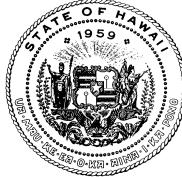


JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII'



KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKELA

STATE OF HAWAI'I
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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**Testimony COMMENTING on HB1921
RELATING TO CESSPOOLS.**

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

Hearing Date, Time and Room Number: 02/05/2026, 9:00 am, 325

- 1 **Fiscal Implications:** None.
- 2 **Department Position:** The Department of Health ("Department") acknowledges the intent of this measure and offers comments and proposed amendments.
- 3 **Department Testimony:** The Environmental Management Division, Wastewater Branch (EMD-WWB) provides the following testimony on behalf of the Department.
 - 4 The Department acknowledges the intent of this measure to align affordable housing and wastewater policy by allowing reasonable bedroom additions in priority level 3 areas without compromising human safety and health and water quality.
 - 5 An existing cesspool is consider a large-capacity cesspool (LCC) by the U.S. Environmental Protection Agency (EPA) if the existing cesspool is connected to: 1) more than one (1) dwelling or dwelling unit, 2) a non-residential building that serves twenty (20) or more people in a given day, or 3) a building that contains and is a combined dwelling and home-based business. Having an LCC is a federal violation and enforced by the EPA.
- 6 **Offered Amendments:** The Department respectfully offers the following revisions to the proposed measure. Additions appear as underlines.

1 Amendments offered below are only for where we are making recommendations for revision.
2 We have highlighted text where we are recommending replacement or addition. If we are
3 recommending deletion of any amendments in this measure, we have bracketed and struck
4 through the text. All other amendments are unchanged.

5 SECTION 2, Page 2, lines 20-21 to Page 3, lines 1-6: **\$342D- Existing cesspools;**
6 **additional bedrooms; conditions.** (a) Notwithstanding any other law to the contrary, an
7 existing cesspool that lawfully serves a single dwelling or dwelling unit on a tax map key parcel
8 located within a priority level 3 area may continue to be used to serve that dwelling or dwelling
9 unit and may also serve additional bedrooms constructed on the same parcel[, whether]
10 within the existing dwelling or dwelling unit[or in a detached structure], if: . . .”

11 SECTION 2, Page 4, lines 1-9: “(b) Bedrooms authorized under subsection (a) may be
12 located [in a detached structure on the same parcel; provided that the structure:
13 (1) Is not classified by the county as a dwelling unit, accessory dwelling unit, or ohana dwelling;
14 and
15 (2) Does not contain a kitchen, wet bar, or other cooking facilities that would cause the
16 structure to be classified as a dwelling unit under applicable county ordinances] only in the one
17 (1) existing dwelling or dwelling unit.”

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

February 5, 2026

The Honorable Nicole E. Lowen, Chair

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

RE: House Bill 1921, Relating to Cesspools

HEARING: Thursday, February 5, 2026, at 9:00 a.m.

Aloha Chair Lowen, Vice Chair Perruso, 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 10,000 members. HAR **supports** House Bill 1921, which allows an existing cesspool that lawfully serves a single dwelling unit in a priority level 3 area to continue serving that dwelling unit and additional bedrooms constructed on the same parcel, subject to certain conditions. Authorizes the Department of Health to adopt rules and authorizes the restriction of additional bedrooms where continued cesspool use impacts water quality or human health.

Hawaii continues to face a housing shortage and multigenerational living has become more common as families seek to stay together, reduce housing costs, and remain in Hawaii and their communities. As such, this measure can help with our housing challenges for bedroom additions for existing homes in priority level 3 areas, where the risk to water resources is lower than in higher-priority zones. Additionally, this measure provides added safeguards to ensure that any additional bedrooms would not have an impact on health or water quality.

Mahalo for the opportunity to provide testimony on this measure.

Feb. 5, 2026, 9 a.m.
Hawaii State Capitol
Conference Room 325 and Videoconference

To: House Committee on Energy and Environmental Protection

Rep. Nicole Lowen, Chair
Rep. Amy A. Perruso, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: TESTIMONY IN SUPPORT OF HB1921 — RELATING TO CESSPOOLS

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii **supports** [HB1921](#), which would allow homes connected to a cesspool deemed priority level three by the state Department of Health to build additional bedrooms, so long as the total number of bedrooms connected to the cesspool does not exceed five.

However, the bill would allow the Department of Health to prohibit additional bedrooms in specific areas if there is evidence that cesspool usage has a negative effect on water quality or human health.

This legislation would not change the mandate that all cesspools in the state be converted to septic, sewer or another wastewater treatment method by 2050. But it would give some homeowners reprieve from having to convert their cesspools early just to expand their homes.

Hawaii has a pressing need for new housing, and every extra room could help shelter someone. But not every homeowner has \$50,000 in their bank account to cover the cost of upgrading their cesspool, so this is a commonsense bill that should be approved.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii



WaiHome LLC
59-477 Hoalike Road
Haleiwa, HI, 96712

Statement of
Gregory Wong
Co-Founder and New Product Introduction Engineer
WaiHome LLC
before the
House Committee on Energy & Environmental Protection

Thursday, February 5th, 2026
9:00 AM
State Capitol, Conference Room 325 & Videoconference

In consideration of
HB1921

RELATING TO HAWAI'I TECHNOLOGY DEVELOPMENT CORPORATION

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

WaiHome LLC would like to respectfully suggest the following edit to this bill to ensure priority 3 households are able to legally increase the number of bedrooms on their property while continuing to protect the environment.

In section (a):

(5) The kitchen and toilet wastewater streams require solids diversion through the use of composting toilets, incinerating toilets, solid waste interceptors or other solids diversion technologies where solids greater than 1/8in in diameter are removed. Mincer technologies are disallowed.

Thank you for the opportunity to offer these comments,

A handwritten signature in black ink, appearing to read "Gregory Wong".

Gregory Wong
Co-founder and New Product Introduction Engineer
WaiHome LLC

HB-1921

Submitted on: 2/3/2026 2:16:07 PM
Testimony for EEP on 2/5/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT

HB-1921

Submitted on: 2/3/2026 3:57:59 PM
Testimony for EEP on 2/5/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Frederick Smith	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am a homeowner who would benefit from this bill, but I strongly oppose HB1921. Priority 3 zones are designated as P3 due to concerns for human health, but do not adequately consider the effects of cesspools on the health of our coral reefs and fisheries. Many Priority 3 homes on cesspools are interconnected with the nearshore, and their sewage directly seeps into and quickly damages our reefs. Many Priority 3 areas in Hawai'i County are adjacent to coral reefs that are already highly impaired from cesspools, so there is no reason to make the problem worse.

We should be looking to convert cesspools to more environmentally safe methods, not allowing people to add more waste and damage to our kai.

Please vote no on this bill.

Frederick Smith

Lower Napo'op'o Road, Captain Cook (Ka'awaloa), HI, 96704