

Honolulu, Hawaii

FEB 18, 2009

RE: H.B. No. 763

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 763 entitled:

"A BILL FOR AN ACT RELATING TO GRAY WATER RECYCLING,"

begs leave to report as follows:

The purpose of this bill is to conserve potable water while reducing the impact of gray water on wastewater treatment facilities.

This bill:

- (1) Requires the Department of Health (DOH) to establish a gray water recycling program for residences not served by county wastewater systems; and
- (2) Authorizes the counties to establish similar gray water recycling programs for residences served by county wastewater systems.

A member of the Maui County Council testified in support of this bill. The Sierra Club, Hawaii Chapter, supported this bill with amendments. The Department of Accounting and General Services, DOH, and Structural Engineers Association of Hawaii opposed this measure.

Your Committee finds that this bill seeks to address a stalemate in efforts to recycle gray water. Currently, a process exists for any county to establish its own gray water recycling program. However, no county has taken the burdensome step of



submitting a detailed plan to DOH for approval. This cautious approach taken by the counties may also be reflected in their decision to delete provisions governing the construction and use of gray water recycling systems when adopting the Uniform Plumbing Code.

As an alternative, the 2008 Legislature considered a proposal that would have required DOH to take the lead in establishing a gray water recycling program. However, DOH maintained that it lacked the resources to oversee the implementation of a gray water recycling program for residences served by county sewer systems. Given the counties' authority in granting building permits, DOH also maintained that the counties, and not the State, have jurisdiction over gray water systems in those areas served by county sewer systems.

This session, your Committee held a bill that would have required DOH to adopt rules setting standards for county gray water recycling programs. Once again, DOH testified that it lacked the resources to oversee the implementation of gray water recycling programs for residences served by county sewer systems.

Under these circumstances, your Committee believes that the best approach is to direct DOH to proceed with establishing gray water systems for residences not served by county sewer systems, thereby creating public awareness and demand for these systems without expending extensive resources. At the same time, the counties continue to have the option of establishing similar gray water recycling programs for residences served by county sewer systems.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 763 and recommends that it pass Second Reading and be referred to the Committee on Finance.



Respectfully submitted on  
behalf of the members of the  
Committee on Energy &  
Environmental Protection,

*Hermina Morita*

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HERMINA MORITA, Chair



