

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 HB0376 HD1
RELATING TO CESSPOOLS.**

REPRESENTATIVE MARK J. HASHEM, CHAIR
HOUSE COMMITTEE ON WATER & LAND

Hearing Date, Time and Room Number: 02/10/2026, 9:00 am, 411

1 **Fiscal Implications:** None.

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

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

5 HB0376 HD1 would accelerate the deadline for requiring upgrades, conversions, or
6 connections of priority level 1 and 2 cesspools, as designated by the Hawaii Cesspool
7 Prioritization Tool. The Department acknowledges the intent to accelerate the elimination of
8 cesspools, which create a risk of human illness and pose significant harm to streams and coastal
9 resources. Cost remains a significant barrier to cesspool conversion. Due to the cost of
10 conversion, the Department has concerns regarding the acceleration of the deadlines for
11 priority levels 1 and 2 cesspools without making a financing program available to assist low- and
12 moderate-income property owners.

13 The Department also acknowledges the intent of providing an extension of up to five (5)
14 years at a time from the requirements in Hawai'i Revised Statutes (HRS), Chapter 342D-72
15 based on a demonstration of financial inability to pay for or finance a cesspool upgrade,
16 conversion, or connection. However, the type of financial document and type of metric to be

1 utilized to demonstrate a property owner's financial inability needs further clarification, and
2 reviewing case-by-case extensions could become overburdensome to the same Department
3 staff who are charged with reviewing and approving individual wastewater system applications.

4 **Offered Amendments:** None.

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



‘ŌNAEHANA KULANUI O HAWAI‘I

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Water & Land
Tuesday, February 10, 2026, at 9:00 a.m.

By

Darren T. Lerner, PhD
Director, Sea Grant College Program,
School of Ocean and Earth Science and Technology
and

Tao Yan, PhD
Director, Water Resources Research Center,
Department of Civil and Environmental Engineering
and

Vassilis L. Syrmos, PhD
Interim Provost
University of Hawai'i at Mānoa

HB 376 HD1 – RELATING TO CESSPOOLS.

Chair Hashem, Vice Chair Morikawa, and Members of the Committee:

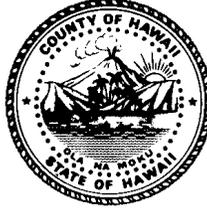
The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and Water Resources Research Center (WRRC) supports HB 376 HD1 and offers comments.

The conversion of cesspools in Hawai'i is a pivotal component of the state's broader strategy to address water quality issues, promoting a cleaner and healthier environment for current and future generations to enjoy and avoiding the compounding impacts that climate change will have on our already stressed resources. Hawai'i's commitment to improving water and land quality is evident in the legislative mandates requiring the transition away from cesspools. HB 376 HD1 would accelerate the deadline of cesspool conversion, regardless of their priority level, and therefore, would accelerate protection of human health and the environment, reduce the potential for escalated challenges associated with cesspools.

The Hawai'i Cesspool Prioritization Tool provides priority data at three spatial resolutions (census tracts, block groups, and blocks), but HB 376 HD1 does not explicitly specify which resolution should be used to assign cesspool priority levels. Without this clarification, the bill could lead to confusion, inconsistent interpretation, and potential legal ambiguity. WRRC strongly recommends that amended bill language clearly specify the intended spatial resolution for determining priority levels. The DOH 2024 report (*Hawai'i Cesspool Hazard Assessment & Prioritization Tool: 2024 Updated Report & Technical Appendices*) also notes that if no resolution is specified in a management or legislative action, the default should be "Tracts", however this detail is easy to overlook.

Thank you for the opportunity to testify on this measure.

HEATHER L. KIMBALL
COUNCIL DISTRICT 1
(North Hilo, Hāmākua, and portion of
Waimea)



Phone: (808) 961-8828
Fax: (808) 961-8912
Email: Heather.Kimball@hawaiicounty.gov

HAWAII COUNTY COUNCIL
25 Aupuni Street, Ste. 1402, Hilo, Hawai'i 96720

February 9, 2026

House Committee on Water and Land
Honorable Representative Mark J. Hashem, Chair
Submission via online testimony only

RE: **STRONG SUPPORT – H.B. 376, H.D.1 – Relating to Cesspools**

Dear Chair Hashem, Vice Chair Morikawa, and Members of the Committee on Water and Land:

Mahalo for the opportunity to testify in strong support of H.B. 376, H.D.1, which accelerates the deadlines for the required upgrade, conversion, or connection of priority level 1 and priority level 2 cesspools to 2035 and 2040, respectively.

As the bill clearly states, Hawai'i has more than 80,000 cesspools that discharge approximately 50 million gallons of untreated wastewater into groundwater every day. These antiquated systems contaminate drinking water, degrade nearshore marine environments, and threaten coral reefs, fisheries, and public recreation.

Accelerating the timeline for priority cesspools is both environmentally responsible and fiscally prudent. The University of Hawai'i Cesspool Prioritization Tool allows the State to focus first on the systems that pose the greatest risk to public health and water quality. This risk-based approach ensures that limited resources are directed where they will produce the greatest benefit.

Importantly, the measure also recognizes the practical challenges faced by property owners. The bill authorizes exemptions for legitimate site constraints such as small lot size, steep topography, or poor soils, and allows extensions based on demonstrated financial hardship. This balanced structure protects water quality while acknowledging the economic realities facing families, particularly in rural and agricultural areas.

From a county perspective, we understand that cesspool conversion is not simply an environmental issue, it is a public health issue, a reef protection issue, and an economic resilience issue. Clean nearshore waters support tourism, fisheries, shoreline protection, and community well-being. Delaying action only increases long-term costs.

Sincerely,

A handwritten signature in cursive script that reads "Heather L. Kimball".

HEATHER L. KIMBALL

February 10, 2026

The Honorable Mark J. Hashem, Chair

House Committee on Water & Land
State Capitol, Conference Room 411 & Videoconference

RE: House Bill 376, HD1, Relating to Cesspools

HEARING: Tuesday, February 10, 2026, at 9:00 a.m.

Aloha Chair Hashem, Vice Chair Morikawa, 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 provides **comments** on House Bill 376, HD1, which accelerates the deadlines for the required upgrades, conversions, or connections of priority level 1 and priority level 2 cesspools to 2035 and 2040, respectively. Effective 7/1/3000.

Hawai'i REALTORS® supports the goal of protecting our drinking water, streams, ground water, and ocean resources. We recognize that cesspool conversion is important to preserve our environment. According to the Cesspool Working Group Final Report¹, there are 13,821 cesspools categorized as Priority Level 1 and 12,367 cesspools categorized as Priority Level 2 for a total of 26,188. To convert Priority Level 1 and 2 cesspools by 2040, approximately 2,419 cesspools would need to be converted per year (see table below.) Additionally, converting the remaining Priority Level 2 cesspools would be an additional 884 conversions per year over the subsequent 5 years; this does not include the 55,237 Priority Level 3 cesspools that will still need to be converted by 2050. If we wait to convert Priority Level 3 cesspools until after 2040, there will be 10 years left to convert them all which averages to 5,523 conversions a year.

Year:	Priority Level 1	Priority Level 2	Convert Per Year
2027	1,536	883	2,419
2028	1,536	883	2,419
2029	1,536	883	2,419
2030	1,536	883	2,419
2031	1,536	883	2,419
2032	1,536	883	2,419

¹ Cesspool Conversion Working Group. (2022). *Final Report to the 2023 Regular Session Legislature*. State of Hawai'i Department of Health. <https://health.hawaii.gov/opppd/files/2022/12/Act-170-SLH-2019-Nov-2022.pdf>

2033	1,535	883	2,418
2034	1,535	883	2,418
2035	1,535	883	2,418
2036		884	884
2037		884	884
2038		884	884
2039		884	884
2040		884	884

While it may vary greatly depending on existing infrastructure and property location, it can take 8 to 9 months or longer for a homeowner to convert their cesspool to a Department of Health ("DOH") approved wastewater system. Steps include but are not limited to architects drawing up site plans, civil engineers drawing up and submitting the proposed system, obtaining DOH preliminary approval, engaging a contractor, obtaining a review and approval from the State Historic Preservation Division (SHPD), obtaining permits, construction, and engineers getting final approval from DOH. As such, it is crucial that we properly plan and find ways to assist communities and homeowners as manpower and infrastructure are limited, especially on the neighbor islands and in rural areas.

Moreover, moving up the mandate does not solve the financial dilemma for homeowners. The Cesspool Conversion Working Group conducted an affordability analysis² for homeowners. Based on the analysis, 97% of homeowners would be financially burdened by cesspool conversion costs. Equally concerning, even with a \$10,000 rebate 82% of homeowners would still be financially burdened. Most homeowners will not be able to afford to do this alone.

Given the scale of required conversions, lengthy permitting and construction timelines, limited manpower and infrastructure especially on the neighbor islands and rural areas, and financial burden on homeowners, even meeting the current 2050 deadline would be challenging. Instead, **we respectfully request that the Legislature consider whether additional time may be needed for homeowners and counties to meet the conversion mandate and help ensure successful implementation.**

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

² Cesspool Conversion Working Group. (2022). *Final Report to the 2023 Regular Session Legislature*. State of Hawai'i Department of Health. <https://health.hawaii.gov/opppd/files/2022/12/Act-170-SLH-2019-Nov-2022.pdf>



To: The Honorable Representative Mark Hashem, Chair, the Honorable Dee Morikawa, Vice Chair, and Members of the Committee on Water and Land.

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

Re: Hearing **HB376 HD1 RELATING TO CESSPOOLS**

Hearing: Tuesday, February 10, 2026, 9:00 a.m.

Aloha Chair Hashem, Vice Chair Morikawa, and Members of the Committee on Water and Land.

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.

The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS HB376 HD1!

Pollution from cesspools is harming the health of Hawaii's people and quality of Hawaii's waters. Hawaii has more than eighty thousand cesspools that discharge about fifty million gallons of wastewater into the State's groundwater every day. Cesspools are antiquated, substandard systems that damage public health, pollute drinking water, and lower water quality in streams, ground waters, nearshore marine areas, and the ocean. Cesspool pollution also harms public recreation and the precious coral reefs on which Hawaii's economy, shoreline, fisheries, and native species depend.

Hawai'i law requires that all cesspools not exempt need to be connected or upgraded by 2050 (Act 125, 2017). This bill would accelerate the dates for upgrading some of the cesspools, those in areas designated as Priority 1 and 2, from 2050 in the current law to 2035 for Priority 1 and 2040 for Priority 2 cesspools, the ones that pose the most serious threats to public health, drinking water supplies, coral reefs and water quality in nearshore areas, were determined through the UH 2022 Hawai'i cesspool hazard assessment and prioritization tool. The tool was developed for the legislatively-appointed Cesspool Conversion Working Group (CCWG), which included a broad coalition of stakeholders, including Legislators and representatives from EPA, DOH, all counties, UH, realtors, bankers, and advocacy groups. The CCWG considered new scientific and policy data, studies by wastewater experts, activities in other jurisdictions, owners' ability to pay, and financing mechanisms.

I represented the Department of Health on the CCWG for four years. In its final report to the Legislature in 2022, the CCWG's primary recommendation was to accelerate the mandatory upgrade deadlines for Priority 1 and 2 cesspools from 2050 to 2030 and 2035, respectively. This bill would give five more years than the Cesspool Conversion Working Group recommended, until 2035 and 2040, respectively.

Acceleration of upgrade requirements is necessary, not only to reduce pollution to protect the public health in drinking waters, recreational waters (used for example by surfers), and help save corals, but also to meet the 2050 legal mandate. Currently, only a few hundred cesspools are being upgraded each year, versus over 3,000 per year that need to be upgraded on average to complete the 83,000 upgrades by 2050. **Hawai'i needs to get started on upgrading cesspools in order to eliminate all cesspools by 2050.**

Priority 1 (13,821) and 2 (12,367) cesspools together constitute about 30% of the over 80,000 total in Hawai'i.

Upgrades of Priority 3 cesspools (about 70% of the total) would not be accelerated and would remain at 2050. The bill authorizes the DOH to exempt cesspools that show a legitimate reason they cannot upgrade and to pass rules to grant extensions based on an inability to pay.

Upgrading Priority 1 cesspools by 2035 and Priority 2 cesspools by 2040 is a reasonable and necessary start on solving Hawaii's cesspool pollution problem. Please pass this bill!

Mahalo!

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

HB-376-HD-1

Submitted on: 2/9/2026 11:30:37 PM

Testimony for WAL on 2/10/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Angela Young	CARES Community Advocacy Research Education Services	Support	Remotely Via Zoom

Comments:

Support

HB-376-HD-1

Submitted on: 2/6/2026 2:30:30 PM

Testimony for WAL on 2/10/2026 9:00:00 AM

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

Comments:

STRONG OPPOSE!!!

HB-376-HD-1

Submitted on: 2/7/2026 11:49:31 AM

Testimony for WAL on 2/10/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Hope Kallai	Individual	Support	Written Testimony Only

Comments:

Strongly support accelerating conversion deadlines.