
A BILL FOR AN ACT

RELATING TO WATER.

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

1 SECTION 1. Section 174C-87, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§174C-87 Abandonment of wells. (a) When a well is
4 abandoned, the owner shall fill and seal the well in a manner
5 approved by the commission. Before abandonment, the owner shall
6 file with the commission a report showing the owner's name and
7 address; the water use permit number, if any; the name and
8 address of the well driller who will be employed to perform the
9 work required for abandonment; the reason for abandonment; a
10 description of the work to be performed to effect the
11 abandonment; and such other information as the commission may
12 require.

13 (b) The owner of an abandoned well shall repair or fill
14 and seal the well at the owner's expense, as provided by rules
15 adopted pursuant to chapter 91.

16 (c) Notwithstanding any other law to the contrary, if the
17 owner of real property that includes an abandoned well transfers



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1 ownership of the real property to another person without first
2 reporting and repairing or filling and sealing the abandoned
3 well pursuant to subsection (a), the transferring owner shall be
4 liable for the abandoned well under this section; provided that
5 the commission establishes that:

6 (1) The well was abandoned when the transferring owner
7 transferred the property; and

8 (2) The transferring owner did not report and repair or
9 fill and seal the well pursuant to subsection (a);

10 provided further that a new owner shall not be liable for an
11 abandoned well under this section if the commission establishes
12 the transferring owner's liability for that abandoned well
13 pursuant to this subsection."

14 SECTION 2. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so much
16 thereof as may be necessary for fiscal year 2017-2018 and the
17 same sum or so much thereof as may be necessary for fiscal year
18 2018-2019 for the following positions in the commission on water
19 resource management of the department of land and natural
20 resources:



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- 1 (1) Two full-time equivalent (2.0 FTE) site inspector
- 2 positions; and
- 3 (2) One full-time equivalent position (1.0 FTE) to oversee
- 4 the procurement, management, and monitoring of well
- 5 sealing contracts and enforcement of well construction
- 6 and pump installation standards.

7 The sums appropriated shall be expended by the department
8 of land and natural resources for the purposes of this Act.

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so much
11 thereof as may be necessary for fiscal year 2017-2018 and the
12 same sum or so much thereof as may be necessary for fiscal year
13 2018-2019 for enforcement of well abandonment requirements.

14 The sums appropriated shall be expended by the department
15 of land and natural resources for the purposes of this Act.

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

19 SECTION 5. New statutory material is underscored.



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1 SECTION 6. This Act shall take effect on July 1, 2017.

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JAN 20 2017



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Report Title:

Water; Wells; Abandonment; Liability; Appropriation

Description:

Provides that the Commission on Water Resource Management shall require an owner or prior owner of an abandoned well to repair or seal the well at the owner's or prior owner's expense.

Appropriates funds. Appropriates funds for three new positions to assist DLNR with the inspection of abandoned wells and the enforcement of well construction and pump installation standards. Appropriate funds for well enforcement.

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