

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

**Testimony in SUPPORT of SB2567  
RELATING TO CESSPOOLS**

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: January 31, 2018  
Time: 1:15 PM

Room Number: 224

1 **Fiscal Implications:** The Department of Health (Department) would need resources to implement  
2 the proposed cesspool outreach and assistance program covered under this measure.

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

16 The Department supports that any owner of property containing a cesspool or cesspools shall,  
17 within one hundred eighty days after the sale of the property, upgrade the cesspool or cesspools by  
18 connecting to a sewer system or installing an individual wastewater system or systems that comply  
19 with department rules. Other States which include Rhode Island and New Jersey have passed  
20 similar legislation to phase out cesspools.

21 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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January 29, 2018

Senator Mike Gabbard, Chair  
Committee on Agriculture and Environment  
Hawai'i State Capitol, Room 224  
Honolulu, HI 96813

Dear Chair Gabbard and Committee Members:

**Re: SB 2567 Requiring cesspool conversion when a property is sold**  
**Hearing Date: 01/31/18 – 1:15 pm; Conference Room 224**

At a time when home ownership, or perhaps any housing, is financially out of reach for many in Hawai'i, I would urge the Legislature to avoid imposing new obligations that could boost the price of our housing stock. Therefore, I would urge a "No" vote on SB 2567.

The "no" position is further justified, in my opinion, by the fact that there is ongoing controversy concerning what individual wastewater systems (IWS) are appropriate for a cesspool replacement. It is clear that encouraging homeowners to connect to sewers can occur only where there are sewers. With the County of Hawai'i's (COH) large land area, coupled with the nature of its substrate (lava), sewerage the COH is not a financially viable option.

This fact makes the identification and availability of appropriate IWS of paramount importance for the future of this program. The most cost effective, HDOH approved, alternative to cesspools in Hawai'i is a Septic System. Requiring the replacement of one ineffective IWS (cesspools) with a different IWS that is not effective (septic tanks) will result in a doubly negative economic impact on the citizens of this state because the only realistic replacement system (septic tanks) does not improve our environment. This topic was discussed when the Hawai'i Department of Health (HDOH) presented the cesspool report to the Energy and Environment Committee in Honolulu on January 10, 2018. The fact that septic systems do not remove nutrients from the waste stream, a critical problem where coral and ocean waters require protection, constitutes one major issue with septic system replacements for cesspools.

A separate issue is that having SB 2567 become effective on December 31, 2018 does not provide either HDOH or an existing homeowner time to adequately prepare for this new requirement. The process of establishing administrative rules for exemptions or to establish financial aid legislation or rules within the next 8 months is

January 29, 2018

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inadequate and will result in a negative impact on low and middle income families. Enactment of such an imposition on current homeowners ought not to occur for at least 10 years, so if this proposed legislation is enacted, it is strongly urged to take effect no earlier than December 31, 2028. This delay would allow HDOH to investigate alternative IWS and appropriate treatment standards for home IWS replacements for cesspools.

Finally, I recognize and appreciate that SB 2567 provides for a waiver of the conversion requirement under certain circumstances. However, if it is determined that this bill must move forward, then it is recommended that it be amended to require conversion only in those geographic areas where there has been a determination that drinking water, public recreation, or coral reefs are at imminent risk of harm.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Harry Kim". The signature is written in a cursive style with a large, sweeping "H" and "K".

Harry Kim  
Mayor, County of Hawai'i



**Eileen O'Hara**  
Council Member  
Council District 4

**Chair:** Environmental  
Management Committee



**Phone:** (808) 965-2712  
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**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

Senator Mike Gabbard  
Chair, Committee on Agriculture and Environment  
Hawai'i State Senate

January 30, 2018

**Re: In Support of Senate Bill 2567, from Hawai'i County Council District 4**  
**To be heard by AEN on 01-31-18 1:15PM in conference room 224**

Aloha Chair Gabbard and Committee Members:

I'm writing to express my support of Senate Bill 2567, which amends Chapter 342D of the Hawai'i Revised Statutes to require cesspools to be connected or upgraded within 180 days of the sale of the property on which the cesspool is located. It also allows the Director of Health to issue exemptions. To take effect on 12/31/2018.


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.


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



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Honolulu, HI 96817

January 31, 2018

**The Honorable Mike Gabbard, Chair**

Senate Committee on Agriculture and Environment

State Capitol, Room 224

Honolulu, Hawaii 96813

**RE: S.B. 2567, Relating to Cesspools**

**HEARING: Wednesday, January 31, 2018, at 1:15 p.m.**

Aloha Chair Gabbard, Vice Chair Riviere, and Members of the Committee.

I am Ken Hiraki, Director of Government Affairs, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its over 9,500 members. HAR **opposes** S.B. 2567, which requires cesspools to be connected or upgraded within 180 days on the point of sale of the property on which the cesspool is located. Additionally, this allows the Director of Health to issue exemptions.

This measure will adversely affect both buyers and sellers engaged in transactions for transfer of ownership of property served by an existing cesspool, as practical issues involving the parties' ability to obtain loans without first complying with the proposed connection/replacement requirements may likely arise.

Furthermore, lenders may also be reluctant to deal with properties served by existing cesspools in the event of possible foreclosure, in which case the lender or potential bidder would be responsible to install the required connection or replacement system. These concerns could result in situations where lenders may steer clear from such properties to avoid these issues, which in turn, reduces financing options and affordable housing in Hawai'i.

HAR would note that it could take years or a property owner may never sell their property. This measure would thereby not be a practical solution in addressing the issue of upgrading cesspools.

HAR believes that managing wastewater and Hawaii's water quality is important. However, it should be done in a rational and practical manner. The costs to upgrade a cesspool averages \$20,000, which can be too expensive for many homeowners. Proposals that can help a homeowner upgrade their cesspools to deal with this large expense, such as Act 120, Session Laws of Hawai'i 2015, which created a temporary tax credit to help homeowners upgrade or convert a qualified cesspool to a septic tank system or an aerobic treatment unity system, should be encouraged.

Mahalo for the opportunity to testify in opposition to this measure.





Jan. 30, 2018

**Support for SB 2567: Relating to Cesspools**

**Committee: Agriculture & Environment (AEN)**

**Hearing: Jan. 31, 2018, 1:15pm, Rm. 224**

Dear Chair Gabbard and Members of the AEN Committee,

As the Hawaii Manager of the Surfrider Foundation, I am writing in strong support of SB2567, the bill to reduce the number of cesspools and improve water quality by requiring homeowners to convert them to better individual waste systems within 180 days of the sale of their property. With more than 5000 activists and members across the state, the Hawaii Chapters of The Surfrider Foundation supported the original bill upgrade cesspools to better septic systems and aerobic treatment units (ATU). But 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.

Non-point source discharge from cesspools in Hawaii is a serious threat to our water quality, and the suggested amendments in this bill offer a sensible, overdue solution. 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 Chapter 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.

Unfortunately, we recognize that the \$10,000 tax credit does not cover the full cost of new septic systems, which can be as much as \$20,000. So we support the amendments to require the conversion within 180 days of the sale of a property when they have more money to do so. This in turn will increase the value & safety of the property.

Because cesspools pose serious public health and environmental problems, the proposed amendments are needed to make sure that Act 120 and the cesspool upgrade tax credits are successful. Mahalo for your consideration and leadership in dealing with these water quality issues.

Aloha,

Stuart Coleman

Stuart H. Coleman, Hawaii Manager

**SB-2567**

Submitted on: 1/28/2018 10:56:11 AM

Testimony for AEN on 1/31/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

I support this bill because it will protect our groundwater and nearshore reefs.

Benton Kealii Pang, Ph.D.

Hawaiian Civic Club of Honolulu

**SB-2567**

Submitted on: 1/29/2018 12:45:26 PM

Testimony for AEN on 1/31/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Bishop	Friends of Hanauma Bay	Support	No

Comments:





**Environmental Caucus**  
of the Democratic Party of Hawai'i

January 30, 2018

To: Senate Committee on Agriculture and the Environment

Re: **SB 2567 – Relating to Cesspools**

Hearing: Wednesday, January 31, 2018 Room 224

Position: **Support**

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports measures that protect Hawai'i's natural resources and the environment that its human inhabitants live in, as does the platform of the Democratic Party of Hawai'i. We, therefore, appreciate this opportunity to provide testimony in support of SB 2567.

As the bill indicates, cesspools have been cited as the reason for the pollution of waterways and bays across the state. In addition to being a public health hazard and a danger to the coral reefs, the leeching of bacteria from human waste into our water will begin to impact our economy in the form of rising health care costs, loss of employee productivity, and lost tourism revenue.

These harmful effects will compound over time. We appreciate the expedient effective date of 12/31/18. The cumulative effects of pollution from raw sewage cannot wait until 2050 to be halted and cleaned up. Every reasonable effort should be made to encourage and require cesspool upgrades near shorelines and waterways as soon as possible, to prevent further harm to health or habitat.

Respectfully submitted,

Lana Rose Olson, Vice Chair  
Environmental Caucus  
Democratic Party of Hawai'i.  
4988 Emmalani Drive  
Princeville, HI 96722  
[Lana.olson@gmail.com](mailto:Lana.olson@gmail.com)  
808.639.8488

**SB-2567**

Submitted on: 1/30/2018 10:14:53 AM

Testimony for AEN on 1/31/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pua Rossi-Fukino		Support	No

Comments:

I support this bill.

**SB-2567**

Submitted on: 1/31/2018 4:15:11 AM

Testimony for AEN on 1/31/2018 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities	Support	Yes

Comments:

**PRESENTATION OF THE  
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES  
DEMOCRATIC PARTY OF HAWAII  
TO THE COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2018  
Wednesday, January 31, 2018**

1:15 p.m.

Hawaii State Capitol, Conference Room 224

**RE: Testimony in Support** of SB 2567, RELATING TO CESSPOOLS

To the Honorable Mike Gabbard, Chair; the Honorable Gil Riviere, Vice-Chair and Members of the Committee on Agriculture and Environment:

Good afternoon, my name is Melodie Aduja. I serve as Chair of the Oahu County Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. 2567, relating to cesspool upgrade or sewer connection within 180 days of sale/purchase of real property. The OCC Legislative Priorities Committee is in favor of Senate Bill No. 3096 and support its passage.

Senate Bill No. 2567, is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires a cesspool upgrade or sewer connection within 180 days of sale/purchase of real property. Specifically, the DPH Platform states 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 Senate Bill No. 2567 requires that the cesspool is upgraded or the sewer line is connected within 180 days of purchase and sale of the real property, it is the position of the OCC Legislative Priorities Committee to support this measure as it reduces the risk of area wastewater contamination once the upgrade or connection has been completed.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

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