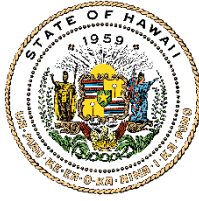


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHANE
DEPUTY DIRECTOR - WATER

BRIAN J. NELSON, ADMINISTRATOR
DIVISION OF AQUATIC RESOURCES

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, March 18, 2025
9:20 AM

State Capitol, VIA VIDEOCONFERENCE, Conference Room 325

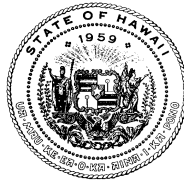
In consideration of
SENATE BILL 329
RELATING TO WATER POLLUTION

Senate Bill 329 proposes to require at least fifty per cent of treatment works effluent to be R-1 recycled water by January 1, 2045 and amends the year by which no treated or raw sewage shall be discharged into state waters from 2026 to 2030. **The Department of Land and Natural Resources (Department) appreciates the intent of this bill and provides the following comments.**

As an island state where water is a precious and valuable resource, reusing recycled water for non-potable purposes helps conserve fresh water resources. However, the shift of the date by which no person or public body shall discharge treated or raw sewage into state waters from 2026 to 2030 allows for an extra four years of potential pollution into state waters. Clean nearshore waters are vital to both public health and the health of nearshore reefs and associated fisheries.

The Department recommends retaining the 2026 deadline to ensure timely action in eliminating sewage discharge into state waters.

Mahalo for the opportunity to provide comments on this measure.



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

WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on SB0329
RELATING TO WATER POLLUTION.**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

March 18, 2025; 9:20 am, Room Number: 325

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health ("Department") offers comments.

3 **Department Testimony:** The Environmental Management Division, Wastewater Branch
4 (EMD-WWB) provides the following testimony on behalf of the Department.

5 SECTION 1 adds a new section to Chapter 342D, Hawaii Revised Statutes (HRS). It
6 requires "[b]y January 1, 2045, no less than fifty per cent [50%] of treatment works effluent be
7 recycled water classified as R-1 and that is suitable for use in recycled water systems." The
8 Department has concerns that this proposed measure will impact both public and private
9 wastewater treatment works (also known as sewage or wastewater treatment plants). While
10 50% R-1 effluent is a goal that the Department supports, the environmental benefit and rate of
11 return for this additional expense would depend upon the demand for the R-1 water by reuse
12 water customers such as irrigation for golf courses, subdivisions, government right-of-ways, etc.
13 If the public and private wastewater treatment works that produce R-1 water do not have any
14 or reliable R-1 customers, then the additional cost may be transferred to the rate payer.

15 The wastewater treatment works producing the greatest quantity of effluent are those
16 operated by the counties. The counties are already struggling to add sewer collection systems

1 and wastewater treatment works capacity to add properties which are on existing cesspools.
2 This requirement may be counterproductive to completing sewer improvement district which
3 would help satisfy the current requirement to convert cesspools by January 1, 2050.

4 SECTION 2 amends Section 342D-50.5, HRS.

5 **Offered Amendments:** The Department respectfully suggests replacing the language in
6 Section 2 of this measure with language from Section 1 of SB0946 SD2 HD1:

7 "SECTION 2. Section 342D-50.5, Hawaii Revised Statutes, is amended to read as follows:

8 "~~[[§342D-50.5]]~~ **Treated Wastewater or raw sewage; prohibition.** (a)

9 Notwithstanding any other law to the contrary, no ~~[person, including any public body,~~
10 treatment plant shall discharge any ~~[treated]~~ wastewater or raw sewage into state waters after
11 December 31, 2026; provided that this section shall not apply to a ~~[sewage]~~ treatment plant
12 that~~[÷~~

13 ~~(1) — Utilizes sewage to produce clean energy pursuant to section 196-10.5; and~~

14 ~~(2) — Is] is~~ in compliance with this chapter, rules adopted pursuant to this chapter, or a
15 permit or variance issued by the director.

16 (b) Nothing in this section shall be construed to:

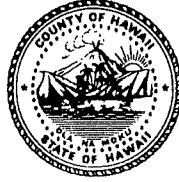
17 (1) Prohibit the use of reclaimed or recycled water for a beneficial purpose as
18 provided by law; or

19 (2) Allow the discharge of ~~[treated]~~ wastewater or raw sewage into state waters in
20 violation of any federal statute, rule, or regulation.""

21 Thank you for the opportunity to testify on this measure.

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director



Wesley R. Segawa
Director

Craig Kawaguchi
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiicounty.gov

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March 14, 2025

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair

Rep. Amy A. Perruso, Vice Chair

Hawai'i State Capitol

Honolulu, HI 96813

Re: Testimony in Opposition of Senate Bill (SB) 329 Relating to Water Pollution, which requires at least fifty per cent of treatment works effluent to be R-1 recycled water by January 1, 2045.

Dear Chair Lowen, Vice Chair Perruso and Committee Members,

The County of Hawai'i Department of Environmental Management (DEM) expresses opposition to Senate Bill 329, which mandates a 50% R-1 recycled water requirement by 2045. This mandate is financially unsustainable and detrimental to the County's existing wastewater priorities.

While DEM supports recycled water reuse in principle, this 50% R-1 mandate is impractical and fiscally irresponsible. The bill completely disregards the crucial factor of actual customer demand for R-1 water. Without guaranteed and reliable users (e.g., for large-scale irrigation), the exorbitant costs of R-1 production will be unjustly borne by taxpayers. Specifically at the Hilo, Papaikou and Kulaimano wastewater treatment plants, there is limited to no demand for R-1 water.

The County of Hawai'i is already grappling with severe wastewater infrastructure deficiencies, as evidenced by the recent Administrative Orders of Consent with the EPA. The County is committed to over \$700 million in planned Capital Improvement Projects (CIP) for critical rehabilitation of four wastewater treatment plants, three sewer pump stations, and closure of two large capacity cesspools.

Complying with the 50% R-1 mandate will necessitate an additional, unbudgeted expenditure of at least \$300 million. The cost of installing the required R-1 distribution system constitutes a major, unfunded financial burden.

This mandate will severely divert critical resources from essential projects, most notably the state-mandated cesspool conversions by January 1, 2050.

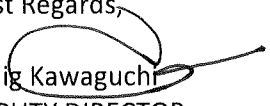
The County estimates that the infrastructure upgrades and expansion of sewer services required to convert existing cesspools will cost approximately \$5.5 billion. This bill directly hinders the County's ability to expand vital sewer collection systems, which are paramount to eliminating cesspools and protecting public health.

R-1 recycling is simply not feasible at all treatment plants. Facilities like the Hilo, Papaikou, and Kulaimano wastewater treatment plants have limited demand for R-1 water.

DEM strongly urges the Legislature to amend this bill to include concrete provisions for state funding. This funding should be provided through grants or dedicated State Revolving Fund (SRF) allocations to ensure compliance is financially viable.

Thank you for your consideration.

Best Regards,

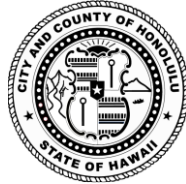

Craig Kawaguchi
DEPUTY DIRECTOR

cc: Mayor Kimo Alameda

DEPARTMENT OF ENVIRONMENTAL SERVICES
KA 'OIHANA LAWELawe KAIĀPUNI
CITY AND COUNTY OF HONOLULU

1000 ULU'ŌHI'A STREET, SUITE 308 • KAPOLEI, HAWAII 96707
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RICK BLANGIARDI
MAYOR
MEIA



ROGER BABCOCK, JR., Ph.D., P.E.
DIRECTOR
PO'O

MICHAEL O'KEEFE
DEPUTY DIRECTOR
HOPE PO'O

IN REPLY REFER TO:
WAS 25-14

March 17, 2025

The Honorable Mike Gabbard, Chair
The Honorable Herbert M. "Tim" Richards, III, Vice Chair
and Members of the Committee on Agriculture and Environment
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Gabbard and Vice Chair Richards:

SUBJECT: Senate Bill 329 - Relating to Water Pollution

The City and County of Honolulu's (City) Department of Environmental Services (ENV) submits the following comments and concerns on SB 329, Relating to Water Pollution.

ENV supports recycled water reuse. In partnership with the Honolulu Board of Water Supply, about half of the wastewater ENV receives at its Honouliuli Wastewater Treatment Plant (WWTP) (about 13 million gallons a day) is recycled into R-1 water and distributed for irrigation and industrial reuse throughout the 'Ewa Plain). ENV has also partnered with the State of Hawai'i Agribusiness Development Corporation to design and build a recycled water distribution and irrigation system for agricultural lands in Central O'ahu using approximately three (3) million gallons of R-1 water ENV produces at its Wahiawā WWTP. This project is under construction. Additionally, ENV is in the Planning phase of a project to construct treatment processes that will produce 100% recycled water at its Waimānalo, Kahuku and Pa'ala'a Kai WWTPs.

Notwithstanding, ENV's support of recycled water reuse, water recycling is not practical at all of our WWTPs. At the Sand Island, Kailua and Wai'anae WWTPs, for example, the influent wastewater is high in salinity and would therefore require extensive treatment to meet R-1 standards and be suitable for reuse. Such treatment systems would likely cost hundreds of millions of dollars and require additional sewer fee increases. The installation of a distribution system necessary to pump approximately 30 million gallons a day of recycled water from the Sand Island WWTP and 5 million gallons a day of recycled water from the Kailua WWTP to the nearest users would also be extremely expensive and very likely cost prohibitive. There is also limited need for R-1 water in the areas surrounding the Sand Island and Kailua WWTPs.

Should you have any questions, please feel free to contact me at (808) 768-3486.

Sincerely,

Roger Babcock, Jr., Ph.D., P.E.
Director Designate



To: The Honorable Representative Nicole Lowen, Chair, the Honorable Amy Perruso, Vice Chair, and Members of the Committee on Energy and Environmental Protection.

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

Re: Hearing **SB329 RELATING TO WATER POLLUTION**

Hearing: Tuesday, March 18, 2025, 9:20 a.m. CR325

Aloha Chair Lowen, Vice Chair Perruso, and Energy and Environmental Protection Committee Members:

The Hawai'i Reef and Ocean Coalition is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawai'i's coral reefs and ocean.

The Hawai'i Reef and Ocean Coalition COMMENTS and proposes amendments!

I previously represented the Department of Health for 15 years as a Deputy Attorney General on water and wastewater matters. Based on my experience, it is my considered opinion that the existing 2015 law needs amending, but not just in the way proposed in this bill. **This bill appears to be well-intentioned, but needs further amendments as outlined below.**

While Hawai'i Reef and Ocean Coalition supports water reuse in principle, it may not be prudent to require recycling of no less than 50 percent of "treatment works effluent ... classified as R-1 and ... suitable for reuse in recycled water systems." Whether this

requirement is appropriate would depend in part on **whether there is demand for such water in the area** where it is produced and **whether treatment makes sense economically**. The City and County ENV has testified that there is little need for reclaimed water around two of its largest treatment plants, Sand Island and Kailua, that Kailua and Waianae treatment plants would need additional treatment for salinity, and additional treatment and distribution costs **“would likely cost hundreds of millions of dollars and require additional sewer fee increases.”** The County of Kauai Department of Public Works has testified that **“we believe that over \$100 million of additional funding will be needed to comply with this bill to meet the 50% R-1 requirement by January 1, 2045.”**

In addition, **R-1 water reclaimed from wastewater treatment plants can contain PFAS “forever chemicals” that can present significant health risks even at low levels and other pollutants that may make the water unsafe for irrigation unless it is further treated**, such as by reverse osmosis or filtering with granular activated carbon or ion exchange. **Before requiring that half of the effluent from our wastewater treatment plants be reclaimed R-1 water, we should also determine whether and where such water is safe or can be made safe for irrigation, as well as economically feasible.**

The bill’s prohibition against discharge of treated or raw sewage into State waters without a permit or variance after 2030 is **unnecessary. That is already effectively the law today** in HRS Sec. 342D-50. Furthermore, the current design of sewage treatment plants in Hawaii inevitably results in discharges into State waters both now and in the foreseeable future. Both ground waters and surface waters are “State waters” under Hawaii law. HRS Sec. 342D-1. The “primary and secondary outfalls” language in the bill does not change this, as all outfalls are currently in State waters. Only outfalls extending three miles into federal waters would not be in State waters.

While producing **clean energy** from wastewater treatment plants is a worthy goal, producing any amount of undefined “clean energy pursuant to section 196-10.5” is not a sufficient basis to exempt treatment plants, regardless of size, from the law’s water pollutant discharge prohibition. **The provision in HRS Sec. 342D-50.5 exempting plants that produce clean energy should be stricken.**

A statutory mandate requiring any specific amount of recycled water is premature currently. Without significant funding, this may be considered an unfunded mandate for the counties.

The Hawai‘i Reef and Ocean Coalition proposes that the bill be amended as follows:

- **On page 1 lines 4-7, it should strike the language there and instead read:**

~~“ By January 1, 2045, no less than fifty per cent of treatment works effluent shall be recycled water classified as R-1 and that is suitable for use in recycled water systems. By January 1, 2027, each county shall report to the Department on:~~

- ~~1. the feasibility of recycling of treatment works effluent to a level that protects human health and the environment sufficient for irrigation or suitable for use in recycled water systems. In determining what is “feasible,” the counties shall estimate the costs of treatment as needed to protect human health and the environment, costs for delivery of the water, the local demand for recycled water near the treatment plants, and other factors the counties may consider relevant; and~~
- ~~2. the feasibility of generating electricity from sewage treatment plants, including by capturing methane as biogas or other processes.”~~

Section 2 of the bill should be stricken.

Please amend this bill as stated.

Mahalo!

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