

OFFICE OF THE GOVERNOR
STATE OF HAWAII

PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, the West Kapolei area is serviced by two separate wastewater pressurized force main systems consisting of concrete cylinder pipe which have been in service since 1985 and 1990 and initially expected to provide service well into the future; and

WHEREAS, the concrete cylinder force mains have experienced six breaks in the last four years due to corrosion and were immediately repaired; and

WHEREAS, the recent breaks are more frequent in occurrence and available information indicates that the wastewater force mains are experiencing unanticipated severe corrosion along the length of the mains and that future catastrophic spills are likely; and

WHEREAS, the current condition of the wastewater force mains require immediate replacement with pipe material that is not susceptible to corrosion and the installation of hydraulic surge protection devices in order to prevent damage to the new wastewater force mains; and

WHEREAS, any wastewater spills from these wastewater force mains would create a serious threat to the public health in the area of any such spill in the area along these wastewater force mains in the City and County of Honolulu, State of Hawaii, thereby endangering the health, safety, and welfare of the people; and

WHEREAS, this danger is expected to be of such a nature as to warrant assistance from the State; and

WHEREAS, the danger of disaster is of such magnitude to warrant preemptive and protective action in order to provide for the health, safety, and welfare of the people; and

WHEREAS, pursuant to sections 127A-14 and 127A-16, Hawaii Revised Statutes, the Governor is authorized to determine whether an emergency or disaster has occurred, or there is an imminent danger or threat of an emergency or disaster and authorize actions under chapter 127A, Hawaii Revised Statutes, and the expenditure of funds thereunder; and

WHEREAS, pursuant to section 127A-13(a)(3), Hawaii Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws specifically made applicable to emergency personnel; and

WHEREAS, pursuant to section 127A-13(a)(2), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws and to result from the operation of federal programs or measures taken under chapter 127A, Hawaii Revised Statutes, by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

WHEREAS, pursuant to section 127A-12(b)(8), Hawaii Revised Statutes, the Governor may suspend chapter 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4, Hawaii Revised Statutes, and I find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

WHEREAS, pursuant to section 127A-12(b)(13), Hawaii Revised Statutes, the Governor may require each public utility, or any person owning, controlling, or operating a critical infrastructure facility as identified by the Governor, to protect and safeguard its or the person's property, or to provide for the protection and safeguarding thereof; and provide for the protection and safeguarding of all critical infrastructure and key resources, including the regulation or prohibition of public entry thereon, or the permission of the entry upon such terms and conditions as the Governor may prescribe; and

WHEREAS, pursuant to section 127A-12(b)(19), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 127A, Hawaii Revised Statutes, notwithstanding that powers in section 127A-13(a) may only be exercised during an emergency period; and

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawaii, hereby determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, threatens the City and County of Honolulu by reason of the anticipated failure the two separate wastewater pressurized force main systems in the West Kapolei area, and do hereby proclaim this area to be a disaster area for the purpose of implementing the emergency management functions as allowed by law, and hereby authorize and invoke the following measures under sections 127A-13 and 127A-12, Hawaii Revised Statutes, in order to provide emergency relief as a result of this event and hereby suspend as allowed by federal law, the following statutes to the extent necessary to repair the wastewater force mains that are the subject of this proclamation:

1. Chapter 6E, **historic preservation.**
2. Section 103-50, **building design to consider needs of persons with disabilities.**
3. Chapter 180, **soil and water conservation districts.**
4. Chapter 180C, **soil erosion and sediment control.**
5. Chapter 205A, **coastal zone management.**
6. Chapter 264, **highways.**
7. Chapter 342D, **water pollution.**
8. Chapter 342E, **non-point source pollution management and control.**
9. Chapter 342F, **noise pollution.**
10. Chapter 343, **environmental impact statements.**
11. Section 127A-30, Hawaii Revised Statutes, **rental or sale of essential commodities during a state of emergency; prohibition against price increases.**

I FURTHER DECLARE that a disaster emergency relief period shall commence immediately and shall continue until terminated automatically sixty days after the issuance of this proclamation or by a separate proclamation whichever occurs first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, or procurements entered into, started, or continued by reason of the provisions of my proclamation relating to this emergency shall continue.

Done at the State Capitol, this
13 day of October, 2017.



DAVID Y. IGE,
Governor of Hawaii

APPROVED:



DOUGLAS S. CHIN
Attorney General
State of Hawaii