

STAND. COM. REP. NO.

1323

Honolulu, Hawaii

MAR 17, 2023

RE: S.B. No. 426  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Water & Land, to which was referred S.B. No. 426, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CESSPOOLS,"

beg leave to report as follows:

The purpose of this measure is to implement 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:

- (1) Priority level 1 cesspools to be upgraded, converted, or connected before January 1, 2030; and
- (2) Priority level 2 cesspools to be upgraded, converted, or connected before January 1, 2035.

Your Committees received testimony in support of this measure from the Department of Health; Department of Land and Natural Resources; Hawaii Green Infrastructure Authority; Hawai'i Climate Change Mitigation & Adaptation Commission; University of Hawai'i Sea Grant College Program and Water Resources Research Center; Environmental Caucus of the Democratic Party of Hawai'i; Surfrider

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Foundation, Hawai'i Region; Public Access to SunScreens; Hawai'i Reef and Ocean Coalition; Ulupono Initiative; Coral Reef Alliance; WAI: Wastewater Alternatives & Innovations; and eight individuals. Your Committees received testimony in opposition to this measure from seven individuals. Your Committees received comments on this measure from the Hawai'i Association of REALTORS.

Your Committees find that cesspool pollution damages public health; pollutes drinking water; and lowers water quality in streams, ground water, nearshore marine areas, and the ocean. Your Committees further find that the Cesspool Conversion Working Group, when tasked with developing a long-range, comprehensive plan for conversion of cesspools statewide by 2050, recommended staggering the upgrades of cesspools based on their environmental impact. This measure implements the recommendation of the Cesspool Conversion Working Group to more timely protect the health of Hawaii's waters and marine ecosystems.

Your Committees have amended this measure by:

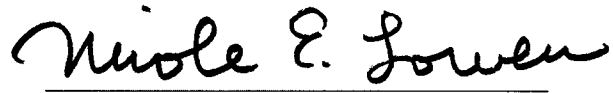
- (1) Including a planned development of sewerage upgrades to an area as a legitimate reason for an exemption from upgrading, converting, or connecting a cesspool;
- (2) Authorizing the Department of Health to grant extensions of up to five years at a time for cesspool upgrades, conversions, or connections based on demonstration of financial inability to pay or finance a cesspool upgrade, conversion, or connection and to adopt rules necessary to grant those extensions;
- (3) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Water & Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 426, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 426, S.D. 2, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



Respectfully submitted on  
behalf of the members of the  
Committees on Energy &  
Environmental Protection and  
Water & Land,

  
LINDA ICHIYAMA, Chair

  
NICOLE E. LOWEN, Chair



**Record of Votes of the Committee on Energy & Environmental Protection**

Bill/Resolution No.: <b>SB 426, SD2</b>	Committee Referral: <b>EEP/WAL, CPC, FIN</b>	Date: <b>03/16/23</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>EEP Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. <b>LOWEN, Nicole E. (C)</b>	✓			
2. <b>COCHRAN, Elle (VC)</b>	✓			
3. <b>GATES, Cedric Asuega</b>				✓
4. <b>KAHALOA, Kirstin</b>	✓			
5. <b>PERRUSO, Amy A.</b>				✓
6. <b>WOODSON, Justin H.</b>	✓			
7. <b>WARD, Gene</b>		✓		
<b>TOTAL (7)</b>	<b>4</b>	<b>1</b>		<b>2</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature: <u>Elle Cochran</u>				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				

