
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that supporting local
2 food production is a high priority for Hawaii and much of that
3 food production comes from small farmers. Land and water costs
4 are high in Hawaii and enabling farmers to live on the land at
5 minimal expense is essential.

6 On Hawaii island, most farms are not supplied with county
7 water, so the efficient use of water is of paramount importance,
8 as the water for the farm comes from rainfall. Water for
9 household use is provided by collecting the rain off the roofs
10 of the farm buildings and storing that water in tanks in the
11 case of potable water, or ponds for irrigation and stock water.
12 Allowing farmers to use gray water systems that recycle
13 uncontaminated water will enable them to waste less water.

14 According to the "Guidelines for the Reuse of Gray Water"
15 prepared by the department of health, "gray water from sinks,
16 tub/shower drains, and clothes washers are estimated to be 50-80
17 percent of the total residential wastewater generated. This



1 wastewater stream may be reused to meet part of the fresh water
 2 demand for landscaping . . . Although this wastewater stream
 3 contains detergents, soaps, and solvents, some of the
 4 constituents of these cleaning agents are considered fertilizer
 5 for plants. Phosphorous, nitrogen, and potassium are some of
 6 the compounds found in gray water that many plants need to
 7 survive. Generally, most of the gray water and the nutrients in
 8 it will be used by plants, and the dynamics of the soil will
 9 break down the other contaminants." This guide continues by
 10 listing several ornamental plants such as heliconia and ti, crop
 11 plants such as banana and coconut, and native Hawaiian plants
 12 that would benefit from the use of gray water.

13 Therefore, the legislature finds that allowing gray water
 14 systems on agricultural land on Hawaii island will provide
 15 farmers with an inexpensive and efficient source of water and
 16 nutrients.

17 SECTION 2. Section 205-2, Hawaii Revised Statutes, is
 18 amended by amending subsection (d) to read as follows:

19 "(d) Agricultural districts shall include:



- 1 (1) Activities or uses as characterized by the cultivation
2 of crops, crops for bioenergy, orchards, forage, and
3 forestry;
- 4 (2) Farming activities or uses related to animal husbandry
5 and game and fish propagation;
- 6 (3) Aquaculture, which means the production of aquatic
7 plant and animal life within ponds and other bodies of
8 water;
- 9 (4) Wind generated energy production for public, private,
10 and commercial use;
- 11 (5) Biofuel production, as described in section
12 205-4.5(a)(16), for public, private, and commercial
13 use;
- 14 (6) Solar energy facilities; provided that:
- 15 (A) This paragraph shall apply only to land with soil
16 classified by the land study bureau's detailed
17 land classification as overall (master)
18 productivity rating class B, C, D, or E; and
- 19 (B) Solar energy facilities placed within land with
20 soil classified as overall productivity rating
21 class B or C shall not occupy more than ten per



1 cent of the acreage of the parcel, or twenty
2 acres of land, whichever is lesser, unless a
3 special use permit is granted pursuant to section
4 205-6;

5 (7) Bona fide agricultural services and uses that support
6 the agricultural activities of the fee or leasehold
7 owner of the property and accessory to any of the
8 above activities, regardless of whether conducted on
9 the same premises as the agricultural activities to
10 which they are accessory, including farm dwellings as
11 defined in section 205-4.5(a)(4), employee housing,
12 farm buildings, mills, storage facilities, processing
13 facilities, photovoltaic, biogas, and other small-
14 scale renewable energy systems producing energy solely
15 for use in the agricultural activities of the fee or
16 leasehold owner of the property, agricultural-energy
17 facilities as defined in section 205-4.5(a)(17),
18 vehicle and equipment storage areas, and plantation
19 community subdivisions as defined in section
20 205-4.5(a)(12);

21 (8) Wind machines and wind farms;



- 1 (9) Small-scale meteorological, air quality, noise, and
2 other scientific and environmental data collection and
3 monitoring facilities occupying less than one-half
4 acre of land; provided that these facilities shall not
5 be used as or equipped for use as living quarters or
6 dwellings;
- 7 (10) Agricultural parks;
- 8 (11) Agricultural tourism conducted on a working farm, or a
9 farming operation as defined in section 165-2, for the
10 enjoyment, education, or involvement of visitors;
11 provided that the agricultural tourism activity is
12 accessory and secondary to the principal agricultural
13 use and does not interfere with surrounding farm
14 operations; and provided further that this paragraph
15 shall apply only to a county that has adopted
16 ordinances regulating agricultural tourism under
17 section 205-5;
- 18 (12) Agricultural tourism activities, including overnight
19 accommodations of twenty-one days or less, for any one
20 stay within a county; provided that this paragraph
21 shall apply only to a county that includes at least



1 three islands and has adopted ordinances regulating
2 agricultural tourism activities pursuant to section
3 205-5; provided further that the agricultural tourism
4 activities coexist with a bona fide agricultural
5 activity. For the purposes of this paragraph, "bona
6 fide agricultural activity" means a farming operation
7 as defined in section 165-2;

- 8 (13) Open area recreational facilities;
- 9 (14) Geothermal resources exploration and geothermal
10 resources development, as defined under section 182-1;
- 11 (15) Agricultural-based commercial operations, including:
 - 12 (A) A roadside stand that is not an enclosed
13 structure, owned and operated by a producer for
14 the display and sale of agricultural products
15 grown in Hawaii and value-added products that
16 were produced using agricultural products grown
17 in Hawaii;
 - 18 (B) Retail activities in an enclosed structure owned
19 and operated by a producer for the display and
20 sale of agricultural products grown in Hawaii,
21 value-added products that were produced using



1 agricultural products grown in Hawaii, logo items
 2 related to the producer's agricultural
 3 operations, and other food items; and
 4 (C) A retail food establishment owned and operated by
 5 a producer and permitted under title 11, chapter
 6 12 of the rules of the department of health that
 7 prepares and serves food at retail using products
 8 grown in Hawaii and value-added products that
 9 were produced using agricultural products grown
 10 in Hawaii.

11 The owner of an agricultural-based commercial
 12 operation shall certify, upon request of an officer or
 13 agent charged with enforcement of this chapter under
 14 section 205-12, that the agricultural products
 15 displayed or sold by the operation meet the
 16 requirements of this paragraph; ~~and~~

17 (16) Hydroelectric facilities as described in section
 18 205-4.5(a)(23) ~~[-]~~; and

19 (17) Gray water facilities; provided that:

20 (A) This paragraph shall apply only to an island
 21 greater than four thousand square miles in size



1 and on land with soil classified by the land
2 study bureau's detailed land classification as
3 overall (master) productivity rating class C, D,
4 or E; and
5 (B) As used in this paragraph, "gray water" means any
6 untreated wastewater that has not come into
7 contact with toilet waste. "Gray water" includes
8 used water from bathtubs, showers, and bathroom
9 wash basins and water from clothes washers and
10 laundry tubs. "Gray water" excludes water that
11 is contaminated with any household hazardous
12 waste as defined in section 342G-1 or hazardous
13 waste as defined in section 342J-2. "Gray water"
14 also excludes wastewater from food preparation
15 sinks or dishwashers.
16 Agricultural districts shall not include golf courses and golf
17 driving ranges, except as provided in section 205-4.5(d).
18 Agricultural districts include areas that are not used for, or
19 that are not suited to, agricultural and ancillary activities by
20 reason of topography, soils, and other related characteristics."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Gray water; Agriculture

Description:

Allows gray water systems to be placed on agricultural lands to help farmers use water and gray water nutrients more efficiently. (HB777 HD1 PROPOSED)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

