

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
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doh.testimony@doh.hawaii.gov

**Testimony in OPPOSITION to HB0104**  
**RELATING TO POOLS**

REPRESENTATIVE RYAN I. YAMANE, CHAIR  
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS  
Hearing Date: 2/9/2021 Room Number: 329 via VIDEO

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (Department) respectfully opposes this  
3 measure.

4 The proposed amendments to Hawaii Revised Statutes (HRS) Chapter 321-11, create ambiguity  
5 with respect to what distinction, if any, the legislature intends to make between “pools” (existing  
6 but not defined) and “swimming pools” (added and defined) in HRS Chapter 321. Additionally,  
7 the proposed amendments create regulatory uncertainty by making it unclear, since this chapter  
8 merely authorizes the Department to adopt rules pertaining to these subjects generally and the  
9 Department already has “swimming pool” rules in Hawaii Administrative Rules (HAR), Chapter  
10 11-10, exactly in what manner the legislature intends for the Department to regulate  
11 pools/swimming pools.

12 The Department has a long history of regulating both “pools” and “swimming pools” and  
13 continues to do so with its enforcement of HAR Chapter 11-10. The intent of the Department’s  
14 rules is to ensure communicable disease transmission does not result if persons are allowed use  
15 of a body of water for activities, such as swimming or bathing. The Department does not have  
16 any intention to resign its authority to regulate “pools” in addition to “swimming pools”.

17 Spas, wading pools, and other bodies of water used recreationally in a public manner are  
18 examples of a pool, which is not necessarily a swimming pool as this measure appears to define  
19 that term, and they must continue to be regulated as it is done nationwide by health agencies to

1 prevent communicable disease transmission. Many jurisdictions now regulate “splash pads” and  
2 all manners of recreational water activities at theme parks and other public venues that include  
3 static or moving “pools”. These water based attractions require disinfection systems to ensure  
4 the public is not put at undue risk from communicable diseases. The Department respectfully  
5 submits that the existing rules in HAR Chapter 11-10 currently cover a variety of swimming  
6 venues, the regulation of which this measure does not appear to fully address.

7 **Offered Amendments:** None

8 Thank you for the opportunity to testify on this measure.



Imanaka Asato  
A LIMITED LIABILITY LAW COMPANY

February 5, 2021

Representative Ryan I. Yamane, Chair  
Representative Adrian K. Tam, Vice-Chair  
Members of the House Committee on Health,  
Human Services and Homelessness  
Thirty-First Legislature, Regular Session of 2021

**RE: HB 104 – RELATING TO POOLS**  
**Hearing Date: February 9, 2021 at 8:30 a.m.**

Aloha Chair Yamane and members of the committee,

Mahalo for the opportunity to submit testimony in **SUPPORT** of House Bill 104 – Relating to Pools. This bill establishes a new definition in Section 321-11, Hawaii Revised Statutes, for a "swimming pool" as impervious, artificial bodies of water used for swimming, diving, or recreational bathing or therapy.

Hoakalei Corporation owns the Wai Kai Lagoon in Ewa Beach, a 52-acre, basin excavated out of the coral shelf containing over 300 million gallons of groundwater. The Lagoon receives about three million gallons of groundwater naturally flowing through it to the ocean each day and has never been filled by artificial means. The water quality of the Lagoon meets or exceeds existing DOH standards mandated under Section 11-54-8, Hawaii Administrative Rules for recreational waters, is devoid of any health-related issues, and is regularly monitored by a team of scientists. Despite these facts, Hoakalei has been required to discourage swimming and other recreational uses of the Lagoon.

Amending Section 321-11, Hawaii Revised Statutes would clarify that this 52-acre lagoon is not a swimming pool and need not be regulated as such. This would also allow community members to use the Lagoon for recreational purposes and remove the cloud over the Lagoon's water quality, allowing Hoakalei to complete its master plan for the surrounding area. Attached to this testimony is a petition from community members in support of House Bill 104 and the recreational use of the Wai Kai Lagoon. For these reasons, we urge the committee to pass House Bill 104.

Very truly yours,

IMANAKA ASATO

Michael L. Iosua

## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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Noah Payne	"	" "	1-27-2021



## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

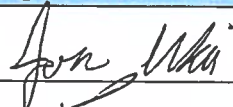




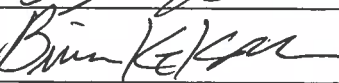
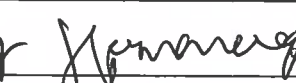

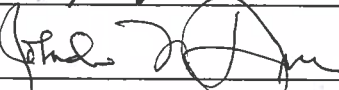
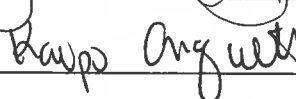
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<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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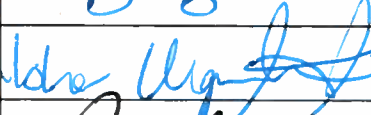

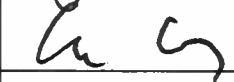
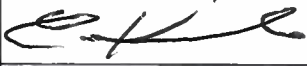
## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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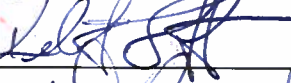



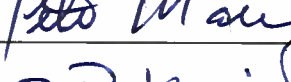

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<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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CHEYENNE KAWIHO		47-528 IPULEPO WAY KAWAHOE HI 96744	1/26/21

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<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without retrictions.</p> <p>I understand that the Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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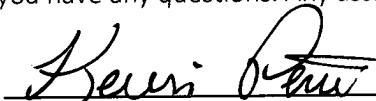
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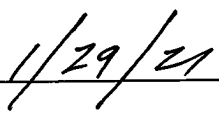
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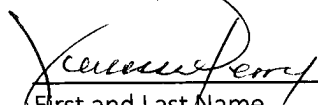
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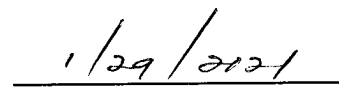
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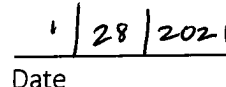
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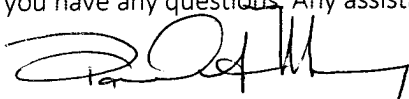
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First and Last Name

01/29/2021

Date

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First and Last Name

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First and Last Name

1-28-20-21  
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First and Last Name

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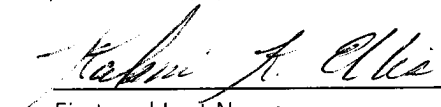
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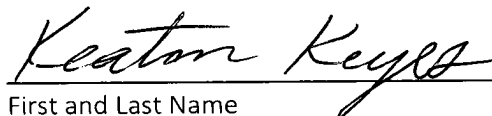
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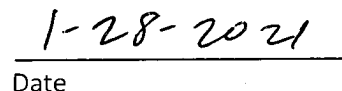
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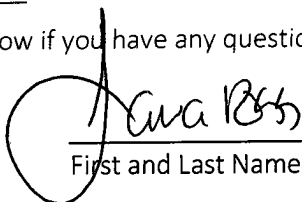
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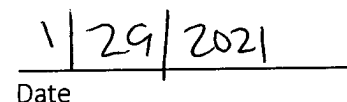
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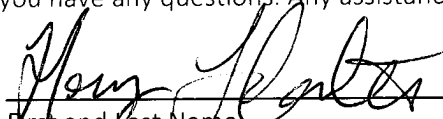
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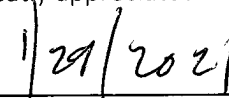
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Thank you

Gus

  
\_\_\_\_\_  
First and Last Name

  
\_\_\_\_\_  
Date

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Gus

Brandon Delos Santos  
First and Last Name

1/29/21  
Date

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BILL JOHN MCCABE  
First and Last Name

1/29/2021  
Date



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First and Last Name

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First and Last Name

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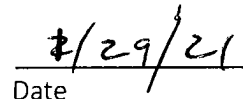
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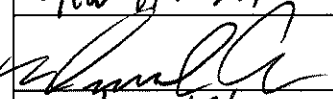
  
\_\_\_\_\_  
First and Last Name

  
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Date

## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

Printed Name	Email	Address	Date
Russell Doane	russelld@hawaiianprop.com	1165 Bethel St 2nd Floor, Honolulu HI 96813	1/26/21
Karanikaopua	Karanika@hawaiianprop.com	95-011 Welona St. Mililani 96789	1/26/21
Naomie Ramos	naomier@hawaiianprop.com	91-1119 Mikohu Street #28D Ewa Beach, HI 96706	1/27/2021
<del>David Gonzalez</del>	<del>dzhang@hawaiianprop.com</del>	<del>35-270 Waikeana Dr #258 Mililani, HI 96789</del>	<del>1/27/21</del>
Christian Gonzalez	chgstiang@hawaiianprop.com	41-1644 Humupaa St. Waipahu, HI 96795	1/27/21
Aileen Jornacion	aileenj@hawaiianprop.com	94-760 Kesholo St. Waipahu, HI 96797	1.27.2021
KEKOA YOSHIDA	kekoy@hawaiianprop.com	808 LUKEPANE AVE #3B HONOLULU, HI 96816	1/27/2021
Jocel Tabuiran	JocelT@hawaiianprop.com	926 Puuhua Pl #A Honolulu HI	1/27/21
Savannah Carter	savannahc@hawaiianprop.com	2347 Plumeria Place Honolulu, HI 96822	1/27/21
GLEN SUZUKI	GLENS@HAWAIIANPROP.COM	95-1027 KAAPEHA ST #209 MILILANI 96789	1/27/21

Printed Name	Email	Address	Date
Tyla Hansen	tylorh@hawaiianprop.com	320 Liliuokalani 1502 Honolulu, HI 96815	1-27-21
	michaelg@hawaiianprop.com	94-514 OHAPELI ST. WAIPAHU, HI 96797	1/27/21
Selkie Khoo	selkiek@hawaiianprop.com	974 Kalkapua Pl, 96825	1/28/21
Daniel Kent	danielk@hawaiianprop.com	444 Lunalilo Home Rd Honolulu, HI 96825	1/28/21
RYAN MITTA	Ryanm@hawaiianprop.com	5331 LIWA ST. HONOLULU, HI 96821	1/28/21
Laune Sugue-Tabaki	launes@hawaiianprop.com	94-674 Kahakea St. Waipahu 96797	1/28/21
Leslie Chang	lesliec@hawaiianprop.com	1517 MAKIKI ST #505 96822	1/28/21
Kekoa Giran	Kekoa.g@hawaiianprop.com	45-240 Hikiwale Place Kaneohe, HI 96744	1/28/21
Victor Sanchez	Victor50@hawaiianprop.com	620 Sheridan St Apt 205, Honolulu	1/28/21
Shaunagh Haiola	Shaunagh@hawaiianprop.com	P.O. Box 37661, Honolulu, HI	
Irma Bontor	irmab@hawaiianprop.com	1031 Nuuanu Ave. #1904, Hono HI 96817	1/28/21
Timothy Lu	timothy@hawaiianprop.com	1288 Kapiolani Blvd. #3609 Honolulu, HI 96814	1/28/21
BEN VOSS	bevossie@gmail.com	900 Apo St Honolulu, HI 96825	1/28/21
Theodore Sloam	Theodores@hawaiianprop.com	205 14th ST Honolulu, HI 96818	1/28/2021
Amber Fujiyama	amberf@hawaiianprop.com	96-276 Pokaiikona Way Waianae, HI 96792	1/28/21
Rosemary DeLaCruz	rosed@hawaiianprop.com	94-1017 Halehau St, Waipahu HI 96797	1/29/21
Kristi Hirata	Kristi@hawaiianprop.com	7227 Waiopua Areat, Honolulu HI 96825	1/28/21

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<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

Printed Name	Email	Address	Date
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## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

Petition summary and background	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

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Shane Sakai	<a href="mailto:ssakae@gmail.com">ssakae@gmail.com</a>	801 South St Apt# 4101, Honolulu, 96813	1/28/21

Printed Name	Email	Address	Date
Julie Lam	<a href="mailto:jujubean1116@gmail.com">jujubean1116@gmail.com</a>	801 South St Apt# 4101, Honolulu, 96813	1/28/21
Ronald Lee	<a href="mailto:ronald.pw.lee@gmail.com">ronald.pw.lee@gmail.com</a>	801 South St Apt# 1821, Honolulu, 96813	1/28/21
Shao Lee	<a href="mailto:sylin12@gmail.com">sylin12@gmail.com</a>	801 South St Apt# 1821, Honolulu, 96813	1/28/21
Michael Poon	<a href="mailto:poonmic@gmail.com">poonmic@gmail.com</a>	1939 Pala St, Honolulu, HI 96817	1/28/21
Jennie Lee	<a href="mailto:jennie.lw.lee@gmail.com">jennie.lw.lee@gmail.com</a>	1080 Ala Napunai St #202, Honolulu, HI 96818	1/28/21
Charlie Chen	<a href="mailto:Charlston.cheng@gmail.com">Charlston.cheng@gmail.com</a>	1080 Ala Napunai St #202, Honolulu, HI 96818	1/28/21
Victor Heung	<a href="mailto:vheung12@gmail.com">vheung12@gmail.com</a>	1631 Kapiolani Blvd, #2806, Honolulu, HI 96813	1/28/21
Brandy Heung	<a href="mailto:bheung@mail.com">bheung@mail.com</a>	1631 Kapiolani Blvd, #2806, Honolulu, HI 96813	1/28/21
Beer Chiragul	<a href="mailto:sivapongchiragul@gmail.com">sivapongchiragul@gmail.com</a>	1724 Mary St, Apt C, Honolulu, HI 96817	1/28/21
An Huynh	<a href="mailto:onionman02@gmail.com">onionman02@gmail.com</a>	91-913 north rd G3, Ewa Beach, HI 96782	1/28/21
Shari Lau	<a href="mailto:Sharilau@gmail.com">Sharilau@gmail.com</a>	636 Laumaka St, Honolulu HI 96819	1/28/21
Jae Cheung	<a href="mailto:Jae.ato@gmail.com">Jae.ato@gmail.com</a>	P.O. Box 17952 Honolulu, Hawaii	1/28/21
Blake Isobe	<a href="mailto:bsisobe@gmail.com">bsisobe@gmail.com</a>	1200 Queen Emma St Apt# 1308, Honolulu, HI 96813	1/28/21
Yi Chen	<a href="mailto:yixche@gmail.com">yixche@gmail.com</a>	888 Kapiolani Blvd Apt. 1808, Honolulu HI 96814	1/28/21
Larry Ono	<a href="mailto:onoml@yahoo.com">onoml@yahoo.com</a>	888 Kapiolani Blvd Apt. 1808, Honolulu HI 96814	1/28/21
Donna Lau	<a href="mailto:Dlau808@gmail.com">Dlau808@gmail.com</a>	2653 Rooke Ave, Honolulu, HI 96817	1/28/21







## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

Printed Name	Email	Address	Date
Makena White	makena@psi-hi.com	711 Kapiolani Blvd, Suite 950 Honolulu, Hawaii 96813	1/26/21
Perry White	perry@psi-hi.com	2650 Pacific Heights Road Honolulu, HI 96813	1/26/21
Jim Hayes	jim@psi-hi.com	3104 Oahu Ave; HNL, HI 96822	1/26/21
Lvhq White	Lvhqwhite3@gmail.com	1435 Frank St 96816 Honolulu, HI	1/27/21

## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

Printed Name	Email	Address	Date
Michael Lau	mlau96734@gmail.com	1537 Alewa Drive, Honolulu, HI 96817	1/26/21
Carol Lau	carollau72@gmail.com	1537 Alewa Drive, Honolulu HI 96817	1/26/21
Ryan Lau	ryan.m.lau@gmail.com	1537 Alewa Drive, Honolulu, HI 96817	1/26/21
Ann Pang	3jpang@gmail.com	5080 Likini St., # 618, Honolulu, HI 96818	1/26/21
Glenn Shiroma	glennshiroma@gmail.com	1600 Ala Moana Blvd., # 700, Honolulu, HI 96815	1/27/21
Wes Chong	wchong04@yahoo.com	2205 Nuna St., Honolulu, HI 96821	1/27/21
Les Young	youngl024@hawaii.rr.com	1506 Ala Mahamoe St., Honolulu, HI 96818	1/27/21
Calvert Chun	calvertchun@gmail.com	1054-A Alewa Drive, Honolulu, HI 96817	1/27/21
Cedric Chun	cedricchun@gmail.com	2721 Kolonahe Pl., Honolulu, HI 96822	1/27/21
Marvin Mau	808honhi808@gmail.com	2047 Nuuanu Avenue, Honolulu, HI 96817	1/27/21

## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

Printed Name	Email	Address	Date
KA CHING HIGA	kclh2004@aol.com	1887 Hoolehua Place, Pearl City, HI 96782	1/28/2021
LYMARI GRACIANO	lymari@excite.com	2570 Lai Road, Honolulu, HI 96816	1/28/2021
ANNABELLE IGNACIO	anabelle.ignacio@gmail.com	92-1282 Kikaha Street, #7, Kapolei, HI 96707	1/28/2021
ROCHELLE WOLFE	alohalei51@yahoo.com	P.O. Box 22796, Honolulu, HI 96823	1/28/2021
JILL K. VELES	jveles@moriharagroup.com	435-C Manono Street, Kailua, HI 96734	1/28/2021
JOYCE TAKAHASHI	jtakahashi@moriharagroup.com	45-406 Koa Kahiko Street, Kaneohe, HI 96744	1/28/2021
ANGELA FONG	afong@moriharagroup.com	841 Bishop Street, Suite 400, Honolulu, HI 96813	1/28/2021



## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

Printed Name	Email	Address	Date
Ashok Do	ashdo@hawaii.rr.com	916 McCully St., Honolulu, HI 96826	01/27/2021
Gary Todoki	gtodoki@hawaii.rr.com	930 Kaheka Street, Honolulu, HI 96814	01/27/2021
Stuart Saito	stslivealoha@twc.com	1232 Kaweloka Street, Pearl City, HI 96782	01/27/2021
John Hamano	thelmahamano@yahoo.com	1167 Ala Hinano Place, Honolulu, HI 96818	01/27/21
Thelma Hamano	thelmahamano@yahoo.com	1167 Ala Hinano Place, Honolulu, HI 96818	01/27/21
Nelson Totoki	ntotoki@legacymortgagehi.com	55 south Kukui Street #D3113, Honolulu, HI 96813	01/28/2021
Sidney Liborio	siliborio@yahoo.com	87-118 Palakamana Street, Waianae, HI 96792	01/28/2021
Merle Liborio	meliborio65@yahoo.com	87-118 Palakamana Street, Waianae, HI 96792	01/28/2021
Roy Ogawa	ogawarealty@hawaiiantel.net	429 Waiakamilo Road, Honolulu, HI 96817	01/28/2021
Deane Gonzalez	dgonz18496@aol.com	336 Kikoo Place, Honolulu, HI 96825	0/28/2021

## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

Printed Name	Email	Address	Date
Lynn Otaka	lynn_otaka@hotmail.com	95-1036 Hoalia Street, Mililani, HI 96789	1/26/2021
Randy Otaka	mid-error@gmail.com	95-1036 Hoalia Street, Mililani, HI 96789	1/26/2021
John Saito	jts22@hotmail.com	1232 Kaweloka Street, Pearl City, HI 96782	1/26/2021
Marion Saito	msaitolove@hotmail.com	1232 Kaweloka Street, Pearl City, HI 96782	1/26/2021
Elaine Jourdane	ejourdane@gmail.com	1995 Halekoa Drive, Honolulu, HI 96821	1/26/2021
Liv Takane	ltakane@aol.com	1585 Kapiolani Blvd, #1304, Honolulu, HI 96814	1/26/2021
Alan Y. Dote	dotea001@hawaii.rr.com	3464 Kilauea Ave., Hon., HI 96816	1/27/2021
Tony Lim	tonywhlim@gmail.com	520 Lunalilo Home Rd #8326 Honolulu, HI 96825	1/27/2021
Shasteen Lim	shasteen.tlimcpa@gmail.com	520 Lunalilo Home Rd #8326, Honolulu, HI 96825	1/27/2021
Sheryl Kramer	S.kramer@yahoo.com	443 Lanipua Street, Honolulu, HI 96825	1/27/2021



## Petition to Support Swimming Pool Definition (SB 923 & HB 104)

<b>Petition summary and background</b>	<p>I would like to express my support for removing the DOH's restriction on swimming in the Wai Kai Lagoon. Currently, the DOH has required Hoakalei Corporation to display "Swimming is Discouraged" signs around the lagoon. There is no concern with safety, water quality or any other valid reason for restricting or even discouraging swimming in the lagoon. This is made clear through public information available at <a href="http://hoakaleifacts.com">hoakaleifacts.com</a>. In addition, it is clear that the lagoon is not a swimming pool as the lagoon is naturally filled with clean groundwater and there are various forms of wildlife that live in the lagoon. I would like to be able to use the lagoon without restrictions.</p> <p>I understand that Senate Bill 923 and House Bill 104 will revise the definition of swimming pool. Among other things, this would clarify that the Wai Kai lagoon is not a swimming pool and not required to be regulated as such.</p>
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to support Senate Bill 923 & House Bill 104

Printed Name	Email	Address	Date
Craig Kanai	ckanai@wasahawaii.com	92-628 Mehani Street, Kapolei, HI 96707	1/27/2021
Karen Tengan	karen-allc@hotmail.com	1025 Gulick Ave., Honolulu, HI 96819	1/27/2021
Reyn Nakamoto	Reynhn@gmail.com	46-318 Haiku RD Unit 33, Kaneohe, HI 96744	1/27/2021
Brandon Tsuha	Btsuha@hawaii.edu	91-1032 Hoomaalili St, Ewa Beach, HI 96706	1/27/2021
Calvin Todd	caltodd@gmail.com	45-560 Keneke Street Kaneohe, Hawaii 96744	1/27/2021
Michael Nagata	Myke7@aol.com	1561 Kanunu Street #906 Honolulu, HI 96814	1/27/2021
Jo Lauer	jolauer808@aol.com	1021 Kikowaena Place Unit #2, Honolulu, HI 96819	1/27/2021
Kerri Masada	kmasada@wasahawaii.com	1021 Kikowaena Place, Unit #2, Honolulu, HI 96819	1/28/2021
Katrine Tyau	ktyau@wasahawaii.com	1021 Kikowaena Place, Unit #2, Honolulu, HI 96819	1/28/2021

**HB-104**

Submitted on: 2/5/2021 7:36:20 PM

Testimony for HHH on 2/9/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Bowman	Individual	Support	No

Comments:

Representative Ryan I. Yamane, Chair

Representative Adrian K. Tam, Vice-Chair

Members of the House Committee on Health,

Human Services and Homelessness

Thirty-First Legislature, Regular Session of 2021

RE: HB 104 – RELATING TO POOLS

Hearing Date: February 9, 2021 at 9:30 a.m.

Dear Chair Yamane and members of the committee,

I appreciate your time, and the opportunity to provide input in support of HB 104.

Wai Kai Lagoon is a unique outdoor opportunity enjoyed by members of my local community. Unfortunately, the "opportunities" at the lagoon have been significantly reduced as a result of a citizen complaint filed with the Department of Health (DOH). The complaint resulted in the DOH banning all swimming, diving, recreational bathing and therapy by humans in the lagoon.

The DOH later walked back it's position, stating that swimming should be discouraged, but not prohibited. My assumption is this revised position was the result of lack of evidence to support the complaint.

The fact is, the water quality of the Wai Kai Lagoon meets or exceeds existing DOH standards mandated under Section 11-54-8, Hawaii Administrative Rules for

recreational waters, is devoid of any health-related issues, and is regularly monitored by a team of scientists.

The scientists, Dr. Heather Spalding and Dr. Sue Brown, both from the University of Hawaii, have communicated in writing that the Wai Kai Lagoon is devoid of any health-related issues, and is regularly monitored by a team of scientists.

Based on the science, I strongly support HB104, and the clarification of the definition of a swimming pool. The new definition will make it clear that the lagoon, based on the data, should not be regulated as a swimming pool.

All the best,

Mark Bowman

February 7, 2021

Representative Ryan I. Yamane, Chair

Representative Adrian K. Tam, Vice-Chair

Members of the House Committee on Health, Human Services and Homelessness

RE: HB 104-RELATING TO POOLS

Hearing Date: February 9<sup>th</sup>, 2021 at 9:30 a.m.

Aloha Chair Yamane and members of the committee

I am a homeowner in Kuapapa and a member of the Wai Kai Hale Club. We are writing to ask for your support for HB 104.

In 2018, someone filed a complaint to the Department of Health about the lagoon. Although DOH inspectors found no evidence to support the complaint, they issued a letter to Haseko requiring the ban on all swimming, removal of inflatables, all of our Hoakalei families loved to enjoy, and they classified this 52 acre gallon lagoon as a swimming pool.

We are not pleased with this change and would like your support for HB 104 to help solve the problem that occurred in 2018. The clarification of the definition of a swimming pool will make it clear that the lagoon should not be regulated as a swimming pool, and hopefully allow the recreational uses it was intended to provide resume. We moved here in March 2017, with the promises that we would be able to enjoy the lagoon with our families, and other members of our neighborhood families.

What this accomplished was nothing but, frustration for the ~280 homeowners trying to figure out what was happening. Our life in this subdivision has not been the same, and we have even thought about moving away. We are not alone in this thinking. The families of this community was dealt an unfair blow to our weekend fun. All because one homeowner was able to convince someone to investigate a perfectly constructed community gathering spot. We are asking for your support for HB 104.

Mahalo

Larry Provost

91-1053 Kaiamalo'o Street

(808) 255-8307



February 7, 2021

Representative Ryan I. Yamane, Chair  
Representative Adrian K. Tam, Vice Chair  
Members of the House Committee on Health, Human Services, & Homelessness  
State Capitol, Honolulu, Hawaii 96813

RE: HB104 – A BILL FOR AN ACT RELATING TO POOLS

Aloha Chair Yamane, Vice Chair Tam, and Members of the Committee,

Thank you for the opportunity to comment on this proposal, as it impacts an important resource for our community. I am a homeowner in Hoakalei and one of the amenities that drove my decision to buy was the incredible Wai Kai Lagoon with its beachfront lounge chairs & umbrellas, paddleboards, kayaks, and large water slide and sun deck floating just off shore.

I had no idea that this idyllic setting would become so important to our community. Daily, neighborhood children played and learned new water skills (swimming, kayaking, paddle boarding), my puppy learned socialization skills and to swim, parents introduced babies to the water in a safe, calm setting, home-schoolers leveraged the lagoon for their student's physical education, and sometimes we just relaxed and spent time with neighbors. The Wai Kai Hale Club formed the nexus of our community – we celebrated birthdays, holidays, Pau Hana get-togethers, brought our out-of-town visitors, and met people from across the Hoakalei community.

When the erroneous claim was made regarding the health of the lagoon, we were shocked. The lagoon we knew was outwardly very clear and clean, and the club was well maintained. In fact, we regularly watched as the University of Hawai'i (UH) scientists boated out to check the water quality monitoring stations. We believed the science – data from water quality reports, monitoring by the developer, UH, and the state, as well as the visual evidence - the taste, and feel, and the health of our keiki and pups.

As sanctions went into place, and the lagoon was ultimately designated as a "pool", our confusion continued– a swimming pool is an impervious, watertight structure, with mechanical filtration systems, and typically, chemicals to enhance water quality. How could our natural beauty with fresh water flowing in from Ewa's underground streams and naturally occurring underwater gardens of Chara (native green limu) possibly be considered a swimming pool?

Our awesome resource changed and our sense of community has suffered – we no longer count on groups of families enjoying the beachfront. At least weekly, friends and neighbors ask me if there are updates to the Wai Kai Hale Club operations. We all hope for a return to those days when we can enjoy our beautiful, natural resource again. I urge you to support the amendment to HB 104, to allow this unique, special resource to provide joy and well being for our community and, perhaps, to other communities as well.

**HB-104**

Submitted on: 2/7/2021 1:07:00 PM

Testimony for HHH on 2/9/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
karen scott	Individual	Support	No

Comments:

**Representative Ryan I. Yamane, Chair**

**Representative Adrian K. Tam, Vice-Chair**

**Members of the House Committee on Health, Human Services and Homelessness**

**Re: HB 104 RELATING TO POOLS**

**Hearing Date: February 9, 2021 @ 0930AM**

Good Morning Chairpersons and members of the committee,

My husband and I are homeowners in the beautiful community of Kuapapa. We give our **support** for **HB 104-relating to pools**. We implore you for your **support of HB-104**.

In 2018, a complaint was filed by an ex-neighbor. They contacted the Department of Health about the lagoon but no evidence to support their claim was found. This resulted in the removal of the inflatable toys, minimal swimming and a complete erasure of family fun. While our pool was available in the community (pre-Covid) there are rules restricting jumping, water toys and behavior one would enjoy at a lake or our lagoon. It was refreshing to see families enjoying their free time in a safe and healthy environment. COVID has taught us the importance of family.

Personally, I use the lagoon for water therapy. In 2017 I was injured at work. Water therapy saved me. The lagoon assisted in my recovery. I am very grateful for it and am so sorry to see it's restricted use for me as well as the children.

This is not a swimming pool. We have been at the lagoon many times watching the professionals test the water. Each and every time it is 100% safe. We have read the reports proving the Wai Kai Lagoon is free of bacterial contamination to humans as well as pets. Hawaii's Clean Water Branch specify that a value of 35 CFU/100 is the threshold level below which recreational waters should remain. Wai Kai is 21.

We are very unhappy and confused over the change designating Wai Kai as a pool. It is not a pool. Again, DOH found **NO** evidence supporting the complaints from a disgruntled neighbor. We ask for your support for **HB 104**.

Respectfully,

Karen Scott and family



February 7, 2021

Representative Ryan L. Yamane, Chair  
Representative Adrian K. Tam, Vice-Chair  
Members of the House Committee on Health,  
Human Services and Homelessness

RE: HB 104 – RELATING TO POOLS  
Hearing Date: February 9, 2021 at 9:30 a.m.

Aloha Chair Yamane and members of the committee,

My name is Jon McKenna and I am a homeowner in Hoakalei whereby myself and my family used to utilize Wai Kai Hale Club frequently. My family and I have not utilized the Club as frequently since 2018, when the Department of Health issued an edict discouraging swimming in the lagoon because they classified the 52-acre inland lagoon as a swimming pool.

We ask that you give your support for House Bill 104. The definition needs to be amended to make this clear, so the Lagoon can be used as it was intended. We plan on returning to Wai Kai Hale Club once this issue has been cleared.

Sincerely,

Jon McKenna