

JAN 19 2024

A BILL FOR AN ACT

RELATING TO WASTEWATER MANAGEMENT.

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

1 SECTION 1. Chapter 342D, Hawaii Revised Statutes, is
2 amended by adding a new section to part III to be appropriately
3 designated and to read as follows:

4 **"§342D- Testing for perfluoroalkyl and polyfluoroalkyl**
5 **substances.** A wastewater treatment plant shall test sewage
6 sludge and any other residual material that is intended for land
7 application for the presence of perfluoroalkyl and
8 polyfluoroalkyl substances."

9 SECTION 2. Section 342D-1, Hawaii Revised Statutes, is
10 amended by adding a new definition to be appropriately inserted
11 and to read as follows:

12 "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS"
13 has the same meaning as defined in section 321-601."

14 SECTION 3. Section 342D-4, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§342D-4 Duties; rules.** In addition to any other power or
17 duty prescribed by law and in this chapter, the director shall



1 prevent, control, and abate water pollution in the State and may
2 control all management practices for domestic sewage, sewage
3 sludge, ~~and~~ recycled water, and other residual materials or
4 sewage sludge accumulated at a wastewater treatment plant that
5 may contain any amount of perfluoroalkyl and polyfluoroalkyl
6 substances, whether or not the practices cause water pollution.
7 In the discharge of this duty, the director may adopt rules
8 pursuant to chapter 91 necessary for the purposes of this
9 chapter. Any person heard at the public hearing shall be given
10 written notice of the action taken by the department with
11 respect to the rules."

12 SECTION 4. Section 342D-5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[+]§342D-5[+] **Rules; specific.** The director may
15 establish by rule, water quality standards, effluent standards,
16 treatment and pretreatment standards, and standards of
17 performance for specific areas and types of discharges in the
18 control of water pollution, thereby allowing for varying local
19 conditions[-]; provided that the director shall adopt rules
20 providing for the safe disposal and sequestration of sewage
21 sludge and other residual materials accumulated at a wastewater



1 treatment plant that contain any amount of perfluoroalkyl and
2 polyfluoroalkyl substances."

3 SECTION 5. Section 342D-6, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) The director shall issue a permit for any term, not
6 exceeding five years, if the director determines that it will be
7 in the public interest; provided that the permit may be subject
8 to any reasonable conditions that the director may prescribe.

9 The director may include conditions in permits or may issue
10 separate permits for management practices for domestic sewage,
11 sewage sludge, and recycled water, regardless of whether the
12 practices cause water pollution[-]; provided that if testing
13 conducted pursuant to section 342D- yields any amount of
14 perfluoroalkyl or polyfluoroalkyl substances in sewage sludge or
15 any other residual material, a permit shall not authorize the
16 land application of that sewage sludge or other residual
17 material on land used for agronomic purposes, on land where
18 drainage tiles have been installed, on land that drains into
19 waters of the State, or lands in a five hundred-year floodplain.

20 The director, on application, shall renew a permit from time to
21 time, for a term not exceeding five years, if the director



1 determines that it will be in the public interest. The director
2 shall not grant or deny an application for the issuance or
3 renewal of a permit without affording the applicant and any
4 person who commented on the proposed permit during the public
5 comment period an opportunity for a hearing in accordance with
6 chapter 91. A request for a hearing and any judicial review of
7 the hearing shall not stay the effect of the issuance or renewal
8 of a permit unless specifically ordered by the director or an
9 environmental court."

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.

13

INTRODUCED BY: 



S.B. NO. 2370

Report Title:

DOH; Perfluoroalkyl and Polyfluoroalkyl Substances; PFAS; Wastewater Management; Testing; Rules; Permits; Prohibition

Description:

Requires a wastewater treatment plant to test sewage sludge and any other residual material for the presence of perfluoroalkyl and polyfluoroalkyl substances. Requires the Department of Health to adopt administrative rules for the safe disposal and sequestration of sewage sludge and other residual material that contain any amount of perfluoroalkyl and polyfluoroalkyl substances. Prohibits the issuance or renewal of permits if testing yields perfluoroalkyl and polyfluoroalkyl substances in sewage sludge or other residual material on land used for agronomic purposes, on land where drainage tiles have been installed, on land that drains into waters of the State, or land in a five hundred-year floodplain.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

