

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

H.B. 604, RELATING TO GRAY WATER

Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health

February 10, 2009  
9:00 a.m.

Bill No. 604

Support Y  N

Date 2/9/09

Time 3:34P

Cat AF  AS AX B C

Type 1  WI

1 **Department's Position:** The Department of Health appreciates the intent of this measure; however,  
2 given the current fiscal difficulties, a conflict with HRS 107, Part II, and possible undermining of the  
3 current efforts of the Department of Health to develop gray water guidelines; it would not be prudent to  
4 enact the bill at this time.

5 **Fiscal Implications:** Yes, additional manpower may be required in implementing the gray water  
6 program.

7 **Purpose and Justification:** The bill amends Section 342D-70, Hawaii Revised Statutes require the  
8 department to adopt rules setting standards for county gray water recycling programs. The bill changes  
9 how a county may implement a gray water recycling program.

10 Properly done, gray water recycling can save water and energy without endangering health or the  
11 environment.

12 This bill will conflict with HRS 107, Part II, "State Building Code and Design Standards," which  
13 established the State Building Code Council within the Department of Accounting and General Services  
14 (DAGS) to establish the administrative rules for statewide codes, including adoption of Chapter 16  
15 "Gray Water Systems" of the Uniform Plumbing Code (UPC). The statute explicitly mentions the

1 UPC. We are informed that the State Building Code Council is not likely to amend or delete Chapter 16  
2 when it adopts the UPC.

3 The Department of Health has limited rules that allow for the construction and use of gray water  
4 systems for subsurface irrigation for residences with individual wastewater systems. To develop a more  
5 comprehensive approach with consultation from the industry, the department is currently in the process  
6 of developing gray water reuse guidelines that may be used statewide. Gray water standards consistent  
7 with Chapter 16 of the UPC will be included in the guidelines. The gray water guidelines will address  
8 provisions that relate to administrative, permitting, or enforcement procedures in non-sewered areas.  
9 These provisions are not covered under HRS 107. The Department intends to use these guidelines as a  
10 policy for a period of time prior to revising the statutes. They will be “guidelines” in that their  
11 application will be flexible and they may be modified, or expanded until a clear and workable program  
12 is established. This should give consultants, homeowners, academicians, planners, resource managers,  
13 and the industry both the flexibility and time to evaluate and modify the document prior to revising the  
14 statutes and developing administrative rules.

15 A committee consisting of more than 12 individuals representing the consulting industry,  
16 professional societies, counties, academic community, state agencies, Honolulu Board of Water Supply  
17 and concerned agencies and industries was formed to assist the Department of Health in developing the  
18 guidelines. The Department’s current estimated completion date for finalizing the gray water reuse  
19 guidelines is June 2009.

20 The Department supports the intent of this measure, however, we believe that the gray water  
21 guidelines should first be developed and tried for workability before amending the statutes.

22 We also question whether counties will embrace gray water recycling without new resources.

23 We were informed that the counties do not intend to adopt gray water programs.

24 Thank you for the opportunity to testify on this measure.

Council Chair  
Danny A. Mateo

Vice-Chair  
Michael J. Molina

Council Members  
Gladys C. Baisa  
Jo Anne Johnson  
Sol P. Kaho'ohalahala  
Bill Kauakea Medeiros  
Wayne K. Nishiki  
Joseph Portanilla  
Michael P. Victorino



**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

Director of Council Services  
Ken Fukuoka

February 9, 2009

Bill No. 604

Support  Y  N

Date 2/9/09

Time 5:15p

Cat AF AS  AX  B  C

Type 1  2  WI

TO: Honorable Hermina M. Morita, Chair  
House Committee on Energy & Environmental Protection

FROM: Gladys C. Baisa  
Council Member

DATE: February 10, 2009

SUBJECT: **SUPPORT OF HB 604, RELATING TO GRAY WATER**

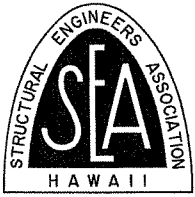
Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to require county gray water recycling programs that conform to standards established by the department of health.

I support this measure for the following reasons:

1. The use of gray water for landscape irrigation promotes water conservation by lessening the need to use potable water.
2. I am working on legislation to amend the County of Maui's Plumbing Code to authorize the appropriate use of gray water. Adoption of this measure would be a helpful boost to that effect.
3. Legislation encouraging the use of gray water has been proven economically and environmentally advantageous in other jurisdictions, and I am excited about the potential benefits of similar legislation in Hawaii.

For the foregoing reasons, I support this measure.

GCB:dna



**STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII**  
P.O. Box 3348, Honolulu, Hawaii 96801

February 9, 2009

TO: State of Hawaii – House  
COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
State Capitol, Conference Room 325

SUBJECT: **HB604, RELATING TO GRAY WATER**  
Hearing Tuesday, February 10, 2009  
TIME: 9 a.m.

Bill No. 604

Support Y

Date 2/9/09

Time 7:05p

Cat AF AS AX  C

Type 1  WI

Honorable Rep. Hermina M. Morita, Chair  
Rep. Denny Coffman, Vice Chair

The Structural Engineers Association of Hawaii (SEAOH) is the local chapter of the National Council of Structural Engineering Associations (NCSEA), and we have over 200 active members in Hawaii. The members of SEAOH have an historic and ongoing role in the development and implementation of building codes, and Gary Chock SEAOH past President, represents our organization as a member of the State Building Code Council established by Act 82 of the 2007 Legislature (HRS 107 Part II). HRS 107 Part II, State Building Code and Design Standards, provides for a comprehensive building code process based on national standards that involves a council comprised of the principal State agencies, county building officials, and engineers and architects.

**We would like to express our opposition to HB604, RELATING TO GRAY WATER**

Gray water systems are already within the scope of the Uniform Plumbing Code Chapter 16, which has not been amended or deleted by the State Building Code Council. HB604 would be in conflict with HRS107 Part II State Building Code and Design Standards, which established the State Building Code Council within DAGS to adopt administrative rules for statewide codes, specifically including the Uniform Plumbing Code as well as its Appendix K relating to onsite sewage disposal. Therefore, if it is the committee's desire to pass this bill out of committee, it should add a subsection stating: "the department shall not adopt standards conflicting with codes and standards established under HRS107 Part II State Building Code and Design Standards."

Thank you very much for an opportunity to express our views. We recommend that this bill be deferred. It is unnecessary. The standards and criteria already exist in the building code being adopted this year by the council.

Structural Engineers Association of Hawaii

Ian Robertson, Ph.D., P.E. Structural Engineer  
SEAOH 2008 President

Gary Chock, P.E. Structural Engineer  
SEAOH 2007 President 521-4513

*Ian Robertson*

*Gary Chock*

- Mail
- Calendar
- Contacts
- Deleted Items (1)
- Drafts [3]
- Inbox (6)
- Junk E-mail [1]
- Sent Items
- Click to view all folders
- 09 a Later
- 090205 Testimony
- 090210 testimony
- Manage Folders...

Reply
 Reply to All
 Forward
 Move
 Delete
 Junk
 Close

### Testimony for HB604 on 2/10/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 09, 2009 6:35 PM

**To:** EEPtestimony

**Cc:** flammerfamily@aol.com

Testimony for EEP 2/10/2009 9:00:00 AM HB604

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Gina Flammer

Organization: Kula Community Association

Address: P.O. Box 417 Kula, Hawaii 96790

Phone: 808-250-6589

E-mail: flammerfamily@aol.com

Submitted on: 2/9/2009

**Comments:**

Our Association supports this effort to allow gray water systems. Upcountry Maui has a long history of water shortages and allowing allowing the residential use of gray water will reduce the demand on our current system. Please support this needed measure. It will greatly benefit our community.

Bill No. 604

Support Y N

Date 2/9

Time 6:35p

Cat AF AS AX B C

Type 1 2 WI