

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

**Testimony in SUPPORT of HB2196 HD1
RELATING TO WATER QUALITY**

SENATOR DONNA MERCADO KIM, CHAIR
SENATE COMMITTEE ON HIGHER EDUCATION

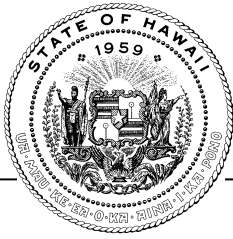
SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: 3/16/2020

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.
- 4 **Department Testimony:** The Department supports this measure with comments. Under
5 PART II of the measure, the Department is not sure what is the purpose of collecting the
6 information from onsite sewage disposal system servicers. In addition, the Department currently
7 does not have the resources to collect and manage the information that is being required under
8 PART II.
- 9 Under PART III of this measure, the Department supports the outreach program that will be
10 developed by the University of Hawaii Sea Grant College Program. Act 132, Session Laws of
11 Hawaii (SLH) 2018 established a Cesspool Conversion Working Group (CCWG) that is
12 administered by the Department, to develop a long-range, comprehensive plan for cesspool
13 conversion statewide of all cesspools by 2050. Outreach and education is an important part of
14 the implementation plan.
- 15 Under PART IV of this measure, the Department supports the University of Hawaii Water
16 Resources Research Center to conduct research on wastewater system technologies to determine

- 1 the most cost-effective way to upgrade cesspools in the State and reduce the impact of cesspools
- 2 on drinking water and groundwater.
- 3 **Offered Amendments:** Delete the language under PART II of the measure.
- 4 Thank you for the opportunity to testify on this measure.



OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
**HOUSE COMMITTEES ON HIGHER EDUCATION AND
AGRICULTURE AND ENVIRONMENT**

Monday, March 16, 2020
2:50 PM

State Capitol, Conference Room 224

in consideration of
HB 2196, HD1
RELATING TO WATER QUALITY.

Chairs Kim and Gabbard, Vice Chairs Kidani and Ruderman, and Members of the House Committees on Higher Education and Agriculture and Environment.

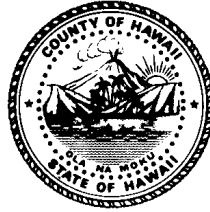
The Office of Planning (OP) **supports** the intent of HB 2196, HD1, provided that its passage does not replace or adversely impact priorities indicated in our Executive Budget.

Coastal Zone Act Reauthorization Amendments (1990) was codified as 16 U.S. C. - 1455b Section 6217 which provides that each State with an approved coastal zone management (CZM) program **must develop** and submit to the Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA) for approval a Coastal Nonpoint Pollution Control Program (CNPCP). As the lead agency for the State CZM Program, the OP has been actively working with the State Department of Health (DOH) on meeting these requirements addressing nonpoint source pollution to protect coastal waters. State programs unable to meet the requirements are subject to a reduction in federal funding.

The OP defers to the DOH, as lead agency for Hawaii Revised Statutes (HRS) Chapter 342D, regarding the details and implementation of Part II. Additionally, the OP supports Part III and IV of this measure to support the work of the Cesspool Conversion Working Group (CCWG) administered by the DOH.

Thank you for the opportunity to testify on this measure.

Harry Kim
Mayor



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

March 13, 2020

Senator Donna Mercado Kim, Chair
Senator Michelle N. Kidani, Vice Chair
Committee on Higher Education

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

Dear Chairs Mercado and Gabbard, Vice Chairs Kidani and Ruderman, and Committee Members:

RE: HB 2196, HD1 Relating to Water Quality

HB 2196, HD1 calls for research, education, and outreach, with respect to the impact of cesspools on Hawai'i's waters. While I applaud this initiative, I would like to ask for one amendment.

HB 2196, HD1 talks about "conducting a two-year, statewide, systematic outreach plan focused on providing education and communication about sewage contamination and the need for statewide conversion of cesspools to protect the coastal and nearshore environment" and "research on the most cost-effective way to upgrade cesspools in the State." My suggestion is that this research could be more objective if one of its tasks was to determine whether there was a scientific basis for forcing the expensive conversion of "all" cesspools.

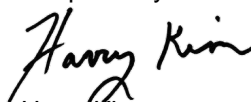
I realize that present law requires such conversion. But objective research might reveal that geographic exceptions could be made without impacting waters and coral at all, thereby saving millions of dollars and a lot of heartache, with no countervailing negative consequences.

Since you are funding research anyway, wouldn't it make sense to be sure that the premise on which the research is based is scientifically sound?

I hope you will amend HB 2196, HD1 to make this simple but meaningful change. Alternatively, please include language in your Committee report that says the research may explore whether the universal requirement for conversion of cesspools should be modified to be truly cost effective.

Thank you for your consideration.

Respectfully Submitted,


Harry Kim
MAYOR



Environmental Caucus of The Democratic Party of Hawai'i

Monday, March 16, 2020

House Bill 2196, HD 1
Testifying in Strong Support

Aloha Chairs Kim and Gabbard; Vice Chairs Kidani and Ruderman; and Members of the Committee on Higher Education and Committee on Agriculture and Environment:

The Environmental Caucus of the Democratic Party of Hawaii stands in **STRONG SUPPORT** of HB 2196, HD 1. This measure establishes reporting requirements for onsite sewage disposal system (OSDS) servicers; appropriates funds for UH sea grant college program, in collaboration with DOH, to conduct community outreach regarding OSDS; appropriates funds for UH water resources research center, in collaboration with DOH, to research the most cost-effective way to upgrade or convert cesspools; and requires and appropriates funds for the cesspool conversion working group to compile an updated database of OSDS statewide.

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`ohe Bay, and illnesses and sores suffered by individuals who live, swim, play, fish, pick limu, and boat in Kane`ohe 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 reporting requirements for onsite sewage disposal system (OSDS) servicers; appropriates funds for UH sea grant college program, in collaboration with DOH, to conduct community outreach regarding OSDS; appropriates funds for UH water resources research center, in collaboration with DOH, to research the most cost-effective way to upgrade or convert cesspools; and requires and appropriates funds for the cesspool conversion working group to compile an updated database of OSDS statewide.

Mahalo for the opportunity to testify,

/s/ Melodie Aduja

Melodie Aduja
Chair, Human Environmental Impacts Committee
Environmental Caucus
Democratic Party of Hawai'i
Email: legislativepriorities@gmail.com

HB-2196-HD-1

Submitted on: 3/15/2020 2:22:00 PM

Testimony for HRE on 3/16/2020 2:50:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
HIROC 2020	Testifying for Hawaii Reef and Ocean Coalition	Support	No

Comments:

HIROC strongly supports protecting groundwater and nearshore water quality, coral reefs and other marine life by reducing nutrient pollution from wastewater disposal. HIROC strongly supports this bill, but notes DOH says it does not have the resources to collect and manage the information required under PART II.



Mar. 15, 2020

In Support of **HB2196 HD1** Relating to Water Quality
Senate Committees on AEN / HRE
Mar. 16, 2:50pm, Rm. 224

Aloha, Chairs Gabbard & Kim, Vice Chairs Ruderman & Kidani and Members of the Committees:

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations, I am writing in **support of HB2196 HD1**. This bill would establish reporting requirements for onsite sewage disposal system (OSDS) servicers, provide an appropriation of funds for the Department of Health to conduct outreach regarding OSDS and compile an updated database of OSDS statewide for the Cesspool Conversion Working Group. Due to concerns about the costs of the coronavirus to the state, I would suggest passing the bill but delaying implementation of the grant program till 2021.

I serve on the Cesspool Conversion Working Group, and this bill would help us gain more valuable data about our OSDS in Hawaii and the extent of our serious wastewater management problems. 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! Yet Hawaii is one of the only states that doesn't have a central database of our OSDS; so we don't know if they are functioning or maintained at all.

Wastewater Alternatives & Innovations (WAI) 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 and make properties more valuable, while also protecting our groundwater, streams and the health of our coral reefs and coastal areas. Without a central database, we won't know the extent of the pollution or how to fix it.

This bill will help DOH to help collect the data from sewage disposal system servicers and educate these disposal operators and the homeowners about the environmental and health threats posed by sewage pollution from cesspools. It will also help collect needed information from these owners about their needs while offering them more innovative and often more affordable solutions. This bill will make it easier to do that and provide critical information to the Dept. Of Health and the Cesspool Conversion Working Group to help us in educating the public about the need for cesspool upgrades, maintenance of their IWS and our efforts to protect our health, water quality, coral reefs and nearshore ecosystems.

This is a complex bill with many moving parts, but I know that the Dept. Of Health needs an online database of all OSDS to record the data about how often these systems are pumped and maintained from the service providers. This database will help the Cesspool Conversion Working Group figure out the extent of the problem and which areas to prioritize in the statewide conversion process. Mahalo for your leadership on this issue and support of this bill. Please let me know if you have any questions.

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-2196-HD-1

Submitted on: 3/15/2020 2:49:25 PM

Testimony for HRE on 3/16/2020 2:50:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
J Ashman	Individual	Comments	No

Comments:

I am in complete agreement with the comments of Hawaii Island Mayor Harry Kim.

In his testimony, Mayor Kim points out that objective research might reveal that geographic exceptions to the mandatory conversion of all cesspools could be made without impacting our waters and natural resources at all; thereby saving millions of dollars, without countervailing negative consequences.

His comments are well-founded. Please include language in this measure that requires the research to consider whether it is in the best interest of the State and its residents to modify the requirement for 100% conversion of every cesspool in Hawaii.

Thank you.

HB-2196-HD-1

Submitted on: 3/15/2020 9:31:30 PM

Testimony for HRE on 3/16/2020 2:50:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Allegra Gordon	Individual	Support	No

Comments: