

A Bill for an Act Relating to Onsite-Non-Potable Water Reuse Systems.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that as an island state, Hawaii has limited access to natural fresh water and unlike in other states, it is not economically feasible to ship in additional supplies when needed. Competition for fresh water from increasing populations, development pressures, and the impact of climate change require that Hawaii develop strategies for increasing water conservation, recharge, and reuse in order to ensure fresh water supplies for current and future generations. The Hawaii fresh water initiative was developed as a statewide goal to increase water security by one hundred million gallons a day by 2030. This will require more than doubling the amount of wastewater currently reused in the islands to provide an additional thirty million gallons a day in water availability. To reach this goal, both regional, large scale recycled water projects as well as smaller scale building level projects will be needed.

The legislature further finds that the use of recycled water for non-potable applications has been proven safe and feasible under existing regulatory regimes in Hawaii and many other states, as well as in other industrialized countries of the world. The opportunity for non-potable reuse at the building level is high. According to the United States Environmental Protection Agency, up to ninety-five per cent of water demands are for non-potable uses in commercial buildings, with irrigation and cooling tower representing approximately fifty per cent of that demand. Onsite water reuse in high-rise and mid-rise developments in particular has proven feasible and safe in New York, California, Japan, Australia, and other locations. The use of recycled water generated onsite at high-rise and mid-rise developments can replace a large percentage of the future potable water demand of such developments.

In order to safely increase onsite water reuse at the development level, the legislature finds that guidance from the Water Environment and Reuse Foundation, US Water Alliance, and the Water Research Foundation's National Blue Ribbon Commission for Onsite Non-potable Water Systems (Commission) would be invaluable. This Commission, made up of representatives from municipalities, water utilities, and public health agencies including Hawaii's department of health advances best management practices to support the use of onsite non-potable water reuse systems within individual buildings or at the local scale through a commitment to protect public health and the environment. To support the adoption of onsite non-potable water reuse systems, the Commission has developed tools and resources based on world class research and best practices underway in local communities.

To help reach the 2030 goal for water reuse, the department of health organized a water reuse task force based on House Concurrent Resolution 86, S.D. 1 (2018), with the purpose of identifying policies to help scale water reuse in the Hawaiian islands. Task force participants included representatives from the department of health, board of land and natural resources, commission on water resources management, board of agriculture, Honolulu board of water supply, Hawaii freshwater initiative, Hawaii Community Foundation, county representatives, and members of the house of representatives and the senate.

The purpose of this Act is to require the department of health to adopt rules for onsite non-potable water reuse systems by January 1, 2021. The rules shall be informed and guided by the work of the water reuse task force and have

the goal of safely, effectively, and economically scaling water reuse throughout Hawaii.

SECTION 2. By January 1, 2021, the department of health shall adopt a localized set of rules for onsite non-potable water reuse systems with guidance from the Water Environment and Reuse Foundation and the Water Research Foundation's "A Guidebook for Developing and Implementing Regulations for Onsite Non-Potable Water Systems," which focuses on public safety and minimizing public risk and was created with the support of public health regulators.

SECTION 3. This Act shall take effect on July 1, 2019.

(Approved July 2, 2019.)