

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

**Testimony in SUPPORT of HB2151 HD1
RELATING TO CESSPOOL CONVERSION**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: 3/13/2020

Room Number: 224

- 1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
- 2 Executive Budget Request for the Department of Health's (Department) appropriations and
- 3 personnel priorities. The Department would need resources to establish the pilot grant program.

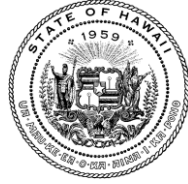
- 4 **Department Testimony:** The Department supports the measure which involves providing
- 5 grants to assist low- and moderate- income property owners with converting their failing
- 6 cesspools. Act 132, Session Laws of Hawaii (SLH) 2018 established a Cesspool Conversion
- 7 Working Group (CCWG) that is administered by the Department, to develop a long-range,
- 8 comprehensive plan for cesspool conversion statewide of all cesspools by 2050. Identifying
- 9 solutions for providing financial assistance to low- and moderate- income property owners is an
- 10 important aspect of the plan. The development of a pilot grant program would support the work
- 11 of the CCWG and could be a potential solution for providing financial assistance to homeowners
- 12 who do not have the resources to upgrade their cesspools.

- 13 **Offered Amendments:** None.

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

DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LT. GOVERNOR



RONA M. SUZUKI
DIRECTOR OF TAXATION

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809
PHONE NO: (808) 587-1540
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To: The Honorable Mike Gabbard, Chair;
The Honorable Russell E. Ruderman, Vice Chair;
and Members of the Senate Committee on Agriculture and Environment

From: Rona M. Suzuki, Director
Department of Taxation

Re: H.B. 2151, H.D. 1, Relating to Cesspool Conversions

Date: Friday, March 13, 2020

Time: 2:45 P.M.

Place: Conference Room 224, State Capitol

The Department of Taxation (Department) appreciates the intent of H.B. 2151, H.D. 1, and provides the following comments.

H.B. 2151, H.D.1, establishes a cesspool conversion pilot grant project to assist low and moderate-income property owners with the costs of upgrading or converting a cesspool identified by the Department of Health (DOH) as failing. H.B. 2151, H.D.1, has a defective effective date of July 1, 2050.

The bill provides grants to taxpayers below an unspecified amount of Hawaii adjusted gross income. Due to confidentiality provisions, the Department is unable to provide the DOH with any tax information without express legal authority or the authorization of the taxpayer. The Department suggests **inserting a provision into the measure requiring the taxpayer to consent to disclosure of tax information to DOH in order to participate in the grant program.**

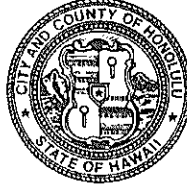
The Department also notes that Hawaii adjusted gross income may not necessarily be the best indicator of need. Hawaii does not tax certain sources of income, including Social Security and pension income where the taxpayer did not contribute to the pension costs. If the income thresholds are intended to measure the taxpayer's actual income status, the Department **suggests using federal adjusted gross income.** In addition, the Department suggests **specifying which year(s) tax returns be used to verify that the income requirements** are met. For example, subsection (c) could specify that the income will be verified on the tax return of the most recent taxable year that is closed.

Thank you for the opportunity to provide comments.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

KIRK CALDWELL
MAYOR



March 10, 2020

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

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 20-105

The Honorable Mike Gabbard, Chair
The Honorable Russell E. Ruderman, Vice-Chair
and Members of the Committee on Agriculture and Environment
Senate
State Capitol, Room 224
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Gabbard, Vice-Chair Ruderman, and Members of the Committee on
Agriculture and Environment:

SUBJECT: HB 2151 HD1 - Relating to Cesspool Conversion

The Department of Environmental Services (ENV) of the City and County of
Honolulu (City) opposes HB 2151 HD1, as currently written.

In consideration of Act 125 requiring the replacement of all cesspools in Hawaii
by 2050, ENV recognizes the need for creative and aggressive solutions for achieving
that goal. ENV supports the idea of supporting low and moderate income property
owners with converting their cesspools to an environmentally appropriate system, but
we ask that the requirement for county matching funds be removed.

The cost for what is essentially a private issue should not be borne by other
County property tax payers and further, the potential cost appears to be unknown.
Additionally, it would be inappropriate for City sewer customers to pay for upgrades to
or replacements of cesspools belonging to property owners who have not been paying
sewer fees to the County, so use of funds from the County's Sewer Fund to pay for this
program would be inappropriate.

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

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 11, 2020

TO: The Honorable Mike Gabbard, Chair
Senate Committee on Agriculture and Environment

FROM: Alice L. Lee 
Council Chair

SUBJECT: **HEARING OF MARCH 13, 2020; TESTIMONY IN SUPPORT OF HB 2151, HD1, RELATING TO CESSPOOL CONVERSION**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to assist low- and moderate-income property owners with converting their failing cesspools to more environmentally appropriate systems by creating a pilot grant project to assist with conversion costs.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

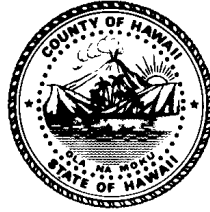
I support this measure for the following reasons:

1. Act 125, Session Laws of Hawaii 2017, requires the replacement of all cesspools in the State by 2050.
2. Hawaii, with approximately 88,000 cesspools statewide, is ranked as the State with the greatest number of cesspools in the nation, per capita.
3. Cesspools discharge more than 53 million gallons of untreated sewage daily resulting in the contamination of the State's ground water, streams, and coastal ecosystems, and poses a significant risk to the environment, human life, marine life, and wildlife, unless they are converted or upgraded.
4. Conversion or upgrading of cesspools presents a potential financial burden on low- and moderate-income families. This measure would assist property owners with meeting the costs of upgrading or converting cesspools by 2050.

For the foregoing reasons, I **support** this measure.

ocs:proj:legis:20testimony:hb2151_hd1__paf20-061(44)a_ske

Harry Kim
Mayor



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

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(808) 323-4444 • Fax (808) 323-4440

March 11, 2020

Senator Mike Gabbard, Chair
Senator Russell E. Ruderman
Committee on Agriculture and Environment

Dear Chair Gabbard, Vice Chair Ruderman, and Committee Members:

RE: HB 2151, HD1 Relating to Cesspool Conversion

Cesspool conversion is going to be an enormous problem, and I thank this Legislature for recognizing and addressing an issue that might otherwise be ignored until the 2050 deadline for conversion is much closer.

I urge as much funding and assistance as can be made available for the numerous property owners who will find conversion to be unaffordable. Having said that, however, it is not clear to me that the focus can only be on cesspools identified as "failing." For one thing, "failing" is not defined; is it the intention to leave it to the Department of Health to define the word in its rules? Second, while I can understand that a failing cesspool should have a high priority for action, does HB2151, HD1 create an incentive to allow one's cesspool to fall into disrepair so that it will be eligible for a grant?

It would seem that a broad program is called for, but perhaps it can be made up of "subprograms" such as the one called for in HB2151, HD1.

Again, thank you for searching for solutions.

Respectfully Submitted,

Harry Kim
MAYOR

HB-2151-HD-1

Submitted on: 3/10/2020 9:36:56 AM

Testimony for AEN on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Regina Gregory	Testifying for EcoTipping Points Project	Support	No

Comments:



Email: communications@ulupono.com

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT
Friday, March 13, 2020 — 2:45 p.m. — Room 224

Ulupono Initiative supports HB 2151 HD 1, Relating to Cesspool Conversion.

Dear Chair Gabbard and Members of the Committee:

My name is Amy Hennessey, and I am the Senior Vice President of Communications & External Affairs at Ulupono Initiative. We are a Hawai'i-based impact investment firm that strives to improve our community's quality of life by creating more locally produced food; increasing affordable clean renewable energy and transportation options; and better managing waste and fresh water resources.

Ulupono supports HB 2151 HD 1, which establishes a cesspool conversion pilot project to assist low- and moderate-income property owners with the costs of upgrading or converting a cesspool that has been identified by the Department of Health as failing.

Ulupono supports statewide cesspool conversion working toward a more sustainable and environmentally-sound approach to waste management. Hawai'i has over 88,000 cesspools statewide that discharge more than 53 million gallons of untreated sewage into the State's waters each day. This poses major health and environmental risks to our drinking water, groundwater, streams, and shore waters. Allowing for low- to moderate-income families to take advantage of a grant program to initiate cesspool conversion is extremely important for a clean and resilient Hawai'i.

Thank you for this opportunity to testify.

Respectfully,

Amy Hennessey, APR
Senior Vice President, Communications & External Affairs

Investing in a Sustainable Hawai'i



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEE ON
AGRICULTURE & ENVIRONMENT
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 224
FRIDAY, MARCH 13, 2020 AT 2:45 P.M.**

To The Honorable Mike Gabbard, Chair;
The Honorable Russell E. Ruderman, Vice Chair; and
Members of the Committee on Agriculture & Environment;

TESTIMONY IN SUPPORT OF HB2151 RELATING TO CESSPOOL CONVERSION

Aloha, my name is Pamela Tumpap and I am the President of the Maui Chamber of Commerce, with approximately 650 members. I am writing share our support of HB2151.

According to the State Department of Health, there are approximately 88,000 cesspools in Hawaii, with over 12,000 on Maui. Many of these cesspools pose a risk to our water resources and need to be converted to sewer or septic systems. However, it is expensive to convert a cesspool and cost may deter some residents from completing this needed process. Therefore, we appreciate and support the bill to provide a grant project to assist low- and moderate-income property owners in upgrading or converting their cesspool.

We appreciate the opportunity to testify on this matter and ask that this bill be passed.

Sincerely,

Pamela Tumpap

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



Environmental Caucus of The Democratic Party of Hawai'i

Friday, March 13, 2020

House Bill 2151, HD 1
Testifying in Strong Support

Aloha Chair Gabbard; Vice Chair Ruderman; and Members of the Committee on Agriculture and Environment:

The Environmental Caucus of the Democratic Party of Hawaii stands in **STRONG SUPPORT** of HB 2151, HD 1. This measure establishes a cesspool compliance pilot grant project to assist low- and moderate-income property owners with the costs of upgrading or converting a cesspool identified as failing by the Department of Health; and appropriates funds.

This measure is reasonable and justifiable considering the 88,000 existing cesspools within the State of Hawai'i making Hawai'i the number one state in the nation with the greatest number of cesspools per capita than any other state in the Union. This measure is necessary to assist in meeting the legally mandated cesspool conversion requirement by 2050.

In May 5, 2018, at the O'ahu County Democrats Convention, out of dire concern for the continuous environmental damage and immediate future risk to the environment, to human life, and to wildlife and marine life, as already witnessed by the environmental demise of Kane'ohē Bay, and illnesses and sores suffered by individuals who live, swim, play, fish, pick limu, and boat in Kane'ohē Bay through staphylococcus aureus and other bacterial skin infections, and MRSA, the Methicillin-resistant Staphylococcus aureus (resistant to many antibiotics); and in Upcountry Maui, where its drinking water aquifer is at-risk of fecal coliform bacteria contamination from human sewage, the following OCC Resolution was adopted:

OC 2018-5. Urging Cesspool Abatement Measures

Whereas, Thousands of cesspools throughout the islands are threatening drinking water supplies, coral reefs and the health of the people who swim, surf, and consume the marine life in popular places; and

Whereas, This is a serious public safety issue, environmental problem and economic danger that is exacerbated by the effects of climate change; and

Whereas, The impact to coral reefs affects the state's economy, shoreline protection, recreation and habitat for important marine life; and

Whereas, Coral reefs around the state, including Kahalu'u Lagoon and Diamond Head on O'ahu, are threatened as cesspools overload nearby waters with nutrients - nitrogen and phosphorous - that cause algae to smother new growth; and

Whereas, The State Department of Health estimates \$1.75 billion is needed to replace all 88,000 cesspools around Hawai'i, with upgrades required urgently for about half of them; and

Whereas, Approximately 53 million gallons of raw sewage are being discharged each day into cesspools which are basically holes in the ground for wastewater; and

Whereas, One of highest priority area is in upcountry Maui, where 7,400 cesspools have caused nitrate levels in well water to spike dangerously close to safe-drinking limits; and

Whereas, The other area of the highest priority is in Kahalu'u, on the east side of O'ahu, where there have been incidents of skin infections consistent with sewage-contaminated surface water; and

Whereas, The risk of disease is expected to increase as cesspools deteriorate and become more prone to flooding as sea level rises and storms intensify as a result of Climate Change; and

Whereas, Hawai'i depends on wells for more than 90 percent of its drinking water and the vast majority of homes are near the ocean subject to sea level and water table rise causing an increase in wastewater contamination on healthy sources; and

Whereas, Both cesspools and septic tank upgrades still allow for effluent to leach into the ground into groundwater and into the ocean; and

Whereas, Connecting to local wastewater systems is best; and

Whereas, All cesspools are banned by 2050; now, therefore, be it

Resolved, That the O'ahu County Democrats of the Democratic Party of Hawai'i urge the Hawai'i State Legislature, in collaboration with the County of Honolulu, to seek cesspools abatement measures such as connecting to the local wastewater systems to totally eliminate the problem of leaching, coral damage, and wastewater contamination; and be it

Ordered, That copies of this resolution be transmitted to the members of the Hawai'i Congressional Delegation, the Governor of the State of Hawai'i, the Lt. Governor of the State of Hawai'i, Hawai'i Legislators who are members of the Democratic Party; the Mayor of the City and County of Honolulu; and Members of the City Council of the County of Honolulu, and the 2018 convention resolutions committee of the Democratic Party of Hawai'i.

For these reasons, we urge you to vote favorably on this bill which establishes a cesspool compliance pilot grant project to assist low- and moderate-income property owners with the costs of upgrading or converting a cesspool identified as failing by the Department of Health; and appropriates funds.

Mahalo for the opportunity to testify,

/s/ Melodie Aduja

Melodie Aduja
Environmental Caucus
Democratic Party of Hawai'i
legislativepriorities@gmail.com



March 11, 2020

In Support of **HB2151 HD1** Relating to Cesspool Conversion
Senate Committee on Agriculture & Environment (AEN)
Fri., March 14, 2020, 2:45pm, Room 224

Aloha, Chair Gabbard, Vice Chair Ruderman and Members of the Committee:

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations, I am writing in **strong support of HB2151 HD1**, which would establish a pilot grant project to assist low- and moderate-income property owners with the costs of upgrading or converting their cesspools. This is an important equity issue because many rural homeowners in high-priority areas live in low-income communities and will not be able to afford the conversions. Due to concerns about the costs of the coronavirus to the state, I would suggest implementation of this grant program till 2021.

I serve on the Cesspool Conversion Working Group, and this bill would help us fund better and more affordable solutions to our serious wastewater management problem. Hawaii has more than 88,000 cesspools across the state, and these substandard systems discharge 53 million gallons of raw sewage each day into Hawaii's waters. That's like a massive sewage spill every day! Although most of us don't see the effects, this sewage pollution poses serious risks to water quality, human health and the resilience of our coral reefs.

WAI: Wastewater Alternatives & Innovations is dedicated to protecting our waters and near-shore ecosystems by reducing sewage pollution from cesspools and failing septic systems. Our goal is to help communities and homeowners find more innovative, affordable and eco-friendly solutions to wastewater management. Better sanitation systems reduce sewage pollution, make properties more valuable and protect our groundwater, streams and the health of our coral reefs and coastal areas. We support amendments to make sure these grants go to low- & moderate-income homeowners only in areas designated as Priority 1, 2 or 3 and funding for a DOH position to oversee the project.

This bill will help DOH to help fund pilot projects that can demonstrate multiple strategies for upgrading cesspools. These strategies can include more traditional like ATU's (Aerobic Treatment Units), while also testing new and improved technology. As an amendment, I would suggest adding a one-year extension to the tax credit passed three years ago for cesspool upgrades and elimination of the geographic distance from a water body. We need to help homeowners with the expense of conversion.

The mandate to convert all cesspools is 2050, but with 30-year mortgages, we need to start funding and testing new solutions now, especially in Priority 1 areas like Kahalu'u and Upcountry Maui and other Priority 2 & 3 zones. This bill will provide critical funding for low- and moderate-income families, and it will also provide information for the Cesspool Conversion Working Group to help us in selecting the best new sanitation technologies for the state. Mahalo for your leadership on this issue and consideration of this bill. Please let me know if you have any questions or concerns.

Aloha,
Stuart Coleman
Stuart H. Coleman

WAI: Wastewater Alternatives & Innovations * 2927 Hibiscus Pl. * Honolulu, HI 96815
808-381-6220 * stuart@waicleanwater.org * www.WaiCleanWater.org

HB-2151-HD-1

Submitted on: 3/10/2020 4:52:38 PM

Testimony for AEN on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Fukuzawa	Individual	Support	No

Comments:

Dear Honorable Legislative Members,

I support this bill as it definitely could help a lot of farmers who need to upgrade their systems.

Thank you for your consideration in this matter.

David Fukuzawa

HB-2151-HD-1

Submitted on: 3/11/2020 2:31:31 PM

Testimony for AEN on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dwamato	Individual	Support	No

Comments:

Please support HB 2151. This bill is critical to public outreach efforts. The results of this project will allow the public to better understand why cesspool conversion is so important for our islands. Mahalo -Dr. Daniel Amato

HB-2151-HD-1

Submitted on: 3/11/2020 5:25:14 PM

Testimony for AEN on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Emelia von Saltza	Individual	Support	No

Comments:

HB-2151-HD-1

Submitted on: 3/11/2020 7:08:21 PM

Testimony for AEN on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sophia Daniel	Individual	Support	No

Comments:

I am Sophia Daniel, student from Kaiser High School and I am testifying in support of HB2151. Cesspools contaminate ground water, streams, and ecosystems. This is a concern to human health and marine life. Overtime, cesspools become more contaminated and are aging. They should be replaced by 2050 because over contamination should not be taking place.

Sophia Daniel

(808) 492-0729

HB-2151-HD-1

Submitted on: 3/12/2020 9:08:32 AM

Testimony for AEN on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Benyshek	Individual	Support	No

Comments:

I am in strong support of HB2151 HD1, which would assist low- and moderate-income property owners in converting their cesspools through a pilot grant project. This bill would allow the state of Hawaii to get ahead of the wastewater management problem by providing funding to create innovative, affordable and environmentally-friendly solutions to wastewater management. There are several opportunities for pilot projects including strategies such as circular systems that separate solids and liquids and output pathogen-free biochar and clean recycled water. I also support amendments to ensure these grants are provided to low- and moderate-income property owners in areas designated Priority 1, 2 or 3 by the Dept. of Health (DOH) and funding to support that DOH position. Thank you for your time and consideration.

LATE

HB-2151-HD-1

Submitted on: 3/13/2020 1:51:17 PM

Testimony for AEN on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Abe	Individual	Support	No

Comments: