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In reply, please refer to:
File:

**Testimony in SUPPORT of SB0426
RELATING TO CESSPOOLS**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Hearing Date: 2/15/2023 Room Number: 224

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (Department) strongly supports this
3 measure. The Department concurs with the recommendation of the cesspool conversion working
4 group to accelerate the dates for required upgrades, conversion and connections to sewers for
5 cesspools located in priority 1 and 2 areas according to the University of Hawaii's 2021 Hawaii
6 cesspool hazard assessment and prioritization tool. The Department recommends that the
7 measure be amended to reference the University of Hawaii's 2022 Hawaii cesspool hazard
8 assessment and prioritization tool since it is the current version of the tool that is available.

9 Thank you for the opportunity to testify.

10 **Offered Amendments:** The Department suggests amending the bill at Page 2, Lines 20-21;
11 Page 4, Line 16; and Page 5, Line 3 to reference the University of Hawaii's 2022 Hawaii
12 cesspool hazard assessment and prioritization tool.

SB-426

Submitted on: 2/14/2023 8:25:53 PM

Testimony for AEN on 2/15/2023 1:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Matthew Geyer	Individual	Support	Written Testimony Only

Comments:

SUPPORT.

Thanks for hearing this bill, the one concern I have is that this bill was scheduled on 2/14 to be heard on 2/15 which doesn't give folks enough time to provide testimony.

Please support this measure in its efforts to accelerate the removal of cesspools.

SB-426

Submitted on: 2/14/2023 10:05:47 PM

Testimony for AEN on 2/15/2023 1:35:00 PM

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

Comments:

support



To: The Honorable Chair Mike Gabbard, the Honorable Vice Chair Tim Richards, III, and Members of the Committee on Agriculture and Environment

From: Hawai'i Reef and Ocean Coalition

Re: **Hearing SB426 RELATING TO CESSPOOLS**

Hearing: Wednesday February 15, 2023, 1:35 p.m., room 224

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Committee on Agriculture and Environment:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. HIROC is deeply concerned about polluted runoff, particularly nutrients, running into the ocean from cesspools, especially those in Priority Levels 1 and 2.

The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS SB426!

This bill is needed now because the health of Hawaii's people and quality of Hawaii's waters and aquatic life are being harmed by pollution from cesspools. Hawaii has more than eighty thousand cesspools that discharge about fifty million gallons of wastewater into the State's groundwater every day. Cesspools are antiquated, substandard systems that damage public health, pollute drinking water, and lower water quality in streams, ground waters, nearshore marine areas, and the ocean. Cesspool pollution also harms public

recreation and the precious coral reefs on which Hawaii's economy, shoreline, fisheries, and native species depend.

A cesspool conversion working group (working group) was established pursuant to Act 132 of 2018 to develop a long-range, comprehensive plan for conversion of cesspools statewide by 2050 and consider and recommend means by which the Department of Health can ensure that cesspools are converted to more environmentally-responsible waste treatment systems or connected to sewer systems.

In its final report, the working group indicated that over the past four years, it had gathered and considered new scientific and policy data, studies by wastewater experts, activities in other jurisdictions, owners' ability to pay, financing mechanisms, and the latest technologies for treating wastewater. Based on this work, the working group recommended ways to facilitate the upgrading of cesspools in Hawaii.

The working group recommended staggering the timing of upgrades of cesspools and prioritizing them based on updated information about their pollution impacts. The Hawaii cesspool hazard assessment and prioritization tool was developed for the working group and applied to determine which cesspools should be upgraded first.

Priority level 1 cesspools are those that represent the greatest contamination hazard. The report categorized 13,821 cesspools in the State as priority level 1. Priority level 2 cesspools are those cesspools that cause the next most pollution and represent a significant contamination hazard. The report categorized 12,367 cesspools in the State as priority level 2.

This bill implements the recommendation of the working group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools:

- (1) priority level 1 cesspools to be upgraded, converted, or connected by 2030;
and
- (2) priority level 2 cesspools to be upgraded, converted, or connected by 2035.

The working group recommended that the remaining cesspools categorized as priority level 3 (55,237, or approximately sixty-nine per cent of the total) not be required to upgrade until 2050, pursuant to existing law.

It makes sense to stagger the cesspool conversions, starting with the highest pollution impact first (priority level 1). This will both ensure reductions in the pollution to waters and facilitate implementation of the large number of wastewater system installations.

The bill authorizes the Director of Health to grant exemptions for homeowners who show it is infeasible to upgrade, convert or connect their cesspools. Legitimate reasons it is infeasible include small lot size, steep topography, poor soils, or accessibility issues.

The working group also investigated technology issues. New technologies are being developed and may be an important part of the conversion effort.

The working group also investigated financing issues. Upgrades, conversions and connections will all be expensive. Financing from federal, State, county and private resources will be needed to alleviate the financial burden on homeowners.

This bill will begin to address Hawaii's serious cesspool pollution problem in a reasonable way. The Hawai'i Reef and Ocean Coalition **STRONGLY SUPPORTS** this bill and asks the committees to pass it.

Mahalo!

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

February 15, 2023

The Honorable Mike Gabbard, Chair

Senate Committee on Agriculture and Environment
State Capitol, Conference Room 224 & Videoconference

RE: Senate Bill 426, Relating to Cesspools

HEARING: Wednesday, February 15, 2023, at 1:35 p.m.

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

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i and its over 11,000 members. HAR provides **comments expressing strong concerns** on Senate Bill 426, which implements the recommendation of the cesspool conversion working group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools by requiring priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2030, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2035, rather than before 1/1/2050.

Hawai'i REALTORS® supports the goal of protecting our drinking water, streams, ground water, and ocean resources. We recognize that cesspool conversion is important to preserve our environment. According to the Cesspool Working Group Final Report¹, there are 13,821 cesspools categorized as Priority Level 1 and 12,367 cesspools categorized as Priority Level 2. To convert Priority Level 1 and 2 cesspools by 2030 over **2,679 cesspools would need to be converted per year** (see table below.) Additionally, to convert the remaining Priority Level 2 cesspools would be an additional 951 conversions per year over the subsequent 5 years. This of course is not including the 55,237 Priority Level 3 cesspools that will still need to be converted by 2050, if we wait to convert Priority Level 3 cesspools until after 2035, there will be 15 years left to convert them all which averages to 3,683 conversions a year.

Year:	Priority Level 1	Priority Level 2	Convert Per Year
2023	1,728	951	2,679
2024	1,728	951	2,679
2025	1,728	951	2,679
2026	1,728	951	2,679
2027	1,728	951	2,679
2028	1,728	951	2,679

¹ Cesspool Conversion Working Group. (2022). *Final Report to the 2023 Regular Session Legislature*. State of Hawai'i Department of Health. <https://health.hawaii.gov/opppd/files/2022/12/Act-170-SLH-2019-Nov-2022.pdf>

2029	1,728	951	2,679
2030	1,728	951	2,679
2031		951	951
2032		951	951
2033		951	951
2034		951	951
2035		951	951

While it may vary greatly depending on existing infrastructure and property location, it can take 8 to 9 months or longer for a homeowner to convert their cesspool to a Department of Health (“DOH”) approved wastewater system. Steps include but are not limited to, architects drawing up site plans, civil engineers drawing up and submitting the proposed system, obtaining DOH preliminary approval, engaging a contractor, obtaining permits, construction, and engineers getting final approval from DOH. As such, it is crucial that we properly plan and find ways to assist communities and homeowners as resources and manpower are limited, especially on the neighbor islands.

Moreover, moving up the mandate does not solve the financial dilemma for homeowners. The Cesspool Conversion Working Group conducted an affordability analysis² for homeowners. Based on the analysis, **97% of homeowners would be financially burdened by cesspool conversion costs.** Equally concerning, even with a \$10,000 rebate 82% of homeowners would still be financially burdened. Most homeowners will not be able to afford to do this alone. We respectfully recommend that efforts to aid communities and homeowners with cesspool conversion focus on financial assistance in addition to wastewater infrastructure planning and development.

Thank you for your consideration of our comments. Mahalo for the opportunity to testify.

² Cesspool Conversion Working Group. (2022). *Final Report to the 2023 Regular Session Legislature*. State of Hawai'i Department of Health. <https://health.hawaii.gov/opppd/files/2022/12/Act-170-SLH-2019-Nov-2022.pdf>



Feb. 15, 2023

In Support of **SB426** Relating to Cesspools
Senate Committee on Agriculture & the Environment (AEN)
Hearing on Feb. 15, 1:30pm, Rm. 224

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

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations, I am writing in **strong support of SB426**. This bill will provide accelerated conversion deadlines for cesspools in Priority 1 & 2 areas as identified by Hawai'i Cesspool Prioritization Tool. The accelerated deadlines are: Priority 1 by 2030 and Priority 2 by 2035. These earlier deadlines will ensure that cesspools posing a greater risk (higher priority) to coastal ecosystems and public health are converted sooner rather than later to help reduce sewage pollution and ensure clean water for the people of Hawaii.

Hawaii has more than 83,000 cesspools across the state, discharging 52 million gallons of raw sewage each day into Hawaii's waters. That's similar to a massive sewage spill every day! The people of Hawaii need this law to make sure their wastewater systems aren't polluting the groundwater or nearby surface waters.

As a member of the State's Cesspool Conversion Working Group over the last four years, I believe that accelerating the deadlines for higher priority cesspools is essential to reduce sewage and nutrient pollution in coastal waters which impact Hawaii's reef ecosystems. In addition, converting these higher priority cesspools will also reduce the contamination of groundwater and drinking water resources as well.

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, streams and the health of our coral reefs and coastal areas.

Hawaii is struggling with serious sewage pollution problems, and the state has a mandate to make sure all cesspools are converted in the next three decades. Accelerated deadlines is the only way to help ensure that Hawaii reaches that goal by 2050, paying specific attention to converting higher priority cesspools sooner, those which have a higher impact to the environment.

This bill creates a practical and expedient phased deadline approach to start the conversion process as soon as possible, and it's the only way the state will be able to meet the mandate to convert all cesspools by 2050. Mahalo for your leadership on this issue and support of this bill.

Aloha,

Stuart Coleman

Stuart H. Coleman, Executive Director