



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

**Testimony COMMENTING on SB0520
RELATING TO WASTEWATER SYSTEMS**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATOR JOY A. BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 7, 2025; 2:00 pm; Room Number: 225

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health ("Department") offers comments on this
3 proposed measure.

4 **Department Testimony:** The Environmental Management Division ("EMD") provides the
5 following testimony on behalf of the Department.

6 The Department has concerns and provides comments on this measure. The
7 Department is currently researching federal regulations and scientific literature and data to
8 determine the quantifiable effect of the quantity of dwellings generating domestic wastewater
9 flows in gallons per day for residential properties in the United States and Hawai'i. This measure
10 may be problematic if federal regulations or scientific literature and data determines that the
11 individual wastewater system ("IWS") is not able to treat the generated wastewater flow.

12 The Department has definitions for "dwelling", "dwelling unit", and "bedroom" in
13 Hawai'i Administrative Rules, Title 11, Chapter 62. "Tiny home" is defined as a "dwelling" and
14 its quantity of "bedrooms" will determine the wastewater flow.

Offered Amendments: The Department respectfully suggests the following revisions to proposed measure. Additions appear as underlined and deletions appear as bracketed strikeouts.

SECTION 1, Page 1, lines 1-9: "The department of health shall amend its administrative rules in accordance with chapter 91, Hawaii Revised Statutes, to limit the number of dwelling
and dwelling units that may be connected to a single individual wastewater system to not more than five dwelling and/or dwelling units; provided that [~~a single dwelling shall not have more than a total of five dwelling units~~] the total quantity of bedrooms connected to one (1) individual wastewater system does not exceed five (5) bedrooms [~~; provided further that a total of five tiny homes with not more than one dwelling unit each may all be connected to one individual wastewater system~~]."

Thank you for the opportunity to testify on this measure.



To: The Honorable Senators Mike Gabbard and Joy San Buenaventura, Chairs, the Honorable Senators Tim Richards, III, and Henry Aquino, Vice Chairs, and Members of the Committees on Agriculture and Environment and Health and Human Services.

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

Re: **Hearing SB520 RELATING TO WASTEWATER SYSTEMS**

Hearing: Friday February 7, 2025 2:00 p.m.

Aloha Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Members of the Committees on Agriculture and Environment and Health and Human Services:

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 appreciates the intent of this legislation but offers **COMMENTS and PROPOSES AN AMENDMENT.**

I served for fifteen years as the Deputy Attorney General representing the Department of Health (DOH) on wastewater matters. I understand that septic systems in Hawaii are designed and sized for flow quantity primarily depending on the number of bedrooms, which DOH uses as an imperfect but measurable proxy for the number of people. The bill focuses on the number of dwelling units. But the number of dwelling units or bedrooms don't directly determine the impact on the wastewater system and the groundwater; it is the number of people flushing that determines the flow and the impact on the wastewater system and the groundwater. If you add too many people to an individual wastewater system, you risk overloading the system and polluting groundwater. Expanding up to the maximum of five dwelling units, or five tiny homes with one dwelling unit each,

on an existing individual wastewater system may add too many people and may overload the individual wastewater system. **The bill should be amended to have the Department consider the impact of the additional dwelling units on groundwater in its rules.**

The bill should be amended at the end of the sentence on line 9 to add after “individual wastewater system” “;provided further that the Department shall not approve additional dwelling units that would exceed the capacity of the individual wastewater system unless the capacity of the system is expanded adequately.”

Cesspools are essentially just a hole in the ground; they do not provide any significant treatment and just convey waste to our groundwater, sometimes drinking waters, streams, and ocean. **Adding additional dwelling units or bedrooms to an existing cesspool is just adding more pollution to the groundwater and should not be authorized without upgrading to a system approved by the Department.**

Please do not pass this bill without the proposed amendment!

Mahalo!

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

SB-520

Submitted on: 2/4/2025 12:17:42 PM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Comments	Written Testimony Only

Comments:

SB520, as written, leaves some confusion as to its purpose, and how it would be applied. Specifically, there is no definition of "individual wastewater system." Given that Hawaii is under extreme time pressure to convert 80,000+ cesspools to a higher standard of wastewater treatment, and that new technologies are rapidly being developed that are appropriate for treating the wastewater from single dwellings, small numbers of dwellings, larger numbers of dwellings, etc., it is not prudent to establish a law that would prevent the use of one of these small scale treatment facilities to a number of dwellings fewer than it could adequately handle. More clarity is needed on exactly how this measure would apply.