



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

**Testimony of SUPPORT of HB1141**  
**RELATING TO CESSPOOLS**

REPRESENTATIVE CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Hearing Date: February 10, 2015  
Time: 8:30 a.m.

Room Number: 325

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. The Department would also like to clarify  
12 that we issue approvals of new cesspools and not permits. The Department also recommends changing  
13 the word "permit" to "approval" in the proposed bill. The suggested amendments are provided below.

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

15 **Offered Amendments:** §342D- Cesspools prohibited. (a) No approval for new installation of a cesspool  
16 or new construction of a structure, building, or residence to be served by a cesspool shall be issued after  
17 December 31, 2015.



**HB1141**  
**RELATING TO CESSPOOLS**

Committee on Energy and Environmental Protection

February 10, 2015

8:30 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee will recommend to the Board of Trustees a position of **SUPPORT** for HB1141, 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.<sup>1</sup> 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.<sup>2</sup> 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.

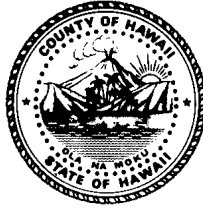
Mahalo nui for the opportunity to testify on this measure.

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<sup>1</sup> 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.

<sup>2</sup> 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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## HAWAI'I COUNTY COUNCIL

County of Hawai'i  
West Hawai'i Civic Center, Bldg. A  
74-5044 Ane Keohokalole Hwy.  
Kailua-Kona, Hawai'i 96740

February 9, 2015

**House Committee on Energy &  
Environmental Protection**

Representative Chris Lee, Chair  
Representative Nicole E. Lowen, Vice Chair

Email: [EEP@capitol.hawaii.gov](mailto:EEP@capitol.hawaii.gov)  
Email: [repclee@capitol.hawaii.gov](mailto:repclee@capitol.hawaii.gov)  
Email: [replowen@capitol.hawaii.gov](mailto:replowen@capitol.hawaii.gov)

Re: **Testimony In Support of HB 1141, Relating to Cesspools**  
**Hearing: February 10, 2015, 8:30 a.m. – Conf. Room 325**

Dear Representatives:

On behalf of myself and my 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 buildings to cesspools that currently exist, thereby improving the sanitation and environmental risks of contaminating oceans, streams and ground water.

I therefore strongly urge the enactment of HB1141.

Thank you for your consideration.

Sincerely,

Handwritten signature of Karen Eoff in cursive script.

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KAREN EOFF, Council Member  
District 8, North Kona

Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 1141 Relating to Cesspools  
House Committee on Energy and Environmental Protection  
Tuesday, February 10, 2015, 8:30AM, Room 325

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy 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. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.*

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The Nature Conservancy supports H.B. 1141 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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## EEPtestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 09, 2015 1:03 AM  
To: EEPtestimony  
Cc: rbergstrom@surfrider.org  
Subject: Submitted testimony for HB1141 on Feb 10, 2015 08:30AM

### **HB1141**

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rafael Bergstrom	Individual	Support	No

Comments: Cesspools are an a archaic system that causes high levels of toxic pollutants to enter our near shore ecosystems and water bodies. Please consider passing this bill to help protect our environment and community health from unneeded contamination.

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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EEPtestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 09, 2015 12:05 AM  
To: EEPtestimony  
Cc: zacharyhitchcock@yahoo.com  
Subject: Submitted testimony for HB1141 on Feb 10, 2015 08:30AM

**HB1141**

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Zachary Hitchcock	Individual	Support	No

Comments: Zachary Hitchcock Chairman, Surfrider, Oahu Chapter 1533 Artesian Way Honolulu, HI 96822 Dear Chairman, This a very good step towards an environmental policy for a vital and thriving Oahu. Sincerely, Zachary Hitchcock 808-222-6960

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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