

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

**Testimony COMMENTING on HB2540
RELATING TO CESSPOOLS**

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

Hearing Date: February 6, 2018
Time: 8:35 a.m.

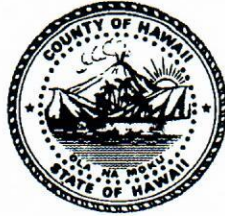
Room Number: 325

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (Department) would like to provide
3 comments regarding this measure. The Department is open to consideration of various financial
4 means to assist homeowners upgrading cesspools. The Department has attempted to coordinate
5 with the County Wastewater Departments to establish low interest loan programs to assist with
6 the upgrade or conversion of cesspools. The Department's Clean Water State Revolving Fund
7 (CWSRF) Program has the authority to provide Counties with the funds to establish a loan
8 program for private borrowers to upgrade cesspools. The Department approached the Counties,
9 but they felt that it was not currently feasible because they did not have the resources to run a
10 separate loan program for private borrowers. The Department's CWSRF Program also does not
11 have sufficient funds or manpower to support a program that will provide low-interest loans to
12 private borrowers. DOH will continue to work with the counties in exploring this and other
13 mechanisms for the upgrading of cesspools.

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

Eileen O'Hara
Council Member
Council District 4



Phone: (808) 965-2712
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Chair: Environmental
Management Committee

Vice Chair: Planning Committee and
Agriculture, Water & Energy
Sustainability Committee

County of Hawaii
Hawaii County Council

25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720

Representative Chris Lee
Chair, House Committee on Energy and Environmental Protection
Hawai'i State House of Representatives

February 1, 2018

**Re: In Support of House Bill 2540, from Hawai'i County Council District 4.
To be heard by EEP on 02-06-18 8:35AM in House conference room 325**

Aloha Chair Lee and Committee Members:

I'm writing to express my support for House Bill 2540, which requires the Department of Health to coordinate with each county water department to establish a low interest loan program for the upgrade or conversion of cesspools in each county to aerobic treatment unit systems.

Hawai'i's stream, ocean, and ground waters are being polluted by outdated cesspools. Since water is such an essential resource used for so many aspects of life, when it is no longer safe, the resulting problems span far and wide. Not having clean drinking water forces people to spend time and money hauling or buying safe water. Additionally, polluted ocean water will have a negative impact on our marine life and fishing. Finally, polluted swimming areas (sometimes very close to cesspools, like the Wai'opae Tidepools in my District of Puna) will eventually turn away tourists and the money they bring to the state. Quality of life suffers for all when water is not clean.

The high cost of installing an aerobic treatment unit at a residence can keep a homeowner from upgrading their cesspool to stop the propagation of these water pollution issues. Please consider the positive impact this Bill will have on our environment, health, and economy, and contact me if you have any questions about my support or knowledge of the subject.

Sincerely,

Eileen O'Hara
Council Member
Council District 4

HB-2540

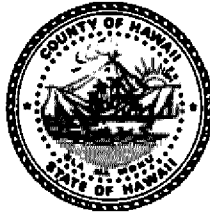
Submitted on: 2/5/2018 8:30:39 AM

Testimony for EEP on 2/6/2018 8:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i
Office of the Mayor

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February 5, 2018

Representative Chris Lee, Chair
Committee on Energy & Environmental Protection
Hawai'i State Capitol, Room 325
Honolulu, HI 96813

Dear Chair Lee and Committee Members:

**Re: HB 2268, HB 2573, HB 2626, HB 2540 Relating to Cesspools
Hearing Date (HB 2573): 02/06/18 – 8:35 am; Conference Room 325**

Housing already is barely affordable for many Hawai'i residents and the conversion of cesspools to septic systems is a very costly proposition. Therefore, if cesspools are to be abolished in the State of Hawai'i, anything that eases the financial burden will be welcomed.

As a result, I support HB 2268, HB 2573, HB 2626, and HB2540, to the extent that those bills provide ways to reduce the net expenses of our constituents.

Respectfully submitted,

Harry Kim
Mayor, County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



LORI M.K. KAHIKINA, P.E.
DIRECTOR

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 18-21

February 6, 2018

The Honorable Chris Lee, Chair
and Members of the Committee on
Energy and Environmental Protection
House of Representatives
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

Subject: House Bill 2540, Relating to Cesspools

The City and County of Honolulu's (City) Department of Environmental Services generally supports HB 2540, and the long term conversion of cesspools to other waste disposal options.

While the cesspool remediation and conversion loan program may have benefits to property owners desiring to convert from their cesspools, we are unclear of the need for involvement of county water and sewer agencies in the loan program particularly with a limitation of conversion to aerobic treatment unit systems. Limiting the program to only aerobic treatment unit systems seems to unreasonably limit the solution for a property owner.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori M.K. Kahikina".

Lori M.K. Kahikina, P.E.
Director

A BILL FOR AN ACT

RELATING TO CESSPOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State's streams,
2 groundwaters, and ocean are being harmed by water pollution from
3 nonpoint contamination sources that flow off the land directly
4 rather than through pipes or ditches. A nonpoint contamination
5 source of great concern is cesspools. These substandard systems
6 are essentially holes in the ground that discharge raw,
7 untreated sewage. Groundwater, drinking water sources, streams,
8 and the ocean are contaminated by cesspool pollution from
9 systems that do not treat wastewater but merely dispose of the
10 wastewater.

11 The legislature further finds that the State's cesspools
12 release approximately 53,000,000 gallons of untreated sewage
13 into the ground each day. Hawaii relies on groundwater for over
14 ninety per cent of its drinking water. There are approximately
15 88,000 cesspools in the State, with nearly 50,000 located on
16 Hawaii island, approximately 14,000 on Kauai, over 12,000 on
17 Maui, over 11,000 on Oahu, and approximately 1,400 on Molokai.



1 In response to the State's cesspool pollution problem,
2 legislation was enacted in 2017 that requires all cesspools not
3 excluded by the director of health to be upgraded or converted
4 to a septic system or aerobic treatment unit system, or
5 connected to a sewerage system by January 1, 2050. While this
6 mandate may encourage some landowners to act now to reduce water
7 contamination, there is little sense of urgency and such changes
8 will also impose substantial costs on private landowners.

9 The purpose of this Act is to offer financial assistance to
10 cesspool owners who upgrade or convert their cesspools to
11 aerobic treatment unit systems by establishing a cesspool
12 remediation and conversion loan program.

13 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§342D- Hawaii cesspool remediation and conversion loan
17 program. There is established the Hawaii cesspool remediation
18 and conversion loan program to be administered by the department
19 in coordination with each county water and sewage department.
20 The program shall provide low interest loans for the upgrade or
21 conversion of cesspools in each county to aerobic treatment unit



1 systems, as defined in section 342D-72 and approved by the
2 department. The loan program shall include an on bill financing
3 option supported by funding from the water pollution control
4 revolving fund established under section 342D-83."

5 SECTION 3. Section 342D-83, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) The purpose of the revolving fund is to provide
8 financial assistance to eligible parties for projects or
9 activities to:

- 10 (1) Enable counties and state agencies to plan, design,
11 and construct publicly owned wastewater treatment
12 works in accordance with title 33 United States Code
13 sections 1381 to 1387;
- 14 (2) Enable eligible parties to implement management
15 programs established under title 33 United States Code
16 section 1329;
- 17 (3) Enable eligible parties to implement conservation and
18 management plans established under title 33 United
19 States Code section 1330;
- 20 (4) Enable eligible parties to construct, repair, or
21 replace a privately owned decentralized wastewater



- 1 treatment system and individual wastewater system that
2 treats municipal wastewater or domestic sewage under
3 title 33 United States Code section 1383;
- 4 (5) Enable eligible nonprofit entities to provide
5 assistance to small and medium sized publicly owned
6 treatment works for training activities, planning,
7 design, and associated preconstruction activities
8 under title 33 United States Code section 1383;
- 9 (6) Enable eligible parties to manage, reduce, treat, or
10 recapture stormwater or subsurface drainage water
11 under title 33 United States Code section 1383;
- 12 (7) Enable eligible parties to develop and implement
13 watershed projects meeting the criteria under title 33
14 United States Code section 1274;
- 15 (8) Enable counties and state agencies to reduce the
16 demand for publicly owned treatment works capacity
17 through water conservation, efficiency, or reuse under
18 title 33 United States Code section 1383;
- 19 (9) Enable counties and state agencies to reduce the
20 energy consumption needs for publicly owned treatment
21 works under title 33 United States Code section 1383;



- 1 (10) Enable eligible parties to reuse or recycle
- 2 wastewater, stormwater, or subsurface drainage water
- 3 under title 33 United States Code section 1383; [~~and~~]
- 4 (11) Enable eligible parties to increase the security of
- 5 publicly owned treatment works under title 33 United
- 6 States Code section 1383 [-]; and
- 7 (12) Enable the department to coordinate with each county
- 8 water and sewage department to establish a low
- 9 interest loan program for the upgrade or conversion of
- 10 cesspools in each county to aerobic treatment unit
- 11 systems approved by the department."

12 SECTION 4. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

15

INTRODUCED BY:

[Handwritten signature: J. K. Carr]
[Handwritten signature: ...]
[Handwritten signature: ...]

JAN 23 2018



H.B. NO. 2540

Report Title:

Cesspools; Upgrade and Conversion; Low Interest Loan Program

Description:

Requires the department of health to coordinate with each county water department to establish a low interest loan program for the upgrade or conversion of cesspools in each county to aerobic treatment unit systems.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



HB-2540

Submitted on: 2/4/2018 6:55:57 PM

Testimony for EEP on 2/6/2018 8:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Morgan Bonnet		Support	No

Comments:

Dear Committee Members,

As a surfer, or an ocean "user" at large, I am always worried about the ocean water quality in Hawai'i. I usually avoid getting in the water after any heavy rain events and I signed up for the alerts provided by the state of Hawai'i to be informed of other factors that could lead to sewage water entering the ocean. And even by following these self imposed rules, I am constantly worried to go in the water with an open wound (reef cut for example) and I regularly get minor ear infections.

Clearly, there is a lot of factors that can lead to ocean water contamination, and Cesspools is high on the list. Especially considering that the Hawai'i soil, being "volcanic", is more poreous that most places on the mainland for example. Also, cesspools are a solution of the past, and having so many cesspools left in Hawai'i is a sign that the infrastucture needs to keep up with 2018!

Two years ago, I wiped out surfing in Waikiki and I landed chin first on the edge of my surfboard, which resulted in a 3/4 inch cut. I went to the ER and got it glued. The ER doctor, also a surfer, told me to wait at least a week before going back in the water, which I did. Even then, I got a staph infection that took over 2 months to get rid off, while using antibiotics. This unfortunate event, which happened in Waikiki, could have been the experience of a tourist. In fact, after talking with the hospital staff, I know for a fact that this happens to many tourists. It doesn't take a genius to see that associating Hawai'i's ocean water with "poop" water isn't exactly too good for tourism.

Please support HB2573.

Mahalo,

Morgan

HB-2540

Submitted on: 2/5/2018 8:55:03 AM

Testimony for EEP on 2/6/2018 8:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Kokua Hawaii Foundation	Support	No

Comments:

HB-2540

Submitted on: 2/5/2018 2:59:37 PM

Testimony for EEP on 2/6/2018 8:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen		Support	No

Comments:

Dear Chair Chris Lee and Vice Chair Nicole Lowen,

I strongly support HB2540 which creates a low interest loan program for the upgrade or conversion of cesspools to aerobic treatment unit systems.

Cesspools pollute the water in Hawaii's streams, groundwater, and oceans. They are essentially just holes in the ground into which raw untreated sewage is disposed. Since they do not contain the waste water, raw sewage leaches into the groundwater and pollutes our drinking water. They also enter our streams and oceans degrading water quality and have the potential to spreading infectious disease especially to those with weak or compromised immune systems.

This is a serious problem in Hawaii with about 53 million gallons of untreated sewage being disposed in the ground every day. There are about 50,000 cesspools on Hawaii Island, 14,000 on Kauai, 12,000 on Maui, 11,000 on Oahu, and 1,400 on Molokai. A bill was passed in the 2017 legislative session which requires all cesspools to be upgraded by 2050 but the cost to upgrade can exceed the financial capabilities of some homeowners and there is little urgency to act quickly.

The purpose of this bill is to offer financial assistance to homeowners to upgrade their cesspools to septic tanks by establishing a loan program. This bill amends Chapter 342D, Hawaii Revised Statutes, to enable the Department of Health of create a low interest loan program for the upgrade and conversion of cesspools into aerobic treatment systems.

This is an important bill to encourage homeowners to upgrade their cesspools and improve water quality across the state. I strongly support HB2540 and urge you to pass this bill. Thank you for this opportunity to testify on this important matter.