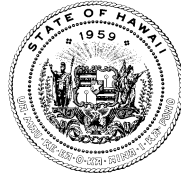


DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEES ON HEALTH AND
AGRICULTURE AND ENVIRONMENT
HEARING ON MARCH 23, 2022 AT 1:00PM VIA VIDEOCONFERENCE

HB 2195, HD2, RELATING TO CESSPOOLS

March 23, 2022

Aloha Chair Keohokalole, Chair Gabbard, and members of the Committees:

The Department of Hawaiian Home Lands (DHHL) supports this bill establishing a cesspool compliance pilot grant project to assist low- and moderate-income property owners, including lessees on Hawaiian home lands, with the costs of upgrading, converting, or connecting a cesspool identified as failing by the Department of Health.

DHHL is especially supportive of the inclusion of low- and moderate-income lessees on Hawaiian Home Lands to access funding through this pilot grant project. Lessees are experiencing increased costs because of septic system requirements and given limited financing options on Hawaiian Home Lands, this measure provides a much needed resource. The Hawaiian Homes Commission in the past two years approved a measure establishing a low-interest loan program to offer financial assistance for lessees on Hawaiian Home Lands with cesspools to be ungraded or converted to septic systems or aerobic treatment unit systems or connected to existing sewer systems or any other wastewater treatment systems approved by the Department of Health, but DHHL hasn't been able to design the appropriate mechanism to accomplish the result.

Thank you for your consideration of our testimony.

HB-2195-HD-2

Submitted on: 3/22/2022 9:29:56 AM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Hawai'i Reef and Ocean Coalition	Support	Remotely Via Zoom

Comments:

To: The Honorable Senator Jarrett Keohokalole, Chair, The Honorable Rosalyn Baker, Vice Chair, and members of the Senate Committee on Health, and

The Honorable Michael Gabbard, Chair, The Honorable Clarence Nishihara, Vice Chair, and Members of the Senate Committee on Agriculture and Environment

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing HB2195 HD2 RELATING TO CESSPOOLS.

Wednesday, March 22, 2022, 1:00 p.m., CR 225 and by videoconference

Aloha Chairs Keohokalole and Gabbard, Vice Chairs Baker and Nishihara, and Members of the Committees:

The Hawai'i Reef and Ocean Coalition is a group focused on protecting corals and other ocean species. **The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS HB2195 HD2!**

Cesspools need to be phased out in order to protect Hawaii's drinking waters, surface water quality, and coral reefs and other aquatic life! This bill would establish a cesspool compliance pilot grant program to help some low and moderate income property owners, including some lessees on Hawaiian homelands, afford the costs of upgrading, converting or connecting a cesspool. Similar grant programs in New York and Rhode Island have increased the rate of conversions.

Providing grants to low and moderate income folks who upgrade failing cesspools will help reduce marine pollution that harms corals and other ocean species. **This bill would help remove some water pollution from the environment and help some low and moderate income property owners and Hawaiian homelands lessees financially.**

Please pass this bill!

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



March 22, 2022

In Support of **HB2195 HD2** Relating to Cesspools
Senate Committees on Health (HTH) & Agriculture & Environment (AEN)
Hearing on March 23, 1:00pm

Aloha, Chairs Keohokalole & Gabbard, Vice-Chairs Baker & Nishihara & Members of the Committee:

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations, I am writing in **strong support of HB2195 HD2**. This bill would help homeowners with the costs of replacing their cesspools and other essential upgrades by creating a pilot grant project to assist low- and moderate-income homeowners with the cost of converting their failing cesspools or connecting them to sewer.

Hawaii has more than 88,000 cesspools across the state, discharging 53 million gallons of raw sewage each day into Hawaii's waters. That's similar to a massive sewage spill every day! Homeowners across the state need this law to make sure their wastewater systems aren't polluting the groundwater, our drinking water or nearby surface waters. As a member of the State's Cesspool Conversion Working Group, I believe this bill provides an important economic tool for the state to fulfill its mandate under Act 125 to convert all cesspools by 2050.

WAI is dedicated to protecting our drinking water, groundwater and near-shore ecosystems by reducing sewage pollution from cesspools and failing septic systems. Our goal is to help find more innovative, affordable, and eco-friendly solutions to wastewater management. Better sanitation systems reduce sewage pollution and make properties more valuable, while also protecting our groundwater, drinking water, streams, and the health of our coral reefs and coastal areas. Converting cesspools will also improve water quality for locals and visitors alike and help protect our environment and promote Hawaii as a world-class destination.

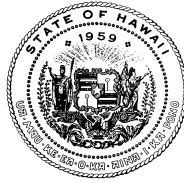
Hawaii is struggling with serious sewage pollution problems and needs to meet the mandate to convert all cesspools in the next three decades. Most homeowners don't have enough money to convert their individual cesspools, but this law will help homeowners by creating grants to help low- and moderate-income homeowners with the cost of converting their cesspools. Similar grant programs in New York and Rhode Island have increased the rate of conversions.

Based on successful bills in other states, this bill creates a practical and expedient way to convert cesspools with state grants. It will provide needed assistance to struggling homeowners who have to upgrade their systems, while also helping the state to meet the mandate under Act 125 to convert all cesspools by 2050. Mahalo for your leadership on this issue and support of common sense policies like this one to help the people of Hawaii.

Aloha,

Stuart Coleman

Stuart H. Coleman, Executive Director



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

WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of HB2195 HD2
RELATING TO CESSPOOLS**

SENATOR JARRETT KEOHOKALOLE, CHAIR
SENATE COMMITTEE ON HEALTH

SENATOR MIKE GABBARD, CHAIR
COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: 3/23/2022

Room Number: 225/Videoconference

1 **Fiscal Implications:** The Department of Health (Department) would need at least one full-time
2 temporary position to implement the proposed cesspool compliance pilot project. This measure
3 may impact the priorities identified in the Governor's Executive Budget Request for the
4 Department's appropriations and personnel priorities.

5 **Department Testimony:** The Department supports this measure as long as it does not impact
6 the priorities requested in the Executive Budget. The Department would also prefer that a tax
7 credit is offered instead of a grant. The Department is unsure how we would be able to
8 administer a grant program to the general public if this measure is passed.

9 Cesspools are a major source of pollution to Hawaii's waters. There are approximately
10 88,000 cesspools in the State, discharging millions of gallons of untreated sewage into the
11 groundwater every day. The sewage polluted groundwater flows into drinking water sources,
12 streams and the ocean, harming public health and the environment, including beaches and coral
13 reefs. Ninety-five percent of all drinking water in Hawaii comes from groundwater sources.
14 Cesspools should be phased out to eliminate threats to drinking water and recreational waters.

15 The Department believes the pilot project should focus on low and moderate-income
16 homeowners. The 2017 legislature report should not be referenced because the Department is
17 working on updating the report.

- 1 **Offered Amendments:** Revise measure to implement a tax credit program similar to HB1805
- 2 HD1 instead of a grant program.
- 3 Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON HEALTH AND AGRICULTURE AND
ENVIRONMENT
ON
HOUSE BILL NO. 2195, H.D. 2

March 23, 2022
1:00 p.m.
Room 225 and Videoconference

RELATING TO CESSPOOLS

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 2195, H.D. 2:

- Establishes the cesspool compliance pilot grant project (CCPGP) in the Department of Health (DOH) to assist property owners, including lessees on Hawaiian home lands, with upgrading, converting, or connecting a cesspool that DOH has identified as failing.
- Requires DOH to adopt rules as necessary to carry out the CCPGP, provided that the rules shall include a method of calculating a sliding scale grant amount based upon the federal adjusted gross income of the owner of the property with a failing cesspool.
- Appropriates an unspecified amount of general funds in FY 23 to DOH to implement the CCPGP.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that

states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

HB-2195-HD-2

Submitted on: 3/20/2022 9:26:57 AM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Wolfendale	Testifying for Rotary Club Hanelie Bay	Support	Written Testimony Only

Comments:

The Rotary Club of Hanalei Bay actively supported all private and government actions designed to remove sewage from our rivers and bays. These waters are the primary recreation areas for both visitors and residents and must not be polluted by cesspools.

HB-2195-HD-2

Submitted on: 3/20/2022 11:35:34 AM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruta Jordans	Testifying for Zero Waste Kauai	Support	Written Testimony Only

Comments:

This should be high priority. Low to moderate income households, unlike the million dollar house owners, definitely can not afford cesspool conversion, but Hawaii needs the conversion. Make it doable!

HB-2195-HD-2

Submitted on: 3/18/2022 4:47:17 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support

HB-2195-HD-2

Submitted on: 3/19/2022 1:37:28 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Comments	Written Testimony Only

Comments:

The Wastwater system should be illegal and Ended!!

HB-2195-HD-2

Submitted on: 3/20/2022 6:13:15 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

Hawaii's treatment of sewage is an embarrassment and an environmental tragedy. Any measure that can help us move forward is welcome.

HB-2195-HD-2

Submitted on: 3/21/2022 8:09:56 AM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Megan Lamson Leatherman	Individual	Support	Written Testimony Only

Comments:

Mahalo for the opportunity to testify in **FULL SUPPORT on bill (HB2195 HD2)**, that " Establishes a cesspool compliance pilot grant project to assist low- and moderate-income property owners, including lessees on Hawaiian home lands, with the costs of upgrading, converting, or connecting a cesspool. Applies to cesspools identified as failing by the department of health. Appropriates funds."

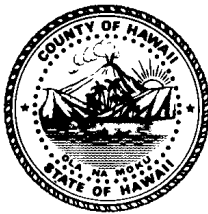
This bill establishes a pilot program for cesspool conversions for low to moderate income households. **Please support clean water and environmental justice for the future of our island ecosystems, native species habitat, and our own human health.** Many thanks for your time, consideration, and help in passing this cesspool bill into law.

Best,

Megan Lamson Leatherman, M. Sc.

Honalo, North Kona

REBECCA VILLEGAS
Council Member
District 7, Central Kona



PHONE: (808) 323-4267
FAX: (808) 323-4786
EMAIL: Rebecca.villegas@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740

March 21, 2022

TESTIMONY OF REBECCA VILLEGAS
COUNCIL MEMBER, HAWAI'I COUNTY COUNCIL
ON HB 2195 HD2, RELATING TO CESSPOOLS
Committee on Health
Committee on Agriculture and Environment
Wednesday, March 23, 2022 1:00 p.m.

Aloha Chair Keohokalole, Chair Gabbard, and Members of the Committee:

I thank you for the opportunity to testify in SUPPORT of HB 2195 HD2.

The requirement to upgrade or convert a cesspool imposes a financial burden on low- and moderate-income families, therefore the purpose of this Act is to assist low- and moderate-income property owners, including lessees on Hawaiian home lands, with upgrading, converting, or connecting their failing cesspools to more environmentally appropriate systems or sewerage systems by creating a pilot grant project to assist with conversion costs.

Failing cesspools are contaminating the State's ground water, streams, and coastal ecosystems. Public health and the quality of drinking water, streams, ground waters, marine areas, and the ocean is being harmed by water pollution of cesspools. Without this temporary income tax credit many families will not be able to afford to convert their systems or it will cause drastic financial harm to them. By assisting with expenses related to the costs of cesspool conversion we will be able to protect our environment and provide further protection to public health

For the reasons stated above I urge the Committee on Health and the Committee on Agriculture and Environment to SUPPORT this measure. Should you have any questions, please feel free to contact me at (808) 323-4267.

Mahalo for your consideration.

A handwritten signature in black ink, appearing to read "Rebecca Villegas".

Rebecca Villegas
Council Member, Hawai'i County Council

HB-2195-HD-2

Submitted on: 3/21/2022 5:36:02 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrea Quinn	Individual	Support	Written Testimony Only

Comments:

Dear Honorable Committee Members:

Please support HB2197.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui

HB-2195-HD-2

Submitted on: 3/21/2022 6:26:34 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Support	Written Testimony Only

Comments:

Aloha

My name is Maki Morinoue and I support HB2195 which establishes pilot program for cesspool conversions for low to moderate income households.

We all know the damaging impact through visual long term observation and scientific data. It is extremely disapointing that vital bills were killed by bribery around cespool bills.

Let's turn a new leaf in the right direction for our coral ecology that is in desparate need to have space to heal. We are closer to a coral collapse.

Please pass this bill.

Mahalo

Maki Morinoue

Holualoa

96725

March 3rd, 2022

Testimony in support of HB2195

Aloha honorable committee members,

Thank you for taking the time to read this testimony. My name is Tabatha Knudson and I am from Hawai'i Kai, on the southeastern coast of O'ahu. I am a student at the University of Hawai'i at Mānoa, and have been involved with environmental community organizations for the past five years. I am also the Justice, Equity, Diversity and Inclusion Coordinator for the Surfrider Foundation O'ahu Chapter. I am testifying in strong support of HB2195, Relating to Cesspools, which would establish a pilot grant program for moderate to low income property owners to convert their cesspools to proper waste management systems.

With over 88,000 cesspools across the state leeching 53 million gallons of untreated wastewater into our ecosystems and coasts, this is an urgent and expansive public health, environmental and justice issue. Surfrider Foundation's Blue Water Task Force (BWTF) performs biweekly water quality testing at popular beaches across the state and consistently finds alarmingly high levels of Enterococcus (fecal) bacteria at various spots across the state. These levels are often far past the acceptable standards from the Hawai'i Department of Health, posing a large public health and environmental issue. (Here is a link to the BWTF O'ahu results: <https://bwtf.surfrider.org/report/44>) As we can see by the Environmental Protection Agency's penalties and ongoing attempts at closing Hawai'i's cesspools, this state issue has even become a federal priority. Our friends and families should not have to be afraid of getting an infection or becoming sick after going in the water, and our ecosystems should not be harmed by poor infrastructure.

While the state does provide a tax credit incentive for homeowners to convert their cesspools, cesspool conversion is extremely costly and a difficult cost for households to be able to pay upfront. This is especially true for low and moderate income households, of which many homes with cesspools are. These homes simply cannot afford the cost to convert their cesspools on top of their other needs (especially with the expensive costs of food, electricity, healthcare and more), becoming an environmental justice and equity issue. This bill will help to provide **equitable and just aid to low to moderate income families, improve the health and wellbeing of the state's communities and resources, and provide a faster transition to safe and effective wastewater management systems.**

HB2195 is a desperately needed bill in the realm of cesspools. The program outlined in HB2195 facilitates an essential grant program to support the homes that need it most to transition to a safer wastewater management system. This investment in our communities will help to protect the health and wellbeing of Hawai'i's people and resources and aid in an environmental justice issue, which will be incredibly important in the years to come.

Thank you again for your time and the opportunity to testify. I urge you to strongly support HB2195!

Tabatha Knudson
tknudson@hawaii.edu

HB-2195-HD-2

Submitted on: 3/23/2022 3:10:24 AM

Testimony for HTH on 3/23/2022 1:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Christina Comfort	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in strong support of HB2195. Cesspools cause extensive environmental and public health harm by releasing huge amounts of untreated wastewater directly into Hawaii's environment. The pollution harms coral reefs, makes drinking water unsafe for some Hawaii residents, and can lead to infections and disease when people swim and fish in polluted water. There is also a mandate to convert by 2050. However, most people cannot afford the cost of conversion, so programs like this that would provide grant funding to support cesspool conversions are critically needed to meet the 2050 mandate and to clean up Hawaii's environment. Mahalo for your time and consideration - please support HB2195.

Christina Comfort