

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

**Testimony COMMENTING on SB0093 SD1
RELATING TO REUSE ZONES**

REPRESENTATIVE LINDA ICHIYAMA, CHAIR
HOUSE COMMITTEE ON WATER & LAND

Hearing Date: 3/16/2023

Room Number: 430

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request.

3 **Department Testimony:** The Department of Health (Department) offers comments on this
4 measure. Water is a precious resource that needs to be preserved and conserved to ensure
5 sustainability for future generations. The Department is an advocate for promoting the use of
6 recycled water in Hawaii, and believes that a study should first be conducted to determine the
7 feasibility of implementing indirect and direct potable reuse in the State.

8 The Department is concerned that the cost to install infrastructure for nonpotable water
9 users or developers to use R-1 water from a wastewater treatment plant could be exorbitant. It is
10 our understanding that the various County Wastewater Divisions and the Honolulu Board of
11 Water Supply have and are constructing the R-1 infrastructure for potential users, but existing
12 infrastructure does not yet serve all existing nonpotable water users. We are not sure if the intent
13 of this measure is for nonpotable users to construct their own infrastructure to connect to the
14 wastewater treatment plant, but if so, the Department believes that it is much more efficient and
15 practical to have the R-1 transmission lines be provided by the Counties.

16 If the Committee does not wish to revise this bill to a study, the sums appropriated in the
17 bill should be provided to the Department of Health instead of the Department of Land and
18 Natural Resources (DLNR). The Department, not DLNR, has the authority to enforce laws
19 under Hawaii Revised Statutes (HRS) Chapter 342D. The Department also recommends

1 amending the definition of R-1 water to be similar to the definition that is provided under Section
2 11-62-04, Hawaii Administrative Rules.

3 Thank you for the opportunity to testify.

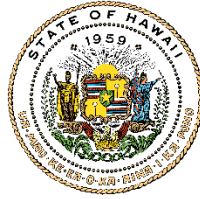
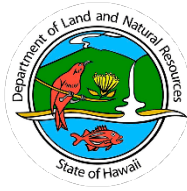
4 **Offered Amendments:** The Department respectfully suggests the following revisions to
5 the proposed HRS amendments. Additions appear as underlined and deletions appear as
6 bracketed strikeouts.

7 Revise SECTION 2.(b), Page 2, lines 5-7, “As used in this section, “R-1 water” means
8 recycled water that [~~is at all times~~]has been oxidized, [~~then~~]filtered, and [~~finally exposed to a~~
9 ~~disinfection process~~]disinfected.”

10 Revise SECTION 4., Page 3, lines 4 and 5, “The sums appropriated shall be expended by
11 the department of [~~land and natural resources~~]health for the purposes of this Act.”

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
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LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
WATER & LAND

Thursday, March 16, 2023
10:00 AM

State Capitol, Conference Room 430 & Videoconference

In consideration of
SENATE BILL 93, SENATE DRAFT 1
RELATING TO REUSE ZONES

Senate Bill 93, Senate Draft 1, proposes to require nonpotable water users and developers of real property within a certain distance of a wastewater treatment plant to use R-1 water for nonpotable water usage by amending Chapter 342D, Hawai'i Revised Statutes (HRS). The measure also appropriates unspecified general funds and full-time employee positions to the Department of Land and Natural Resources (Department) for the purposes of this bill. **The Department appreciates the intent of this measure and offers the following comments and amendment.**

The Department's Commission on Water Resource Management (Commission) supports the appropriate use of recycled wastewater, which reduces the use of potable water for nonpotable demands, is resilient to drought, and prevents potential pollution of nearshore waters by reducing wastewater injection and ocean outfalls. Increasing the reuse of recycled water across the state is essential because climate change is expected to reduce future freshwater availability in many areas of the State of Hawai'i and may also cause an increase in frequency and severity of drought events. In addition, moving in this direction is consistent with the United States Supreme Court's decision in County of Maui v. Hawaii Wildlife Fund, (2019).

The practicability of mandating the use of recycled water within a specified distance of a wastewater recycling facility (WWRF) is affected by several factors, including the existence of suitable infrastructure to store and distribute recycled water, the salinity and quality of the finished recycled water, and current reuse guidelines. We understand that in many areas across the state, infrastructure for the distribution of recycled water does not currently exist. The largest WWRF are county-owned, and

infrastructure to store and distribute recycled water varies greatly between the Counties. To better understand the state of reuse in Hawai‘i, the Commission completed its 2013 Update of the Hawai‘i Water Reuse Survey and Report, which provided an inventory of the WWRF in the State and described existing reuse projects and opportunities associated with these WWRF.

The Reuse Task Force established under House Concurrent Resolution No. 86, Senate Draft 1 of Hawai‘i’s 2018 Legislative Session requested the Department of Health to identify barriers and solutions to expanding water reuse in the State of Hawai‘i. The resulting Reuse Task Force report to the Legislature (Reuse Report) made several recommendations to further the use of recycled water, including proposing legislation requiring the Counties and County agencies producing recycled water to establish mandatory reuse zones, including maps with reasonable transport distances, and establish rules defining applicability for existing and new developments. The Reuse Report also made further recommendations that would remove barriers and increase opportunities for water reuse across the State of Hawai‘i.

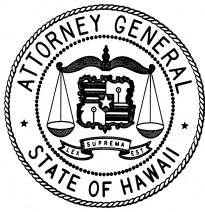
The Commission concurs with the Reuse Report recommendation that the Counties should be given the responsibility to establish reuse zones and administrative rules to further expand reuse of recycled water and suggests amending this measure by replacing the words “Any nonpotable water users or developers of real property within miles of a wastewater treatment plant shall utilize R-1 water for nonpotable water usage.” With the following:

“Any county agencies producing recycled water shall establish Water Reuse Zones within their service areas by January 1, 2024. New developments and existing users within the Reuse Zones are mandated to use recycled water if the quality of recycled water (R-1, R-2, R-3) is adequate for intended uses, the capacity is available, and the cost of connecting, switching, and using recycled water does not constitute an unreasonable financial burden. Existing users have 5 years to switch to mandated recycled water. Allocation of potable water for nonpotable and irrigation uses in a Water Reuse zone is restricted.”

Another Reuse Report priority recommendation is to increase Department of Health staffing dedicated to water recycling regulatory matters and encouraging increased safe use of recycled water and graywater. The Commission feels that it would be more appropriate to direct this measure’s proposed full-time positions and funding to the Department of Health instead of the Department of Land and Natural Resources since the purpose is to enforce provisions of Chapter 342D, Hawai‘i Revised Statutes.

Lastly, the Commission supports further implementation of the recommended demonstration projects cited in the Task Force Report.

Mahalo for the opportunity to comment on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 93, S.D. 1, RELATING TO REUSE ZONES.

BEFORE THE:

HOUSE COMMITTEE ON WATER AND LAND

DATE: Thursday, March 16, 2023 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 430

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Dale K. Sakata, Deputy Attorney General

Chair Ichiyama and Members of the Committee:

The Department of the Attorney General has the following comments on this bill.

The purpose of this bill is to add a new section to chapter 342D, Hawaii Revised Statutes (HRS), that requires any nonpotable water users and developers within a certain distance from a wastewater treatment plant to use R-1 water for nonpotable water usage. This bill also establishes positions within the Commission on Water Resource Management (CWRM) and appropriates funds to be expended by the Department of Land and Natural Resources (DLNR) for enforcement of R-1 water usage.

We note that the term "developers" is undefined in chapter 342D, HRS. "Developer" is defined in other statutes such as sections 46-141 and 302A-1602, HRS, but those definitions may not be appropriate for this bill. We will be happy to work with the Committee to draft a new definition.

We also note that while chapter 342D, HRS, is administered by the Director of Health, the additional enforcement resources provided by this bill are placed in DLNR. DLNR will not have authority to adopt administrative rules to implement R-1 water usage and the Director of Health will not receive the additional enforcement resources. We recommend that this Committee clarify which department will administer and enforce the provisions of this bill. We can work with the Committee to ensure that the agency tasked with oversight of R-1 water usage has unified rulemaking and enforcement authority.

Thank you for the opportunity to provide our comments on this bill.

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
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March 16, 2023

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Manager and Chief Engineer

ERWIN M. KAWATA
Deputy Manager

The Honorable Linda Ichiyama, Chair
and Members
Committee on Water and Land
House of Representatives
Hawaii State Capitol, Room 325
Honolulu, Hawaii 96813

Dear Chair Ichiyama and Members:

Subject: Senate Bill 93, SD1: Relating to Reuse Zones

The Honolulu Board of Water Supply (BWS) supports Senate Bill (SB) 93, Senate Draft (SD) 1. This bill proposes to require nonpotable water users or developers of real property located within a certain distance of wastewater treatment plants to use R-1 water for nonpotable water usage.

The BWS operates the Honouliuli Water Recycling Facility, which produces 12 million gallons per day of recycled (R-1) water for irrigation and industrial uses. This recycled water is not intended for drinking, but rather used primarily by large water users such as golf courses and refineries and is suitable for industrial processing, irrigation and non-drinking uses. It is good for the environment, and it cost less than other new water sources. Equally important, recycled water is a drought-proof and renewable supply of water, and is a safe and smart way to extend the life of our water supply. The Facility mainly serves nonpotable water users from Honouliuli to as far as Kapolei area.

While the BWS is working to secure additional water sources conservation remains the most effective and economical way to ensure we have the water we need. Recycled R-1 water helps reduce potable drinking water demand, thereby conserving water needed in times of drought.

Thank you for the opportunity to testify in support of SB93, SD 1.

Very truly yours,

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

RL

SB-93-SD-1

Submitted on: 3/16/2023 9:59:59 AM

Testimony for WAL on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
james pirtle	Individual	Oppose	Written Testimony Only

Comments:

I opose this bill. The legislature is not lawfully elected thus does not have the authority to enact laws and bills. All actions are treason against the United States of America.