

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

**Testimony COMMENTING on SB2567 SD2 HD1  
RELATING TO CESSPOOLS**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR  
HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES

Hearing Date: March 20, 2018  
Time: 8:30 am

Room Number: 329

1 **Fiscal Implications:** The Department of Health (Department) would need resources to support the  
2 cesspool task force that is covered under this measure and defers to the Governor's Supplemental  
3 Budget Request for appropriation priorities.

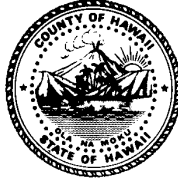
4 **Department Testimony:** Cesspools are a major source of pollution to Hawaii's waters. There are  
5 approximate 88,000 cesspools in the State, discharging approximately 53 million gallons of  
6 untreated sewage into the groundwater every day. Groundwater flows into drinking water sources;  
7 since ninety-five percent of all drinking water in Hawaii comes from ground water sources, this  
8 cesspool pollution can potentially harm human health. Groundwater also flows into streams and the  
9 ocean, harming public health and the environment, including beaches, recreational waters, and coral  
10 reefs. Cesspools should be phased out in order to eliminate threats to drinking water and  
11 recreational waters. There is an urgent need to protect the public health and environment with  
12 cesspool upgrades as soon as feasible. These upgrades can be to sewer, septic systems or any other  
13 individual wastewater systems that comply with the Department's Chapter 11-62, Hawaii  
14 Administrative Rules.

15 The Department supported the prior version of this bill that any owner of property containing a  
16 cesspool or cesspools located within a priority upgrade area and identified as priority level 1, 2, or  
17 3, as determined by the Department, shall upgrade the cesspool or cesspools by connecting to a  
18 sewer system or installing an individual wastewater system or systems that comply with Department  
19 rules. The main advantage of using the point-of-sale approach for cesspool phase-out is that the  
20 cost of replacing a cesspool can be negotiated between the buyer and seller and factored into the  
21 selling price and/or the financing of the home. Other States which include Rhode Island and New

- 1 Jersey have passed similar legislation to phase-out cesspools. The Department recommends that the
- 2 State of Hawaii should also enact similar legislation to phase-out cesspools.
- 3 Thank you for the opportunity to testify on this measure.

Harry Kim  
Mayor

Wilfred M. Okabe  
Managing Director



William A. Kucharski  
Director

Diane A. Noda  
Deputy Director

County of Hawai'i  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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March 19, 2018

Rep. John M. Mizuno, Chair  
Committee on Health & Human Services  
State of Hawai'i House of Representatives  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, Hawai'i 96813

Re: **Support for SB2567 SD2, HD1**  
**(Relating to Cesspools)**

Date: March 20, 2018 (Tuesday)

Time: 8:30 a.m.

Dear Chairperson Mizuno and Members of the Committee Health & Human Services:

The County of Hawaii (COH) supports the changes made to SB2567 SD2, HD1.

1. The creation of a cesspool upgrade task force within the department of health is a positive mechanism of support for the residents of the County of Hawai'i (COH) and all residents in the State. Removing the requirement to immediately (upon the sale of a residence) upgrade from cesspools to an as yet undefined, alternative waste water disposal process, is solidly supported by COH.
2. It is requested that the fifteen (15) year time for upgrade of residential cesspools within critical priority areas be extended to twenty (20) years.
3. This Bill, as amended is a positive step forward in attempting to handle very expensive yet necessary actions by the State of Hawaii.

Thank you for your consideration of this testimony.

Sincerely,

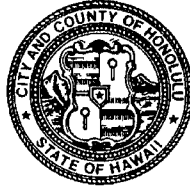
A handwritten signature in black ink, appearing to read "William A. Kucharski".

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

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 18-101

March 19, 2018

The Honorable John M. Mizuno, Chair  
and Members of the Committee on Health and Human Services  
House of Representatives  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Mizuno and Members:

Subject: Senate Bill 2567 SD2 HD1, Relating to Cesspools

The City and County of Honolulu's (City) Department of Environmental Services supports the long term conversion of cesspools to other waste disposal options as suggested in SB2567, SD2.

SB2567, SD2, would establish a cesspool upgrade task force. This is a positive approach to needed conversions and hopefully will prevent approaches that result in piecemeal conversions. We believe it is important to take a community by community approach to determine what type of cesspool conversion is appropriate to prevent those 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,

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



O'ahu  
Chapter

[Surfrider Foundation O'ahu Chapter](#)

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[Mail: P.O. BOX 283092 Honolulu, HI, 96828](#)

SB 2567: Comments (Support original intent, not weakened bill)

DATE: Tuesday, March 19, 2018

TIME: 8:30 A.M.

PLACE: Conference Room 329

Aloha Chair Mizuno & House Committee on HHS,

As the O'ahu Chapter Coordinator of the Surfrider Foundation, I am writing with comments on the amended SB 2567, a bill initially requiring Cesspool upgrades within unspecified amount of days after point of sale. The amendments to make this bill a task force are disappointing given it started as a piece of legislation with teeth that really worked on the issue at hand. Requiring upgrades at the point of sale is the absolute minimum our State should be doing to protect our public trust. While the costs may be high for upgrades, building this in to housing costs is a logical step in addressing at least a few of the homes with problems.

Since the passage of Act 120 two years ago, there have only been a handful of cesspool upgrades, and we are working with the Hawaii Dept. of Health (DOH) to improve their public outreach and community involvement. While we understand that amendments were made to further work out the appropriate time-frame for requiring upgrades, Surfrider supports the fastest possible equitable time frame to address this major pollution issue now.

Non-point source discharge from cesspools in Hawaii is a serious threat to our water quality, and this bill would create a working group to come up with the best ways to do cesspool upgrades, conversions or connections to sewer lines. With about 88,000 across the state, Hawaii has the highest number of cesspools in the country, and many pose a threat to water resources. 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 Surfrider Chapter there has seen improvement after the replacement of cesspools at Kauai County beach parks and along the Hanalei River, where enterococcus counts at the beach at the Pavilion and estuary decreased approximately 56% between 2004 and 2013. Where sewer connections are not available, septic systems and ATU's are a big step forward in protecting public health and the environment. We helped pass the bill to give homeowners tax credits for upgrading their cesspools within 400 feet of the shoreline, waterways or wells because they are the most dangerous. We hope they will make sure the replacements have some form of aerobic digestion.



**O'ahu  
Chapter**

[Surfrider Foundation O'ahu Chapter](#)

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We support the diversified solution perspective being presented at this year's State legislature. Tax credits and grant programs are an important mechanism, but having some more stringent demands that place responsibility on residents buying into an archaic infrastructure system is also an important step in making sure we move towards a more sustainable State. While we understand that the issue is complicating because of the heavy cost of upgrades, the situation is also of pressing need. Our marine resources and public health are at stake. Ultimately, the science already exists to prove the problem and the precedent has already been set – no other State allows these archaic infrastructure pieces to be used. The reasons are very simple, the uncontrolled release of untreated human waste into our freshwater and nearshore ocean waters is a detriment to all levels of the health spectrum.

Mahalo for your time and effort working on this important issue.

With Aloha,

Rafael Bergstrom  
O'ahu Chapter Coordinator, Surfrider Foundation.

**SB-2567-HD-1**

Submitted on: 3/19/2018 2:24:37 AM

Testimony for HHS on 3/20/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable John M. Mizuno, Chair; the Honorable Bertrand Kobayashi, Vice-Chair and Members of the House Committee on Health & Human Services:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB2567 SD2 HD1** relating to the Cesspool Upgrade Task Force.

The OCC Legislative Priorities Committee is in favor of **SB2567 SD2 HD1** and strongly supports its passage.

**SB2567 SD2 HD1** establishes a Cesspool Upgrade Task Force within the Department of Health to consider and recommend the means by which the Department of Health can ensure that cesspools on properties that are within priority upgrade areas are upgraded within fifteen years. **SB2567 SD2 HD1** is in accord with the Platform of the Democratic Party of Hawai'i ("DPH") which provides that "[t]he Democratic Party of Hawai'i believes that the preservation and restoration of our natural environment are essential. We support a sustainable society that utilizes the earth in such a way that future generations will benefit from the practices of our generation. We support the restoration, preservation, and protection of our native ecosystems on each island. We believe in integrated approaches, practices, and support public policies that create and maintain a sustainable way of life in Hawai'i.

We believe in supporting best management practices in sustaining our environment and in increased citizen involvement. We support programs that encourage sustainable clean, efficient, creative and environmentally friendly modes of transportation, recycling and waste reduction.

The conservation, preservation and restoration of Hawai'i's natural resources are connected to the health and welfare of our people; therefore, we support the conservation and protection of our natural environment, which includes reducing our carbon footprint for the benefit of current and future generations.

We 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 freshwater resources.

We believe in the vigorous enforcement of our environmental laws and increased public-private stewardships and citizen involvement in protecting our resources.

We know that climate change is a real threat to our islands and the world. We strongly urge our candidates and elected officials to take immediate action to mitigate and adapt to the consequences of climate change. This includes funding adaption measures including coastal retreat, effective participation of indigenous peoples in climate change governance, and recognition that indigenous, local, and traditional ecological knowledge is key in climate change adaptation solutions.” (Platform of the DPH, P. 8, Lines 406-425, 432-439 (2016)).

Given that **SB2567 SD2 HD1** establishes a Cesspool Upgrade Task Force within the Department of Health to consider and recommend the means by which the Department of Health can ensure that cesspools on properties that are within priority upgrade areas are upgraded within fifteen years, it is the position of the OCC Legislative Priorities Committee to strongly support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

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



**SB-2567-HD-1**

Submitted on: 3/16/2018 8:56:09 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Davlantes	Individual	Support	No

Comments:

**SB-2567-HD-1**

Submitted on: 3/17/2018 12:18:25 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
janice palma-glennie	Individual	Support	No

Comments:

Please support this good compromise to protect our waters.

mahalo

**SB-2567-HD-1**

Submitted on: 3/17/2018 12:23:47 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Reed Gach	Individual	Support	No

Comments:

**SB-2567-HD-1**

Submitted on: 3/17/2018 12:52:05 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michele Nihipali	Individual	Support	No

Comments:

Aloha Committee Members,

As we know ground water pollution from aging cesspools is a threat to our quality of life in Hawaii. We need to keep working on eliminating these and moving towards septic tanks or direct sewer connections. I strongly support this bill and urge you to pass it.

Mahalo for reviewing my testimony,

Michele Nihipali

54-074A Kam Hwy.

Hauula, HI 96717

**SB-2567-HD-1**

Submitted on: 3/17/2018 3:22:48 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
B.A. McClintock	Individual	Support	No

Comments:

Please support this important bill

**SB-2567-HD-1**

Submitted on: 3/17/2018 4:09:46 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laura Gray	Individual	Support	No

Comments:

**SB-2567-HD-1**

Submitted on: 3/18/2018 1:50:37 AM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara L. George	Individual	Support	No

Comments:

SUPPORT!

**SB-2567-HD-1**

Submitted on: 3/18/2018 1:04:44 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Denise Boisvert	Individual	Support	No

Comments:

I strongly support SB2567. The Department of Health needs to urgently have a Task Force to figure out how to ***cut the crap*** that is polluting groundwater, beaches, and endangering health, once and for all!

Sincerely,

Denise Boisvert

Waikiki



**SB-2567-HD-1**

Submitted on: 3/18/2018 2:06:01 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kim Jorgensen	Individual	Support	No

Comments:

I strongly support SB2567 because something has to be done urgently about this very unhealthy and dangerous problem.

**SB-2567-HD-1**

Submitted on: 3/18/2018 2:46:50 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sandra Fujita	Individual	Support	No

Comments:

**SB-2567-HD-1**

Submitted on: 3/18/2018 6:52:39 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emily Garland	Individual	Support	No

Comments:

Aloha,

Cesspools are inherently damaging to our ocean and waterways. However, transitioning to a septic tank can be a daunting and expensive task. Please support this bill.

Mahalo,

Emily Garland

Hilo resident

**SB-2567-HD-1**

Submitted on: 3/19/2018 8:41:06 AM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Lacques	Individual	Support	No

Comments:

**SB-2567-HD-1**

Submitted on: 3/18/2018 9:47:41 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bernard A Balsis Jr Jr	Individual	Oppose	No

Comments:

Government cannot force homeowners to change the previously approved waste water sytem for their personal properties. The cost will be exceedingly hogh and many homeowners will not be able to afford. If government will also invest in waste systems and help subsidize the additional costs the mandate of government may be more palatable. nevertheless, forcing your constituents to spend thousands of dollars to change a system previously approved by government is unacceptable.

**SB-2567-HD-1**

Submitted on: 3/18/2018 2:07:13 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aaron Mitchell	Individual	Oppose	No

Comments:

Aloha,

I do not support this bill as it disproportionately affects the citizens here. I mean to say that not everyone can afford to upgrade their cesspool to septic. Sure, the folks who do not live here, the ones filling up my neighborhood with vacation rentals, and Airbnb's, those folks they can afford the \$20,000+ and wait the average 6-9 months for all the permits. The rest of us 'little people' would find all of that a heavy burden to bear. As much as I, as an ocean lover, support the environmental concept of this bill, I cannot support the current version.

I propose a State Fund to be established that lower income people can apply to for assistance with the cost of the upgrade and also with help navigating the bureaucracy. Or homes under a certain value are either exempt or again receive some form of assistance, maybe a tax credit.

This is a huge step forward for Hawai'i and I would like to support it if only the burden were more equally distributed.

Thank you for your time and attention.

**SB-2567-HD-1**

Submitted on: 3/18/2018 12:43:23 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karl Magnacca	Individual	Oppose	No

Comments:

While I support the intent of SB2567, I strongly oppose the bill as written. There is unquestionably a need to reduce groundwater and ocean discharge pollution, but targeting all cesspools in areas 1-3 for immediate replacement while tax credits are available only to those within 200 feet of the ocean or a water source places a heavy burden on the people who can least afford it. The restrictions of the credit exclude nearly everyone in the only area of affordable housing remaining in the state, in Puna and Hilo, where most people get their water from catchment rather than groundwater wells and there are no significant beach or reef areas. This bill will enforce further disproportionate negative impacts on an area already suffering from a poor economic situation.

**SB-2567-HD-1**

Submitted on: 3/19/2018 6:10:44 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deanna Marks	Individual	Oppose	No

Comments:



**SB-2567-HD-1**

Submitted on: 3/19/2018 9:49:03 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jon Neet	Individual	Oppose	No

Comments:

We are an older retired couple that can't afford the huge cost of converting to aseptic system. I'm told that \$20,000 is about what his is running. We are on social Security and a fixed income. I am in a fight for my life with prostate cancer, and they want to do radiation on me later this year.

**SB-2567-HD-1**

Submitted on: 3/20/2018 6:30:03 AM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Rudo	Individual	Oppose	No

Comments:

Dear Honorable Senators,

It is entirely unfair that as a homeowner of Puna we pay the same tax rates as the rest of the county yet we receive a fraction of the services and infrastructure. There is no water service throughout the majority of the subdivisions nor is there any sewer or waste disposal. Now the state is putting the burden on the homeowner. Subdivisions such as Hawaiian Paradise Park, the largest of it's kind, don't even sit on an aquifer. Only the homes along the shoreline, which already require septic systems, could have sewer systems that affect ocean water quality.

Because of the high real estate cost throughout most of the state, Puna is home to the largest population of poor and disabled. The effect of this legislation will have a direct disparate impact on those who are the least able to afford the requirement.

Also there are alternative solutions that have been entirely ignored, such as incinerating toilets, that offer better solution. My plumbing contractor advised me NOT to convert to septic as Puna receives so much rainfall that he said overwhelms septic systems and causes them to malfunction. My plumber further stated that he has seen many that have waste which overflowed into the drainage field and needed to be dug up and completely redone at around \$18,000 to fix.

Understand that as a homeowner, our goals are the same: to have access to clean water & safe waste disposal. Please try and craft a solution in which we can all share in the responsibility without putting the burden largely on the poor and disabled.

Mahalo,

Alan Rudo