

STATE OF HAWAI'I
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in OPPOSITION to HB1728 HD1 SD1
RELATING TO RAINWATER CATCHMENT SYSTEMS.**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date, Time and Room Number: 04/07/2026, 10:15 am, 016

1 **Fiscal Implications:** The Department of Health (Department) identifies significant and
2 unbudgeted fiscal impacts to the State, Counties and homeowners.

3 **Department Position:** The Department **STRONGLY OPPOSES** HB 1728 HD1 SD1 and
4 respectfully requests that the measure be **HELD**.

5 **Department Testimony:** The Environmental Management Division, Safe Drinking Water Branch
6 (EMD-SDWB) provides the following testimony on behalf of the Department.

7 While the Department supports the expansion of Hawai'i's housing inventory, the
8 current proposal shifts the State from a supportive advisory role into an adversarial
9 "Enforcement Authority" over individual private residential rainwater catchment systems. This
10 also creates an irreconcilable conflict between the one-time Construction Permit utilized by
11 County Building Departments and the continuous Regulatory Oversight required by State and
12 Federal health standards.

13 Unlike a standard building permit—which is "closed out" once a structure is deemed
14 compliant with the code—the Department's role under this bill is perpetual. Because rainwater
15 is technically a "Surface Water Source," it requires constant, active operation and maintenance
16 to meet drinking water standards. If the Department is the regulator, it must monitor these

1 systems for the life of the dwelling. If a homeowner fails to properly disinfect, misses an annual
2 analytical suite of tests, or fails to certify their backflow preventer, they fall into State non-
3 compliance.

4 This mandate places the full weight of technical liability and financial cost on the
5 homeowner in perpetuity. Homeowners will be subjected to a permanent “Compliance Tax,”
6 including mandatory engineering fees for any rainwater catchment system modifications,
7 recurring laboratory costs, and professional maintenance requirements. For many residents,
8 the long-term cost of staying “legal” under State Department regulations will far exceed the
9 one-time cost of a traditional water service connection. Public water systems can hire resources
10 and obtain significant economy of scale over almost all individual private residential rainwater
11 catchment systems.

12 Rainwater is technically a Surface Water Source. Under the federal Surface Water
13 Treatment Rule (SWTR), the Department cannot “approve” these rainwater catchment systems
14 without mandating a rigorous treatment train capable of achieving 4-log (99.99%)
15 removal/inactivation of viruses. This requires highly specific, certified sterilization or chemical
16 disinfection systems that must be monitored and maintained by the homeowner in perpetuity.
17 The Department does not currently have the engineering capacity to validate these 4-log
18 performance standards for tens of thousands individual private residential rainwater catchment
19 systems.

20 In addition, under Hawai‘i Revised Statutes, Chapter 340E, “potable” water must meet
21 maximum contaminant limits for the entirety of the Safe Drinking Water Analytical Suite. This is
22 includes the full set of codified contaminants, including bacteria; pesticides like Dieldrin,
23 volatile organic chemicals, and radionuclides. For a private homeowner, the annual cost of
24 running this full suite to stay in compliance with state law would be thousands of dollars.
25 Without this full testing, the State cannot accept the individual private residential rainwater

1 catchment system water as “safe,” yet the bill provides no funding for the homeowner to meet
2 this burden.

3 The transition to State Department regulation also creates a functional bottleneck for
4 County Certificates of Occupancy (CO).

5 1. **Permit Stalling:** Counties cannot issue a CO until the Department clears the water
6 source. The SDWB currently has zero capacity to review 24,000 sets of engineering plans
7 for individual private residential rainwater catchment systems, which will result in
8 multi-year delays for new housing.

9 2. **Occupancy De-validation:** If a home receives a County CO, but later falls out of
10 Department water quality compliance, the home technically becomes “substandard” or
11 “uninhabitable.” This creates a legal “no-man's land” where a family may be living in a
12 house with a valid building permit but with an illegal, non-compliant water source.

13 HB 1728 HD1 SD1 ignores the practicality of rainwater catchment as a viable primary
14 drinking water source especially in traditionally arid areas subject to water scarcity as a result of
15 drought. Additionally, the bill does not consider the necessity to treat rainwater catchment as a
16 surface water treatment and places both the State and the homeowner in a position of legal
17 and financial risk.

18 The fiscal implications of this bill associated with the transition of regulatory authority
19 for individual private residential rainwater catchment systems from the Counties to the State
20 includes the following:

21 • **Establishment of a New Regulatory Program and Full-Time Personnel:** To execute the
22 requirements of HB 1728 HD1 SD1, the Department must establish an entirely new
23 branch. This requires a large initial appropriation to acquire a minimum of 50 new full-
24 time equivalent (FTE) positions, including Environmental Engineers for technical plan
25 review, sanitary surveys and backflow inspections, Environmental Health Specialists for

1 water quality monitoring, and a full suite of Support Staff (Accountants, Fiscal Officers,
2 Program Specialists, and Clerical Administrators) to manage the permitting, billing, and
3 enforcement for an estimated 24,000 existing individual private residential rainwater
4 catchment system tanks in addition to new individual private residential rainwater
5 catchment systems prompted by this bill.

- 6 • **Revenue Erosion and Operational Strain on County Water Utilities:** This bill
7 undermines the financial self-sufficiency of semi-autonomous County Water
8 Departments. By mandating that rainwater catchment be permitted on all properties,
9 even those with existing utility connections, the bill incentivizes “dual-source”
10 configurations. This allows homeowners to use municipal water as a supplemental or
11 “backup” source only during droughts. Consequently, utilities lose the steady
12 consumption revenue necessary to operate, maintain and upgrade municipal water
13 distribution systems.
- 14 • **Homeowner expenses to retain status of drinking water compliance:** Homeowners
15 must operate and maintain their highly specific, certified sterilization or chemical
16 disinfection systems in perpetuity. Their drinking water must be tested annually at a
17 cost of thousands of dollars to meet the entirety of the Safe Drinking Water analytical
18 suite and to stay in compliance with state law.

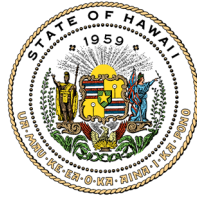
19 **The Department of Health respectfully requests that HB 1728 HD1 SD1 be HELD.**

20 **Offered Amendments:** None.

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

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
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARK

**Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson**

**Before the Senate Committee on
JUDICIARY**

**Tuesday, April 7, 2026
10:15 AM**

State Capitol, Conference Room 016 and Via Videoconference

**In consideration of
HOUSE BILL 1728, HOUSE DRAFT 1, SENATE DRAFT 1
RELATING TO RAINWATER CATCHMENT SYSTEMS**

House Bill 1728, House Draft 1, Senate Draft 1 requires the Department of Health (DOH) to allow for the installation and operation of rainwater catchment systems for potable and non-potable uses on all properties and authorizes the DOH to regulate and enforce standards for the use of rainwater catchment systems. **The Department of Land and Natural Resources (Department) acknowledges the intent of this measure and offers the following comments.**

The ongoing climate crisis is exacerbating statewide drought conditions and the threat of future water shortages. This may have impacts on the State's freshwater resources and the availability of both groundwater and stream flows. As a result, the Commission on Water Resource Management (CWRM) encourages the use of alternative water sources, including reuse, wastewater, stormwater, and rainwater catchment.

CWRM does not regulate rainwater catchment systems and defers to the DOH to comment on the regulatory implications of using rainwater catchment for potable and non-potable uses, including the drafting of rules pursuant to chapter 91.

Mahalo for the opportunity to testify on this measure.



 808-733-7060

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 1259 A'ala Street, Suite 300
Honolulu, HI 96817

April 7, 2026

The Honorable Karl Rhoads, Chair

Senate Committee on Judiciary

State Capitol, Conference Room 016 & Videoconference

RE: House Bill 1728, HD1, SD1, Relating to Rainwater Catchment Systems

HEARING: Tuesday, April 7, 2026, at 10:15 a.m.

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR **supports** House Bill 1728, HD1, SD1, which requires the Department of Health to allow for the installation and operation of rainwater catchment systems for potable and nonpotable uses on all properties. Requires the Department of Health to regulate and enforce standards for the use of rainwater catchment systems. Effective 7/1/3000.

Limited water infrastructure continues to be a major barrier to housing development across the State and especially on the neighbor islands. Allowing rainwater catchment systems for both potable and non-potable uses on all properties is a practical way to supplement our water supply and help homeowners and our communities.

Mahalo for the opportunity to provide testimony on this measure.



April 7, 2026

TO: Chair Rhoads and Members of the Senate Committee on Judiciary
RE: HB 1728 HD1 SD1, Relating to Rainwater Catchment Systems

Dear Chairs Rhoads and Committee Members,

Housing Hawai'i's Future is a nonprofit dedicated to creating opportunities for Hawai'i's next generation by ending the workforce housing shortage.

We support House Bill 1728 HD1 SD1. This bill would require the counties to allow for the installation and operation of rainwater catchment systems for potable and non-potable uses on all properties.

Water infrastructure is a foundational component of housing production. In many areas—particularly rural areas that lack access to centralized water systems—limited water availability can be a significant barrier to housing construction.

This bill helps address that constraint, providing for alternative water-infrastructure models that facilitate the construction of housing in areas where traditional infrastructure may be unavailable or cost-prohibitive.

Let's advance HB1728 HD1 SD1.

Thank you,



Lee Wang
Executive Director
Housing Hawai'i's Future
lee@hawaiifuture.org



Perry Arrasmith
Director of Policy
Housing Hawai'i's Future
perry@hawaiifuture.org



April 2, 2026

The Hon. Karl Rhoads
Chair, Committee on Judiciary
Hawai'i State Capitol
415 S. Beretania St.
Honolulu, HI 96813

RE: House Bill 1728, S.D. 1 -- SUPPORT

Aloha Chair Rhoads,

The International Association of Plumbing and Mechanical Officials (IAPMO) and the American Rainwater Catchment Systems Association International (ARCISA) are pleased to support HB 1728, SD 1, which would require counties to permit the installation and operation of rainwater catchment systems for both potable and non-potable uses. We respectfully request the bill be passed by the Senate Committee on Judiciary to enable wider use of rainwater catchment systems, strengthen water conservation and the use of alternate sources of water for residents while alleviating strain on Hawai'i's existing water infrastructure.

As you know, the State of Hawai'i adopts the Uniform Plumbing Code (UPC), providing guidance and requirements for both potable and non-potable rainwater catchment systems. These provisions outline the installation, construction, and alteration of such systems to offset the diminishing supply of fresh water in wells and aquifers. Furthermore, consensus-based national standards such as ARCISA/ASPE/ANSI 63 (Rainwater Catchment Systems) align to provide the highest level of public health protection. This legislation would provide local building officials and contractors with a clear, technically sound roadmap for the safe design, installation, and maintenance of rainwater catchment systems.

Providing this regulatory clarity and consistency will ease broader adoption of rainwater capture through standards that open the market and make this approach accessible to all who seek to use it. For these reasons, we thank you for considering this measure and look forward to its passage. If we can assist further, please contact IAPMO Director of Government Relations David Yow at david.yow@iapmo.org or ARCISA Executive Director Heather Kinkade at heather.kinkade@arcsainternational.org.

Mahalo,

A handwritten signature in black ink that reads "David Yow". The signature is written in a cursive, flowing style.

David Yow
IAPMO Director of Government Relations

A handwritten signature in black ink that reads "Heather Kinkade". The signature is written in a cursive, flowing style.

Heather Kinkade
ARCISA Executive Director



The Plumbers and Fitters UA Local 675

1109 Bethel Street, Lower Level, Honolulu, Hawai`i 96813
'A'ohe hana nui ke alu 'ia

April 7, 2026

State Senate- Committee on Judiciary

Senator Karl Rhoads, Chair, Senator Mike Gabbard, Vice Chair, and Committee Members

Reference: **HB1728, H.D. 1, S.D.1, Relating to Rainwater Catchment Systems**

Hearing: Tuesday, April 7, 2026, Room 016

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee Members;

The Plumbers and Fitters UA Local 675 ("Local 675") are one of three licensed crafts in Hawai`i's construction industry. Its member apprentices and journeymen are guided by and licensed in accordance with the Uniform Plumbing Code ("UPC"), published by the International Association of Plumbing and Mechanical Officials ("IAPMO") who's primary

Local 675 supports House Bill 1728, H.D. 1 which requires the counties to allow for the installation and operation of rainwater catchment systems for potable and non-potable uses on all properties and requires the counties to regulate and enforce standards for the use of rainwater catchment systems.

Recent volcanic eruptions on Hawai`i island and the resulting fallout of tephra and pele's hair risking system contamination and compromise of potable water sources, has amplified the importance of minimum installation and maintenance standards for rainwater catchment systems, and ensuring that individuals performing work on such systems are properly certified and/or qualified.

To this end, we support the inclusion of provisions offered by the International Association of Plumbers and Mechanical Officials (IAPMO) and appreciate your committee's consideration of this measure.

Mahalo for the opportunity to testify.



'āina * culture * community

April 6, 2026

Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

RE: HB1728, HD1, SD1

HEARING: TUESDAY APRIL 7, 2026, 10:15AM

Aloha, Chair Rhoads, Vice Chair Gabbard, and Members of the Committee

I am submitting testimony in **strong support of HB1728, HD1, SD1.**

Waipā Foundation is a 501C3 nonprofit which manages the 1,600 acre ahupua`a of Waipā as a living learning center and important community and resiliency hub. Located just past Hanalei town, on Kaua`i's North Shore, we currently employ 36 part and full time staff. Like many communities throughout Hawai`i, Waipā and the communities of Kaua`i's north shore desperately need affordable housing. **Waipā has the opportunity for growth but is unable to hire much needed employees due to the lack of housing within 20+ miles, and many of our current employees are extremely housing insecure.**

The Hanalei area is well known for it's abundant rainfall, yet as one of the wettest places on the island, access to potable water for affordable housing development is one of our biggest barriers. For the past several years Waipā has been working to implement our Site Development Plan which includes a significant number employee housing units, in addition to other facilities to support our community programming and economic development. **The Kaua`i DOW has informed us that the Hanalei system does not have capacity to support our project, and regulations do not currently permit another potable water system on a property with an existing county meter. Until something changes, our project is "dead in the water".**

Please pass HB1728, HD1, SD1. It will support much needed affordable housing development in our community and throughout Hawai`i **and it could be our solution.**

With gratitude,

Stacy M. Sproat

Executive Director

April 7, 2026, 10:15 a.m.
Hawaii State Capitol
Conference Room 016 and Videoconference

To: Senate Committee on Judiciary
Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice-Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: TESTIMONY IN SUPPORT OF HB1728 HD1 SD1 — RELATING TO RAINWATER CATCHMENT SYSTEMS

Aloha Chair, Vice Chair and other Committee Members,

The Grassroot Institute of Hawaii **supports** [HB1728 HD1 SD1](#), which would require the Hawaii Department of Health to permit the installation and use of rainwater catchment systems in all areas.

This bill would give Hawaii residents the opportunity to use rainwater for drinking water and irrigation, and it could help them overcome a barrier to expanding their homes or building small, accessory dwelling units on their properties.

Right now, tens of thousands of Hawaii residents — especially in rural areas — rely on catchment systems for their drinking water.¹ But regulations can make it difficult or impossible to construct a catchment system in areas that have access to a public water system, even if that water system is at capacity and cannot service any additional homes.

This is the situation across much of Kauai, where public water systems do not have the capacity to handle more users, but rainwater catchment is prohibited.²

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

¹ Patricia Macomber, "[Guidelines on Rainwater Catchment Systems for Hawai'i](#)," College of Tropical Agriculture and Human Resources, University of Hawai'i at Mānoa, 2020, p. 3.

² Jonathan Helton, "[Kauai lawmakers should revisit water catchment issue](#)," The Garden Island, Sept. 20, 2025.

HB-1728-SD-1

Submitted on: 4/5/2026 7:32:13 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

SUPPORT. GOOD IDEA. MAHALO!

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
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OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawaii 96766

April 6, 2026

**TESTIMONY OF FERN HOLLAND
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

HB 1728, HD 1, SD 1, RELATING TO RAINWATER CATCHMENT SYSTEMS

Senate Committee on Judiciary

Tuesday, April 7, 2026

10:15 a.m.

Conference Room 016

Via Videoconference

Dear Chair Rhoads and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 1728, HD 1, SD 1, Relating to Rainwater Catchment Systems. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I write in strong support of this measure, which recognizes the important role rainwater catchment can play in Hawai'i's future. Across the islands, limited water infrastructure has become a significant barrier to housing development and responsible land use. Many properties cannot move forward with otherwise permitted homes because county water systems are at capacity or unable to provide additional service. Rainwater catchment systems offer a practical and sustainable way to supplement water supplies, conserve existing resources, and allow families to responsibly develop their properties.

Legalizing and supporting safe rainwater catchment systems is also an important step toward addressing Hawai'i's housing challenges. By allowing homes that are already permitted or zoned to move forward despite water infrastructure limitations, catchment systems can help unlock housing opportunities for local families while reducing the strain on public water systems. Rainwater catchment also promotes water resilience and conservation by capturing rainfall that would otherwise be lost as runoff.

I am pleased to concur with the SD 1 version of the measure, which entirely addresses my prior concerns relating to the regulatory structure proposed in the previous versions of the bill that tasked the counties to function as both the provider and the regulator of alternative water systems. In regulatory systems, it is generally considered best practice that the entity providing a service should not serve as the primary regulator of that service. Separating these roles by requiring the Hawai'i Department of Health (DOH) to adopt rules to regulate rainwater catchment helps

Chair Rhoads and Members of the Committee
Re: Testimony in Support of HB 1728, HD 1, SD 1
April 6, 2026
Page 2

maintain clear oversight, consistent standards, and public confidence in the regulatory process.

Rainwater catchment has been safely used by many Hawai'i residents for decades, particularly in rural areas, and thousands of households rely on these systems as a primary water source. At the same time, establishing thoughtful statewide standards through DOH will help ensure these systems are designed, maintained, and operated in ways that protect public health and water quality.

HB 1728, HD 1, SD 1, represents an important opportunity to modernize Hawai'i's approach to water resilience and housing barriers. I wholeheartedly support the amended language in the SD 1 version, and I eagerly encourage the Committee to advance this measure, which would both expand responsible access to rainwater catchment and ensure appropriate public health oversight.

Thank you again for this opportunity to provide testimony in support of HB 1728, HD 1, SD 1, and *mahalo* for your continued work to address Hawai'i's water and housing challenges. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,



FERN HOLLAND
Councilmember, Kaua'i County Council

RM:dmc