

S.B. NO. 2344

JAN 25 2006

A BILL FOR AN ACT

RELATING TO WASTEWATER SYSTEMS.

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

1 SECTION 1. Section 342D-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§342D-13[+] **Fees.** The director may establish
4 reasonable fees for the issuance of permits and variances to
5 cover the cost of issuance thereof and for the implementation
6 and enforcement of the terms and conditions of permits and
7 variances (not including court costs or other costs associated
8 with any formal enforcement action). The fees shall be
9 deposited to the credit of the general fund[.], unless the
10 department enters into an agreement with a county pursuant to
11 section 342D-19(d). To the extent specified in the agreement,
12 fees collected by the county that has entered into an agreement
13 with the department shall be deposited to the credit of the
14 county."

15 SECTION 2. Section 342D-19, Hawaii Revised Statutes, is
16 amended to read as follows:

1 " [†]§342D-19[†] **Effects of laws, ordinances, and rules.**

2 (a) All laws, ordinances, and rules inconsistent with this
3 chapter shall be void and of no effect.

4 (b) Any county may adopt ordinances and rules governing
5 any matter relating to water pollution control which is not
6 governed by a rule of the department adopted pursuant to this
7 chapter; provided that any county ordinance or rule relating to
8 water pollution control shall be void and of no effect as to any
9 matter regulated by a rule of the department upon the adoption
10 thereof except as provided in subsection (c).

11 (c) Any county desiring to administer its own laws,
12 ordinances, and rules on the design, construction, and operation
13 of sewerage and treatment facilities may submit to the director
14 a full and complete description of the program it proposes to
15 establish and administer under county law. In addition, the
16 county shall submit a statement from its corporation counsel or
17 county attorney that the laws of the county provide adequate
18 authority and the standards are equal to or more stringent than
19 the standards of the department to carry out the described
20 program. The director shall approve each such submitted program
21 unless the director determines that either adequate authority

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1 does not exist or the proposed standards are less stringent than
2 those of the department.

3 (d) The department may enter into an agreement with any
4 county desiring to administer part or all of the department's
5 rules on the design, construction, and operation of sewerage and
6 treatment facilities."

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon approval.

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INTRODUCED BY:

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BY REQUEST

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JUSTIFICATION SHEET

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DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO WASTEWATER SYSTEMS.

PURPOSE: To streamline the approval of individual wastewater systems for home construction, aiding housing affordability, by allowing counties to assume wastewater system regulation and receive funding for implementation.

MEANS: Amend sections 342D-13 and 342D-19, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Counties now regulate the home building process except for wastewater systems, which are covered by State rules. Counties administer building, plumbing, electrical, and zoning codes, typically covered by building permits. However, if a home will not be connected to a sewer, it must use an individual wastewater system and obtain approval from the department. This is also true for private wastewater systems serving many homes. Citizens would benefit if they had to work only with the county.

Because of the state constitution, the department is not seeking to require the counties to assume the approval of individual or other wastewater systems, but wishes to create another option for the counties to do so and allow them to fund the operation.

Currently, under section 342D-19(c), HRS, any county can adopt its own ordinances and rules on the design, construction and operation of sewage and treatment facilities, as long as they are as strict as current law and the department approves. The amendment

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adds an option for the county to agree with the department to administer all or part of the department's wastewater rules and receive the corresponding fees that now go to the State.

The proposed amendments to section 342D-13 will allow the fees collected by counties under the department's rules to be deposited to the credit of the county that has entered into an agreement with the department.

Impact on the public: County home building permits should be issued faster, and applicants will no longer have to deal with two different agencies from two different jurisdictions when applying for a residential building permit. This will provide better service to the applicants.

Impact on the department and other agencies: Counties can choose to serve their citizens better by providing true one-stop permit services for home building, and to receive money to fund the wastewater system review. The counties will not have to adopt their own rules and ordinances on wastewater systems, and the wastewater rules can remain consistent throughout the state.

The department will refocus its resources in other wastewater related areas.

GENERAL FUND: Up to \$400,000 of fees now deposited in the state general fund may be diverted to the counties.

OTHER FUNDS: None.

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PPBS PROGRAM
DESIGNATION:

None.

OTHER AFFECTED
AGENCIES:

City and County of Honolulu, Counties
of Maui, Kauai and Hawaii.

EFFECTIVE DATE:

Upon approval.