



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in OPPOSITION to SB2889 SD2
RELATING TO WATER QUALITY**

REPRESENTATIVE DAVID A. TARNAS, CHAIR

HOUSE COMMITTEE ON WATER AND LAND

Hearing Date: 3/17/2022

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) its 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 • "Business activities" in the proposed subsection (a) is not defined. The measure should
22 define the term or provide guidance as to what is encompassed so that DOH can
23 understand what objective(s) should be addressed in Administrative Rules if the measure
24 is passed.

25 If the catchment system does not satisfy the requirements to be considered as a PWS, the system
26 is deemed private and unregulated by the SDWA. Hawaii Revised Statutes (HRS) 340E-4.8 is
27 the basis from which the proposed measure is modeled. HRS 340E-4.8 is intended to assist and
28 educate residents who are limited to water catchment because they do not have access to a public

1 water system or safe water resource. The measure is not within the spirit of HRS 340E-4.8 as a
2 business may have the financial means or access to loans to develop a private water supply,
3 compliant to State standards, or otherwise connect to the closest public water system to support
4 their private venture. Additionally, a business has the ability to pass capital and operational cost
5 to their customers in contrast to a resident who cannot.

6 If passed, the measure will have to appropriate funds for new positions within SDWB in order to
7 execute the bill. For every 5-20 systems added 1) engineering section 1) compliance section 2)
8 monitoring section. 4 FTE total for ever 5-20 regulated catchment systems needed in SDWB.

9 **Offered Amendments:** None.

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

BOARD OF WATER SUPPLY

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March 17, 2022

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Manager and Chief Engineer

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

The Honorable David A. Tarnas, Chair
and Members
Committee on Water and Land
House of Representatives
Hawaii State Capitol, Room 430
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

SUBJECT: Senate Bill 2889, SD2: Relating to Water Catchment Systems

The Honolulu Board of Water Supply provides comments on Senate Bill (SB) 2889, Senate Draft (SD) 2, 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.

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, SD2.

Very truly yours,

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

SB-2889-SD-2

Submitted on: 3/14/2022 6:46:10 PM

Testimony for WAL on 3/17/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ken Love	Hawaii Tropical Fruit Growers	Support	Written Testimony Only

Comments:

The Hawaii Tropical Fruit Growers is in full support of SB2889 SD2 that enables its 1800 members on each island to be able to utilize their filtered and tested catchment water in the manufacture of value added products which in turn help them to become more sustainable.

thank you for your consideration

SB-2889-SD-2

Submitted on: 3/14/2022 7:46:48 PM

Testimony for WAL on 3/17/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

More Red Tape that the people do not need. We have done just fine on our own!!

SB-2889-SD-2

Submitted on: 3/15/2022 4:03:45 PM

Testimony for WAL on 3/17/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrea Quinn	Individual	Support	Written Testimony Only

Comments:

Dear Honorable Committee Members:

Please support SB2889.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui

SB-2889-SD-2

Submitted on: 3/15/2022 8:49:54 PM

Testimony for WAL on 3/17/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rourk Reagan	Individual	Support	In Person

Comments:

Dear Committee Chairs,

Thank you for bringing this important issue to the table. I am Rourk Reagan, owner of Pukana La Farms in Wai'ohinu, Hawai'i Island. I make homemade jams at home and sell at local farmers markets. I am fortunate enough to currently have county water. I have had property that was on Catchment. I looked at the Department of Health's recommendations from University of Hawai'i CTAHR on how to have safe and clean drinking water and implemented the recommendations and procedures.

The State already allows and recommends that this is a safe process. It allows people to build homes and live in rural areas with safe drinking water since the majority of subdivisions have no county water available. This Bill's other provisions would give even more assurance to safe and clean water for people who make food products at home.

Right now, small business people who are trying to make a living on Catchment only option is to use a Commercial Kitchen or buy county water and have it trucked in. A Commercial kitchen is \$15-\$25. an hour and having county water delivered to a home starts at about \$250.- for a half tank. That is a lot of money when there are scientifically proven safe procedures that State recommends for rainwater Catchment.

The vast number of people who live in the rural and suburban parts of the Big Island are on Catchment. Please allow them to succeed with their businesses with this well written Bill .

In Kind Regards,

Rourk Reagan