

ACT 302

H.B. NO. 2513-86

A Bill for an Act Relating to Environmental Quality.

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

SECTION 1. Act 282, Session Laws of Hawaii 1985, Section 7, is amended by amending the definition of "Individual Wastewater System" in item 1.3 to read as follows:

" "Individual Wastewater System" means the facilities which dispose of treated or untreated domestic wastewater generated from dwelling units, or other sources generating domestic wastewater of similar volume and strength in accordance with Sections [3.3.A. and 3.3.B.] 3.4.A., 3.4.B. and 3.4.C. Individual wastewater systems include, but are not limited to, cesspools, septic tanks, and household aerobic units."

SECTION 2. Act 282, Session Laws of Hawaii 1985, Section 7, is amended by amending item 3.4 to read as follows:

- "3.4 Individual Wastewater Systems may be utilized in lieu of treatment works for:
- A. Developments of density not greater than one (1) dwelling unit per 5,000 square feet of ultimate development; or
 - B. Developments with buildings other than dwellings but involving the generation of domestic wastewater at a rate of less than 400 gpd per 5,000 square feet of ultimate development. Whenever applicable, the flow computations of the development shall be based on the "Quantities of Sewage Flows" indicated in Table II.; or
 - C. Multi-family dwelling units developed and constructed pursuant to Section 46-15.1 and Chapters 356, 359 and 359G, HRS, subject to the approval of the director."

SECTION 3. Act 282, Session Laws of Hawaii 1985, Section 7, is amended by amending item 6.1.B to read as follows:

- "B. A single individual wastewater system shall service (a) no more than one (1) dwelling with two (2) or less dwelling units or (b) a building other than a dwelling which involves the generation of domestic wastewater at a rate less than 800 gallons per day. The design flow for individual wastewater systems serving dwellings shall be based on at least 200 gallons per bedroom per day of treated capacity. The design flow for individual wastewater systems serving buildings other than dwellings shall be based on the "Quantities of Sewage Flows," indicated in Table I, where applicable. Otherwise, the design flow shall be determined on the basis of rational extrapolation considering such factors as experience with similar activities, water usage, and number of fixture units, or other factors, as approved by the Director. Such estimates shall be conservative and [many] may include a margin of safety if the Director deems such inclusion to be in the public interest, considering risks of failure or malfunction."

SECTION 4. Act 282, Session Laws of Hawaii 1985, Section 7, is amended by amending item 6.3.B.(1) to read as follows:

- "(1) Where a septic tank is followed by a subsurface disposal field, [the lot size shall be at least 15,000 sq. ft. in area and] the lot topography shall permit the construction of an operable subsurface disposal field with the required absorption area."

SECTION 5. Act 282, Session Laws of Hawaii 1985, Section 7, is amended by amending item 6.3.C(1) to read as follows:

- “(1) Household aerobic units must be approved by the Director. Such approval shall be based upon the “Criteria for Evaluation and Testing,” as set forth in Publication 586 issued by the National Academy of Sciences - National Research Council, Washington, D.C., entitled, “REPORT ON INDIVIDUAL HOUSEHOLD AEROBIC TREATMENT SYSTEM,” 1958, and upon the submission of data for an operating unit which is representative of the device. Such performance data shall have been obtained by an agency such as a university or an independent research laboratory acceptable to the Director or from the National Sanitation Foundation (NSF) Testing Laboratory, Ann Arbor, Michigan. The size of a household aerobic unit shall be based on 200 gallons per bedroom per day of treated capacity.”

SECTION 6. Section 342-31, Hawaii Revised Statutes, is amended by amending the definition of “individual wastewater system” to read as follows:

““Individual Wastewater System” means a facility which [dispose] disposes of treated or untreated domestic wastewater generated from dwelling units or other sources generating domestic wastewater of similar volume and strength such as: (1) developments of a density not greater than one dwelling unit per 5,000 square feet of ultimate development [or]; (2) developments with buildings other than dwellings but involving the generation of domestic wastewater at a rate of less than 400 gallons per day per 5,000 square feet of ultimate development[.]; or (3) multi-family dwelling units developed and constructed pursuant to section 46-15.1 and chapters 356, 359 and 359-G, subject to the approval of the director. Individual wastewater systems include, but are not limited to, cesspools, septic tanks, and household aerobic units.”

SECTION 7. Section 342-32, Hawaii Revised Statutes, is amended to read as follows:

“§342-32 Powers and duties, specific. [(a)] In addition to any other power or duty prescribed by law and in this part, the director shall prevent, control, and abate water pollution in the State. In the discharge of this duty, the director may:

- (1) Establish by rule water quality standards, effluent standards, treatment and pretreatment standards, and standards of performance for specific areas and types of discharges in the control of water pollution, thereby allowing for varying local conditions;
- (2) Appoint a master or masters to conduct investigations and hearings;
- (3) Consult with and advise any person engaged or intending to be engaged in any business or undertaking whose waste, sewage, or drainage is polluting or may tend to pollute state waters;
- (4) Conduct and supervise research programs for the purpose of determining the causes, effects, and hazards of water pollution, the purity and potability of water and the means to monitor the quality of water, or to effect the proper disposal of sewage, drainage, and waste;
- (5) Conduct and supervise state educational and training programs on water pollution prevention, control, and abatement, including the preparation and distribution of information relating to water pollution;

- (6) Consult and advise persons intending to alter or to extend any system of drainage, sewage, or water supply;
- (7) Require complete and detailed plans or reports, on existing works, systems, or plants, and of any proposed addition to, modification of or alteration of any such works, system, or plant which [contain] contains the information requested by the director in the form prescribed by him; which plans or reports shall be made by a competent person acceptable to the director and at the expense of such applicant or owner;
- (8) With the approval of the governor, cooperate with, and receive money from the federal government, or any political subdivision of the State or from private sources for the study and control of water pollution;
- (9) Receive or initiate complaints of water pollution, hold hearings in connection with water pollution, and institute legal proceedings in the name of the State for the prevention, control, or abatement of water pollution;
- (10) Require the owner or operator of any effluent source or any discharger of effluent to (A) establish and maintain records; (B) make reports; (C) install, use, and maintain monitoring equipment or methods; (D) sample effluent and state waters; and (E) provide such other information as the department may require;
- (11) Require any [person, operator] permittee or holder of a variance or person subject to pretreatment requirements to permit the director or his authorized representative upon the presentation of his credentials:
 - (A) To enter [the premises of the person, operator] upon permittee's or variance [holder] holder's premises or premises of a person subject to pretreatment requirements in which an effluent source is located or in which any records are required to be kept under the terms and conditions of the permit or variance or pretreatment requirements;
 - (B) To inspect any monitoring equipment or method required in the [plans, specifications] permit or variance or by pretreatment requirements; and
 - (C) To sample any discharge of pollutants or effluent; and
- (12) Publish [an] annual [report] reports on the quality of the state waters, which annual reports shall include, but not be limited to:
 - (A) A description of sampling programs and quality control methods procedures;
 - (B) Statistical analysis and interpretation of the data on an annual basis by specific points (monitoring stations);
 - (C) Discussion of the results of these analyses to the extent that the implications can be understood by the general public;
 - (D) Recommendations for the modification of the water quality monitoring program to enhance its effectiveness for maintaining high standards of water quality in the State; and
 - (E) A note of any significant changes in the quality of state waters.

[(b) In addition, until such time that each county assumes complete administration of the wastewater treatment system program, the director shall regulate individual wastewater systems and private wastewater treatment works

ACT 302

in those counties that have not assumed these functions pursuant to section 27-21.6(5) by imposing requirements, including the two following requirements:

- (1) No individual wastewater system or private wastewater treatment work shall be constructed unless the plans and specifications for the system are submitted to and approved in writing by the director; and
- (2) Following its construction, but prior to its operation, individual wastewater systems and private wastewater treatment works shall be inspected and approved by the director.

The department is authorized to exercise its professional judgment as to the appropriateness and adequacy of wastewater treatment systems on a case by case basis.]”

SECTION 8. Notwithstanding any other law to the contrary, including the provisions of Act 282, Session Laws of Hawaii 1985, the department of health shall adopt rules for the regulation and administration of individual wastewater systems and private wastewater treatment works, and, immediately upon approval of such rules, Sections 4 and 7 of Act 282, Session Laws of Hawaii 1985, shall be repealed.

SECTION 9. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 10. This Act shall take effect upon its approval.

(Approved May 30, 1986.)