

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT GOVERNOR



Hawaii Green Infrastructure Authority

An Agency of the State of Hawaii

JAMES KUNANE TOKIOKA
CHAIR

GWEN S YAMAMOTO LAU
EXECUTIVE DIRECTOR

Testimony of
Gwen Yamamoto Lau
Executive Director
Hawaii Green Infrastructure Authority
before the
HOUSE COMMITTEE ON FINANCE
Tuesday, February 27, 2024, 12:00 PM
State Capitol, Conference Room 308
in consideration of
HOUSE BILL NO. 1892, HD1
RELATING CESSPOOLS

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

Thank you for the opportunity to testify and provide comments on House Bill No. 1892, HD1 relating to cesspools. The Hawai'i Green Infrastructure Authority (HGIA) **strongly supports** this bill which provides for staggered deadlines to upgrade priority level 1 and level 2 cesspools ahead of the existing 2050 deadline.

Prioritizing and accelerating conversion dates for systems with the most severe impacts will not only provide more timely protection of our groundwater sources, but it will also provide a sense of urgency while allowing the industry to gear up for increased demand to convert some 13,800 cesspools between 2024 to 2035; 12,400 cesspool conversions between 2036 to 2040, and the remaining 56,800 cesspool conversions between 2041 to 2050.

Thank you for this opportunity to testify and provide comments on House Bill No. 1892, HD1.

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia'āina o ka Moku'āina 'o
Hawaii*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia'āina o ka Moku'āina
'o Hawaii*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

Ka 'Oihana 'Āina Ho'opulapula Hawaii'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF KALI WATSON, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON FINANCE
HEARING ON FEBRUARY 27, 2024 AT 12:00PM IN CR 308

HB 1892, HD 1, RELATING TO CESSPOOLS

February 27, 2024

Aloha Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports this bill which, Part II: Requires certain priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2035, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2040, rather than before 1/1/2050; Part III: Authorizes and appropriates funds to the Department of Health to retain qualified consultants as necessary to identify necessary public outreach and education resources and tools and develop a comprehensive public outreach strategy and website to educate homeowners and wastewater industry professionals about information and resources regarding the State's cesspool upgrade, conversion, and connection requirements and deadlines; and Part IV: Appropriates funds and establishes positions for the implementation of the cesspool compliance pilot grant project, effective 7/1/3000.

Approximately 2,500 cesspools exist on Hawaiian Home Lands and majority of which are ranked as priority level 1 or priority level 2 cesspools to be upgraded, converted, or connected to a sewerage system. DHHL understands the urgency to complete these conversions and connections before the year 2050.

DHHL also supports an appropriation of funds to implement the cesspool compliance pilot grant project established pursuant to Act 153, Session Laws of Hawaii 2022. This pilot project will provide the opportunity for alternative, financially feasible, and effective wastewater technologies to be evaluated and published for DHHL, current lessees residing on Hawaiian Home Lands, and potential beneficiaries to understand the challenges and financial costs of cesspool conversions and wastewater technologies.

DHHL understands that there is no simple, one method fits all ahupua'a (land division) solution toward addressing the cesspool conversion and wastewater needs of

Department of Hawaiian Home Lands
February 27, 2024
Page 2

the State of Hawaii and we support this measure that may improve the implementation of the diverse and feasible ways to fulfill the noted requirements.

Thank you for your consideration of our testimony.



UNIVERSITY OF HAWAII SYSTEM
‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony
Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Finance
Tuesday, February 27, 2024 at 12:00 p.m.

By

Darren T. Lerner, PhD

Director, University of Hawai'i (UH) Sea Grant College Program,
School of Ocean and Earth Science and Technology

And

Thomas Giambelluca, PhD

Director, UH Water Resources Research Center

And

Michael Bruno, PhD, Provost

University of Hawai'i at Mānoa

HB 1892 HD1 – RELATING TO CESSPOOLS

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and UH Water Resources Research Center **support** for HB 1892 HD1, a comprehensive bill with the following key provisions:

- It sets deadlines for upgrading, converting, or connecting priority level 1 cesspools by 1/1/2035 and priority level 2 cesspools by 1/1/2045, advancing the previous deadline of 1/1/2050.
- It allocates funds to implement the cesspool compliance pilot grant project established under Act 153, Session Laws of Hawai'i 2022.
- It authorizes and appropriates funding for the Department of Health to establish a comprehensive public outreach and education strategy and website.
- It establishes and funds positions for the implementation of the Cesspool Compliance Pilot Grant Project.

The Cesspool Conversion Working Group has highlighted that most cesspool owners face financial constraints hindering the upgrade to advanced wastewater treatment systems. Eliminating cesspools promptly is crucial for human and environmental health, necessitating various financial assistance mechanisms for homeowners.

We support a swift transition and recognize the need for financial support in doing so. Implementation of a compliance pilot grant, with the associated positions to administer

the program, will aid residents in transitioning from cesspools to more advanced wastewater treatment technologies.

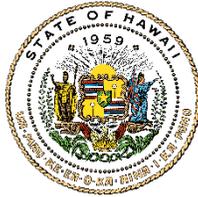
The upgrade of cesspools underscores Hawai'i's commitment to public health, recognizing that the well-being of its residents is closely linked to the state's ability to effectively manage and treat wastewater to meet the highest standards of safety. Homeowner and public education regarding the risks associated with cesspools, upgrade requirements and timelines is an integral element of achieving the state's cesspool conversion goals.

Because this bill adds responsibilities for the Department of Health related to the management and implementation of a grant program, our departments encourage the legislature's support of capacity increases at the Department of Health, specifically within the Wastewater Branch, so that they can effectuate their growing responsibilities related to cesspool conversion.

Thank you for considering our testimony on this important measure.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
RYAN K.P. KANAKA'OLE
FIRST DEPUTY
DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
DAWN N. S. CHANG
Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, February 27, 2024
12:00 PM**

State Capitol, VIA VIDEOCONFERENCE, Conference Room 308

**In consideration of
HOUSE BILL 1892, HOUSE DRAFT 1
RELATING TO CESSPOOLS**

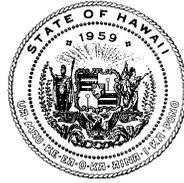
House Bill 1892, House Draft 1 proposes to 1) require certain priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2035, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2040, rather than before 1/1/2050; 2) authorize and appropriate funds to the Department of Health to retain qualified consultants as necessary to identify necessary public outreach and education resources and tools and develop a comprehensive public outreach strategy and website to educate homeowners and wastewater industry professionals about information and resources regarding the State's cesspool upgrade, conversion, and connection requirements and deadlines; and 3) appropriate funds and establish positions for the implementation of the cesspool compliance pilot grant project. **The Department of Land and Natural Resources (Department) supports this bill.**

Clean nearshore waters are vital to both public health and the health of nearshore reefs and associated fisheries. Wastewater systems have the potential to pollute groundwater and nearshore waters by introducing elevated levels of contaminants such as nitrogen, phosphorus, and pathogens. A 2023 Hawai'i-based study¹ found that septic and cesspool pollution is a major driver of coral reef decline along the West Hawai'i coastline. When excess nutrients, such as nitrogen, from these wastewater systems enter nearshore waters, they stimulate the growth of algae, which can smother coral.

¹ Gove, J.M., Williams, G.J., Lecky, J. *et al.* Coral reefs benefit from reduced land-sea impacts under ocean warming. *Nature* **621**, 536–542 (2023). <https://doi.org/10.1038/s41586-023-06394-w>

The Department believes that requiring priority level 1 cesspools to be upgraded by 2035 and priority level 2 cesspools to be upgraded by to 2040 is a prudent policy decision. Because of the lack of incentives and lack of urgency for converting cesspools in Hawai‘i until 2050, the Department fears that many homeowners will wait until the 2050 deadline to convert their systems and the State will be backlogged. In addition, many of the priority level 1 and 2 cesspools, which contribute the most harm to the marine ecosystem, will continue to pollute groundwater for the next 25 years. Our reefs are in peril and urgently need help. Moving the dates for upgrades to priority level 1 and 2 cesspools will reduce the amount of contaminants entering Hawai‘i’s nearshore waters and support more resilient coral reef ecosystems.

Mahalo for the opportunity to provide testimony in support of this measure.



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

In reply, please refer to:
File:

**Testimony in SUPPORT of HB1892 HD1
RELATING TO CESSPOOLS**

REPRESENTATIVE KYLE T. YAMASHITA, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: 2/27/2024

Room Number: 308

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities.

4 **Department Testimony:** The Department supports this measure and concurs with the
5 recommendation of the cesspool conversion working group to accelerate the dates for required
6 upgrades, conversion, and connections to sewers for cesspools located in priority 1 and 2 areas
7 according to the University of Hawai'i 2022 Hawai'i cesspool prioritization tool¹. The
8 Department supports the appropriation of funds to provide financing assistance via the cesspool
9 compliance pilot grant project established pursuant to Act 153, Session Laws of Hawaii 2022. In
10 addition, the Department concurs with the exemption criteria and the ability to provide
11 extensions that are provided in the measure.

12 The Department recognizes that there is a need to provide a variety of financing options
13 to assist residents for cesspool conversions in addition to the program that was established by
14 Act 153, Session Laws of Hawaii 2022. The Department supports cesspool conversion efforts
15 managed by the counties.

16 **Offered Amendments:** The Department respectfully suggests the following revision to the
17 proposed HRS amendment. Additions appear as underlined and deletions appear as strikeouts.

18 SECTION 5, Page 7, lines 5-16: "Notwithstanding section 342D-83, Hawaii Revised
19 Statutes, or any other law to the contrary, there is appropriated out of the ~~water pollution control~~
20 ~~revolving fund~~ general revenues of the State of Hawaii the sum of \$ or so much thereof as

¹ <https://seagrant.soest.hawaii.edu/cesspools-tool/>

1 may be necessary for fiscal year 2024-2025 for the department of health to retain qualified
2 consultants, as necessary, to identify necessary public outreach and education resources and
3 tools, and develop a comprehensive public outreach strategy and website to provide necessary
4 information to homeowners and wastewater industry professionals about information and
5 resources regarding the State's cesspool upgrade, conversion, and connection requirements and
6 deadlines.”

7 SECTION 7, Page 8, lines 5-8: “There is appropriated out of the general revenues of the
8 State of Hawaii the sum of \$249,000 or so much thereof as may be necessary for fiscal year
9 2024-2025 to establish:”

10 Thank you for the opportunity to testify.

February 27, 2024

The Honorable Kyle T. Yamashita, Chair

House Committee on Finance

State Capitol, Conference Room 308 & Videoconference

RE: House Bill 1892 HD1, Relating to Cesspools

HEARING: Tuesday, February 27, 2024, at 12:00 p.m.

Aloha Chair Yamashita, Vice Chair Kitagawa, 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 Hawaii and its over 11,000 members. HAR provides **comments** on House Bill 1892 HD1, which part II: Requires certain priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2035, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2040, rather than before 1/1/2050. Part III: Authorizes and appropriates funds to the Department of Health to retain qualified consultants as necessary to identify necessary public outreach and education resources and tools and develop a comprehensive public outreach strategy and website to educate homeowners and wastewater industry professionals about information and resources regarding the State's cesspool upgrade, conversion, and connection requirements and deadlines. Part IV: Appropriates funds and establishes positions for the implementation of the cesspool compliance pilot grant project. Effective 7/1/3000.

HAR 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. We are however concerned with Hawaii's ability to achieve the current mandate of converting all cesspools to a Department of Health approved wastewater system by 2050, much less the challenges that homeowners will face if that mandate was moved forward to 2035 and 2040.

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 2035, **1,878 cesspools would need to be converted per year** (see table below.) Additionally, to convert the remaining Priority Level 2 cesspools would be an additional 727 conversions per year over the remaining 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 2040, there will be 10 years left to convert them all which averages to 5,523 conversions a year.

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

Year:	Priority Level 1	Priority Level 2	Convert Per Year
2024	1,151	727	1,878
2025	1,151	727	1,878
2026	1,151	727	1,878
2027	1,151	727	1,878
2028	1,151	727	1,878
2029	1,151	727	1,878
2030	1,151	727	1,878
2031	1,151	727	1,878
2032	1,151	727	1,878
2033	1,151	727	1,878
2034	1,151	727	1,878
2035	1,151	727	1,878
2036		727	727
2037		727	727
2038		727	727
2039		727	727
2040		727	727

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 a review and approval from the State Historic Preservation Division (SHPD), obtaining permits, construction, and engineers getting final approval from DOH. We believe the missing piece of this conversation is to hear directly from these contractors and other professionals who would be engaged in the work of cesspool conversion to hear about the feasibility of these goals and how we can all move forward to protect our environment. 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 and in rural areas.**

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.

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



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As such, the focus should be on efforts to aid communities and homeowners with cesspool conversion, which includes education and financial assistance in addition to wastewater infrastructure planning and development. We believe the income tax credit and cesspool compliance pilot grant project can help homeowners who may be financially burdened to convert their cesspools to a DOH wastewater system or connect to a sewerage system.

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





Environmental Caucus of The Democratic Party of Hawai'i

February 25, 2024

To: House Committee on Finance
Hon. Kyle T. Yamashita, Chair
Hon. Lisa Kitagawa, Vice Chair

Re: HB 1892, HD 1, relating to CESSPOOLS

Hearing: Tuesday, February 27, 2024, 12:00 p.m., Room 304 & videoconference

Position: Strong support

Aloha, Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee on Finance:

The Environmental Caucus of the Democratic Party of Hawai'i, which has over 7,500 active members statewide, strongly supports HB 1892 because conversions of the State's more than 80,000 cesspools are long overdue. This bill would advance the deadline for conversions of January 1, 2050, in the current law, HRS §342D-72(a), by short periods.

Marine scientists have advised us that **the coral reefs will die before 2050 if the bombardment of pollution by cesspools on them is not abated before then. We have run out of time.**

Regrettably the public has taken advantage of the generous lead time previously provided by the law to remediate the cesspool pollution problem, and generally, **the public has done nothing.** Now, we must catch up by advancing the deadlines. Nothing is gained in wasting two more decades. All that happens during the interim is that the damages to the environment and the cost of upgrades both increase.

Hawai'i faces significant environmental challenges because of its approximately 83,000 cesspools, which is more than any other U.S. State. There are severe and oftentimes irreversible dangers associated with cesspools: These include:

- 1. Groundwater Contamination.** Cesspools are untreated and contain pathogens, bacteria, and viruses that can spread diseases. The effluent from cesspools also contains nutrients like nitrogen and phosphorus. **When these pollutants infiltrate the groundwater, they can harm the sensitive ecosystems of Hawai'i, including nearshore coral reefs, as we have seen in the deterioration of the once pristine Kāne'ōhe Bay, once the home of many ancient Hawaiian fishponds, such as the He'eia Fishpond, dating back 800 years.**



To: House Committee on Finance

Re: HB 1892 re Cesspools

Hearing: Tuesday, February 27, 2024 12:00 pm

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Kahalu'u Fishpond, historically known as Kohouna Fishpond, on Kāne'ohe Bay is one of only four surviving ancient Hawaiian fishponds on O'ahu that are still in use today. At one point in time, there were around 100 fishponds around the island.

2. Coastal Impact: Many of these cesspools are located close to the shoreline. Rising sea levels caused by climate change are eroding Hawai'i's coasts near homes that have cesspools. As the island's groundwater rises, the cesspool effluent mixes with the groundwater and the mixture flows into the ocean. Also, coastal erosion can remove sand surrounding cesspools, pulling sewage out to sea. **Inland cesspools near aquifers can also contaminate groundwater, affecting springs, beaches, and the ocean.**

3. Coral Reef Damage. The toxic mixture of waste, pharmaceuticals, and other contaminants from cesspools seep into the groundwater and often ends up in the ocean. These harms nearshore coral reefs and can sicken swimmers. **Hawai'i's coral reefs are essential for the economy, shoreline protection, recreation, fisheries, and native species, making cesspool pollution a critical concern.**

While efforts are underway to address these issues, the task of removing all cesspools by 2050 is daunting, will be much more costly than it is now, and **way too late**. Measures must be taken much earlier to preserve and let the environment recover from the pollution damage that it has already sustained. This bill assists in this recovery by advancing the applicable deadlines.

It is also crucial to find sustainable solutions to protect Hawai'i's environment and public health. Some approaches to protect the environment and public health include:

1. **Wastewater Treatment Upgrades:**
 - a. **Replace Cesspools:** Gradually phase out cesspools by replacing them with modern wastewater treatment systems. These systems treat sewage more effectively, removing harmful pathogens and pollutants before discharge.
 - b. **Septic System Improvements.** For areas where cesspool replacement is challenging, upgrade existing septic systems to meet higher standards. Regular maintenance and proper sizing are essential.
2. **Advanced On-Site Systems:**
 - a. **Aerobic Treatment Units (ATUs):** These compact systems use oxygen to break down organic matter, producing cleaner effluent. ATUs can be a viable alternative to cesspools.
 - b. **Constructed Wetlands:** Create natural wetland areas that filter and treat wastewater. Wetland plants absorb nutrients and purify water, benefiting both the environment and public health.



Environmental Caucus of
The Democratic Party of Hawai'i

To: House Committee on Finance
Re: HB 1892 re Cesspools
Hearing: Tuesday, February 27, 2024 12:00 pm
Page 3

3. **Incentives and Regulations:**

- a. **Financial Incentives:** Offer financial assistance or tax breaks to homeowners who voluntarily upgrade their wastewater systems. Encourage adoption of eco-friendly alternatives.
- b. **Stricter Regulations:** Enforce regulations that limit new cesspool installations and encourage transition to better systems. Regular inspection can ensure compliance.

4. **Ocean-Friendly Practices:**

- a. **Ocean Outfalls:** Consider ocean outfalls, far from shore, for treated wastewater. Properly designed and monitored outfalls can disperse treated effluent far from sensitive coastal areas.
- b. **Reef-Friendly Products:** Promote the use of reef-safe cleaning products and discourage harmful chemicals that can end up in cesspools.

5. **Orderly Management of Claims for Exemptions from Upgrade Mandate:**

We believe this bill would be greatly strengthened if persons planning to claim exemptions from the upgrade requirements were required to give formal notice of such intent, and the basis of the claim for exemption, at least three years before the deadline. Otherwise, the Department will be faced with an impossible traffic-jam of claims that will make management of the upgrade process chaotic.

By advancing the cesspool conversion deadlines according to Priority 1 and 2 designations, and implementing sustainable practices under the cesspool compliance pilot grant project, Hawai'i can take steps to safeguard its environment and the well-being of its people.

Thank you for the opportunity to testify on this very important measure.

Melodie Adyja legislativepriorities@gmail.com

Alan B. Burdick burdick808@gmail.com

Co-Chairs,
Environmental Caucus of the
Democratic Party of Hawai'i



2/24/2023

Finance Committee
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Chair Yamashita and Members of the Finance Committee,

Position: Support HB1892 - Earlier deadlines for cesspool conversions in priority areas

The Surfrider Foundation, Hawaii region, is testifying in **strong support of HB1892**, relating to staggered and earlier deadlines for cesspool upgrades, which would require certain priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2035, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2040, rather than before 1/1/2050. It also includes a public outreach/education component.

With an estimated 83,000 cesspools, Hawaii has one of the highest per capita number of cesspools in the nation. The Cesspool Conversion Working Group recommends the removal of the 14,000 worst ("priority one") cesspools by 2030; removal of the 12,000 "priority two" cesspools by 2035; and removal of the remaining "priority three" 55,000 cesspools by the current 2050 deadline. HB1892 supports this staggered conversion as suggested by the Cesspool Conversion Working Group

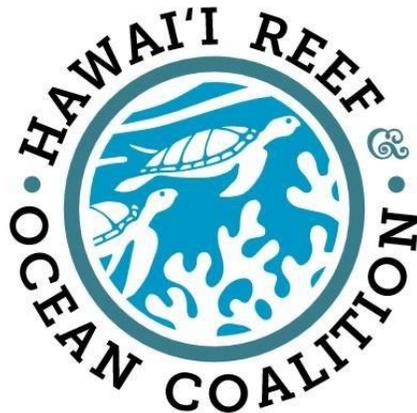
Prioritizing and accelerating conversion dates for systems with the most severe impacts will not only provide more timely protection of our groundwater sources, but it will also provide a sense of urgency while allowing the industry to gear up for increased demand to convert some 13,800 cesspools between 2024 to 2035; 12,400 cesspool conversions between 2036 to 2040, and the remaining 56,800 cesspool conversions between 2041 to 2050

Surfrider Foundation maintains a citizen-science water quality monitoring program called the Blue Water Task Force (BWTF) on Kaua'i, Maui, and O'ahu that tests for enterococcus, a fecal indicator bacteria. Since 2018, the O'ahu BWTF has been monitoring water quality in Kane'ohe bay at Kahalu'u due to the high concentration of coastal cesspools in this area. Due to these cesspools, the water near and around Kahalu'u regularly exceeds state public health standards. Without mechanisms to accelerate the conversion of cesspools and other failing wastewater systems, we will continue to pollute our coastal and freshwaters, threatening both environmental and public health.

Thank you for your consideration of this testimony in support of HB1892, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawaii and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

Lauren Blickley
Hawaii Regional Manager
Surfrider Foundation



To: The Honorable Chair Kyle Yamashita, the Honorable Vice Chair Lisa Kitagawa, and Members of the Finance Committee.

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

Re: **Hearing HB1892 HD1 RELATING TO CESSPOOLS**

Hearing: Tuesday, February 27, 2024, 12:00 p.m., room 308

Aloha Chair Yamashita, Vice Chair Lisa Kitagawa, and Members of the Finance Committee.

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.

Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS HB1892 HD1!

Cesspool pollution is harming our precious coral reefs and public health! Hawai'i has over 80,000 cesspools that release about 53 million gallons of raw sewage into our groundwater, streams and ocean every single day! This discharge **exposes people to sewage pathogens that can make them sick**. The release of **nutrients** from cesspools through groundwater and streams into the ocean causes algae growth, which can **smother the coral reefs that are essential to protecting our**

shorelines, nurturing our fisheries, preserving water quality, and enabling our lucrative recreational economy. Sea level rise will further exacerbate the public health and environmental problems, as it will cause more cesspools to overflow onto the surface.

Hawaii's coral reefs will die in warmer, more acidic, and rising oceans if we don't reduce cesspool pollution! **Hawai'i law currently does not require cesspools to be upgraded until 2050. Hawai'i needs to start reducing cesspool pollution well before 2050 in order to give coral reefs a chance to survive in the face of ocean warming and other harmful factors!**

This key bill would accelerate the dates for upgrading some of the cesspools, those in areas designated as Priority 1 and 2, from 2050 in the current law (Act 125, 2017) to 2035 and 2040. Priority 1 and 2 cesspools, the ones that pose the most serious threats to public health, drinking water supplies, coral reefs and water quality in nearshore areas, were determined through the UH 2022 Hawai'i cesspool prioritization tool. The tool was developed for the Cesspool Conversion Working Group (CCWG), which was created by Act 132 of 2018. The CCWG, on which I served for its entire four years, included a broad coalition of stakeholders, including Legislators and representatives from EPA, DOH, all counties, UH, realtors, bankers, and advocacy groups. The CCWG considered new scientific and policy data, studies by wastewater experts, activities in other jurisdictions, owners' ability to pay, and financing mechanisms. Accelerating the upgrade requirements was the leading recommendation of the CCWG in its Final Report to the Legislature in December 2022, to 2030 for Priority 1 and 2035 for Priority 2.

Acceleration of upgrade requirements is necessary, not only to reduce pollution to protect the public health and help save corals, but also to meet the 2050 legal mandate. If Hawai'i doesn't start upgrading a significant number of cesspools now, the State won't be able to upgrade all the 80,000 plus cesspools by 2050.

Priority 1 (13,821) and 2 (12,367) cesspools together constitute about 30% of the over 80,000 total in Hawai'i. Upgrading those is a reasonable and necessary start on solving Hawaii's cesspool pollution problem. Upgrades of Priority 3 cesspools (about 70% of the total) would not be accelerated and would remain at 2050. This bill provides an extra five years more than the CCWG recommended to upgrade

Priority 1 cesspools (by 2035) and Priority 2 (by 2040). The bill authorizes the DOH to exempt cesspools that show a legitimate reason they cannot upgrade and to pass rules to grant extensions based on an inability to pay.

This bill would also appropriate money from the Clean Water State Revolving Fund for DOH to retain qualified consultants who will develop a **comprehensive outreach and education program and website** to educate cesspool owners and wastewater industry professionals with information about upgrade requirements, deadlines, and resources available. **Other jurisdictions have found such outreach is essential for a successful upgrade program.**

The bill appropriates funds to implement the cesspool compliance grant pilot established in Act 153 of 2022.

This bill is critical to protect water quality and coral reefs by requiring upgrades before 2050 of the cesspools that provide the greatest threat to public health, drinking water supplies, coral reefs and water quality in nearshore areas!

Please pass this excellent bill! Mahalo!

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

HB-1892-HD-1

Submitted on: 2/25/2024 9:45:33 PM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Shimei	Indivisible Hawaii	Support	Written Testimony Only

Comments:

IN SUPPORT

2050 is too far out to begin conversion - by then permanent damage to the offshore reefs will have been done. Acceleration of the deadlines is essential, although the proposed deadlines are still far away. Outreach and education starting now is key to implementation by even these lax deadlines. Otherwise in 25 years our cesspools will be exactly where they are now, only surrounded by polluted land and dead offshore waters.



**PUAKŌ FOR
REEFS**

A Community Dedicated to Saving Puakō Reef

Return the reef to its historic 70% coral coverage from its existing 7%.

www.puako4reefs.org

HEARING FOR STATE HOUSE COMMITTEE ON FINANCE

Tuesday, February 27, 2024, 12:00 p.m.

Conference Room 308, State Capitol

- TO:** House Finance Committee Chair, Kyle T. Yamashita, Vice-Chair, Lisa Kitagawa, And members, Micah P.K. Aiu, Rachele F. Lamosao, Cory M. Chun, Dee Morikawa, Elle Cochran, Scott Y. Nishimoto, Andrew Takuya Garrett, Mahina Poepoe, Kirstin Kahaloa, Jenna Takenouchi, Darius K. Kila, David Alcos III, Bertrand Kobayashi, and Gene Ward
- RE:** **House Bill 1759, HD 1. Relating to Cesspools.** Requires cesspools attached to or used by housing or lodging that provides transient accommodations to be upgraded, converted, or connected before 1/1/2035 for priority level 1 cesspools and before 1/1/2040 for priority level 2 cesspools.
- RE:** **House Bill 2264, HD 1. Relating to Cesspools.** Establishes a three-year new wastewater system demonstration and implementation pilot program.
- RE:** **House Bill 1892, HD 1. Relating to Cesspools.** Part II: Requires certain priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2035, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2040, rather than before 1/1/2050.
- RE:** **House Bill 2743, HD 1. Relating to Wastewater.** Requires each county to develop and maintain a wastewater management plan. Authorizes the Director of Health to exempt a county from creating a wastewater management plan under certain conditions. Requires the counties to identify specific priority areas in which the county sewer system or other centralized treatment system will be expanded or constructed to reduce or eliminate cesspools before 1/1/2050. Provides for the designation of these priority areas as sewer improvement districts. Authorizes each county to assess a monthly cesspool pollution fee beginning in 7/1/2025 on real properties containing a cesspool. Authorizes the counties to use fee revenues for certain activities that eliminate, reduce, or mitigate the impacts of cesspools, including the expansion of county sewer systems and the issuance of grants and low-interest loans to property owners. Makes appropriations.

Puakō for Reefs is a newly formed 501 (c) 3 organization dedicated to the health of the reef along this approximately 3-mile stretch of West Hawai'i coastline. We are in **strong support** of all of these House Bills, as well as their companions in the Senate. All the bills being heard at today's hearing recognize that cesspools are creating harm to our environment. However the bills change through the session, we sincerely hope that the need for action is so obvious that all House Representatives and Senators continue to support these efforts. Puakō is a low-lying residential community with the majority of houses having the original cesspools which continue to damage the reef and near-shore waters.

As you probably know, wastewater is the primary contributor to degraded water quality. It is not the only factor, but it is the biggest one the community and government have control over. Since tourism, the State's #1 industry, is in large part drawn to the oceans surrounding Puakō, our request is that the State Senate joins us in supporting all the cesspool abandonment bills, as well as financial incentives, loan programs, and the balance of the package the cesspool working group has identified.



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House Bill 1759, HD 1. moving the deadline for abandonment of all Priority One cesspools from 2050 to 2035 is a huge step in stopping the damage to the reef and to begin reef regrowth. We are pleased to see that you recognize that transient accommodations tend to have higher usage than regular homes. There are many transient accommodations in the Puakō area and this bill motivates these small businesses to connect to a new sewer.

House Bill 2264, HD 1. Pilot projects are very useful in discovering problems that can occur on larger scale projects.

House Bill 1892, HD 1. The passage of this bill is essential for our low-lying area. Puako for Reefs is diligently working towards sewerage Puakō Beach Drive and this bill gives some economic motivation to all residents with cesspools to join with us. We are dismayed to see the tax credits being eliminated from this bill. If they are included in another bill, that is wonderful as they are needed! Upgrading a cesspool to current standards, an ATU in all instances on Puakō Beach Drive, is much more expensive than connecting to a sewer. And some of the costs should be able to be amortized over years, rather than the bulk of costs being up front.

House Bill 2743, HD 1. The main sections of this bill are not as critical for Hawai'i County, as the County has been proactive and is already developing wastewater plans for the island. However, the ability to charge a fee to homeowners with cesspools is intriguing. Hopefully the money collected to mitigate impacts of cesspools will be sufficient to actually help.

Did you know?

- Dr. Greg Asner determined that in the 1970's coral cover of the Puakō reef was 70%. it is now 7%.
- Our recent survey shows that 96.5% of Puakō property owners support a major upgrade of our wastewater systems, as long as it is affordable.
- Puakō hosts the largest amount of marine tourism on the Big Island. There are daily dive and snorkel boats, kayak tours, SUP tours, whale watching, and manta ray trips.
- The problem and solution are led by science. The damage to the reef by and solutions to the wastewater problem at Puakō have been documented for over 20 years.
- All of the science demonstrates that sewer systems are the only guaranteed way to remove waste and all damaging nutrients from the Puako reef as homes are at 4-5" above sea level, on average.
- Both carrot and stick approaches are needed to inspire people to act. Financial incentives to replace cesspools are an absolutely necessary. To have homeowners abandon cesspools in time to save the reef must also be driven by a deadline. Moving the deadline by 15 years, to 2035 gives the reef, and the entire big island economy, a chance.

Thank you for all your help and for this opportunity to comment.

Sincerely,

Barbara Bell

Steering Committee member, Puakō For Reefs

bbellster@gmail.com

808.937.2573



HB1892 HD1

Aloha Honorable Members of the Committee,

On behalf of our thousands of supporters, we kindly ask you to **support HB1892 HD1.**

As the coral reefs surrounding Hawai'i face numerous threats due to human impact, we must be vigilant and proactive to ensure these vital ecosystems continue to survive.

We believe HB1892 HD1 will take much needed action to alleviate the significant pressure and degradation experienced by reefs and coastal areas due to septic and cesspool pollution. We strongly urge you to support this measure. The reefs and biodiversity that call these ecosystems home depend on it.

Natalie Parra
Co-Founder at Keiko Conservation
Campaign Director at Oceanic Preservation Society



Feb. 26, 2024

In Support of **HB1892 HD1** Relating to Cesspools
House Committee on Finance (FIN)
Hearing on Feb. 27, 12:00pm, Rm. 308

Aloha, Chair Yamashita, Vice-Chair Ichiyama, and Committee Members:

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations and the Cesspool Legislative Task Force, I am writing in **strong support of HB1892 HD1**. This bill would do three very important things: 1. create earlier deadlines for cesspool conversions in Priority Areas 1 (2035) and 2 (2040) to help the state meet its mandate under Act 125; 2. extend the successful funding support program under Act 153 (to assist low-moderate income homeowners with the costs of cesspool conversion); and 3. Develop a comprehensive outreach and education program to help homeowners with the conversion process. This bill includes top recommendations of the State's Cesspool Conversion Working Group, which I served on for four years.

Under Act 125 (2017), all cesspools are mandated to be converted by 2050. The only way to accomplish this mandate is to stagger the phases of conversion and create earlier deadlines for the most polluting cesspools in Priority Areas 1 & 2. Cesspools in these areas pose serious threats to drinking water supplies, coral reefs and water quality in nearshore areas. To help homeowners with financing these conversions, the bill would extend funding from Act 153 for low-moderate income households to help defray the costs.

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! Along with threats to public health and drinking water resources, new research in *Nature* shows that this polluted wastewater poses significant harm to coral reefs and the near-shore environment. The people of Hawaii need this law to make sure their wastewater systems aren't polluting the groundwater or nearby surface waters. This pollution threatens our environment, public health and our economy, damaging Hawaii's reputation as a world class destination with pristine waters.

WAI is an environmental non-profit 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 and help homeowners with the conversion process. Better sanitation systems reduce sewage and nutrient pollution and make properties more valuable, while also protecting public health and valuable natural resources like groundwater, streams, 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. This bill will provide the necessary deadlines and funding needed to convert cesspools across the state. Mahalo for your leadership on this issue and support of this bill.

Aloha,
Stuart Coleman
Stuart H. Coleman, Executive Director



FROM: Lynn Miyahira representing Public Access to SunScreens (PASS) Coalition
DATE: Tuesday, Feb 27, 2024

Re: HB 1892

Position: SUPPORT

The [Public Access to SunScreens](#) (PASS) Coalition is a multi-stakeholder coalition composed of public health groups, dermatologists, sunscreen manufacturers, and leading advocates for skin cancer patients. We also support efforts that protect our coral reefs.

We support this measure.

Cesspools are a pressing issue in Hawaii that impacts our health, water quality, and coral reefs. With over 83,000 cesspools in the state, discharging about 50 million gallons of raw sewage every day, immediate action is needed to mitigate their negative impact. Untreated wastewater leaking from cesspools into nearshore waters can cause high levels of nitrogen in the water, which leads to algae blooms that suffocate and cover our coral reefs.

HB 1892 is needed now because the health of Hawaii's people and quality of Hawaii's waters and aquatic life including coral reefs are being harmed by pollution from cesspools.

Mahalo you for the opportunity to testify.

Sincerely,

Lynn Miyahira
Public Access to SunScreens (PASS) Coalition

HB-1892-HD-1

Submitted on: 2/25/2024 12:54:13 PM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Betsy Scolnik	Individual	Support	Written Testimony Only

Comments:

stop waisting time and clean our waters!!!!

HB-1892-HD-1

Submitted on: 2/25/2024 1:22:46 PM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Langham	Individual	Support	Written Testimony Only

Comments:

Seeing beach closings because of unsafe bacterial levels in fairly recent news, it is imperative to pass this bill.

HB-1892-HD-1

Submitted on: 2/25/2024 6:47:23 PM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Arlene Twomey	Individual	Support	Written Testimony Only

Comments:

I support HB 1892. I have been a paddler for the past 25 years. Over that period I have had many friends incur many different infections from paddling in our former pristine waters of Oahu. Some of these infections have led to severe infections, hospitals and even deaths from flesh eating bacteria. Much of the pollution is due to archaic cesspool systems. We need to expedite the dates required for cesspools to be upgraded, converted, or connected. To accomplish this we need a comprehensive public outreach strategy and website to educate homeowners and wastewater industry professionals about information and resources regarding the State's cesspool upgrade, conversion, and connection requirements and deadlines. We then need to appropriate funds and establish positions for the implementation of the cesspool compliance pilot grant project.

HB-1892-HD-1

Submitted on: 2/25/2024 7:10:07 PM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Becker	Individual	Support	Written Testimony Only

Comments:

I fully support this bill.

HB-1892-HD-1

Submitted on: 2/26/2024 6:19:13 AM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Please support this bill!

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Ross Kagawa



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
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Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawaii 96766

February 26, 2024

TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 1691, HD 1, RELATING TO THE ENVIRONMENT
AND
HB 1759, HD 1, RELATING TO CESSPOOLS
AND
HB 2264, HD 1, RELATING TO CESSPOOLS
AND
HB 1892, HD 1, RELATING TO CESSPOOLS
House Committee on Finance
Tuesday, February 27, 2024
12:00 p.m.
Conference Room 308
Via Videoconference

Dear Chair Yamashita and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 1691, HD 1, Relating to the Environment; HB 1759, HD 1, Relating to Cesspools; HB 2264, HD 1, Relating to Cesspools; and HB 1892, HD 1, Relating to Cesspools. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of HB 1691, HD 1; HB 1759, HD 1; HB 2264, HD 1; and HB 1892, HD 1, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of HB 1691, HD 1; HB 1759, HD 1; HB 2264, HD 1; and HB 1892, HD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

ADDISON BULOSAN
Councilmember, Kaua'i County Council

AAO:mn

HB-1892-HD-1

Submitted on: 2/26/2024 9:10:43 AM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hilary Smith	Individual	Support	Written Testimony Only

Comments:

We need to expedite the process of converting cesspools. Cesspools in Priority Area 1 and 2 are releasing MASSIVE amounts of untreated sewage into our common environment, contaminating drinking water and hurting community resources such as coral reefs, and making swimmers, snorkelers, and paddlers get sick. The sooner we put a stop to this unacceptable pollution, the better.

HB-1892-HD-1

Submitted on: 2/26/2024 11:52:37 AM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maureen Brock	Individual	Support	Written Testimony Only

Comments:

I am in favor of this bill.