

Honolulu, Hawaii

MAR 16 , 2018

RE: S.B. No. 2567  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred S.B. No. 2567, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CESSPOOLS,"

begs leave to report as follows:

The purpose of this measure is to improve the State's ability to control and reduce water pollution from cesspools by:

- (1) Requiring the owner of property that contains a cesspool and is located within a priority upgrade area to upgrade the cesspool within a period of time after sale of the property by connecting to a sewer system or installing an individual wastewater system in compliance with Department of Health rules;
- (2) Requiring a Realtor to advise clients of the rights and responsibilities regarding properties that contain a cesspool and are located within a priority upgrade area; and
- (3) Requiring disclosure that the residential real property contains a cesspool under the State's Mandatory Seller Disclosure law.



The Department of Health, Department of Environmental Services of the City and County of Honolulu, the Member representing the 4<sup>th</sup> District of the Hawaii County Council, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Friends of Hanauma Bay, Sierra Club of Hawai'i, Hawai'i Reef and Ocean Coalition, Surfrider Foundation, Oahu Chapter of the Surfrider Foundation, and several concerned individuals supported this measure. The Mayor of the County of Hawai'i, Maui County Planning Department, Hawai'i Association of REALTORS, and a few concerned individuals opposed this measure.

After careful consider, your Committee has amended this measure by deleting its substance and substituting therefor provisions that establish a Cesspool Upgrade Task Force within the Department of Health to consider and recommend means by which the Department of Health can ensure that cesspools on properties that are within priority upgrade areas are converted to more environmentally-responsible waste treatment systems or connected to sewer systems within fifteen years.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2567, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2567, S.D. 2, H.D. 1, and be referred to your Committee on Health & Human Services.

Respectfully submitted on  
behalf of the members of the  
Committee on Energy &  
Environmental Protection,



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CHRIS LEE, Chair



State of Hawaii  
House of Representatives  
The Twenty-ninth Legislature

HOCR 1189-18

**Record of Votes of the Committee on Energy & Environmental Protection**

Bill/Resolution No.: <b>SB 2567, SD2</b>	Committee Referral: <b>EEP, HHS, FIN</b>	Date: <b>3-15-18</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. LOWEN, Nicole E. (VC)	/			
3. CULLEN, Ty J.K.	/			
4. KONG, Sam Satoru	/			
5. McKELVEY, Angus L.K.				/
6. TODD, Chris	/			
7. YAMANE, Ryan I.				/
8. MCDERMOTT, Bob				/
<b>TOTAL (8)</b>	<b>5</b>			<b>3</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Nicole E. Lowen</i></u>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				