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In reply, please refer to:
File:

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

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

Hearing Date: 2/15/2023

Room Number: 211

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (Department) offers comments for this
3 measure. Water is a precious resource that needs to be preserved and conserved to ensure
4 sustainability for future generations. The Department is an advocate for promoting the use of
5 recycled water in Hawaii, and believes that a study should be conducted to determine if this
6 requirement will be feasible.

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

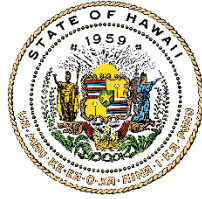
14 In addition, if a study is conducted, the Department recommends that it should also
15 include the feasibility of implementing indirect and direct potable reuse in the State.

16 Thank you for the opportunity to testify.

17 **Offered Amendments:** None.

JOSH GREEN, M.D.
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LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Wednesday, February 15, 2023
10:30 AM

State Capitol, Conference Room 211 & Videoconference

In consideration of
SENATE BILL 93
RELATING TO REUSE ZONES

Senate Bill 93 proposes to require nonpotable water users or developers within certain distances from 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.**

The 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 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. The Commission also aligns with the Hawaii Community Foundation's testimony on this measure to the joint Senate Committee on Agriculture and Environment and Senate Committee on Water and Land hearing on January 30, 2023, which requested amendments to the proposed new Section 342D- , HRS, to replace the words “Any nonpotable water users or developers 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.

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.