

ACT 131

H.B. NO. 1934

A Bill for an Act Relating to Environmental Protection.

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

SECTION 1. The legislature finds that, according to the Environmental Protection Agency's 2016 Underground Injection Well Inventory, Hawaii has over six thousand six hundred injection wells. The Environmental Protection Agency recognizes an injection well as a method to place fluid underground into porous geologic formations and that it has a wide range of uses, including storing carbon dioxide and disposing of waste. Some of the injection wells in the State can possibly harm the nearby local environment.

Researchers from the University of Hawaii at Manoa used field experiments and chemical analysis of water and algae in Maui to establish a connection between coastal groundwater and the health of nearshore ecosystems. The results were detailed and published on November 3, 2016, in the study "Impact of Submarine Groundwater Discharge on Marine Water Quality and Reef Biota of Maui" and showed a large impact that the wastewater injection wells at the Kahului Wastewater Reclamation Facility have had on Kahului Bay. The study highlighted that there were relatively high nutrient levels in marine surface waters in Kahului Bay and shallow areas were almost entirely dominated by a thick fleshy mat of colonial zoanths, a phenomenon not reported anywhere else in the State.

Injection wells can be hazardous to the environment and pose a risk to the health and safety of the public. Accordingly, the purpose of this Act is to prohibit the director of health from issuing permits for the construction of sewage wastewater injection wells unless alternative wastewater disposal options are not available, feasible, or practical.

SECTION 2. Section 340E-2, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) The director shall promulgate regulations establishing an underground injection control program. Such program shall prohibit any underground injection which is not authorized by a permit issued by the director; ~~except~~; provided that the director shall not issue permits for the construction of sewage wastewater injection wells unless alternative wastewater disposal options are not available, feasible, or practical; provided further that the director may authorize underground injection by regulation. Underground injection authorized by regulation shall not endanger drinking water sources. Any underground injection control program shall:

- (1) Set standards and prohibitions controlling any underground injection if such injection may result in the presence of any contaminant in underground water which supplies or may be expected to supply any public water system, and if the presence of such contaminant may result in such system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons~~[-]~~;
- (2) Require, in the case of a program which authorizes underground injection by permit, that the applicant for the permit satisfy the director that the underground injection will meet the requirements of ~~[item] paragraph (1) [of this subsection-]; and~~
- (3) Include inspection, monitoring, recordkeeping, and reporting requirements.

For purposes of this subsection:

ACT 131

“Injection well” means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than its widest surface dimension and into which subsurface disposal of fluid or fluids occurs or is meant to occur by means of injection.

“Sewage wastewater” means any liquid wastewater that includes sewage from humans or household operations, regardless of whether the wastewater has been treated or whether the wastewater pollutes or tends to pollute state waters.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved July 5, 2018.)