

STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

**Testimony in SUPPORT of SB0428 SD1
RELATING TO CESSPOOLS**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
REPRESENTATIVE LINDA ICHIYAMA, CHAIR
HOUSE COMMITTEE ON WATER & LAND

Hearing Date: 3/16/2023

Room Number: 325

- 1 **Fiscal Implications:** None.
- 2 **Department Testimony:** The Department of Health strongly supports this measure but defers to
- 3 the counties to address the resource and fiscal implications that would be involved with the
- 4 implementation of this measure.
- 5 Thank you for the opportunity to testify.
- 6 **Offered Amendments:** None.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Energy & Environmental Protection
House Committee on Water & Land
Thursday March 16, 2023 at 9:00 a.m.

By

Darren T. Lerner, PhD

Director, University of Hawai'i (UH) Sea Grant College Program,
School of Ocean and Earth Science and Technology

And

Thomas Giambelluca

Director, UH Water Resources Research Center

And

Michael Bruno, Provost

University of Hawai'i at Mānoa

SB 428 SD1– RELATING TO CESSPOOLS

Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Members of the Committees:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and UH Water Resources Research Center **support** SB 428 SD1.

This bill would require each county to submit to the Legislature a comprehensive integrated wastewater management plan report that addresses and identifies the county's wastewater management needs, including financial needs. This step would promote improvement and standardization of wastewater management and would help the state meet its mandate to protect environmental resources and human health.

Thank you for the opportunity to testify on this measure.

March 16, 2023

The Honorable Nicole E. Lowen, Chair

House Committee on Energy & Environmental Protection

The Honorable Linda Ichiyama, Chair

House Committee on Water & Land

State Capitol, Conference Room 325 & Videoconference

RE: Senate Bill 428, SD1, Relating to Cesspools

HEARING: Thursday, March 16, 2023, at 9:00 a.m.

Aloha Chair Lowen, Chair Ichiyama, and Members of the Joint Committees:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i and its over 11,000 members. HAR **strongly supports** Senate Bill 428, SD1, which requires each county to develop a comprehensive integrated wastewater management plan and financial strategy. Requires each county to submit its respective plan and financial strategy to the Legislature. Effective 7/1/2050.

Hawai'i REALTORS® supports the goal of protecting our drinking water, streams, ground water, and ocean resources. We recognize that cesspool conversion is important to preserve our environment. There are approximately 83,000 cesspools divided into three priorities¹ across the State (48,596 on Hawai'i Island; 14,300 on Kauai; 11,038 on Maui; 1,400 on Molokai; and 7,491 on O'ahu) with only 27 years to meet the state's mandate to convert all cesspools to a Director of Health approved wastewater system. To convert 83,000 cesspools by 2050, at least 3,000 cesspools would need to be converted per year. It is crucial that we properly plan and find ways to assist communities and homeowners as resources and manpower are limited, especially on the neighbor islands.

Affordability and financial planning are key. The Cesspool Conversion Working Group conducted an affordability analysis² for homeowners. Based on the analysis, **97% of homeowners would be financially burdened by cesspool conversion costs**. Equally concerning, even with a \$10,000 rebate 82% of homeowners would still be financially burdened. Most homeowners will not be able to afford to do this alone.

¹ University of Hawai'i Sea Grant College Program. *Hawai'i Cesspool Prioritization Tool*. <https://seagrant.soest.hawaii.edu/cesspools-tool/>

² Cesspool Conversion Working Group. (2022). *Final Report to the 2023 Regular Session Legislature*. State of Hawai'i Department of Health. <https://health.hawaii.gov/opppd/files/2022/12/Act-170-SLH-2019-Nov-2022.pdf>



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Undertaking such a massive infrastructure project will require proper planning across various stakeholders and government institutions, including state and local governments. This bill is an important next step so that we may be able to determine which areas sewer can be built out or where other conversion options are possible as well as to identify funding mechanisms and develop financing strategies to assist with cesspool conversions.

We applaud the state's effort in taking the lead and requiring the counties to develop a comprehensive integrated wastewater management plan and financial strategy to help meet the goal of converting 83,000 cesspools by 2050.

For the foregoing reasons, Hawai'i REALTORS® strongly supports this measure. Mahalo for the opportunity to testify.





Environmental Caucus of
The Democratic Party of Hawai'i

To: The Honorable Nicole E. Lowen, Chair
The Honorable Elle Cochran, Vice Chair
Members of the Committee on Energy and Environmental Protection

The Honorable Linda Ichiyama, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the Committee on Water and Land

Re: **SB 428 SD1 – RELATING TO CESSPOOLS**

Hearing: Thursday, March 15 22, 2023, 10:00 a.m., Conference Room 211 & Videoconference

Position: **Strong support**

Aloha, Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe and Members of the Committee on Energy and Environmental Protection and Committee on Water and Land:

The Environmental Caucus of the Democratic Party of Hawai'i and its 7,500 members stand in strong support of SB 428, SD1. This measure would require each county to develop a comprehensive integrated wastewater management plan and financial strategy and submit its respective plan and financial strategy to the Legislature.

The Environmental policies of the Democratic Party of Hawai'i are to “protect and preserve Hawai'i's environment and achieve energy sustainability, advance measures to re-establish a healthy climate and environment for humans and fellow species, including actions to urgently address climate change, and work towards 100% renewable energy goals.

We believe that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society. We support the restoration, preservation, and protection of native ecosystems.

We believe in the resource management principles outlined in the Public Trust doctrine of [Article XI, Section 1 of] the Hawai'i State Constitution.” [OUR PLATFORM | DPH \(hawaiidemocrats.org\)](#)

Hawaii currently has an official goal to replace all its cesspools with better sewage treatment systems that cause less harm to the local environment and public health by 2050; however, as many as 83,000 cesspools release about 53 million gallons of untreated sewage into the islands' soil, streams and nearshore waters daily making the 2050 deadline too late to prevent substantial harm.



March 15, 2023

Page 2

In the Report of the [Cesspool Conversion Working Group](#), nearly 14,000 of the worst Hawaii cesspools – the ones that would potentially cause the most damage based on their location – are to be removed by 2030; followed by more than 12,000 “priority two” cesspools to be removed by 2035; and the remaining “priority three” 55,000 cesspools are to be removed by the original 2050 deadline.

“There are no benefits to human health or the environment if homeowners wait or postpone conversion until closer to the 2050 ... deadline,” the 17-member task force of scientists, public health officials, private industry representatives, elected leaders and environmental advocates wrote in a new 1,182-page report to the Legislature. [Microsoft Word - Cesspool Conversion Plan Draft Final-copy-blue wave-FINAL use this one \(hawaii.gov\)](#)

Requiring each county to develop a comprehensive integrated wastewater management plan and financial strategy and to submit its respective plan and financial strategy to the Legislature will assist in implementing the recommendations set forth in the Cesspool Conversion Plan which are consistent with the state and counties’ duties under the Public Trust Doctrine and the DPH Platform environmental plank that all people have the right to live in a clean, healthy and safe environment.

Please support and pass this bill.

Mahalo for the opportunity to testify on this measure.

/s/ Melodie Aduja and Alan Burdick

Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i



TO: House Committee on Energy & Environmental Protection
Rep. Nicole Lowen, Chair
Rep. Elle Cochran, Vice Chair

House Committee on Water & Land
Rep. Linda Ichiyama, Chair
Rep. Mahina Poepoe, Vice Chair

FROM: Lynn Miyahira representing Public Access to SunScreens (PASS) Coalition
DATE: March 15, 2023

Position: SUPPORT for SB 428 SD1

The [Public Access to SunScreens](#) (PASS) Coalition is a multi-stakeholder coalition composed of public health groups, dermatologists, sunscreen manufacturers, and leading advocates for skin cancer patients.

We stand in **support of SB 428 SD1**, which requires each county to develop a comprehensive integrated wastewater management plan and financial strategy and to submit its respective plan and financial strategy to the Legislature.

Cesspools are a pressing issue in Hawaii and impacts our health, water quality, and coral reefs. With over 80,000 cesspools in the state, discharging about 50 million gallons of wastewater every day, immediate action is needed to mitigate their negative impact. Untreated wastewater leaking from cesspools into nearshore waters is causing high levels of nitrogen in the water (also known as eutrophication). This leads to algae blooms that suffocate and cover our coral reefs.

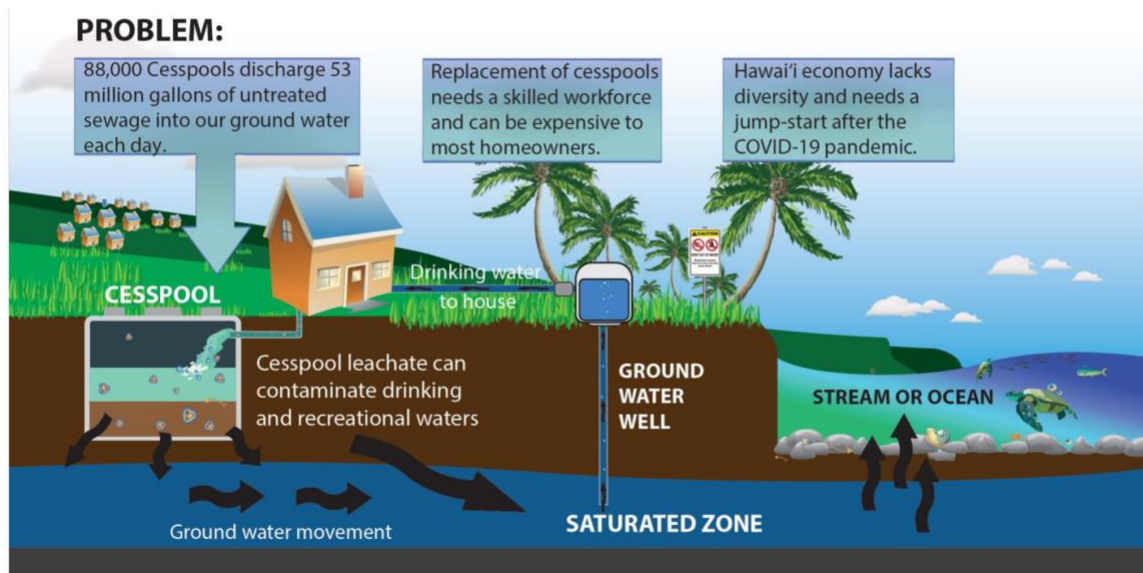
Focusing on efforts to significantly reduce the number of cesspools leaking untreated wastewater into our oceans, would have a much greater impact on our coral reefs than lesser impacts, such as sunscreen, which has not been shown in the overall scientific literature to damage reefs and have not been substantiated in the ocean (only in a lab).

We also encourage the state to look for meaningful ways to help homeowners mitigate the financial burden associated with converting cesspools to more advanced forms of wastewater treatment. Grants, tax incentives, rebates and other programs should be implemented with preference going to households in priority areas.

The state must also support workforce development programs, such as the [Workforce-4-Water \(W4W\) program](#), which is a collaborative program with Wastewater Alternatives and Innovation, the University of Hawaii and PICHTR, to ensure that Hawaii has enough skilled workers to complete all the necessary cesspool conversions. The wastewater industry has the

potential to create much needed steady, professional jobs – especially on the neighbor islands – with promising career pathways to help develop an entire industry of skilled workers.

Below is an easy to understand graphic to explain the damage cesspools are doing to our groundwater, oceans and coral reefs.



Source: <https://waicleanwater.org/workforce4water>

Mahalo you for the opportunity to testify.

Sincerely,
Lynn Miyahira
Public Access to SunScreens (PASS) Coalition



Email: communications@ulupono.com

HOUSE COMMITTEES ON ENERGY & ENVIRONMENTAL PROTECTION AND WATER & LAND
Thursday, March 16, 2023 — 9:00 a.m.

Ulupono Initiative supports SB 428 SD1, Relating to Cesspools.

Dear Chair Lowen, Chair Ichiyama, and Members of the Committees:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food, renewable energy and clean transportation choices, and better management of freshwater resources.

Ulupono supports SB 428 SD1, which requires each county to develop a comprehensive integrated wastewater management plan and financial strategy; and, requires each county to submit its respective plan and financial strategy to the Legislature.

Ulupono supports statewide cesspool conversion working toward a more sustainable and environmentally sound approach to waste management and water security. Hawai'i has more than 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.

Strategic planning and dedicated resources will need to go hand in hand in order to meet our 2050 goal of converting all cesspools. County planning will be helpful when determining how and when a statewide conversion rollout will occur.

Thank you for the opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs

Investing in a Sustainable Hawai'i

SB-428-SD-1

Submitted on: 3/14/2023 11:26:03 PM

Testimony for EEP on 3/16/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawaii Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

Hawaii Reef and Ocean Coalition **SUPPORTS** this bill to require counties to develop a comprehensive integrated wastewater management plan and financial strategy, crucial to the eventual elimination of all cesspools in Hawaii. Please pass this bill!



March 16, 2023

9 a.m.

Conference Room 415 and Via Videoconference

To: House Committee on Water and Land

Rep. Linda Ichiyama, Chair

Rep. Mahina Poepoe, Vice Chair

House Committee on Energy and Environmental Protection

Rep. Nicole Lowen, Chair

Rep. Elle Cochran, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: SB428 SD1 — RELATING TO CESSPOOLS.

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [SB428 SD1](#), which would require each of Hawaii's counties to create an integrated wastewater management plan and financial plan and submit those to the Legislature no later than 20 days prior to the convening of next year's regular legislative session.

The bill is in response to the final report presented to the 2023 Legislature by the Cesspool Conversion Working Group. This report analyzed strategies to implement a 2017 law that called for all of Hawaii's 83,000 cesspools be upgraded or converted to a director-approved wastewater system or connected to a sewerage system by Jan. 1, 2050, excluding cesspools granted exemptions by the state director of health.

The Working Group noted that many properties in rural areas, especially on the neighbor islands, may not be in areas where existing county infrastructure allows for easy conversion and connection to sewer systems.

It also estimated that 97% of Hawaii homeowners with cesspools face a significant financial burden from the conversion costs, with the total costs to replace all cesspools ranging from \$880 million to \$5.3 billion. Even with a \$10,000 tax rebate from the state, 85% would still face a financial burden.¹

Considering these difficulties and costs, SB428 SD1 aims to establish a framework for meeting the 2050 conversion deadline by requiring the counties to identify their respective infrastructure requirements, including where connections to centralized public and private treatment systems might be planned, locations where individual treatment systems would be needed and where smaller-scale cluster treatment systems could be utilized.

In other words, this bill would help inform county lawmakers, the Legislature and other interested stakeholders about the financial feasibility of wastewater plans and possible cesspool conversion strategies.

It is highly likely that the strategies of the counties would differ from each other, but this would give them the opportunity to learn from each other and adopt more innovative, cost-effective approaches.

This bill makes sense and is preferable to a legislative mandate that all cesspools be converted in a one-size-fits-all manner.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

¹ [“Cesspool Conversion Working Group Final Report to the Regular Session Legislature pursuant to Act 170 Session Laws Hawaii of 2019,”](#) Dec. 15, 2022, p. 43.



March 15, 2023

In Support of **SB428 SD1** Relating to Cesspools
House Committees on Energy & Environmental Protection (EEP) & WAL (Water & Land)
Hearing on March 16, 9am, Rm. 325

Aloha, Chairs Lowen & Ichiyama, Vice-Chairs Cochran & Poepoe and Members of the Committees:

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations, I am writing in **support of SB428 SD1**. This bill will require each county to submit to the Legislature a comprehensive, integrated wastewater management plan / report that addresses the county's wastewater management and financial needs. This will also clarify and confirm each county's plans for: 1. sewer extensions; 2. small cluster / package systems; and 3. individual wastewater systems (IWS). These reports will help homeowners with cesspools to know whether they will need to hook up to sewer or convert to a DOH-approved package system or IWS.

Hawaii has more than 83,000 cesspools across the state, discharging 52 million gallons of raw sewage each day into Hawaii's waters. That's similar to a massive sewage spill every day! The people of Hawaii 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 over the last four years, we believe the counties need to come up with clear and comprehensive wastewater management plans that offer guidance to county, state and federal agencies, as well as homeowners, wastewater engineers and contractors. This bill will also help the state and the counties in their efforts to access more State Revolving Funds (SRF) and forgivable loans from the EPA to assist individual homeowners.

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.

Hawaii is struggling with serious sewage pollution problems, and the state has a mandate to make sure all cesspools are converted in the next three decades. To do that, the counties will need to work more closely with the state to outline plans for exactly where future sewer lines will be constructed and to help come up with financial assistance plans to help homeowners with the costs of conversion. By completing their wastewater management plans, which are already in progress, the counties will be able to come up with ways to access county, state and federal funding to help homeowners with the financial burdens of converting their cesspools. Mahalo for your leadership on this issue and support of this bill.

Aloha,
Stuart Coleman
kStuart H. Coleman, Executive Director

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

SB-428-SD-1

Submitted on: 3/12/2023 8:41:48 AM

Testimony for EEP on 3/16/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Mahalo for this opportunity to testify in strong support for each County to develop a comprehensive integrated wastewater management plan and financial strategy.

Lisa Bishop

SB-428-SD-1

Submitted on: 3/12/2023 12:40:15 PM

Testimony for EEP on 3/16/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

SB-428-SD-1

Submitted on: 3/13/2023 10:21:39 AM

Testimony for EEP on 3/16/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

There are approximately 83,000 cesspools across the state, with 48,596 on Hawai‘i Island, 14,300 on Kaua‘i, 11,038 on Maui, 7,491 on O‘ahu, and 1,400 on Molokai. Act 125, Session Laws of Hawai‘i 2017, requires every cesspool in the state, excluding cesspools granted exemptions by the director of health, to be upgraded or converted to a director-approved wastewater system or connected to a sewerage system by January 1, 2050.

A massive infrastructure project, such as converting 83,000 cesspools by 2050, requires proper planning and administration across various stakeholders and governmental institutions, including those of the counties. Many properties in rural areas, especially those outside Honolulu County, may not be in areas where existing county infrastructure allows for easy conversion and connection to sewer systems. Therefore, requiring each county to identify its respective infrastructure requirements is an important first step towards fulfilling the state's mandate to successfully upgrade or convert all cesspools in the state by 2050. Please support SB428 SD1.

SB-428-SD-1

Submitted on: 3/14/2023 3:52:05 PM

Testimony for EEP on 3/16/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Noel Morin	Individual	Support	Written Testimony Only

Comments:

Dear Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Committee members,

I am in SUPPORT of **SB428 SD1**.

Sincerely,

Noel Morin

Climate, Sustainability, and Resilience Advocate

Hilo, Hawaii