

JAN 23 2015

A BILL FOR AN ACT

RELATING TO NATURAL RESOURCES.

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

1 SECTION 1. The legislature finds that Hawaii is losing its
2 beaches at an alarming rate due to chronic shoreline retreat and
3 shoreline armoring. Rises in sea level will accelerate beach
4 loss in the future. A recent study by the University of Hawaii
5 and U.S. Geological Survey finds that 70 per cent of beaches in
6 Hawaii are eroding and over thirteen miles of beach have been
7 lost to erosion over the past century. Rates of coastal erosion
8 and beach loss are sure to increase in the coming decades with
9 continued climate warming accelerating sea level rise.

10 The department of land and natural resources is responsible
11 for management of coastal resources including beaches and dunes.
12 The department has promoted adaptive sediment management
13 techniques to mitigate erosion and beach loss in some areas,
14 including beach scraping, stream mouth clearing, and sand
15 bypassing and back-passing. In order to be effective, some of
16 these maintenance activities must be conducted on a recurring
17 basis.



1 Unfortunately, efforts by government and private entities
2 to mitigate beach loss have been hampered by state water quality
3 regulations that severely inhibit the use of sediment management
4 as an erosion tool. This is because Hawaiian beach sand has
5 been interpreted to be a "water pollutant". In addition, it has
6 become extremely arduous to obtain the permits necessary for
7 sediment management projects because, based on the State's
8 interpretation of the federal Clean Water Act, clean locally-
9 sourced beach sand is considered a "water pollutant".

10 The purpose of this bill is to exclude Hawaiian beach sand
11 from the definition of "water pollutant". This will enable the
12 beneficial use of Hawaiian beach sand to support sediment
13 management projects to mitigate erosion on Hawaii's beaches with
14 no negative impacts to water quality or marine and benthic
15 resources beyond those occurring naturally due to wave action,
16 currents, and littoral transport. It is not the intent of this
17 Act to circumvent the provisions of the Clean Water Act or the
18 State's water quality regulations, but rather to clarify that
19 Hawaiian beach sand is a naturally occurring material along
20 Hawaii's beaches and does not constitute a "water pollutant".



1 SECTION 2. Section 342D-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "water pollutant" to read
3 as follows:

4 "Water pollutant" means dredged spoil, solid refuse,
5 incinerator residue, sewage, garbage, sewage sludge, munitions,
6 chemical waste, biological materials, radioactive materials,
7 heat, wrecked or discarded equipment, rock, sand, soil,
8 sediment, cellar dirt and industrial, municipal, and
9 agricultural waste[-]; provided that sand shall not be
10 considered a water pollutant if it is naturally-occurring beach
11 sand sourced from a Hawaiian beach, stream mouth, or channel,
12 and utilized on the adjacent beach for the purposes of beach
13 erosion mitigation, sediment management, beach restoration,
14 erosion control, or dune restoration."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 538

Report Title:

Natural Resources; Beach Sand, Water Pollutant Definition

Description:

Clarifies that naturally-occurring beach sand shall not be considered a water pollutant when used on the same beach for the purpose of beach erosion mitigation, sediment management, beach restoration, or dune restoration.

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