



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony of SUPPORT of HB 1141 H.D.1
RELATING TO CESSPOOLS**

REPRESENTATIVE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: February 27, 2015
Time: 11:00 a.m.

Room Number: 308

- 1 **Fiscal Implications:** None.
- 2 **Department Testimony:** The Department strongly supports this measure with comments. Hawaii is the
- 3 only State in the nation that allows the construction of new cesspools. Approximately 900 new
- 4 cesspools are being constructed on the Big Island and some areas on Maui. The islands of Oahu and
- 5 Kauai prohibited the construction of new cesspools in 1991. Cesspools are little more than holes in the
- 6 ground that discharge raw, untreated human waste directly into the subsoil, where it can spread and
- 7 contaminate ground water, drinking water sources, streams and the ocean by releasing disease-causing
- 8 pathogens. In order to protect public health and the environment, new cesspools need to be prohibited
- 9 sooner than the proposed date of December 31, 2016. The Department recommends changing the
- 10 date of prohibiting the construction of new cesspools and connection of new buildings to existing
- 11 cesspools from December 31, 2016 to December 31, 2015
- 12 Thank you for the opportunity to testify on this measure.



HB1141 HD1
RELATING TO CESSPOOLS
House Committee on Finance

February 27, 2015

11:00 a.m.

Room 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB1141 HD1, which seeks to stem the proliferation of cesspools in Hawai‘i, and mitigate their impacts on our environment and health.

OHA commends the foresight embodied in this measure, which seeks to safeguard our culturally, ecologically, and economically critical ground- and surface- water resources, including our nearshore coastal waters. As noted in the bill, the prevalence and density of cesspools in Hawai‘i have raised significant concerns regarding their potential environmental and health impacts. These concerns have heightened in recent years, as the state has gained greater awareness of the broad and long-term impacts of on-site cesspool systems as well as municipal injection wells.¹ Prohibiting new cesspools would ensure that these impacts are not exacerbated by the extensive residential development currently being planned for several islands.

OHA notes that the impact of cesspools and other on-site disposal systems may vary significantly for certain locations, based on system density, soil characteristics, geography, subsurface hydrology, and other factors.² Accordingly, OHA appreciates the flexibility this measure affords the state Department of Health in developing categorical exceptions to the cesspool prohibition, to accommodate cesspools where they may be most appropriate or least harmful.

Accordingly, OHA urges the Committee to **PASS** HB1141 HD1.

Mahalo nui for the opportunity to testify on this measure.

¹ See, e.g., ROBERT B. WHITTIER AND ALY I. EL-KADI, HUMAN AND ENVIRONMENTAL RISK RANKING OF ONSITE SEWAGE DISPOSAL SYSTEMS ES-1– ES-2 (2009); Michael L. Parsons et. al., *A multivariate assessment of the coral ecosystem health of two embayments on the lee of the island of Hawai‘i*, 56 MARINE POLLUTION BULLETIN 1138 (2008); *Judge: Maui needs permit for Lahaina wastewater*, HONOLULU STAR-ADVERTISER, June 2, 2014; *Big Island effort targets cesspools to save reef*, HONOLULU STAR-ADVERTISER, February 4, 2014.

² Whittier & El-Kadi, *supra* note 1, at 21-41, 45-60.

Karen Eoff
Council Member
District 8, North Kona
Chair, Finance Committee



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February 25, 2015

House Committee on Finance
Sylvia Luke, Chair
Scott Y. Nishimoto, Vice Chair

Email: FINtestimony@capitol.hawaii.gov
Email: repluke@capitol.hawaii.gov
Email: repnishimoto@capitol.hawaii.gov

Re: **Testimony In Support of HB1141, HD1, Relating to Cesspools**
Hearing: February 27, 2015, 11:00 a.m. – Room 308

Dear Finance Committee and Representatives:

On behalf of myself and constituents of Council District 8, North Kona, I am in support of the above referenced bill, and submit a brief testimony as follows:

This bill will prohibit installation of new cesspools and prohibit the connection of new construction to existing cesspools after December 31, 2016, and authorizes DOH to develop rules for exceptions to the same. This bill will improve the sanitation and environmental risks of contaminating oceans, streams and ground water.

I therefore strongly urge the enactment of HB1141, HD1.

Thank you for your consideration.

Sincerely,

KAREN EOFF, Council Member
District 8, North Kona

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 1141 HD1 Relating to Cesspools
House Committee on Finance
Friday, February 27, 2015, 11:00AM, Room 308

For more than 35 years, The Nature Conservancy of Hawai'i has been working closely with government agencies, local businesses, private landowners, non-profit partners, and interested communities across the state to preserve the lands and waters upon which all life in these islands depends. The Conservancy is a private non-profit conservation organization that has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 35,000 acres in 11 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i, and support 19 coastal communities seeking to co-manage marine resources in partnership with the State of Hawai'i.

The Nature Conservancy supports H.B. 1141 HD1 to prohibit new cesspools.

We also recognize that the much larger issue of wastewater impacts on coral reefs, near shore waters, and human health come from untreated sewage overflowing from overburdened wastewater treatment facilities and underground injection wells, especially on Maui and Hawai'i island. We urge the State and counties to consider a thorough review, repair, and retrofit of wastewater treatment facilities, especially if the State will be requiring more people to connect to those already overburdened facilities.

Scientists estimate that populations of many of Hawai'i's near shore reef fishes have declined by more than 75% over the past 100 years. Marine managers, community stewards, and scientists across the state are also cataloguing and working to address increased instances of coral disease, bleaching and reef smothering alien algae. Scientific analysis together with long-term community experience and observation suggest that a number of factors are contributing to and exacerbating these threats to Hawai'i's marine health, including over-harvesting of fishes, land-based sources of pollution, as well as higher temperatures and acidification due to human induced climate change. Degradation of Hawai'i's reefs and near shore environments is not only a detriment to our health and quality of life, but also a grave loss to Hawai'i's economy, safety, and to a cultural heritage that is unique in the world.

Effluent from cesspools – including untreated human waste, bacteria, viruses, pharmaceuticals, cleaning products, nitrogen, phosphorus, and other contaminants – is discharged directly into the ground. From there, these pollutants can make their way into groundwater systems and near shore marine environments. In coastal areas in Hawai'i with porous soils and substrates, studies have shown that waste from cesspools can reach near-shore waters within a matter of minutes to just a few days. Replacing these coastal cesspools should be a priority.

Caring for the health and future productivity of Hawai'i's fresh and marine waters requires a combination of strategies in an ahupua'a approach. Taking care of watershed forests, upgrading wastewater treatment systems, enhancing water re-use, preventing and controlling invasive species, encouraging responsible resource use, and retiring and replacing outdated infrastructure are all a part of the solution to the variety of threats we face. Prohibiting new cesspools and replacing old ones is one important component of this collective effort.

Thank you for the opportunity to comment.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 26, 2015 11:25 AM
To: FINTestimony
Cc: nikki2244@gmail.com
Subject: *Submitted testimony for HB1141 on Feb 27, 2015 11:00AM*

HB1141

Submitted on: 2/26/2015

Testimony for FIN on Feb 27, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole Chatterson	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE

Feb. 16, 2015

Committee Chairs & Members of Finance (FIN)

RE: Strong Support for HB 1141 – Relating to Eleminating Cesspools

Hearing on Fri., 2/27, State Capitol, Conf. Rm. 308, 11:00am.

Dear Chair Luke, Vice Chair Nishimoto, and Committee Members,

As the Hawaii Regional Manager of the Surfrider Foundation, I'm writing in strong support passage of HB 1141. With more than 5000 activists and members across the state, the Hawaii Chapters of The Surfrider Foundation strongly support efforts to prohibit the installation of new cesspools in the state. The non-point source discharge from cesspools in Hawaii is a serious threat specifically to streams, groundwater and coastal waters, and this bill offers a long overdue solution to the problem.

With about 90,000 across the state, Hawaii has the highest number of cesspools in the country, and many of those near streams, groundwater systems and coastal areas pose a threat to water resources. **Hawaii is also the only state that still allows construction of new cesspools--Rhode Island was the last to ban them almost 50 years ago!** These substandard wastewater systems leach untreated human waste, harmful pathogens and nutrient loads into nearby waters. Cesspools are a leading source of water pollution, and their effluent can contaminate drinking water sources, streams and oceans with disease-causing pathogens, algae-causing nutrients and other harmful substances.

In monitoring the water quality of North Shore beaches on Kauai, the Chapter has seen improvement after the replacement of cesspools at Kauai County beach parks and along the Hanalei River. After the new system was installed, enterococcus counts at the beach at the Hanalei Pavilion and at the Hanalei River estuary decreased approximately 56% between 2004 and 2013. Where sewer connections are not available, septic systems are a step forward in protecting public health and the environment.

We also support creating a special EPA-supported fund in the Department of Health for low- or no-interest loans to homeowners, and we ask them to prioritize enforcing cesspool upgrades within 200 feet of the shoreline or waterways because they are the most dangerous. This is an environmental and human health hazard.

This bill is needed because cesspools pose public health and environmental problems, and it's crazy that we still allow them to be installed. Individual homeowners, counties and the state need to work together to conform to federal EPA standards and take responsibility for the very negative impact cesspools have upon the environment, public health, tourism, and economic growth in Hawaii. Mahalo for your consideration and leadership in dealing with these water quality issues and please feel free to contact me if you have any questions or suggestions.

Sincerely,
Stuart Coleman
Stuart H. Coleman
Hawaii Regional Manager