HB 2513, HD 2 proposes amendments to present provisions relative to use of "individual wastewater systems". This statement on the bill does not reflect an institutional position of the University of Hawaii.

Section 1 of the bill proposes editorial amendment of a definition of an "individual wastewater system" in an introductory part of section 7 of Act 282. Section 2 of the bill proposes a substantive amendment of provisions in section 7 of the Act relating to when an individual wastewater system may be used in lieu of sewage treatment works. Section 3 of the bill proposes a substantive amendment of a provision in section 7 of the Act relating to the use of a septic tank followed by a disposal field. Section 4 proposes a substantive amendment of the definition of an "individual wastewater system" in HRS 342-31.

The present definition of an individual wastewater system in HRS 342-31 is equivalent to the combination of the present definition of such a system in section 7 of Act 282 and the present provisions of that section relating to when an individual wastewater system may be used. With the proposed amendments, the definition in HRS 342-31 will remain equivalent to the combination of the definition and applicability provisions in section 7 of the Act. It would preferable to separate the definition from the applicability provisions in HRS 342. We are more concerned, however, with the increased applicability of individual wastewater systems that would be allowed with the proposed amendments of both section 7 of Act 282 and HRS 342-31.
A report on HB 2513, HD1 by the House Committees in Planning, Energy, and Environmental Protection; on Health; and on Housing (Rpt. No. 549) indicates that the reason for proposing the increased applicability is that Act 282 "effectively eliminated the ability of the Hawaii Housing Authority to develop, low-cost multi-family projects in certain rural areas of the State" -- the requirements being "prohibitive and unfeasible."

By the revision proposed in HD 2, "multi-family dwelling units developed and constructed pursuant to section 46-15.1 and chapters 356, 359, and 359G" would be allowed to use individual wastewater systems, subject to the approval of the Director of Health. HRS 46-15.1 provides the counties with powers equivalent to those of the Hawaii Housing Authority (HHA); HRS 356 relates to low-income HHA projects; HRS 359 to State housing projects and 359-G to HHA housing projects. None of these statutes are restricted to the housing projects in rural areas whose facilitation is the reason given in the committee report for the amendment. Furthermore, we consider it irrational to allow public housing projects, low-income housing projects, or public, low income housing projects in rural areas to use methods of wastewater treatment whose use by housing projects generally is not permitted.

Section 7 of Act 282 now provides that an individual wastewater system consisting of the combination of a septic tank and a drain field can be used only on a lot of at least 15,000 square feet in area. Noting that lot size has little to do with the performance of a disposal or drain field, we considered appropriate the proposal in the original version of HB 2513 to delete the lot-size restriction. HB 2513 HD2 retains a lot-size restriction but reduces the necessary area to 10,000. This is at least an improvement on the present provision.