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# HOUSE CONCURRENT RESOLUTION

URGING THE COUNTIES TO CONSIDER ADOPTING GRAY WATER PROVISIONS OF THE UNIFORM PLUMBING CODE AND REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PLAN TO AUTHORIZE GRAY WATER RECYCLING SYSTEMS FOR RESIDENTIAL PREMISES UNDER APPROPRIATE CIRCUMSTANCES.

1           WHEREAS, each of the counties has adopted building codes  
2 and provisions from the Uniform Plumbing Code, but none of the  
3 counties has adopted the gray water provisions of the Uniform  
4 Plumbing Code, which are significantly more restrictive than the  
5 provisions of section 342D-70, Hawaii Revised Statutes, and  
6 title 11, chapter 62, Hawaii Administrative Rules; and  
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8           WHEREAS, in 2007, the Legislature enacted part II of  
9 chapter 107, Hawaii Revised Statutes, by which the State  
10 Building Code was established; and  
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12           WHEREAS, section 107-25, Hawaii Revised Statutes, provides  
13 that the State Building Code shall include, among other things,  
14 the most recent edition of the Uniform Plumbing Code; and  
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16           WHEREAS, part II, chapter 107, Hawaii Revised Statutes,  
17 tasks the State Building Code Council with adopting the State  
18 Building Code, including any necessary or desirable state  
19 amendments to the model codes listed in section 107-28, Hawaii  
20 Revised Statutes; and  
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22           WHEREAS, section 107-28, Hawaii Revised Statutes, requires  
23 the counties to amend the State Building Code, when adopted, as  
24 it applies within each county's respective jurisdiction using  
25 the model building codes and standards listed in section 107-25  
26 by no later than two years after the adoption of the State  
27 Building Code, otherwise, the State Building Code shall become  
28 applicable as an interim county building code until the county  
29 adopts the amendments; and

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2 WHEREAS, the State Building Code Council has not yet  
3 adopted the Uniform Plumbing Code; and  
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5 WHEREAS, even if the State Building Code Council adopts the  
6 State Building Code, including the gray water provisions of the  
7 Uniform Plumbing Code, today, the counties will not be required  
8 to adopt such provisions until 2011; and  
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10 WHEREAS, notwithstanding that the State Building Code has  
11 not yet been adopted, none of the counties has adopted the gray  
12 water provisions of the Uniform Plumbing Code; and  
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14 WHEREAS, the Legislature enacted section 342D-70, Hawaii  
15 Revised Statutes, in 1993 to allow the Department of Health to  
16 authorize the counties to establish programs regulated by the  
17 Department of Health for the recycling of gray water from  
18 residential units for the purpose of irrigating lawns and  
19 gardens; and  
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21 WHEREAS, Senate Standing Committee Report No. 645 (1993)  
22 found that gray water recycling "is consistent with the State's  
23 environmental policy, which calls for the conservation of  
24 natural resources and the recycling of waste water" and that it  
25 will help alleviate the impact of decreasing county water  
26 supplies and the significantly increased burden on waste water  
27 treatment and disposal systems; and  
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29 WHEREAS, Senate Standing Committee Report No. 645 (1993)  
30 also found that "oversight of private wastewater systems falls  
31 within the purview of the Department of Health" and that the  
32 Department of Health should, therefore, have "jurisdiction over  
33 the gray water recycling program"; and  
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35 WHEREAS, House Standing Committee Report No. 1209 (1993)  
36 made similar findings and noted that "[w]ith the water tables in  
37 each county decreasing, the use of gray water recycling will  
38 help alleviate some of the demand for water for the purposes of  
39 irrigation"; and  
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41 WHEREAS, the Department of Health subsequently adopted  
42 title 11, chapter 62, Hawaii Administrative Rules, to establish  
43 definitions and design standards for gray water recycling  
44 systems; and

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2 WHEREAS, according to its Wastewater Branch, the Department  
3 of Health has approved at least one gray water recycling system  
4 in the District of Kona, Island of Hawaii; and

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6 WHEREAS, none of the counties has applied to the Department  
7 of Health to establish a gray water recycling program; and

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9 WHEREAS, legislation was considered in 2008 that would  
10 place responsibility for developing gray water recycling  
11 programs with the Department of Health, but the Director of  
12 Health testified that the Department lacks the resources to  
13 oversee implementation of a gray water program for residences  
14 served by county sewer systems; and

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16 WHEREAS, in consideration of the Director of Health's 2008  
17 testimony, House Bill No. 763 was introduced in 2009 to require  
18 the Department of Health to implement a gray water recycling  
19 program for premises not served by county wastewater systems and  
20 authorize the counties to establish gray water recycling  
21 programs for premises that are served by county wastewater  
22 systems, provided the standards for those programs are no more  
23 restrictive than those set forth in the State's administrative  
24 rules; and

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26 WHEREAS, the Comptroller, on behalf of the State Building  
27 Code Council, testified in opposition to House Bill No. 763  
28 because, in his opinion, it conflicted with the process set  
29 forth for adoption by the State Building Code Council of the  
30 State Building Code; and

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32 WHEREAS, section 342D-70, Hawaii Revised Statutes, and  
33 title 11, chapter 62, Hawaii Administrative Rules, authorize  
34 residential gray water recycling programs; and

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36 WHEREAS, county building departments will not issue permits  
37 for construction or modification of dwellings that incorporate  
38 gray water recycling systems, notwithstanding clear authority to  
39 do so in State law; and

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41 WHEREAS, the burden on water supplies and on wastewater  
42 treatment systems has only increased since the Legislature  
43 authorized the establishment of gray water recycling programs in  
44 1993; and now, therefore,

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BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2009, the Senate concurring, that the counties are urged to consider adopting the gray water provisions of the Uniform Plumbing Code, while the formal adoption of the State Building Code is pending and during the two-year county implementation period; and

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BE IT FURTHER RESOLVED THAT the Director of Health is requested, in consultation with the State Building Code Council and the counties, to develop a plan by which section 342D-70, Hawaii Revised Statutes, and title 11, chapter 62, Hawaii Administrative Rules, may be given effect for residential premises not served by county wastewater systems, including review and approval by the Department of Health of plans for proposed gray water recycling systems; and

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BE IT FURTHER RESOLVED that the Department of Health is requested to submit a report to the Legislature setting forth its plan, together with any recommended legislation, no later than twenty days prior to the convening of the Regular Session of 2010; and

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BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Director of Health, the Comptroller, and the Mayor and the Chairperson of the Council of each county.