

STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of HB2626 HD1 SD1
RELATING TO CESSPOOLS**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: March 29, 2018
Time: 10:50 am

Room Number: 211

- 1 **Fiscal Implications:** The Department of Health (Department) would need an appropriation to hire
- 2 a third-party consultant to conduct a study as noted in the measure. We appreciate and support the
- 3 intent of this initiative, but defer to the Governor's Executive Supplemental Budget Request for the
- 4 Department's appropriations and personnel priorities.

- 5 **Department Testimony:** The Department supports this measure. The Department agrees that in
- 6 order to implement the requirements of Act 125, a thorough evaluation of pertinent considerations,
- 7 including but not limited to funding mechanism options, sewer expansion and connection options,
- 8 and best practice technology options for upgrading cesspools would be prudent at this time.
- 9 Cesspools are a major source of pollution to Hawaii's waters. There are approximately 88,000
- 10 cesspools in the State, discharging approximately 53 million gallons of untreated sewage into the
- 11 groundwater every day. Groundwater flows into drinking water sources; since ninety-five percent
- 12 of all drinking water in Hawaii comes from ground water sources, this cesspool pollution can
- 13 potentially harm human health. Groundwater also flows into streams and the ocean, harming public
- 14 health and the environment, including beaches, recreational waters, and coral reefs. Hawaii needs
- 15 to upgrade cesspools statewide as soon as feasible in order to protect the public health and
- 16 environment.

- 17 Thank you for the opportunity to testify on this measure.

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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March 27, 2018

Senator Donovan M. Dela Cruz, Chair
Committee on Ways and Means
Hawai'i State Capitol, Room 211
Honolulu, HI 96813

Senator Gilbert S.C. Keith-Agaran, Vice-Chair
Committee on Ways and Means
Hawai'i State Capitol, Room 211
Honolulu, HI 96813

Dear Chair Dela Cruz, Vice-Chair Keith-Agaran, and Committee Members:

Re: HB 2626, HD 1, SD 1 Relating to Consultant Study on Cesspool Conversion
Hearing Date: 03-29-18 – 10:50 am; Conference Room 211

Housing already is barely affordable for many of Hawai'i's people, and the conversion of cesspools to any other system will be a very costly proposition. If cesspools are to be abolished in the State of Hawai'i, it will greatly increase the financial burden on residents hoping for a home someday.

Therefore, I support HB 2626, HD 1, SD 1 in the hope that it will generate ways to reduce the net expenses our constituents must face. To further that goal, I would ask that an addition to the list of things to be included in the study should be:

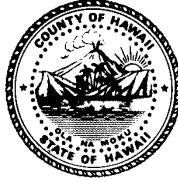
(13) Whether conversion can be waived except where there is a finding by DOH that drinking water, public recreation, or coral reefs are at imminent risk of harm.

Respectfully submitted,

Harry Kim
Mayor, County of Hawai'i

Harry Kim
Mayor

Wilfred M. Okabe
Managing Director



William A. Kucharski
Director

Diane A. Noda
Deputy Director

County of Hawai'i

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March 27, 2018

Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
State of Hawai'i Senate
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Re: **Support of HB2626 HD1 SD1 (Relating to Cesspools)**

Date: March 29, 2018 (Thursday)

Time: 2:00 p.m.

Dear Chair Dela Cruz and Members of the Committee on Ways and Means:

The County of Hawai'i (COH) is in support of HB 2626 HD1 SD1 (Bill). The issue of cesspool closures and conversions is of utmost importance to the COH and the projected costs are in the hundreds of millions of dollars. This Bill provides critical support to Hawai'i Department of Health (HDOH) and the Counties of Hawai'i. It is designed to provide information that will make more informed decisions for the implementation of cesspool closures across the state possible. The potential value of creating this consultant/working group process far exceeds the cost. The types of information that the Bill will provide will be critical in identifying cost effective and technically appropriate cesspool closures. The last thing the State of Hawai'i needs is to replace cesspools with new and expensive systems that do not resolve the environmental damage being done by cesspools. This Bill will go a long way in evaluating appropriate new replacement systems and help to identify those areas where required upgrades should first occur. The 12 tasks to be addressed in the Bill for the selected consultant and the working group are well thought out and comprehensive.

The working group created by the Bill (Section 2 (a)) is populated with State, County, private sector and University representation. The only improvement to the provided structure would be to provide, explicitly, a strengthened role for the working group. The only role currently provided is to "...work in collaboration..." (Section 2 (b)) with the selected contractor.

The County of Hawaii particularly supports task 4 of Section 1 (b). This task requires the consideration of the impacts of the cesspool closures on low income residents and requires the

review to identify how assistance can be provided to these residents. Especially for the County of Hawai'i, this element of the Bill is appreciated and encouraged. Also, task 11 of Section 1 (b), which requires the evaluation of conditions that might allow exemptions from the upgrade requirements is appreciated. There are areas of the County that are believed to be devoid of any viable groundwater resource and requiring upgrades to systems to protect a resource that is not present or useable ought to be examined and exemption criteria developed.

The County of Hawaii is in support of HB 2626 HD1 SD1 and believes that this is appropriate exercise of State oversight and support. The Bill satisfies obligations given to HDOH; it also supports the Counties together in ways that none of the Counties can provide individually.

Thank you for your consideration of this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Kucharski". The signature is fluid and cursive, with the first name being the most prominent.

William A. Kucharski, Director, Department Environmental Management, COH

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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

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DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 18-157

March 27, 2018

The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Ways and Means
State Senate
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Members:

Subject: House Bill 2626, HD1, SD1, Relating to Cesspools

The City and County of Honolulu's (City) Department of Environmental Services generally supports HB 2626, HD1, SD1; and the long term conversion of cesspools to other waste disposal options.

HB 2626, HD1, SD1 and the proposed working group takes a more appropriate larger view which we believe is more appropriate. We believe it is important to take a community by community approach to determine what type of cesspool conversion is appropriate to prevent piecemeal conversions which would limit later willingness, and dollars, to switch to a community wide approach.

Additionally, while important, only addressing cesspool conversions may not fully address the groundwater and nearshore water pollution issues which generated the recent cesspool report. Consideration should be given to using resources to address the major sources of impact rather than just focusing on cesspools.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori M.K. Kahikina", is written over a printed name and title.

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

The Twenty-Ninth Legislature
Regular Session of 2018

STATE SENATE

Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

State Capitol, Conference Room 211

Thursday, March 29, 2018; 10:50 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON
H.B. 2626 H.D. 1 S.D. 1, RELATING TO CESSPOOLS**

The ILWU Local 142 supports H.B. 2626 H.D. 1 S.D. 1, which requires the Department of Health to hire a third-party consultant to conduct a study on the issues relating to the upgrade or conversion of cesspools; establishes the cesspool conversion working group to assist the third-party consultant on the study; takes effect 7/1/2118; and repeals on 7/1/2020.

H.B. 2626 H.D. 1 S.D. 1 specifically provides that a Department of Health hired third-party consultant must conduct a study on "cesspool conversion," as required by Act 125, Session Laws of Hawaii 2017, and shall do so in collaboration with the newly established cesspool conversion working group. Areas of focus for the study include, but are not limited to:

- financing issues and the feasibility of various mechanisms, including grants, loans, tax credits, fees, special assessment districts, requirements for conversion at point of sale, and any other appropriate mechanisms for accomplishing and funding cesspool conversion, or any combination of these mechanisms;
- owners' ability to pay for cesspool conversions, especially how assistance can be provided for lower-income homeowners; and
- the most cost-effective approach to cesspool conversion.

The bill delineates the selection process for the working group and requires a report be submitted to the legislature by December 31, 2020. Furthermore, it provides a blank appropriation to conduct the study and ultimately sunsets on July 1, 2020.

The ILWU understands the very real water pollution concerns related to cesspools and generally supports the transition to appropriate wastewater treatment. We, however, believe it unreasonable to expect working class families trying to survive in Hawaii's tough cost-of-living environment or retirees on fixed incomes in rural areas to do so without significant financial assistance.

As such, the ILWU urges passage of H.B. 2626 H.D. 1 S.D. 1 to facilitate the review of wastewater treatment best practices and reasonable financing methods to ensure full compliance with Act 125, Session Laws of Hawaii 2017. Thank you for the opportunity to share our views on this matter.

HB-2626-SD-1

Submitted on: 3/28/2018 10:17:55 AM

Testimony for WAM on 3/29/2018 10:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S.C. Keith-Agaran, Vice-Chair, and Members of the Committee on Ways and Means:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **HB2626 HD1 SD1** relating to Cesspools; Working Group; Study; and an appropriation.

The OCC on Legislative Priorities is in favor of **HB2626 HD1 SD1** and supports its passage as it requires the Department of Health to hire a third-party consultant to conduct a study on the issues relating to the upgrade or conversion of cesspools; and establishes the cesspool conversion working group to assist the third-party consultant on the study, effective 7/1/2118 and repeals on 7/1/2020.

HB2626 HD1 SD1 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH") which provides that "[w]e support the protection of our 'aina against destruction by corporate, government, or military usage and expect full restoration and reparation of environmental damage. To handle current and future demands for water, we must assess the current condition of our aquifers and take appropriate actions to secure our fresh water resources.

We support democratic participation of citizens and residents to protect (I) valuable coastal ecosystems and reefs from misuse and (ii) beaches for public use and recreation. The Hawai'i Coastal Zone Management (CZM) law, HRS Chapter 205A, currently provides for public participation in management of coastal resources.

We believe in the vigorous enforcement of our environmental laws and increased public-private stewardships and citizen involvement in protecting our resources. (Platform of the DPH, P.8, Lines 422-433 (2016)).

Given that **HB2626 HD1 SD1** requires the Department of Health to hire a third-party consultant to conduct a study on the issues relating to the upgrade or conversion of cesspools; and establishes the cesspool conversion working group to assist the third-party consultant on the study, effective 7/1/2118 and repeals on 7/1/2020, it is the position of the OCC on Legislative Priorities to strongly support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC on Legislative Priorities

Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889