

HAWAII

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Or

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<http://www.state.hi.us/health>



Wastewater Systems
Title 11, Chapter 62
December 9, 2004

<http://www.hawaii.gov/health/about/rules/11-62.pdf>

Hawaii regulations were last amended on December 9, 2004. No major amendments or revisions are ongoing at this time. There are a number of minor corrections that are needed and are being discussed with EPA such as changes to our onsite rules which would make them consistent to the Large Capacity Cesspool regulations. Wastewater regulations apply statewide, and can become more stringent on the local level if approved by the state.

Hawaii does not follow performance based codes for the selection of any or all technologies. The closest performance based technology Hawaii follows is the NSF class I certification for aerobic units.

There is a provision in Hawaii's rule that allows the Department to review innovative and or alternative technologies on a case-by-case basis. Provisions exist for the Director of Health to allow other innovative and alternative technologies. The Department of Health allows the technology to be used on an experimental basis during which performance data are gathered over a period of time to demonstrate that the technology functions as described.

Those technologies approved for use in Hawaii include:

- Conventional—Aerobic treatment units, septic tanks, soil absorption beds and trenches, absorption or seepage pits, dry wells, sand filters, mounds, and evapotranspiration beds.
- Alternative—Gravelless chambers, some gravelless pipe systems, constructed wetlands, composting and incineration toilets, and aerobic systems with NSF Standard 40 certification.
- Experimental—Each installation requires local Board of Health approval and dedicated site for replacement with conventional or alternative systems. No specific products or technologies are identified as experimental, but an experimental technology can be approved on a case-by-case basis.

State Code does not require management programs or contracts except for aerobic treatment units, for which an ongoing maintenance/service contract/agreement is required. There are no plans to alter these requirements within the next year. Perpetual maintenance on mechanical systems that discharge onto the surface or into surface bodies of water is required; however, the rules do not allow for onsite wastewater systems to discharge onto the surface or into surface bodies of water.

There is no periodic inspection required by the state for investigating the performance and operation of onsite systems. Nor are regular inspections for investigating the performance and operation of onsite systems after construction required by the State. Inspectors are not required to be certified. All site evaluations and wastewater system designs are required to be done by a professional engineer licensed in Hawaii. A percolation test or soil characterization is required as part of the site evaluation. Please see section 11-62-31.2 site evaluation for information regarding Hawaii's requirements on percolation tests and/or soil characterization as part of the site evaluation.

The protocol for initiating repair or replacement of a failed system includes the Department of Health's issuing an informal notice of violation to the individual homeowner, and allowing the owner a stated period of time to correct the problem as well as respond in writing to the Department of Health. If the system is not brought into compliance after two notices, the DOH can take formal enforcement action. Typically, the DOH will order the owner to hire an engineer to determine if the system can be repaired, the extent of the repairs, or the system needs to be replaced.

There are no permits for onsite systems within the State of Hawaii. Hawaii rules require that any new onsite wastewater system plan be approved by the Department, and once constructed, written authorization obtained from the Department for use. Permits are tied to the County building permit process as the Department of Health is responsible for onsite wastewater functions and not the Counties. No permits are issued for repair of existing systems, or for upgrade or modification. Department of Health issues an approval letter for the onsite plans and use of the system. Permits for new construction are issued by the appropriate county with the State reviewing and signing permit applications. The state tracks each issued permit. No permit is required for alternative/experimental/innovative technologies. The State of Hawaii will consider third party certification other than NSF International testing for approval of

alternative/experimental systems. For example, Hawaii has allowed third party certifications provided that the testing protocol is similar to NSF's. Contact Mr. Tomas See, Supervisor Planning & Design Section of the Wastewater Branch, Hawaii State Department of Health at (808) 586-4294 or email tsee@eha.health.state.hi.us for more information regarding permit records and number totals. Only partial data of permit types and totals are recorded. Most of the record keeping is done manually; however, information regarding dates, locations, owner, engineers and type of wastewater system used are recorded. Also, building permit applications are recorded.

No funding program or mechanism exists to assist homeowners replacing a failing system or installing a new system, and there are no plans to develop such a mechanism within the next year. However, they are working with the County of Hawaii to develop a State Revolving Funds (SRF) sponsorship program to replace large capacity cesspools as part of a new loan to the County. For further information contact:

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Also, there have been no changes to allow the use of State Revolving Funds (SRF) to assist individual homeowners in repair of failing or malfunctioning system, replacement of failing or malfunctioning systems, or new construction of onsite wastewater treatment systems.

Currently, no onsite wastewater demonstration, research, or testing projects are ongoing in the state. Also, there is no state sponsored onsite training available. However, the State of Hawaii is working with EPA Region 9 to develop a short onsite wastewater training program that is currently in the very initial planning stages.