery and Reinvestment Act of 2009" means the federal law, Public Law 111-5, making appropriations for various purposes, including job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and state and local fiscal stabilization purposes."

SECTION 5. Section 342D-80, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"American Recovery and Reinvestment Act of 2009" means the federal law, Public Law 111-5, making appropriations for various purposes, including job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and state and local fiscal stabilization purposes."

PART II TOTAL MAXIMUM LOAD COORDINATOR

SECTION 6. The department of health may establish not more than two exempt positions, each entitled "total maximum daily load coordinator." The total maximum daily load coordinator positions shall, among other duties, assist the department to meet federal requirements for establishing total maximum daily loads in Hawaii. This includes quantifying waste load allocations and load allocation limits on pollutant loading of Hawaii inland and marine waters and developing technically based plans for achieving the State's stated water quality goals. The positions shall be appointed by the director of health without regard to chapter 76. These positions shall be funded by federal grants to the State under the Federal Water Pollution Control Act of 1972, Public Law 92-500 (33 U.S.C. 1251-1387), as amended.

PART III GENERAL PROVISIONS

SECTION 7. New statutory material is underscored.¹

SECTION 8. This Act shall take effect upon its approval.

(Approved June 8, 2009.)

Note

1. Edited pursuant to HRS §23G-16.5.