

**STATE OF HAWAII  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

**JOSH GREEN, M.D.**  
GOVERNOR

**SYLVIA LUKE**  
LT. GOVERNOR

**MARY ALICE EVANS**  
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Statement of  
**MARY ALICE EVANS, Director**

before the  
**HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION**

Thursday, January 29, 2026, 9:30 AM  
State Capitol, Conference Room 325

in consideration of  
**HB 1749**  
**RELATING TO CESSPOOLS.**

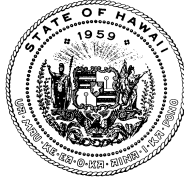
Chair Lowen, Vice Chair Perruso, and Members of the House Committee on Energy & Environmental Protection,

The Office of Planning and Sustainable Development (OPSD) **supports HB 1749**, which requires the Department of Health to adopt rules to prioritize priority level 1 and priority level 2 cesspools in any efforts undertaken to assist with cesspool upgrade, conversion, and connection and provide guidance to property owners; requires and appropriates funds for the Hawai'i Cesspool Prioritization Tool to be updated as determined by the Department of Health; beginning 1/1/2027, requires sellers to provide buyers with a cesspool disclosure form before the execution of a real estate purchase contract; requires the Department of Health and Real Estate Commission to develop a standardized cesspool disclosure form by 11/1/2026; and establishes penalties.

HB 1749 seeks to protect public health and the environment by prioritizing the conversion of high-risk cesspools. State resources should be strategically focused on upgrading systems that pose the greatest threat to our communities, particularly those that risk contaminating drinking water and sensitive aquatic ecosystems. By modernizing the Hawai'i Cesspool Prioritization Tool and focusing efforts on Priority 1 and Priority 2 levels, HB 1749 ensures that public funding and technical assistance are directed to where they will have the most significant impact on water quality and environmental health.

Additionally, OPSD recognizes the critical consumer protection issue addressed by this measure. The current lack of a standardized cesspool disclosure in real estate transactions creates significant financial risks for homebuyers, who may unknowingly inherit the substantial costs of mandatory conversion. This lack of transparency can make housing unexpectedly more expensive and creates a barrier to informed decision-making in Hawai'i's housing market. Requiring a standardized disclosure form ensures that buyers are fully notified of existing wastewater systems, fostering a more equitable and transparent real estate market while advancing Hawai'i's 2050 cesspool conversion deadline.

For these reasons, the Office of Planning & Sustainable Development respectfully urges the committee to pass this measure. Thank you for the opportunity to testify 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

**Testimony in SUPPORT of HB1749**  
**RELATING TO CESSPOOLS**

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

Hearing Date, Time and Room Number: 01/29/2026, 9:30 am, 325

1 **Fiscal Implications:** Undetermined. The Department of Health (“Department”) requests that  
2 this measure be considered as a vehicle to provide this needed funding so long as it does not  
3 supplant the priorities and requests outlined in the Governors executive budget request.

4 **Department Position:** The Department supports this measure and offers comments and  
5 proposed amendments.

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

8 The amendments to Hawai'i Revised Statutes, Section 342D-72 and Section 508D-15  
9 support the Department's mission to implement and maintain statewide programs for  
10 controlling water pollution. The Department's EMD-WWB utilizes Hawai'i Administrative Rules,  
11 Title 11, Chapter 62 to upgrade cesspools, convert cesspools, and connect buildings to sewer.

12 **Offered Amendments:** The Department respectfully suggests the following revisions to the  
13 proposed measure. Additions appear as underlines.

14 SECTION 1, Page 2, lines 3-13: “(c) The department shall adopt rules pursuant to  
15 chapter 91 to ensure cesspools categorized as priority level 1 or priority level 2 by the Hawai'i

1 cesspool prioritization tool are prioritized in any efforts undertaken by the department to assist  
2 with cesspool upgrade, conversion, and connection; provided that the Hawai'i cesspool  
3 prioritization tool shall be updated as determined by the university of Hawai'i."

4 SECTION 1, Page 3, lines 1-5: "Hawai'i Cesspool Prioritization Tool" means the most  
5 current version of the geographic information system tool developed by the university of  
6 Hawai'i, that displays the prioritization level of each existing cesspool in the State."

7 SECTION 2, Page 5, lines 9-14: "(c) Beginning January 1, 2027, when real property  
8 contains a wastewater system, the seller shall provide a wastewater system disclosure form, to  
9 be developed by the department of health and real estate commission, to the buyer, who shall  
10 provide written acknowledgment of the wastewater system disclosure form before the  
11 execution of a real estate purchase contract."

12 SECTION 3, Page 6, lines 12-19: "No later than November 1, 2026, the department of  
13 health and real estate commission shall develop a standardized wastewater system disclosure  
14 form that:

15 (1) Informs a buyer of whether the residential real property is served by a  
16 wastewater system such as a cesspool, septic system, onsite wastewater  
17 treatment works, or sewer;

18 (2) Informs a buyer of the location of the wastewater system; and"

19 Thank you for the opportunity to testify on this 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  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARK

Testimony of  
RYAN K.P. KANAKA'OLE  
Acting Chairperson

Before the House Committee on  
ENERGY & ENVIRONMENTAL PROTECTION

Thursday, January 29, 2026  
09:30 AM

State Capitol, VIA VIDEOCONFERENCE, Conference Room 325

In consideration of  
HOUSE BILL 1749  
RELATING TO CESSPOOLS

House Bill 1749 requires the Department of Health (DOH) to adopt rules to prioritize priority level 1 and priority level 2 cesspools in any efforts undertaken to assist with cesspool upgrade, conversion, and connection and provide guidance to property owners; requires and appropriates funds for the Hawai'i Cesspool Prioritization Tool to be updated as determined by the DOH; beginning 1/1/2027, requires sellers to provide buyers with a cesspool disclosure form before the execution of a real estate purchase contract; requires the DOH and Real Estate Commission to develop a standardized cesspool disclosure form by 11/1/2026; and establishes penalties. **The Department of Land and Natural Resources (Department) supports this bill.**

Hawai'i has over 83,000 cesspools that discharge 52 million gallons of untreated sewage into the groundwater every day. Sewage discharge can lead to decreased species diversity, increased nutrients leading to eutrophication, and reduction in coral cover. These effects on reefs are frequent, as sewage has been shown to travel quickly from land to sea. Thus, it is imperative to focus on effective management of wastewater to protect aquatic resources in Hawai'i. The Cesspool Prioritization Tool, which was created by the University of Hawai'i, aids in this essential cesspool conversion effort by creating priority levels for cesspools based on their likelihood of negatively affecting natural resources. Priority level 1 and priority level 2 cesspools ought to be given priority in conversion efforts to ensure that adequate protection of natural resources is prioritized. Additionally, it is important to regularly update this tool to ensure DOH has the most accurate and current information available to help guide its

cesspool conversion efforts. Recognizing the effect these actions will have on cesspool conversion efforts to encourage proper prioritization of conversion, the Department supports this measure.

Mahalo for the opportunity to comment on this measure.



# 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 Energy & Environmental Protection  
Thursday, January 29, 2026 at 9:30 a.m.

By

Tao Yan, PhD

Director, Water Resources Research Center

and

Darren Lerner, PhD

Director, Sea Grant College Program

School of Ocean and Earth Sciences and Technology

and

Vassilis L. Syrmos, PhD

Interim Provost

University of Hawai'i at Mānoa

#### HB 1749 – RELATING TO CESSPOOLS

Chair Lowen, Vice Chair Perruso, and Members of the Committee:

The University of Hawai'i Water Resources Research Center (WRRC) and Sea Grant College Program offers comments on this measure.

This bill addresses an important component of the State's ongoing efforts to implement cesspool upgrade, conversion, and connection requirements. As reflected in HB 1749, the Department of Health relies on the Hawai'i Cesspool Prioritization Tool to identify priority level 1 and priority level 2 cesspools for targeted assistance, rulemaking, and guidance to property owners.

WRRC has played a central role in the development and application of the Hawai'i Cesspool Prioritization Tool, a science-based, geospatial decision-support system designed to identify cesspools that pose the greatest potential risks to groundwater resources, nearshore water quality, and public health. The tool integrates hydrogeologic, land use, and infrastructure data to support consistent and transparent prioritization across the State.

The tool is currently used by state and county agencies, researchers, and partner organizations to inform planning, funding allocation, and implementation efforts related to cesspool conversion. It also supports the State's statutory requirement that cesspools be upgraded, converted, or connected by January 1, 2050, by providing an objective framework to sequence actions based on relative risk.

At present, WRRC maintains the tool through a combination of competitive grants and project-based funding. While this approach has supported development and early implementation, it does not provide a consistent mechanism to ensure the tool remains current as new data become available, regulatory frameworks evolve, and land use and infrastructure conditions change.

The appropriation contemplated in Section 4 of HB 1749 would allow for periodic updates to the Hawai'i Cesspool Prioritization Tool, helping to maintain data quality, incorporate new information, and preserve the tool's usefulness for agencies and stakeholders over the State's cesspool conversion timeline.

WRRC appreciates the Legislature's attention to the role of data-driven tools in supporting effective environmental planning and implementation and offers these comments for the Committee's consideration.



January 27, 2026

House Committee on Energy & Environmental Protection  
Hawai'i State Legislature  
Via Electronic Transmission

Re: Testimony in SUPPORT of HB 1749, Relating to Cesspools  
Hearing: Thursday, January 29, 2026, 9:30 AM CR 325 Via Videoconference

To: The Honorable Chair Lowen, Vice Chair Perruso, and members of the committee,

**The Surfrider Foundation, Hawai'i Region, submits testimony in strong support of HB1749, Relating to Cesspools.** Targeting high-risk cesspools is essential to reducing wastewater pollution that ends up in our groundwater, streams, and nearshore waters. HB1749 advances this goal by requiring the Department of Health to adopt rules that facilitate prioritizations of priority level 1 and priority level 2 cesspools in cesspool compliance program efforts to support upgrades, conversions, and connections. This targeted approach ensures limited resources are directed where they can achieve the greatest public health and environmental benefit.

Surfrider Foundation is a grassroots activist network dedicated to the protection of our oceans, waves, and beaches. Through our Blue Water Task Force (BWTF), a citizen-science water quality monitoring program on Kaua'i, Maui, and O'ahu, we regularly test more than 80 sites statewide for enterococcus, a fecal indicator bacteria. Many monitoring locations are situated near dense clusters of cesspools, including Kāne'ohe Bay at Kahalu'u, where water quality frequently exceeds state public health standards due to wastewater contamination.

HB1749 also strengthens real estate disclosure requirements by requiring sellers to provide a Department of Health standardized cesspool disclosure form prior to execution of a purchase contract. This improves transparency for buyers, supports informed decision-making, and helps ensure new property owners understand their obligations under Hawai'i's cesspool conversion mandate, interrupting the long-standing practice of kicking the can down the line.

By prioritizing the most harmful cesspools and improving clarity and accountability in property transactions, HB1749 supports more effective implementation of Section 342D-72, Hawai'i Revised Statutes, while advancing water quality, public health, and environmental protection statewide.

Thank you for the opportunity to submit testimony in strong support of HB1749 on behalf of the Surfrider Foundation's three Hawai'i chapters and members statewide.

Hanna Lilley  
Hawai'i Regional Manager  
Surfrider Foundation







TO: House Committee on Energy & Environmental Protection  
Representative Nicole E. Lowen, Chair  
Representative Amy Perruso, Vice Chair

FROM: Lynn Miyahira representing Public Access to SunScreens (PASS) Coalition

DATE: Thursday, Jan 29, 2026

TIME: 9:30 AM

PLACE: Conference Room 325 & Videoconference

**Re: HB 1749**

**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 53 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.

Prioritizing the upgrade and conversion of priority level 1 and 2 cesspools, as mandated by the bill, ensures that the most environmentally and health-sensitive areas receive immediate attention. This targeted approach is both cost-effective and data-driven, aligning with recommendations from the Department of Health and national best practices. The appropriation for updating the Hawai'i Cesspool Prioritization Tool is essential, as accurate and current data will enable more effective resource allocation and project planning.

Requiring a standardized cesspool disclosure form in real estate transactions promotes transparency and protects both buyers and sellers. It addresses a longstanding gap in property transactions, where buyers may unknowingly inherit costly and environmentally risky cesspool liabilities. This measure will foster a more informed real estate market and encourage proactive cesspool remediation.

Establishing penalties for non-compliance is a necessary enforcement mechanism to ensure adherence to these new standards. The bill's comprehensive approach—combining regulation, funding, and public awareness—will accelerate cesspool conversions, reduce pollution, and support Hawai'i's long-term sustainability goals.

HB1749 is needed now as it represents a pragmatic and urgently needed step toward safeguarding Hawai'i's water resources, coastal ecosystems, and public health.

Mahalo you for the opportunity to testify.

Sincerely,

Lynn Miyahira  
Public Access to SunScreens (PASS) Coalition



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

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

Re: **Hearing HB1749 RELATING TO CESSPOOLS**

Hearing: Thursday January 29, 2025 9:30 a.m.

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy and Environmental Protection 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.

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**The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS HB1749!**

Waste from cesspools is the largest water pollution problem in Hawai'i. There are over 80,000 cesspools that are dumping over 50 million gallons every day into Hawaii's groundwater, drinking waters, streams, and ocean. This pollution is making people sick with diseases such as gastroenteritis, skin rashes, eye irritations, and in some cases much more serious diseases. Cesspool pollution is harming the coral reefs that protect our very way of life here in Hawai'i —our recreation-based visitor economy, our fisheries and our shorelines.

By law (the mandate of section 342D-72, Hawaii Revised Statutes), all the over 80,000 cesspools must be upgraded to a system approved by the Department by 2050. The Department, the University of Hawaii and others have developed a Cesspool Prioritization tool that ranks cesspools in Priorities 1, 2, and 3 based on environmental impact and other

factors. It is urgent that Priorities 1 and 2, approximately 26,000 in total or about 30% of the over 80,000 total, be upgraded to reduce Hawaii's pollution from cesspools! The legislatively-appointed Cesspool Conversion Working Group's primary recommendation in its final report in 2022 was that these Priority 1 and 2 cesspools be upgraded by 2030 and 2035. We must not "kick the cesspool can down the road" any longer!

This bill would help by requiring

- that the Department in its administrative rules prioritize 1 and 2s,
- funding an update to the Prioritization Tool,
- that guidance be provided to homeowners, and
- a standardized cesspool disclosure form before home sale.

In conjunction with efforts to make cesspool upgrades affordable for homeowners without degrading water quality, this bill would facilitate the efforts to reduce our cesspool pollution problem.

Prioritizing level 1 and 2 cesspools ensures that the most environmentally and health-sensitive areas receive immediate attention. This targeted approach is both cost-effective and data-driven, aligning with recommendations from the Department of Health and national best practices. The appropriation for updating the Hawai'i Cesspool Prioritization Tool is essential, as accurate and current data will enable more effective resource allocation and project planning.

Requiring a standardized cesspool disclosure form in real estate transactions that is not buried in closing paperwork promotes transparency and protects both buyers and sellers. It addresses a longstanding gap in property transactions, where buyers may unknowingly inherit costly and environmentally risky cesspool liabilities. This measure will foster a more informed real estate market and encourage proactive cesspool remediation.

Establishing penalties for non-compliance is a necessary enforcement mechanism to ensure adherence to these new standards. The bill's comprehensive approach—combining regulation, funding, and public awareness—will accelerate cesspool conversions, reduce pollution, and support Hawai'i's long-term sustainability goals.

HB1749 represents a pragmatic and urgently needed step toward safeguarding Hawai'i's water resources, coastal ecosystems, and public health.

**Please pass this bill!**

Mahalo!

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



# HAWAI'I OCEAN LEGISLATIVE TASK FORCE



January 29, 2026

Hawai'i State Legislature  
House Committee on Energy & Environmental Protection

Re: Testimony in SUPPORT for HB1749 Relating to Cesspools

Aloha Chair Lowen, Vice Chair Perruso, and esteemed members of the committee,

The Hawai'i Ocean Legislative Task Force—a coalition of more than 150 individuals across over 20 organizations statewide—strongly supports HB1749, relating to cesspools.

Cesspools are a significant source of groundwater and nearshore pollution, with over 83,000 cesspools statewide discharging approximately 53 million gallons of untreated sewage into the environment daily. This pollution threatens drinking water sources, coral reefs, and public health, contributing to higher rates of waterborne illnesses and ecosystem degradation.

Prioritizing the upgrade and conversion of priority level 1 and 2 cesspools, as mandated by the bill, ensures that the most environmentally and health-sensitive areas receive immediate attention. This targeted approach is both cost-effective and data-driven, aligning with recommendations from the Department of Health and national best practices. The appropriation for updating the Hawai'i Cesspool Prioritization Tool is essential, as accurate and current data will enable more effective resource allocation and project planning.

Requiring a standardized cesspool disclosure form in real estate transactions promotes transparency and protects both buyers and sellers. It addresses a longstanding gap in property transactions, where buyers may unknowingly inherit costly and environmentally risky cesspool liabilities. This measure will foster a more informed real estate market and encourage proactive cesspool remediation.

Establishing penalties for non-compliance is a necessary enforcement mechanism to ensure adherence to these new standards. The bill's comprehensive approach—combining regulation, funding, and public awareness—will accelerate cesspool conversions, reduce pollution, and support Hawai'i's long-term sustainability goals.

Ocean TF urges the legislature to advance HB1749, as it represents a pragmatic and urgently needed step toward safeguarding Hawai'i's water resources, coastal ecosystems, and public health.

Mahalo for the opportunity to testify on this measure.

**Testimony of The Nature Conservancy  
Supporting HB1749, Relating to Cesspools  
Committee on Energy & Environmental Protection  
January 29, 2026 at 9:30am  
Conference Room 325 and via Videoconference**

Dear Chair Lowen, Vice Chair Perruso, and Members of the Committee:

Mahalo for the opportunity to testify today. The Nature Conservancy (TNC) Hawai'i and Palmyra supports HB1749, which requires the Department of Health (DOH) to adopt rules to prioritize priority level 1 and priority level 2 cesspools, increases transparency in real estate transactions, and updates the Hawai'i Cesspool Prioritization Tool.

Science conducted by TNC and partners has shown that wastewater, particularly cesspools, are detrimental to the coral reefs that protect our coastlines and underpin our economy. Without clean coastal waters our reef ecosystems are put at even greater risk in the face of growing global stressors including climate change.

Priority 1 and 2 cesspools represent the most urgent threat due to their proximity to wells, impaired waters, and sensitive ecological areas. Contaminants emitted from cesspools, like organic nitrogen and phosphorus, pathogens, and others, can harm aquatic ecosystems by encouraging excess algal and bacterial growth and can also pose a threat to human health. Our research in He'eia, Maunaloa, Olowalu, Hana and South Kohala has shown direct evidence of cesspool contamination in streams and coastal waters using a variety of bioindicators and chemical signatures.

By directing DOH to update the prioritization tool and provide clear guidance to homeowners, this bill ensures that resources, planning efforts, and incentives are focused where they will deliver the greatest benefit to the community. Any rule or program changes that arise from this work must still go through DOH's formal Chapter 91 rulemaking process, ensuring that local perspectives shape implementation. This bill will make an immediate difference by sharpening the State's focus on the highest-risk cesspools, improving transparency for property owners, and supporting counties with updated data.

**Mahalo for the opportunity to testify in support of HB1749.**

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*Guided by science, TNC is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 84,000 acres in 13 nature preserves and 18 managed areas and have supported over 50 coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands.*

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January 29, 2026

**The Honorable Nicole E. Lowen, Chair**

House Committee on Energy & Environmental Protection  
State Capitol, Conference Room 325 & Videoconference

**RE: House Bill 1749, Relating to Cesspools**

**HEARING: Thursday, January 29, 2026, at 9:30 a.m.**

Aloha Chair Lowen, Vice Chair Perusso, 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 almost 10,000 members. HAR provides **comments** on House Bill 1749, which requires the Department of Health to adopt rules to prioritize priority level 1 and priority level 2 cesspools in any efforts undertaken to assist with cesspool upgrade, conversion, and connection and provide guidance to property owners. Requires and appropriates funds for the Hawai'i Cesspool Prioritization Tool to be updated as determined by the Department of Health. Beginning 1/1/2027, requires sellers to provide buyers with a cesspool disclosure form before the execution of a real estate purchase contract. Requires the Department of Health and Real Estate Commission to develop a standardized cesspool disclosure form by 11/1/2026. Establishes penalties.

HAR develops standard forms utilized by the real estate industry in Hawaii. Our Standard Forms Committee continuously reviews or creates our real estate contracts to ensure the forms are current with industry standards and the law. In a real estate transaction, there are disclosures made in the *Seller's Real Property Disclosure Statement* (SRPDS) form.

Sellers are required to disclose "material facts" that are within the knowledge and control of the seller or observed from visible, accessible areas. As such, we also currently include disclosure provisions relating to cesspools in our *Seller's Real Property Disclosure Statement* (SRPDS) form. Sellers are asked "What type of wastewater/sewage system does the property have?" and must provide a detailed response.

While we believe that additional disclosures may not be necessary, we are working with our Standard Forms Committee to better inform buyers on the state law that cesspools need to be converted by 2050.

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



January 26, 2026

House Committee on Energy & Environmental Protection

Hawai'i State Legislature  
Via Electronic Transmission

Re: Testimony in SUPPORT of HB 1749 Relating to Cesspools  
Hearing: Thursday, January 29, 2026, 9:30 AM CR 325 Via Videoconference

Aloha Chair Lowen, Vice-Chair Peruso, and Committee Members:

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations (WAI) I am writing in **support** of HB1749.

WAI is an environmental non-profit dedicated to protecting our water resources by reducing sewage pollution from cesspools. Hawaii has more than 83,000 cesspools across the state, discharging 52 million gallons of raw sewage each day into Hawaii's waters, contributing to groundwater contamination, harmful bacteria exposure, nutrient pollution, and coral reef degradation. WAI supports more innovative, affordable, and eco-friendly solutions to wastewater management.

Under the State's mandate we must convert all cesspools by 2050 under Act 125 (2017). To guide this transition, the Department of Health, University of Hawai'i, and partners developed the Hawai'i Cesspool Prioritization Tool, which classifies systems into Priority Levels 1, 2, and 3 based on environmental and public health risk. Approximately 26,000 cesspools (almost one-third of the statewide total) fall into Priority Levels 1 and 2. These represent the systems with the greatest impact on water quality and community health. The legislatively established Cesspool Conversion Working Group recommended in its 2022 final report that these highest-priority systems be addressed on an accelerated timeline, with conversions targeted by 2030 and 2035 because delaying action on these systems prolongs the most severe pollution risks.

This bill supports that urgent need by directing the Department of Health, through its rulemaking authority, to prioritize Priority Level 1 and 2 cesspools in conversion efforts, and it also funds updates to the Cesspool Prioritization Tool, ensuring that decisions are based on current and accurate environmental data, and provides guidance to property owners navigating upgrade requirements. In addition, it improves transparency in the real estate market by requiring a standardized cesspool disclosure form prior to residential property sales. This provision helps ensure buyers are aware of potential environmental and financial obligations associated with cesspools and encourages earlier planning for compliance. HB 1749 represents a practical and necessary step toward protecting public health, safeguarding coastal ecosystems, and supporting the long-term sustainability of Hawai'i's communities.

WAI respectfully submits testimony in support of HB1749 and appreciates the Legislature's continued leadership on addressing Hawai'i's wastewater pollution challenges.

Aloha,

*Stuart Coleman*

Stuart H. Coleman, Executive Director

**HB-1749**

Submitted on: 1/27/2026 9:57:51 AM

Testimony for EEP on 1/29/2026 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mark Hixon	Individual	Support	Written Testimony Only

Comments:

As a marine biologist who has studied Hawaii's coral reefs since the 1970s, I have personally witnessed the decline of these immense natural resources. One of the main culprits has been poor coastal water quality that stimulates the growth of seaweeds that smother living coral, killing our reefs. Cesspools leach wastewater into our coastal ocean, containing chemicals that fertilize seaweeds. I urge you to pass this bill.

**HB-1749**

Submitted on: 1/27/2026 12:54:26 PM

Testimony for EEP on 1/29/2026 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Betsy Scolnik	Individual	Support	Written Testimony Only

Comments:

Stop pushing off the ublic health crisis of sewage!!! Pass this and move fwd

**HB-1749**

Submitted on: 1/28/2026 9:52:18 AM

Testimony for EEP on 1/29/2026 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael W Schwartz	Individual	Support	Written Testimony Only

Comments:

I am a physician and live on a property that abuts the Moloa'a stream. I am deeply concerned about the heavy fecal contamination of the stream, and regularly warn children and families who play in the water where the stream meets Moloa'a Bay. I have experienced a mysterious bacterial skin infection after swimming in the bay last fall requiring a week of antibiotic therapy to treat it. Lastly, the growing problems that the stream presents are exacerbated by reduced stream flow, which in turn is caused at least in part by upstream diversion of water away from the stream -- a diversion system that has not been permitted by the State.