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DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

**Testimony in OPPOSITION to SB0762
RELATING TO WATER CATCHMENT SYSTEMS**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES
Hearing Date: 2/6/2023 Room Number: 225

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 would need at least four full-time employees (4 FTE) and
4 funding for related operational expenses to implement this measure for every 5-20 new regulated
5 water systems.

6 **Department Testimony:** The Department opposes this measure to regulate water catchment
7 systems for business activities, provide water testing to businesses that utilize captured water,
8 and establish technical assistance to business owners to utilize filtered capture water in the
9 manufacture or production of goods.

10 The Department shares the following comments on section 2 of this measure:

11 On page 3, lines 16-18, the Department "shall adopt rules to regulate water catchment
12 systems, including filtration quality used for business activities."

- 13 • The Department regulates public water systems (PWS) which are defined in Hawaii
14 Administrative Rules (HAR) Chapter 11-20 as a "system which provides water for
15 human consumption, ... or regularly serves an average of at least twenty-five individuals
16 daily at least sixty days out of the year." Hawai'i Volcanoes National Park is an example
17 of a regulated public water catchment system. To ensure drinking water quality water at
18 the water catchment system, the business would need to implement a rigorous and costly
19 multiple barrier treatment, not only filtration, and the Department would impose

1 monitoring and reporting requirements on the system which would possibly deter the
2 business activities this bill intended to support.

- 3 • “Business activities” is not clearly defined. If the intended use of the captured water is for
4 food-related business activities, they would also be regulated by HAR Chapter 11-50,
5 which identifies the requirements for the type of water used in the preparation or
6 production of food products.

7 On page 3, lines 18-20, the Department shall adopt rules that include compliance with the
8 State plumbing code and Hawaii Revised Statutes (HRS) Chapter 448E. The Safe Drinking
9 Water Act regulatory authority for water quality across all State primacy agencies and by the
10 Department ends at the water meter or at a location on the service lateral from the water
11 distribution system to the building. The Department’s authority does not include the interior of
12 the building. Inclusion of compliance with the State plumbing code and HRS Chapter 448E
13 would subject the business to both interpretation and enforcement of the plumbing code by the
14 State and the County.

15 On page 4, lines 1-12, the annual water testing program established under HRS Section
16 340E-4.8 is cited to provide water testing support. However, it is intended to assist and educate
17 residents who are limited to water catchment because they do not have access to a public water
18 system or safe water resource. The measure was not intended to support a business who may
19 have the financial means or access to loans to develop a private water supply, compliant to State
20 standards, or otherwise connect to the closest public water system to support their private
21 venture. The business can pass capital and operational cost to their customers in contrast to a
22 resident who cannot. In addition, HRS Section 340E-4.8 provides financial support only for lead
23 and copper testing at residential dwellings. A regulated public water catchment system would be
24 subject to the National Primary Drinking Water Regulations.

25 On page 4, lines 13-19, instead of a “nonregulatory program that provides technical
26 assistant to business owners who wish to utilize filtered water from a water catchment system[,]”
27 the Department suggests financial assistance for businesses, possibly in the form of tax credits, to
28 subsidize the purchase of water from a Department certified hauler.

29 If passed as is, the Department would need at least four full-time employees (4 FTE) and
30 funding for related operational expenses to implement this measure for every 5-20 new regulated

1 water systems. Federal funds currently appropriated to meet Safe Drinking Water Act
2 compliance cannot be used for these purposes. Each water catchment system providing water to
3 a business activity would need to follow a rigorous and costly multiple barrier treatment
4 approach to ensure safe drinking water.

5 Thank you for the opportunity to testify.

6 **Offered Amendments:** None.

SB-762

Submitted on: 2/5/2023 7:20:53 AM

Testimony for HHS on 2/6/2023 1:00:00 PM

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

Comments:

This bill is a long time coming. It is only pono that all members of the community are equally able to utilize the natural resources. Catchment water will be filtered to the point where its much purer than county water. Once tested producers and growers should have the right to use catchment for the production of value added products.

SB-762

Submitted on: 2/5/2023 7:02:48 AM

Testimony for HHS on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Galimba	Testifying for Kuahiwi Ranch	Support	Written Testimony Only

Comments:

Aloha Honorable Chair, Vice Chair and Committee Members,

As someone who works in agriculture on Hawai'i island, I support the intent of this measure to provide more flexibility and support for agricultural producers to access water for agricultural production and processing.

Mahalo for your consideration,

Michelle Galimba, VP

Kuahiwi Ranch

SB-762

Submitted on: 2/5/2023 4:37:16 AM

Testimony for HHS on 2/6/2023 1:00:00 PM

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

Comments:

Dear Committee Chairs,

1. 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 \$25-\$50. 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

LATE

SB-762

Submitted on: 2/6/2023 10:53:54 AM

Testimony for HHS on 2/6/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Todd A Boulanger	Individual	Support	Written Testimony Only

Comments:

Aloha Senate committee members and attending public,

I am writing to voice my support specifically for the SB762 action items and in general for the safe and widespread promotion of rainwater catchment systems (RWCS) in the State of Hawaii.

Rainwater is an important resource for our island water supply especially for the long term need for more Hawaiian Homeland housing in rural areas without centralized municipal infrastructure and now that federal facility contamination (jet fuel, PFAS etc.) events are threatening our municipal groundwater supplies. Sadly, rainwater as a decentralized water supply source has been all too often seen as 'the past' of water supply in Hawaii versus a future resource by most local departments and agencies.

I would recommend that the bill be revised to provide more than one (1) subsidized water quality sampling per commercial site per year. More frequent sampling would aid in managing these sites that have a higher exposure to the general public (vs. smaller residential systems) and provide more information on these sentinel sites. This is important due to the dynamic nature of environmental conditions in Hawaii influencing rainwater quality and quantity.

The focus on commercial sites would be the most manageable way to start such an effort; though I would also recommend that the bill language include some flexibility to add some non-commercial sites, if the geographic areas under study do not have enough participating commercial sites to sample effectively or be statistically significant.

Mahalo nui loa,

Todd Boulanger, MURP (Infrastructure and Environmental Planning)

Past Experience with RWCS:

- Research Assistant to Dr. Yu-Si Fok, WRRC, University of Hawaii [1992 to 1994, research into survey of RWCS construction materials used in VOG regions using CDC dataset, draft recommendations for RWCS building code guidelines]

- American Rainwater Catchment Systems Association (ARWCSA) staff support
- US Peace Corps Philippines: Water Sanitation program
- Consumer, as a tourist in catchment areas in Hawaii County