



STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN
TESTIMONY ONLY

**Testimony in OPPOSITION to SB2889 SD1
RELATING TO WATER QUALITY**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: 2/24/2022

Room Number: Via Videoconference

1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities. The Department will need four (4) full-time employees to implement this
4 measure.

5 **Department Testimony:** The Department opposes this measure to regulate water catchment
6 systems for businesses and create filtration standards for the allowed use in the manufacture or
7 production of goods.

8 The Department, through the Safe Drinking Water Branch (SDWB) regulates public water
9 systems (PWS) defined under Hawaii Administrative Rules (HAR) Title 11, Chapter 20. A
10 catchment system may serve multiple entities in addition to the business. Should a water
11 catchment system meet the number of individual service customers, that would constitute a
12 PWS, the proposed measure is moot as the catchment system defaults to established PWS
13 regulatory requirements.

14 Additionally, under the Safe Drinking Water Act (SDWA) the Department's regulation of the
15 water quality of the systems is limited to the distribution system and does not include 1) the
16 premise plumbing or 2) it's intended use:

- 1 • Treatment systems such as the proposed Filters in the measure must be located near the
2 the catchment source before the entry point to the distribution system (EPD). Filters
3 associated with premise plumbing is deemed a customer point of use and is not regulated
4 under the SDWA.
- 5 • The intended use of the water for food businesses falls under the jurisdiction of the
6 Department's Food Safety Branch (FSB) under HAR 11-50. FSB has authority over
7 water use in the preparation or production of food products. Additionally, there may be
8 other regulatory agencies involved such as the case of the Food and Drug Administration
9 for the production of bottled beverages.
- 10 • Section 2 of the bill requires the Department to establish rules that includes compliance
11 with the State plumbing code and Chapter 448E. As mentioned, the SDWA does not
12 include premise plumbing which is the subject of the State plumbing code and Chapter
13 448E. The regulatory authority for water quality across all State primacy agencies and by
14 the Department ends at the meter or at a location on the service lateral from the water
15 distribution system to the building. The Department's authority does not currently enter
16 the building. If premise plumbing is included in the bill, this regulatory authority extends
17 new enforcement into a private building or residence where the business is taking place.
18 This jurisdiction is redundant and overlap existing County plumbing ordinances and
19 enforcement. The business would be subject to both interpretation and enforcement of the
20 plumbing code by the Department and County.

21 If the catchment system does not satisfy the requirements to be considered as a PWS, the system
22 is deemed private and unregulated by the SDWB. Hawaii Revised Statutes (HRS) 340E-4.8 is
23 the basis from which the proposed measure is modeled. HRS 340E-4.8 is intended to assist and
24 educate residents who are limited to water catchment because they do not have access to a public
25 water system or safe water resource. The measure is not within the spirit of HRS 340E-4.8 as a
26 business may have the financial means or access to loans to develop a private water supply,
27 compliant to State standards, or otherwise connect to the closest public water system to support

1 their private venture. Additionally, a business has the ability to pass capital and operational cost
2 to their customers in contrast to the position of a resident.

3 If the measure is passed, the Department's SDWB will need additional compliance, engineering,
4 monitoring and inspection to develop rules, implement, monitor, and ensure compliance and
5 enforcement with this bill. Funding for new SDWB positions and resources will be needed.

6 **Offered Amendments:** None.

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

BOARD OF WATER SUPPLY

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February 24, 2022

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Manager and Chief Engineer

ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S. C. Keith-Agaran, Vice Chair
and Members
Committee on Ways and Means
The Senate
Hawaii State Capitol, Room 211
Honolulu, Hawaii 96813

Dear Chair Dela Cruz, Vice Chair Keith-Agaran and Members:

SUBJECT: Senate Bill 2889, SD1: Relating to Water Catchment Systems

The Honolulu Board of Water Supply provides comments on Senate Bill (SB) 2889, Senate Draft (SD) 1, relating to water catchments systems for business activities that requires the Department of Health to establish standards for filtration of water for the manufacture or production of goods.

4. Water catchments systems can supplement potable water systems conserving natural water resources and in rural districts can be the only source of water supply. Depending on the type of commercial manufacturing process or goods, potable quality water may be necessary. The applicability of the Safe Drinking Water Act and the compliance requirements for water treatment and testing are challenging and not inexpensive. We therefore defer to the Department of Health's comments and expertise on this issue.

Thank you for the opportunity to testify on SB2889, SD1.

Very truly yours,



ERNEST Y.W. LAU, P.E.
Manager and Chief Engineer

SB-2889-SD-1

Submitted on: 2/22/2022 4:03:40 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ken Love	Testifying for Hawaii Tropical Fruit Growers	Support	No

Comments:

This bill is essential for helping small farmers and producers continue to sell produce and produce value added products from certified catchment water.



February 22, 2022

Chair Donovan M. Dela Cruz
Senate Ways and Means Committee
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Position: Support for SB 2889 SD1 and Recommended Language Changes

Dear Members of the Senate Ways and Means Committees:

On behalf of the International Association of Plumbing and Mechanical Officials (IAPMO), I want to share support for the intent of SB 2889. This bill is very timely and will greatly assist the state's efforts to promote water conservation and use alternate sources of water for Hawaiian businesses.

Water catchment systems can supplement existing drinking water sources for households on public water systems and provide much needed freshwater for communities that are not receiving municipal water or are solely reliant on private wells. Regulations are important to provide guidance for design and installation of water catchment systems. However, it's important to note that the state's plumbing code does provide guidance and requirements for both potable and non-potable rainwater catchment systems.

The State of Hawaii has adopted the 2018 Uniform Plumbing Code (UPC), which was developed by IAPMO, and the state code includes provisions for non-potable and potable rainwater catchment systems (found in Chapter 16 and Appendix K of the UPC, respectively). These provisions specifically outline the "installation, construction, alteration, and repair" of non-potable and potable rainwater catchment systems. In addition, the state plumbing code states that these catchment systems shall be designed a "registered or licensed professional," and that the "components, piping, and fittings that are used shall be listed." This means that all products used to build a rainwater catchment system must be certified by a third-party body to determine that the products comply with approved standards and have been found suitable for use.

IAPMO recommends that drinking water filtration systems (components, filters, and fixtures) meet nationally recognized industry standards, and that water catchment systems are certified by a third-party that is accredited by the American National Standards Institute (ANSI). As such we recommend the following language be included in SB 2889 SD1 on page 2, line 4:

"§340E- Water catchment systems; business activities. (a) The department shall adopt rules pursuant to chapter 91 to regulate water catchment systems, including filtration quality of water catchment systems, used for business activities. Rules adopted by the department under this section shall comply with the state plumbing code, *Appendix K of the state plumbing code*, and chapter 448E."



Independent product testing and certification is a critical step to ensuring that products meet the performance, health and quality assurance required by these regulations. Third-party product certification can help the state provide consumer confidence that plumbing products and systems will function as they claim, and help eliminate concerns that consumers may purchase and install either non-complying products, or counterfeit products available on the market. It is important to note that there are numerous organizations accredited by ANSI to provide this service.

As per Hawaii state statute, counties have two years to amend and adopt the state plumbing code from the date of state adoption, or the state plumbing code will serve as the default code. We encourage utilization of Appendix K of the UPC to ensure potable water catchment systems are built to standards and specifications that uphold public health and safety.

IAPMO supports the intent of SB 2889 SD1 and looks forward to working with state and local officials to improve water conservation and water quality in Hawaii.

Sincerely,

A handwritten signature in black ink, appearing to read "Robyn Fischer". The signature is fluid and cursive, written over a white background.

Robyn Fischer
Director, Government Relations
The IAPMO Group