

# **SB 2243**

## RELATING WASTEWATER

Allows counties to permit the use of an otherwise authorized individual wastewater treatment system, except cesspools in a special management area, when it pre-dates a county-operated wastewater treatment system and the county determines that allowing the individual wastewater treatment system is fair and equitable. Requires counties to adopt rules or ordinances no later than December 31, 2015.

PSM/ENE



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

In reply, please refer to:  
File:

SENATE COMMITTEES ON ENERGY AND ENVIRONMENT AND PUBLIC  
SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

S.B. 2243, RELATING TO WASTEWATER

Testimony of Gary L. Gill  
Acting Director of Health

January 30, 2014  
2:50 pm

1 **Department's Position:** The Department of Health (Department) opposes this measure.

2 **Fiscal Implications:** None.

3 **Purpose and Justification:** The Department respectfully opposes this measure because it conflicts with  
4 Hawaii Administrative Rules. Chapter 11-62 requires all buildings located within or near proximity of  
5 an available public sewer system to connect to the public sewer. The use of individual wastewater  
6 systems is intended to serve as a temporary measure until such time as public sewers become available  
7 to the lot.

8 This bill allows the counties to permit the use of an authorized individual wastewater system  
9 when it pre-dates a county operated wastewater treatment system and the county determines that  
10 allowing the individual wastewater system is fair and equitable.

11 However, cesspools and other individual wastewater systems have the potential to adversely  
12 affect our groundwater and near shore waters. County wastewater treatment plants provide higher levels  
13 of treatment and better quality wastewater that can be used as reclaimed water which conserves our

1 limited water resources. Once county sewers are constructed, the counties have the responsibility and  
2 means to properly operate, maintain, and provide adequate treatment of wastewater to levels that are  
3 safe and do not adversely impact the environment.

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

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DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707  
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

KIRK CALDWELL  
MAYOR



LORI M.K. KAHIKINA, P.E.  
DIRECTOR

TIMOTHY A. HOUGHTON  
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.  
DEPUTY DIRECTOR

IN REPLY REFER TO:  
WAS 14-13

January 29, 2014

The Honorable Mike Gabbard, Chair  
and Members of the Committee on  
Energy Environment  
The Honorable Will Espero, Chair  
and Members of the Committee on  
Public Safety, Intergovernmental and  
Military Affairs  
State Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Gabbard, Chair Espero, and Members:

SUBJECT: Senate Bill 2243: Relating to Wastewater

The City and County of Honolulu, Department of Environmental Services (ENV), opposes Senate Bill (SB) 2243, Relating to Wastewater, which would transfer responsibility for permitting the use of individual wastewater systems in areas not served by county operated wastewater systems from the State of Hawaii, Department of Health (DOH) to the counties.

This bill would not change the ability of appropriate individual wastewater systems to be used in areas not served by central wastewater systems. That authority exists now and is exercised by the State of Hawaii, DOH. While the bill provides for the State to provide counties with "start-up funds" for the change, it does not address the long term costs to counties in adding this permitting, inspection, and related enforcement activities.

The Department of Environmental Services respectfully recommends that SB 2243 not be moved forward.

Thank you for your consideration.

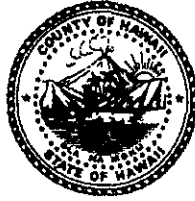
Sincerely,

A handwritten signature in black ink, appearing to read "Lori M.K. Kahikina", is written over a large, stylized, scribbled-out signature area.

Lori M.K. Kahikina, P.E.  
Director

William P. Kenoi  
Mayor

Walter K.M. Lau  
Managing Director



BJ Leithead Todd  
Director

John A. Medeiros  
Deputy Director

## County of Hawai'i

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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<http://www.hawaiicounty.gov/environmental-management/>

January 29, 2014

The Honorable Will Espero, Chair  
and Members of the Committee on Public Safety, Government Operations, and Military  
Affairs

The Honorable Mike Gabbard, Chair  
and Members of the Committee on Energy and Environment  
State Senate  
State Capitol  
Honolulu, Hawai'i 96813

Dear Chair Espero, Chair Gabbard, and Members:

Subject: **SENATE BILL 2243 RELATING TO WASTEWATER**

The County of Hawai'i Department of Environmental Management (DEM) opposes Senate Bill (SB) 2243, Relating to Wastewater, for the following reasons:

1. Hawai'i Revised Statutes §27-21.6(5)(A): Transfer of the regulation of the design, construction, and operation of individual wastewater systems and private wastewater treatment systems places an operational burden on the County. Despite the availability of start-up funds by the State, there will be an annual financial burden on the County to address both operational and staffing expenses.
2. Hawai'i Revised Statutes §27-21.6(5)(B):
  - a. Except for cesspools in a special management area, allowing Counties to permit the use of existing Individual Wastewater Systems (IWS's) as an on-site means of wastewater disposal in lieu of connecting to the County Sewer System is in contravention to the following:
    - i. Hawai'i Administrative Rules (HAR) §11-62-06(b) which requires that all buildings generating wastewater located within or near proximity of an available public sewer system to connect to the public sewer.
    - ii. Hawai'i County Code Chapter 21, Sewers, §21-5 which requires that owners of all dwellings, buildings or properties used for human occupancy, employment, recreation, or other purposes, which are accessible to a sewer are required at their expense to connect directly with the public sewer within one hundred eighty days after date of official notice.

- iii. Cesspools by definition are considered as IWS's under HAR §11-62-36, Subchapter 3, Individual Wastewater Systems. As such, SB 2243 which allows Counties to permit the continued use of cesspools in the event that a public sewer system becomes available is in contravention to the intent of HAR §11-62-05, Critical Wastewater Disposal Areas (CWDA).

b. Additional Concerns:

- i. Allowing the Counties to permit IWS's as an on-site means of wastewater disposal in lieu of connection to the County Sewer system could jeopardize the County's ability to obtain Environmental Protection Agency (EPA) grant funding under 40CFR35, State and Local Assistance.

Based on the above, the County of Hawai'i Department of Environmental Management respectfully requests that SB 2243 not be passed.

Sincerely,



BJ Leithead Todd  
Director

cc: Mayor William P. Kenoi  
Wally Lau, Managing Director  
John Medeiros, Deputy Director  
Amy Self, Deputy Corporation Counsel