

SB 454

RELATING TO WATER CONSERVATION.

Prohibits certain applications of gray water for landscape irrigation purposes.

Encourages the department of health and the counties to promote widespread use of gray water in the interests of water conservation. Clarifies that guidelines for the use of gray water for irrigation purposes shall be liberally construed so as to allow widespread use of gray water.

WTL/ENE

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committees on
WATER & LAND
and
ENERGY & ENVIRONMENT**

**Tuesday, January 29, 2013
2:15 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 454
RELATING TO WATER CONSERVATION**

The purpose of Senate Bill 454 is to encourage widespread use of gray water for irrigation that would help to conserve potable water. The Department of Land and Natural Resources (Department) supports this measure and defers to the Department of Health (DOH) on matters related to public health and this measure's relationship to the DOH's *Guidelines for the Reuse of Gray Water, 2007*.

Using residential gray water for appropriate irrigation purposes is a suitable substitution for any potable water being used for this purpose. According to the Honolulu Board of Water Supply, about half of a household's water use is for outdoor irrigation. The Landscape Industry Council of Hawaii's publication, *Landscape Irrigation Conservation Best Management Practices, 2012*, recommends using non-potable water for irrigation. Allowing residents to sensibly use gray water for irrigation would help to decrease household uses of potable water and conserve our precious fresh water resources.

Thank you for the opportunity to testify on this measure.

Council Chair
Gladye C. Baisa

Vice-Chair
Robert Carroll

Council Members
Elle Cochran
Donald G. Couch, Jr.
Stacy Crivello
Don S. Guzman, Esq.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.maui-county.gov/council

January 25, 2013

TO: The Honorable Malama Solomon, Chair
Senate Committee on Water and Land

The Honorable Mike Gabbard, Chair
Senate Committee on Energy and Environment

FROM: Don Couch
Council Member, South Maui District

DATE: Tuesday, January 29, 2013

SUBJECT: **SUPPORT OF SB 454, RELATING TO WATER CONSERVATION**

Thank you for the opportunity to testify in support of this measure. I provide this testimony as an individual member of the Maui County Council.

I **support SB 454** for the reasons cited in testimony submitted by the Maui County Council Chair, and urge you to support this measure.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: bobbiepatnode@fastmail.fm
Subject: Submitted testimony for SB454 on Jan 29, 2013 14:15PM
Date: Monday, January 28, 2013 11:12:39 AM

SB454

Submitted on: 1/28/2013

Testimony for WTL/ENE on Jan 29, 2013 14:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Bobbie Patnode	Kula Community Association	Support	No

Comments: The Kula Community Association is in favor of legislation that will enable safe grey water recycling for appropriate home uses.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SENATOR MALAMA SOLOMON, CHAIR
SENATOR MAILE S.L. SHIMABUKURO, VICE-CHAIR
SENATE COMMITTEE ON WATER AND LAND

SENATOR MIKE GABBARD, CHAIR
SENATOR RUSSELL E. RUDERMAN, VICE-CHAIR
SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

TESTIMONY RE: SENATE BILL NO. 454
RELATING TO WATER CONSERVATION

January 29, 2013, 2:15 p.m.
Conference Room 225

Good afternoon Chairs Solomon and Gabbard, Vice-Chairs Shimabukuro and Ruderman, and members of the committees:

My name is David Lane Henkin, and I am an attorney with Earthjustice. We appreciate the opportunity to offer this testimony regarding Senate Bill No. 454. While we strongly support the intent to encourage the widespread reuse of gray water, we are concerned that, as currently drafted, the bill may have the opposite effect. Accordingly, we respectfully suggest an amendment that will further the stated goal of increasing the use of gray water to conserve Hawai'i's limited supply of potable water.

Our primary concern stems from the interaction between SB 454's new language restricting the use of gray water and the existing definition of "gray water," which SB 454 does not alter. As currently defined, "gray water" means "any water from the domestic plumbing system of a residence except toilets," without regard to whether that water has been treated to address health concerns. Thus, as currently drafted, SB 454 would prohibit the use of even treated gray water for surface irrigation or irrigation of root crops, vegetables that will be eaten raw, or other crops where the consumed portion of the plant rests on the ground.

This approach is at odds with the Uniform Plumbing Code ("UPC"), which the Legislature has adopted as part of the state building code. See H.R.S. § 107-25(2). The 2012 UPC distinguishes between untreated and treated (disinfected) gray water. While reuse of untreated gray water is generally limited to subsurface irrigation, gray water that has been disinfected may be reused for a broad spectrum of uses, including supplying water to "water closets, urinals, tap primers for floor drains and floor sinks, above and belowground irrigation, and other uses approved by the Authority Having Jurisdiction." 2012 UPC § 1604.1.

To achieve its goal to increase the reuse of gray water, SB 454 should be amended to limit the definition of "gray water" to only untreated water. As amended, the definition would read as follows (new statutory material is underscored): "For the purposes of this section, "gray

Earthjustice Testimony re: SB 454

January 29, 2013

Page 2

water” means any untreated water from the domestic plumbing system of a residence except toilets; provided that the discharged gray water is not contaminated with any household hazardous waste as defined in section 342G-1 or any contaminant the department deems inappropriate.”

Thank you again for the opportunity to offer this testimony.

PLUMBING & MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII



PLUMBING AND MECHANICAL
CONTRACTORS ASSOCIATION
OF HAWAII

TELEPHONE: (808) 597-1216
FAX: (808) 597-1409
1314 S. King Street, Suite 961
Honolulu, Hawaii 96814

GREGG S. SERIKAKU
EXECUTIVE DIRECTOR

Via Email

January 28, 2013

Senator Malama Solomon, Chair
Senator Maile S.L. Shimabukuro, Vice-Chair
Committee on Water, Land, and Housing

Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice-Chair
Committee on Energy and Environment

Dear Chairs Solomon and Gabbard, Vice Chairs Shimabukuro and Ruderman, and
Members of the Committees:

SUBJECT: SB454 Relating to Water Conservation

My name is Gregg Serikaku, I am the Executive Director of the Plumbing and Mechanical Contractors Association of Hawaii. Our Association represents over 40 major plumbing and mechanical contractors who employ over 1,000 mechanics, technicians, managerial staff, and administrative personnel here in Hawaii.

The Association for which I speak have the following comments:

While we fully support the intent of water conservation and reuse of water, we believe that strict guidelines should be adhered to in order to protect the public's health and welfare. The State of Hawaii currently utilizes the 2006 Uniform Plumbing Code (UPC) as the model state plumbing code, and this code includes an entire chapter with guidelines on the use, materials, design, installation, and inspection of gray water systems. These guidelines take into account factors such as groundwater level, geologically sensitive areas, soil absorption capacity, etc., and are extremely important safeguards to insure that gray water systems do not pollute the environment and cause illness to the public.

In fact, due to the potential health and environmental perils that these gray water systems can produce, the Plumbers and Fitters UA 675 training program has long reinforced the need for proper knowledge, training and inspection of gray water systems by licensed plumbers.

Based on these factors, **we believe that the "liberal" interpretation of gray water guidelines is dangerously inappropriate, and urge the committees to remove this language from the bill.**

Respectfully yours,

Gregg S. Serikaku
Executive Director

Allan & Pamela Schildknecht
45-203 Puali Koa Place
Kaneohe, Hawaii 96744
Telephone: (808) 247-7777
Facsimile: (808) 247-0118
e-mail: allanschildknecht@hawaii.rr.com

January 26, 2013

Representative Angus McKelvey,
Chairperson Consumer Protection Committee
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Testimony in support of SB 454
Graywater use to Conserve Water

Honorable Chairperson & Committee Members,

I am writing in Support of SB 454 relating to Conserving water by encouraging the use of Graywater for irrigation purposes.

Its usage has been done unofficially by our Tutu's for generations and only recently has it been restricted or frowned up. At the same time, Graywater usage has been encouraged in many parts of the United States, Europe and Asia in order to both conserve water and reduce the wastewater generated.

I am in full support of this bill and only wish it would be expanded upon to allow for its use in other areas and even with the use of above grade applications (spray/rotary sprinklers) when the grounds are not being used by its habitants.

I hope in the future it will be recommend that consideration be given that single family homes be exempt from requiring a permit, such what is done in the City of Los Angles or San Diego County who have been using Graywater for irrigation for some time.

Again, I am in support to this Bill.

Respectfully submitted by;



Allan G. Schildknecht

From: mailinglist@capitol.hawaii.gov
To: WTLTestimony
Cc: ed.j.wagner@gmail.com
Subject: Submitted testimony for SB454 on Jan 29, 2013 14:15PM
Date: Thursday, January 24, 2013 10:35:37 PM

SB454

Submitted on: 1/24/2013

Testimony for WTL/ENE on Jan 29, 2013 14:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Ed Wagner	Individual	Comments Only	No

Comments: I think the committee is forgetting one of the most important ways to conserve our water supply. Start promoting state wide use of rainwater catchment systems like many Big Island folks do, often out of necessity. Also, use irrigation systems that turn off the system if it has rained recently. Also use point of use irrigation - micro-sprayers - drip tubing to put water directly where it is needed instead of spraying water all over the place, including sidewalks, gutters, and streets like I often see with pop-up sprinklers.

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From: rz nail@aol.com
To: WTLTestimony
Subject: SPAM Fwd: Frank Ruiz/Blue Planet plan
Date: Monday, January 28, 2013 9:14:43 AM

-----Original Message-----

From: rz nail <rz nail@aol.com>
To: testimony <testimony@capital.hawaii.gov>
Sent: Sun, Jan 27, 2013 12:02 pm
Subject: Fwd: Frank Ruiz/Blue Planet plan

this is testimony for Tuesday Jan 29 2:45 pm in room 225 from Frank Ruiz for bill SB 319

-----Original Message-----

From: rz nail <rz nail@aol.com>
To: william.j.aila <william.j.aila@hawaii.gov>
Sent: Sat, Dec 31, 2011 8:30 pm
Subject: Fwd: Frank Ruiz/Blue Planet plan

just in case here is another copy of my plan

-----Original Message-----

From: rz nail <rz nail@aol.com>
To: William.J.Aila <William.J.Aila@hawaii.gov>
Sent: Sun, Dec 11, 2011 4:20 pm
Subject: Frank Ruiz/Blue Planet plan

Hello,

OCEAN CLEAN-UP USING JET SKI'S ,BOATS,RADIOS,UNDERWATER CAMERAS,GPS;

I Frank Ruiz volunteer to start this new Division of Ocean Cleanup ,at my own expense ,to begin an organization that could truly have an impact on the coming trash from the Japan Tsunami ,and on getting a handle on the abuse of our own residents

DANGERS IN THE WATER:

Plastic bags in the water look like jelly fish ,Turtles favorite food,they eat them and die....I always pick them up when Jet Skiing ,that's what started this,I also found 2 huge abandon drift nets ,one at Makua and one by ST. Johns road...,I reported them with my hand radio to the coast guard and waited till they got there .it was good.I also assisted on 2 occasions divers who were in trouble ,one was out of air and trying to make it to shore,and the other had a full net and a broken float .These are just a couple of the many things that happen out there....that we could help with.

WHAT I WANT TO START

Fly a Blue Planet flag so the lifeguards will know who it is and have radio contact with them, and be able to scour the inner coastline to pick up bags and look for where trash has collected:
Have radios,cell phones,underwater cameras,GPS capability

WHAT I SEE IN THE FUTURE :

I took a class with Sam Pai to get registered for my jet ski & I took the second class for tow in surfing.....I see a third class to register volunteers as Blue Planet or DLNR participants .To inform and certify them of our plan ,I don't want this privilege abused,we will have to work out the do's and don't of this new idea,because we will be coming close to shore.I would say 10 miles per hour tops..I don't want any show offs or big heads.We will need the help of boats to help with the clean up once we have found it.if it's to big.And a plan of where to tow it to,then someone on land to scoop it up and haul it away.

I can see this starting out in Waianae.....,going island wide and then state wide & with all the best intension's....to clean the Ocean...with the Good Lord's help Nation wide,....

with the utmost sincerity.....Frank Ruiz 696-1639 or 341-4262 86-210 Leihua st Waianae HI 96792

Council Chair
Gladys C. Baisa

Vice-Chair
Robert Carroll

Council Members
Elle Cochran
Donald G. Couch, Jr.
Stacy Crivello
Don S. Guzman, Esq.
G. Riki Hokama
Michael P. Victorino
Mike White




Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

January 25, 2013

TO: The Honorable Malama Solomon, Chair
Senate Committee on Water and Land

The Honorable Mike Gabbard, Chair
Senate Committee on Energy and Environment

FROM: Gladys C. Baisa 
Council Chair

SUBJECT: **HEARING OF JANUARY 29, 2013; TESTIMONY IN SUPPORT OF SB 454,
RELATING TO WATER CONSERVATION**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to encourage the Department of Health ("Department") and the counties to promote the widespread reuse of gray water, with some provisions, in accordance with the conditions set forth by the Department for the use of gray water for irrigation purposes.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. According to the Department of Health, in a report entitled "Guidelines for the Reuse of the Gray Water", dated June 22, 2009, gray water from residences may be reused to irrigate the landscape of the property from which the gray water was generated, provided that certain conditions are met.
2. Maui County has been subject to drought conditions for a number of years. The use of gray water for landscape irrigation promotes water conservation by lessening the need to use potable water, thereby increasing municipal water supply.
3. Legislation encouraging the use of gray water has been proven economically and environmentally advantageous in other jurisdictions, and I support the benefits of similar legislation in Hawaii.

For the foregoing reasons, I support this measure.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: maucrowe@mailshack.com
Subject: Submitted testimony for SB454 on Jan 29, 2013 14:15PM
Date: Monday, January 28, 2013 8:25:23 AM

SB454

Submitted on: 1/28/2013

Testimony for WTL/ENE on Jan 29, 2013 14:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Crowe	Individual	Support	No

Comments: Please support this common sense approach to making proper use of our precious water supply.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: ndavlantes@aol.com
Subject: Submitted testimony for SB454 on Jan 29, 2013 14:15PM
Date: Sunday, January 27, 2013 9:19:14 PM

SB454

Submitted on: 1/27/2013

Testimony for WTL/ENE on Jan 29, 2013 14:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

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