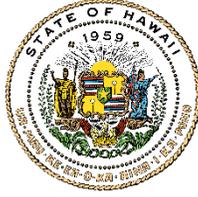


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

BRIAN J. NEILSON, ADMINISTRATOR
DIVISION OF AQUATIC RESOURCES

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Tuesday, February 18, 2025
10:01 AM

State Capitol, Conference Room 211 & Videoconference

In consideration of
SENATE BILL 329
RELATING TO WATER POLLUTION

Senate Bill 329 proposes to require at least fifty per cent of treatment works effluent to be R-1 recycled water by January 1, 2045 and amends the year by which no treated or raw sewage shall be discharged into state waters from 2026 to 2030. **The Department of Land and Natural Resources (Department) appreciates the intent of this bill and provides the following comments.**

As an island state where water is a precious and valuable resource, reusing recycled water for non-potable purposes helps conserve fresh water resources. However, the shift of the date by which no person or public body shall discharge treated or raw sewage into state waters from 2026 to 2030 allows for an extra four years of potential pollution into state waters. Clean nearshore waters are vital to both public health and the health of nearshore reefs and associated fisheries.

The Department recommends retaining the 2026 deadline to ensure timely action in eliminating sewage discharge into state waters.

Mahalo for the opportunity to provide comments on this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on SB0329
RELATING TO WATER POLLUTION.**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

February 18, 2025; 10:01 am, Room Number: 211

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health (“Department”) provides comments on
3 SECTION 1 of this bill and supports SECTION 2 of this proposed bill with amendments.

4 **Department Testimony:** The Environmental Management Division, Wastewater Branch
5 (EMD-WWB) provides the following testimony on behalf of the Department.

6 SECTION 1 requires “[b]y January 1, 2045, no less than fifty per cent [50%] of treatment
7 works effluent be recycled water classified as R-1 and that is suitable for use in recycled water
8 systems.” The Department has concerns that this proposed bill will impact both public and
9 private wastewater treatment works (also known as sewage or wastewater treatment plants).
10 While 50% R-1 effluent is a goal that the Department supports, the environmental benefit and
11 rate of return for this additional expense would depend upon the customer demand for the R-1
12 water by reuse water customers such as irrigation for golf courses, subdivisions, government
13 right-of-ways, etc. If the public and private wastewater treatment works that produce R-1
14 water do not have any or reliable R-1 customers, then the additional cost may be transferred to
15 the rate payer.

1 The wastewater treatment works producing the greatest quantity of effluent are those
2 operated by the counties. The counties are already struggling to add sewer collection systems
3 and wastewater treatment works capacity to add properties which are on existing cesspools.
4 This requirement may be counterproductive to completing sewer improvement district which
5 would help satisfy the current requirement to convert cesspools by January 1, 2050.

6 SECTION 2 amends Section 342D-50.5, Hawaii Revised Statutes (HRS): The proposed bill
7 moves the date out from December 31, 2026, to December 31, 2030. This will provide
8 additional time for those impacted by this bill to comply; however, an additional four years
9 would likely be insufficient. The proposed bill also adds the conditions that a sewage treatment
10 plant is exempt from this prohibition when a treatment plant's primary outfall is not located in
11 state waters. The Department assumes this to be interpreted to mean the treatment plant's
12 effluent does not discharge to state waters. The Department believes prohibiting discharges
13 from sewage treatment plants to state waters would pose a social conundrum as all discharges
14 from a treatment plant have the potential to reach state waters. For example, ground water is
15 considered state waters. Enforcement of this prohibition would be challenging since it is
16 sometimes difficult to determine a discharge to groundwater. More importantly, including the
17 addition condition eliminates the statutes current intent to provide an exception.

18 The current statute already prohibits treated sewage to state water, therefore adding
19 the condition that the primary outfall shall not be located in state waters is not necessary.

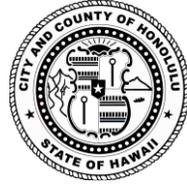
20 **Offered Amendments:** For SECTION 2, the Department recommends revising the date from
21 December 31, 2026, to December 31, 2049, to align with HRS 342D-72(a) cesspool conversion
22 deadline that states "[b]efore January 1, 2050, every cesspool in the State, excluding cesspools
23 granted exemptions by the director pursuant to subsection (b), shall be: (1) Upgraded or
24 converted to a director-approved wastewater system;"

25 Thank you for the opportunity to testify on this measure.

DEPARTMENT OF ENVIRONMENTAL SERVICES
KA 'OIHANA LAWELAWE KAIĀPUNI
CITY AND COUNTY OF HONOLULU

1000 ULU'ŌHI'A STREET, SUITE 308 • KAPOLEI, HAWAII 96707
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RICK BLANGIARDI
MAYOR
MEIA



ROGER BABCOCK, JR., Ph.D., P.E.
DIRECTOR
PO'O

MICHAEL O'KEEFE
DEPUTY DIRECTOR
HOPE PO'O

IN REPLY REFER TO:
WAS 25-14

January 30, 2025

The Honorable Mike Gabbard, Chair
The Honorable Herbert M. "Tim" Richards, III, Vice Chair
and Members of the Committee on Agriculture and Environment
415 South Beretania Street
Honolulu, Hawaii 96813

LATE

Dear Chair Gabbard and Vice Chair Richards:

SUBJECT: Senate Bill 329 - Relating to Water Pollution

The City and County of Honolulu's (City) Department of Environmental Services (ENV) submits the following comments and concerns on SB 329, Relating to Water Pollution.

ENV supports recycled water reuse. In partnership with the Honolulu Board of Water Supply, about half of the wastewater ENV receives at its Honouliuli Wastewater Treatment Plant (WWTP) (about 13 million gallons a day) is recycled into R-1 water and distributed for irrigation and industrial reuse throughout the 'Ewa Plain. ENV has also partnered with the State of Hawai'i Agribusiness Development Corporation to design and build a recycled water distribution and irrigation system for agricultural lands in Central Oahu using approximately three (3) million gallons of R-1 water ENV produces at its Wahiawa WWTP. This project is under construction. Additionally, ENV is in the Planning phase of a project to construct treatment processes that will produce 100% recycled water at its Waimanalo, Kahuku and Pa'ala'a Kai WWTPs.

Notwithstanding ENV's support of recycled water reuse, water recycling is not practical at all of our WWTPs. At the Sand Island, Kailua and Waianae WWTPs, for example, the influent wastewater is high in salinity and would therefore require extensive treatment to meet R-1 standards and be suitable for reuse. Such treatment systems would likely cost hundreds of millions of dollars and require additional sewer fee increases. The installation of a distribution system necessary to pump approximately 30 million gallons a day of recycled water from the Sand Island WWTP and 5 million gallons a day of recycled water from the Kailua WWTP to the nearest users would also be extremely expensive and very likely cost prohibitive. There is also limited need for R-1 water in the areas surrounding the Sand Island and Kailua WWTPs.

Should you have any questions, please feel free to contact me at (808) 768-3486.

Sincerely,

FOR Roger Babcock, Jr., Ph.D., P.E.
Director Designate

DEPARTMENT OF PUBLIC WORKS

TROY TANIGAWA, P.E., COUNTY ENGINEER
BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

Testimony of Donald Fujimoto
Chief Wastewater Management Division
County of Kaua'i
Department of Public Works

Before the Senate Committee on
AGRICULTURE AND ENVIRONMENT

Tuesday, February 18, 2025 10:00 AM
State Capitol, Conference Room 211 & Videoconference
In consideration of
Senate Bill 329
Relating to Water Pollution

LATE

Chair Gabbard, Vice Chair Richards, and Members of the Committee:

The County of Kaua'i Department of Public Works submits testimony with suggested amendment on Senate Bill No. 329 (SB329), which requires at least 50% of treatment works effluent to be R-1 recycled water by January 1, 2045 and amends the year by which no treated or raw sewage shall be discharged into state waters from 2026 to 2030. We support the intent of the bill which promotes the highest and best reuse options for wastewater effluent.

The County of Kauai is currently confronted with its own wastewater issues trying to fund much needed repair projects on deferred maintenance items, which is already stressing financial resources. The Wastewater Management Division (WMD) just raised its sewer fees by 58% on residential accounts over a five-year period starting on 7/1/23. Kauai county has recently submitted its state revolving fund (SRF) capital improvement list for much needed repairs and initial collection expansion projects to address cesspool conversion amounting to over \$450 million for the next 5 years.

We believe that over \$100 million of additional funding will be needed to comply with this bill to meet the 50% R-1 water requirement by January 1, 2045. The County of Kauai WMD services four districts on Kauai with only two of the facilities producing R-1 water at this time in Lihue and Waimea. It should be noted, less than 25% of the R-1 water has been committed for reuse in Waimea, and we do not anticipate that the balance of R-1 will be utilized in the immediate future. We believe that the major challenge is unbudgeted cost for the installation and maintenance of the R-1 water distribution system.

New international building codes (IBC) requirements within Tsunami zone will require relocation of two of our wastewater treatment facilities in Waimea and Wailua. The average cost for a new regional wastewater treatment facility is about \$125 million requiring at least 10 to 15 years to complete based on recent environmental clearances, siting studies, including land acquisition.

We recommend the following revision to HB2743 to help the County of Kauai:

1. Add: the legislature will provide funding to meet the requirement of this bill either by grants or by providing special SRF funding.

At this time we would like to stress that the state revolving fund needs to be further supported and subsidized by the State to fund not only necessary deferred maintenance but also system improvements required due to new regulations and support future expansion of wastewater management systems to address the cesspool conversion requirements.

Your consideration and revisions for our recommended changes will be sincerely appreciated. We respect your noble effort to address protecting and preserving our most valuable asset, Our Environment.

LATE

SB-329

Submitted on: 2/17/2025 1:00:13 PM

Testimony for WAM on 2/18/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Tasman Kekai Mattox	Individual	Support	Written Testimony Only

Comments:

Please continue to support clean wai for our 'ohana!

LATE

SB-329

Submitted on: 2/17/2025 3:02:20 PM

Testimony for WAM on 2/18/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Audrey Yukimura	Individual	Support	Written Testimony Only

Comments:

my name is Audrey Yukimura, I am a 21 year old student at UH Mānoa and was born and raised on Kaua'i where I currently reside. I am currently taking an Environmental Law and Economics course which is what sparked my interest in this topic, we are currently learning the process of submitting testimony. Thank you for taking the time to understand and listen to my testimony. I am for Bill SB 329, relating to water pollution. According to an article published by the Beat of Hawaii in June of 2023, three Hawaii beaches were ranked the most polluted in the U.S. by a report done by the Surfrider Foundation. Two of these beaches are on my home island of Kaua'i. This article also states that the cause of Hawaii's beach pollution is due to antiquated cesspools, "The cesspools contribute more than 50 million gallons of raw sewage daily into the state's groundwater and surface water. Cesspools are an old technology for disposing of untreated wastewater. The impacts of the pollution include groundwater, that's responsible for the vast majority of Hawaii's drinking water. It also puts residents and visitors at risk of illness and seriously harms streams, the ocean, and our coral reefs." The Garden Island Newspaper also published an article in June of 2023 about the findings of the same surfrider report. This article focused on a heavily frequented beach of Kalapaki Bay which consists of Nawiliwili stream. Nawiliwili stream in my hometown of Lihue, is one of the most consistently polluted stream/beach in the nation. While I have known that this beach has always seemed to get a little dirtier as the years went by, I was shocked to learn that the State Health Department does not even test here because the "stream is not considered part of the marine beach." Yet, this water flows directly into the ocean, it is a stream that keiki play in and its waters go directly into the surf break. This broke my heart to learn about, Kalapaki Bay was a beach that was a 15 minute bike ride from my childhood home, where my parents would take me as a baby and throughout childhood. It was a beach where my Grandpa and Dad would coincidentally bump heads in the bay as they both swam their laps unbeknownst to the other. Now, it is a beach that I do not dare to go in the water, for fear that I will be endlessly itchy after or develop some sort of rash, both of which have happened in the past to me. 2030 is in five years, while I think that no one right now should have ever been allowed to dump raw sewage into the ocean, I understand that this is a step in the right direction. Dumping raw sewage into our beautiful oceans is detrimental, it is a lazy and unethical practice that should have been banned years ago. This is why I am for this bill, a bill that should have been created years ago, before we let it get this bad. I am also in favor of the recycled water idea that will be implemented by the year 2045, this is how we can solve issues before they become bigger ones and find solutions before it is too late. Again, thank you for taking the time to read this, I appreciate your efforts.

