

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
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**Testimony in SUPPORT of HB2195  
RELATING TO CESSPOOLS**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR  
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
Hearing Date: 2/3/2022 Room Number: 325

1 **Fiscal Implications:** The Department of Health (Department) would need at least one full-time  
2 temporary position to implement the proposed cesspool compliance pilot project. This measure  
3 may impact the priorities identified in the Governor's Executive Budget Request for the  
4 Department's appropriations and personnel priorities.

5 **Department Testimony:** The Department supports this measure as long as it does not impact  
6 the priorities requested in the Executive Budget. Cesspools are a major source of pollution to  
7 Hawaii's waters. There are approximately 88,000 cesspools in the State, discharging millions of  
8 gallons of untreated sewage into the groundwater every day. The sewage polluted groundwater  
9 flows into drinking water sources, streams and the ocean, harming public health and the  
10 environment, including beaches and coral reefs. Ninety-five percent of all drinking water in  
11 Hawaii comes from groundwater sources. Cesspools should be phased out to eliminate threats to  
12 drinking water and recreational waters.

13 The Department believes the pilot project should focus on low and moderate-income  
14 homeowners that currently have failing cesspools or have cesspools that are located within five  
15 hundred feet of a shoreline, perennial stream, wetland and source water protection area. The  
16 2017 legislature report should not be referenced because the Department is working on updating  
17 the report. The measure also uses an owner's federal adjusted gross income cap for individuals.  
18 It does not contemplate the fact that some property owners are entities, not individuals. It also  
19 does not consider whether the property in question is a second-home or rental/investment

1 property. The Department supports the concept of the pilot project, however, the bill needs to be  
2 amended to ensure that it will be eligible for only low and moderate-income homeowners.

3 **Offered Amendments:** The proposed amendment to §342D- (a)(1), “Upgrading or converting a  
4 failing cesspool to a director-approved wastewater system;”. Wastewater systems are approved  
5 by the Director of Health and not the Department.

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

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
ON  
HOUSE BILL NO. 2195

**February 3, 2022**  
**9:05 a.m.**  
**Room 325 and Videoconference**

RELATING TO CESSPOOLS

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 2195.

H.B. No. 2195:

- Establishes the cesspool compliance pilot grant project (CCPGP) in the Department of Health (DOH) to assist property owners with upgrading, converting, or connecting a cesspool that DOH has identified as failing.
- Requires DOH to adopt rules as necessary to carry out the CCPGP, provided that the rules shall include a method of calculating a sliding scale grant amount based upon the federal adjusted gross income of the owner of the property with a failing cesspool.
- Appropriates an unspecified amount of general funds in FY 23 to DOH to implement the CCPGP.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that

states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

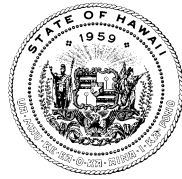
- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

JOSH GREEN  
LT. GOVERNOR  
STATE OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES  
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879  
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEFORE THE HOUSE COMMITTEE ON  
ENERGY & ENVIRONMENTAL PROTECTION  
HEARING ON FEBRUARY 3, 2022 AT 9:05AM VIA VIDEOCONFERENCE

**HB 2195, RELATING TO CESSPOOLS**

February 3, 2022

Aloha Chair Lowen, Vice Chair Marten, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports this bill establishing a cesspool compliance grant program to assist low- and moderate-income property owners with costs of upgrading, converting, or connecting a cesspool identified as failing by the Department of Health.

DHHL requests that this bill allow low- and moderate-income lessees on Hawaiian Home Lands to access funding through this pilot grant project. Lessees are experiencing increased costs because of septic system requirements and given limited financing options on Hawaiian Home Lands, this measure provides a much needed resource. The Hawaiian Homes Commission in the past two years approved a measure establishing a low-interest loan program to offer financial assistance for lessees on Hawaiian Home Lands with cesspools to be ungraded or converted to septic systems or aerobic treatment unit systems or connected to existing sewer systems or any other wastewater treatment systems approved by the Department of Health, but DHHL hasn't been able to design the appropriate mechanism to accomplish the result.

Thank you for your consideration of our testimony.

**HB-2195**

Submitted on: 2/1/2022 5:50:45 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ted Bohlen	Hawaii Reef and Ocean Coalition	Support	No

Comments:

Strong support!



Feb. 1, 2022

In Support of **HB2195** Relating to Cesspools  
House Committee on Energy and Environmental Protection (EEP)  
Hearing on Feb. 3, 9:05am

Aloha, Chair Lowen, Vice-Chair Marten and Members of the Committee:

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations, I am writing in **strong support of HB2195**. This bill would help homeowners with the costs of replacing their cesspools and other essential upgrades by creating a pilot grant project to assist low- and moderate-income homeowners with the cost of converting their cesspools or connecting them to sewer.

Homeowners across the state need this law to make sure their wastewater systems aren't polluting the groundwater or nearby surface waters. As a member of the State's Cesspool Conversion Working Group, I believe this bill provides an important economic tool for the state to fulfill its mandate under Act 125 to convert all cesspools by 2050. Hawaii has more than 88,000 cesspools across the state, discharging 53 million gallons of raw sewage each day into Hawaii's waters. That's similar to a massive sewage spill every day!

WAI is dedicated to protecting our drinking water, groundwater and near-shore ecosystems by reducing sewage pollution from cesspools and failing septic systems. Our goal is to help 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. Converting cesspools will also improve water quality for locals and visitors alike and help protect our environment and promote Hawaii as a world-class destination.

Hawaii is struggling with serious sewage pollution problems and needs to meet the mandate to convert all cesspools in the next three decades. Most homeowners don't have enough money to convert their individual cesspools, but this law will help homeowners by creating grants to help low- and moderate-income homeowners with the cost of converting their cesspools. Similar grant programs in New York and Rhode Island have increased the rate of conversions.

Based on successful bills in other states, this bill creates a practical and expedient way to convert cesspools with state grants. It will also help homeowners, the counties and the state meet the mandate to convert all cesspools by 2050. Mahalo for your leadership on this issue and support of common sense policies like this one to help the people of Hawaii.

Aloha,  
*Stuart Coleman*  
*Stuart H. Coleman, Executive Director*

**HB-2195**

Submitted on: 1/31/2022 4:51:19 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lois Crozer	Individual	Support	No

Comments:

Our reefs are dying fast, and algae is winning the war. We need to get serious about protecting these treasures by limiting the run off from land sourced nutrients.



**HB-2195**

Submitted on: 2/1/2022 2:46:29 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gerard Silva	Individual	Oppose	No

Comments:

This is some thing else the the Goernment Needs to get OUT OFF the are just trying to ripe The Peole Off . To make the people pay them so they came poket more money for some other Stupied thing they will come up with later. Cespools work just find they do not Polute the Oceans the Couny Government are the ones that do that . They are responceible for all the polution in our waters from when they started The Shit plants. All you have to do is look back at all the spiles Caused by the County mostly because of Malfunctions caused by county Workers. Not Cespools. We are tired of all the Bull Shit and we will not Put UP WITH THIS ANY LONGER!

**HB-2195**

Submitted on: 2/1/2022 8:23:48 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Barbara Barry	Individual	Support	No

Comments:

Aloha,

Yes on HB2195!

Mahalo,

Barbara Barry

**HB-2195**

Submitted on: 2/2/2022 7:24:37 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Flora Obayashi	Individual	Support	No

Comments:

Aloha Chair Louwen and Committee Members,

Thank you for the opportunity to testify as an individual. The Kahalu‘u Neighborhood Board of which I am a member and past chair has not met to consider their position on this bill. Based on our past history of resolutions, however, I am sure the current board will support this measure wholeheartedly.

The Department of Health has declared Kahalu‘u Lagoon and streams a priority 1 area needing effective action for public safety and health, as it is the most polluted waterways on O‘ahu. Over 700 old cesspools have leaked into Kahalu‘u Stream over many decades stopping the use of Kahalu‘u Lagoon as a designated recreational area. The model boats club have stopped using the area to stage their races. The Keahiakahoe Canoe Club has to protect their bodies from contact with the waters in order to prevent open sores. Lacking financial means and resources, many long-time landowners are unable to upgrade to septic tanks. This bill will provide the monies needed for upgrade and to protect public health in our area.

Mahalo for your consideration and passage for HB 2195 relating to cesspools.

Flora Obayashi, Kahalu‘u resident

**HB-2195**

Submitted on: 2/2/2022 7:46:44 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gladys C Baisa	Individual	Support	No

Comments:

Needs work but support concept.

**HB-2195**

Submitted on: 2/2/2022 8:23:47 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Georjean Adams	Individual	Support	No

Comments:

I support making grants available to eliminate cesspools for lower and middle-income residents.

**HB-2195**

Submitted on: 2/2/2022 1:06:38 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Johnnie-Mae L. Perry	Individual	Support	No

Comments:

I, Johnnie-Mae L. Perry a DHHL beneficiary strongly **SUPPORT HB 2195.**

Mahalo for your consideration of my testimony.