

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 738  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committees on Health and Human Services and Agriculture and Environment, to which was referred S.B. No. 738 entitled:

"A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require a wastewater treatment plant to test sewage sludge and any other residual material for the presence of perfluoroalkyl and polyfluoroalkyl substances (PFAS);
- (2) Require the Department of Health to adopt administrative rules for the safe disposal and sequestration of sewage sludge and other residual material that contain any amount of PFAS; and
- (3) Prohibit the issuance or renewal of permits if testing yields PFAS in sewage sludge or other residual material on land used for agronomic purposes, on land where drainage tiles have been installed, on land that drains into waters of the State, or land in a five hundred-year floodplain.

Your Committees received testimony in support of this measure from the Hawai'i Reef and Ocean Coalition, Environmental Caucus of the Democratic Party of Hawai'i, Energy Justice Network, Health



Committee of the Democratic Party of Hawai'i, and twelve individuals.

Your Committees received testimony in opposition to this measure from the Department of Environmental Services of the City and Council of Honolulu.

Your Committees received comments on this measure from the Department of Health.

Your Committees find that given the health risks of even very low levels of PFAS, wastewater treatment plants should test sewage sludge for PFAS before any land application. Your Committees further find that this testing is crucial due to the persistent and bioaccumulative nature of PFAS, which pose significant environmental and public health risks. This measure mandates the testing and safe disposal of sewage sludge to significantly reduce the risk of PFAS pollution in the State.

Your Committees have amended this measure by:

- (1) Replacing the phrase "wastewater treatment plant" with "wastewater treatment works" as defined in section 342D-1, Hawaii Revised Statutes;
- (2) Clarifying that the PFAS testing requirement applies to a wastewater treatment works that has been designed and approved for land application of its sewage sludge;
- (3) Changing the definition of "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS";
- (4) Deleting section 3, which would have authorized the Director of Health to control all management practices for other residual materials or sewage sludge accumulated at a wastewater treatment plant that may contain any amount of PFAS, as this provision is already authorized under section 342D-4, Hawaii Revised Statutes;
- (5) Clarifying that the Director of Health's adopted rules for the safe disposal and sequestration of other residual materials accumulated at a wastewater treatment



works that contain PFAS shall be for residual materials that contain specific amounts of PFAS, rather than any amount of PFAS;

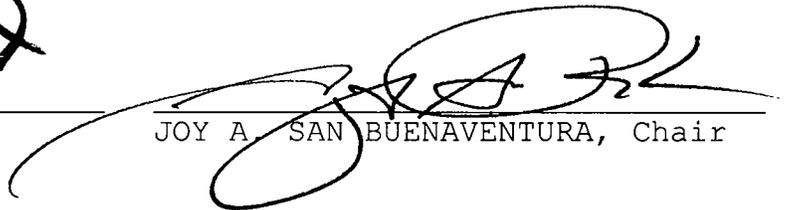
- (6) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 738, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 738, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Health and Human Services and Agriculture and Environment,



MIKE GABBARD, Chair



JOY A. SAN BUENAVENTURA, Chair





