

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378
doh.testimony@doh.hawaii.gov

In reply, please refer to:
File:

**Testimony in SUPPORT of SB0426 SD2
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.

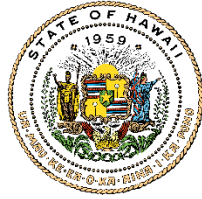
2 **Department Testimony:** The Department of Health (Department) strongly supports this
3 measure. The Department concurs with the recommendation of the cesspool conversion working
4 group to accelerate the dates for required upgrades, conversion and connections to sewers for
5 cesspools located in priority 1 and 2 areas according to the University of Hawaii's 2022 Hawaii
6 cesspool hazard assessment and prioritization tool.

7 Thank you for the opportunity to testify.

8 **Offered Amendments:** None.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committees on
ENERGY & ENVIRONMENTAL PROTECTION
and
WATER & LAND

Thursday, March 16, 2023
9:00 AM

State Capitol, VIA VIDEOCONFERENCE, Conference Room 325

In consideration of
SENATE BILL 426, SENATE DRAFT 2
RELATING TO CESSPOOLS

Senate Bill 426, Senate Draft 2 proposes to implement the recommendation of the Cesspool Conversion Working Group to accelerate the dates for required upgrades, conversions, or connections of Priority Level 1 cesspools and Priority Level 2 cesspools by requiring Priority Level 1 cesspools to be upgraded, converted, or connected before 1/1/2030, with certain exceptions, and Priority Level 2 cesspools to be upgraded, converted, or connected before 1/1/2035, rather than before 1/1/2050. **The Department of Land and Natural Resources (Department) supports this bill.**

Cesspools can cause harm to water quality within adjacent groundwater, anchialine, and coral reef systems by introducing elevated amounts of organic nitrogen and phosphorus, pathogens, and other contaminants. Contaminants emitted from cesspools can harm aquatic ecosystems by encouraging algal blooms and can also pose a threat to human health. The Department supports the acceleration of upgrades for identified high priority cesspools that pose the greatest threat to nearshore water quality and human health (i.e., identified Priority Levels 1 and 2) to help minimize future contamination of Hawai'i's fragile aquatic areas.

The Department supports the amendment in Senate Draft 2 that allows the recreational residence leases within Kōke'e/Waimea Canyon State Parks to convert by 2035 (as is presently proposed for the Priority 2 cesspools), rather than 2030 (as is presently proposed for the Priority 1 cesspools). This grace period of 5 years is sufficient to allow for a smooth transition for these

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

cherished leased properties, as well as to meet the intent to convert these cesspools to more environmentally friendly technologies well before the current 2050 mandate.

Mahalo for the opportunity to provide testimony in support of this measure.



JOSH GREEN, M.D.
GOVERNOR

GWEN S. YAMAMOTO LAU
EXECUTIVE DIRECTOR

HAWAII GREEN INFRASTRUCTURE AUTHORITY

No. 1 Capitol District Building, 250 South Hotel Street, Suite 501, Honolulu, Hawaii 96813 Mailing
Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-3868
Web site: gems.hawaii.gov

**Testimony of
Gwen Yamamoto Lau
Executive Director
Hawaii Green Infrastructure Authority
before the
COMMITTEES ON ENERGY & ENVIRONMENTAL PROTECTION AND
WATER & LAND**

Thursday, March 16, 2023, 9:00 AM
State Capitol, Conference Room 325
in consideration of
**SENATE BILL NO. 426, SD2
RELATING TO CESSPOOLS**

Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Members of the Energy & Environmental Protection and Water & Land Committees:

Thank you for the opportunity to testify and provide comments on Senate Bill No. 426, SD2 relating to cesspools. The Hawai'i Green Infrastructure Authority (HGIA) **strongly supports** this bill which provides for staggered deadlines to upgrade priority level 1 and level 2 cesspools ahead of the existing 2050 deadline.

Prioritizing and accelerating conversion dates for systems with the most severe impacts will not only provide more timely protection of our groundwater sources, but it will also provide a sense of urgency while allowing the industry to gear up for increased demand from roughly 2,300 cesspool conversions annually (between 2024 to 2030); to 2,500 cesspool conversions annually (between 2031 to 2035) to 3700 cesspool conversions annually (between 2036 to 2050).

Thank you for this opportunity to testify and provide comments on Senate Bill No. 426, SD2.



STATE OF HAWAII
HAWAII CLIMATE CHANGE MITIGATION & ADAPTATION
COMMISSION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Co-Chairs:
Chair, DLNR
Director, OPSD

Commissioners:
Chair, Senate AEN
Chair, Senate WTL
Chair, House EEP
Chair, House WAL
Chairperson, HTA
Chairperson, DOA
CEO, OHA
Chairperson, DHHL
Director, DBEDT
Director, DOT
Director, DOH
Chairperson, DOE
Director, C+C DPP
Director, Maui DP
Director, Hawaii DP
Director, Kauai DP
The Adjutant General
Manager, CZM

**Testimony of
Leah Laramee
Coordinator, Hawai'i Climate Change Mitigation and Adaptation Commission**

**Before the House Committees on
ENERGY AND ENVIRONMENTAL PROTECTION
AND
WATER AND LAND**

**Thursday, February 16, 2023
9:00 AM
State Capitol, Via Videoconference, Conference Room 325**

**In support of
Senate Bill 426 Senate Draft 2
RELATING TO CESSPOOLS.**

Senate Bill 426 SD2 implements the recommendation of the cesspool conversion working group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools by requiring priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2030, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2035, rather than before 1/1/2050. **The Hawai'i Climate Change Mitigation and Adaptation Commission (Commission) supports this measure.**

The Hawai'i Climate Change Mitigation and Adaptation Commission consists of a multi-jurisdictional effort between 20 different departments, committees, and counties. Removal of cesspools for all properties within the Sea Level Rise Exposure Area (SLR-XA), is imperative to the health of nearshore waters and for members of the public accessing coastal resources. The Commission's 2022 update to the *Sea Level Rise Vulnerability and Adaptation Report* (*Report*) Recommended Action 6.1.1 states that the state should sponsor research and development efforts to expand affordable and actionable conversion options for shoreline property owners and options should account for SLR-XA projections of coastal erosion and associated land loss, and potential failure of sewage treatment systems due to sea level rise groundwater inundation.

Cesspools in the coastal zone will be an increasing source of nonpoint source pollution as groundwater rises and coastal erosion accelerates. The *Sea Level Rise Vulnerability and Adaptation Report* Recommended Action 6.4 urges the state to expand policy directives beyond the existing income tax credits and requirement for removal by 2050. Specifically, policy must address existing cesspools in the coastal zone in relation to enforcement of existing laws and regulations and removal of unpermitted shoreline hardening. Mahalo for the opportunity to testify

in support of this measure.



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 426 SD2 – 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 426 SD2.

This bill would effectuate a primary recommendation of the Cesspool Conversion Working Group to move up upgrade and conversion timelines for Priority 1 and 2 areas, which have been found to have the most severe impacts on our state's resources.

The upgrade and conversion of cesspools to advanced forms of wastewater treatment is critical to avoiding outcomes that could impair Hawai'i's drinking water and ecosystem health. Bringing forward the conversion timelines for priority level 1 to 2030 and priority 2 areas to 2035 would demonstrate the time-sensitive nature of cesspool upgrade and conversion. To further support the success of this measure, the state should champion workforce development and capacity expansion for the wastewater management field.

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 426, SD2, 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 provides **comments** on Senate Bill 426, SD2, which implements the recommendation of the cesspool conversion working group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools by requiring priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2030, with certain exceptions, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2035, rather than before 1/1/2050. 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. According to the Cesspool Working Group Final Report¹, there are 13,821 cesspools categorized as Priority Level 1 and 12,367 cesspools categorized as Priority Level 2. By accelerating the date, priority 1 level cesspools would need to be converted in 5.5 years by December 31, 2029, and priority level 2 in 10.5 years by December 31, 2024.

While it may vary greatly depending on existing infrastructure and property location, it can take 8 to 9 months or longer for a homeowner to convert their cesspool to a Department of Health ("DOH") approved wastewater system. Steps include but are not limited to, architects drawing up site plans, civil engineers drawing up and submitting the proposed system, obtaining DOH preliminary approval, engaging a contractor, obtaining permits, construction, and engineers getting final approval from DOH. As such, 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 and in rural areas.

¹ 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>



 808-733-7060

 1259 A'ala Street, Suite 300
Honolulu, HI 96817

 808-737-4977

Moreover, moving up the mandate does not solve the financial dilemma for homeowners. 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. We respectfully recommend that efforts to aid communities and homeowners with cesspool conversion focus on financial assistance in addition to wastewater infrastructure planning and development.

Thank you for your consideration of our comments. Mahalo for the opportunity to testify.

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>





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 426, SD2 – RELATING TO CESSPOOLS**

Hearing: Thursday, March 16, 2023, 9:00 a.m., Conference Room 325 & 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 with its 7,500 voting enrolled members, stands in strong support of SB 426, SD2. This measure would implement the recommendation of the cesspool conversion working group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools by requiring priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2030, with certain exceptions, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2035, rather than before 1/1/2050.

The Democratic Party of Hawai'i Platform plank on the environment provides that its members 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 \(hawaiidemocrats.org\)](#)



March 16, 2023

Page 2

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.

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 \(hawaii.gov\)](#)

Implement the recommendation of the cesspool conversion working group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools by requiring priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2030, with certain exceptions, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2035, rather than before 1/1/2050, is consistent with the state and counties' duties under the Public Trust Doctrine under Article XI, Section 1, of the Hawaii State Constitution, and the DPH Platform environmental plank to restore, preserve, and protect our native ecosystem.

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



3/16/2023

EEP/WAL Committee
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Members of the Committees on Energy and Environmental Protection and Water and Land,

Position: Support SB426 SD2

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

The Surfrider Foundation, Hawaii region, is testifying in **strong support of SB426 SD2**, which would implement the recommendation of the cesspool conversion working group to accelerate the dates for required upgrades, conversions, or connections for priority one and two cesspools.

With an estimated 83,000 cesspools, Hawaii has one of the highest per capita number of cesspools in the nation. The cesspool conversion working group recommends the removal of the 14,000 worst ("priority one") cesspools by 2030; removal of the 12,000 "priority two" cesspools by 2035; and removal of the remaining "priority three" 55,000 cesspools by the current 2050 deadline. Targeting the worst polluting cesspools first will help reduce sewage pollution, protect groundwater and coastal ecosystems, and ensure clean water for the people of Hawaii.

Surfrider Foundation maintains a citizen-science water quality monitoring program called the Blue Water Task Force (BWTF) on Kauai, Maui, and Oahu that tests for enterococcus, a fecal indicator bacteria. Since 2018, the Oahu BWTF has been monitoring water quality in Kaneohe bay at Kahalu'u due to the high concentration of coastal cesspools in this area. Due to these cesspools, the water near and around Kahalu'u regularly exceeds state public health standards (see [2021 annual results](#)). Without policies requiring a faster phase out of the cesspools with the greatest environmental threat, we will continue to pollute our coastal and freshwaters, threatening both environmental and public health.

Thank you for your consideration of this testimony in support of SB426 SD2, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawaii and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

Camile Cleveland
Volunteer Policy Coordinator
Surfrider Foundation, Oahu Chapter



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 16, 2023

Position: SUPPORT for SB 426 SD2

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 426 SD2**. This proposed bill aims to expedite the conversion of cesspools in Priority 1 & 2 areas, as determined by the Hawai'i Cesspool Prioritization Tool. The accelerated deadlines will prioritize the conversion of cesspools that pose a higher risk to coastal ecosystems and public health, leading to a reduction in sewage pollution and promoting the availability of clean water for the people of Hawaii. Overall, the bill seeks to ensure that the most urgent cesspools are converted promptly, mitigating the potential harm caused to the environment and public health.

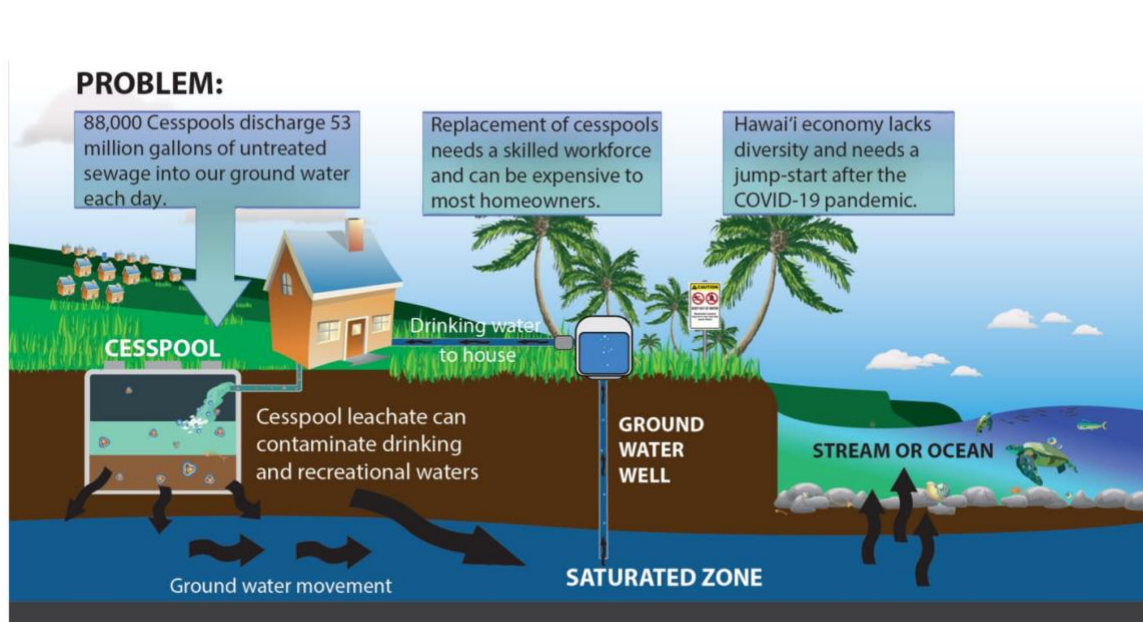
Cesspools are a pressing issue in Hawaii and impact our health, water quality, and coral reefs. With over 80,000 cesspools in the state, discharging about 50 million gallons of wastewater every day, immediate action is needed to mitigate their negative impact. Untreated wastewater leaking from cesspools 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



To: The Honorable Chairs Nicole Lowen and Linda Ichiyama, the Honorable Vice Chairs Elle Cochran and Mahina Poepoe, and Members of the Committees on Energy and Environment and Water and Land

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: **Hearing SB426 SD2 RELATING TO CESSPOOLS.**

Hearing: Thursday March 16, 2023, 9:00 a.m., room 325

Aloha Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Members of the Committees on Energy and Environment and Water and Land:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. HIROC is deeply concerned about polluted runoff, particularly nutrients, running into the ocean from cesspools, especially the ones that cause the most pollution, those in Priority Levels 1 and 2.

The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS SB426 SD2!

This bill is needed now because the health of Hawaii's people and quality of Hawaii's waters and aquatic life are being harmed by pollution from cesspools.

Hawai'i has over 80,000 cesspools that discharge about 50 million gallons of raw sewage into our groundwater every day! Cesspools are antiquated, substandard

systems that damage public health, pollute drinking water, and lower water quality in streams, ground waters, nearshore marine areas, and the ocean. This discharge exposes people to sewage pathogens that can make them sick. The release of nutrients from cesspools causes algae growth, which can smother the precious coral reefs that are essential to protecting our shorelines, nurturing our fisheries and native species, and enabling our lucrative recreational economy.

Sea level rise will further exacerbate the public health and environmental problems as it will cause more cesspools to overflow onto the surface.

The cesspool conversion working group (working group) was established pursuant to Act 132 of 2018 to develop a long-range, comprehensive plan for conversion of cesspools statewide by 2050 and consider and recommend means by which the Department of Health can ensure that cesspools are converted to more environmentally-responsible waste treatment systems or connected to sewer systems.

In its final report at the end of 2022, the working group indicated that over the past four years, it had gathered and considered new scientific and policy data, studies by wastewater experts, activities in other jurisdictions, owners' ability to pay, financing mechanisms, and the latest technologies for treating wastewater. Based on this work, **the working group recommended ways to facilitate the upgrading of cesspools in Hawaii.**

This is the most important bill to implement the recommendations of the working group. The working group recommended staggering the timing of upgrades of cesspools and prioritizing them based on updated information about their pollution impacts. It makes sense to stagger the cesspool conversions, starting with the highest pollution impact first. This will both ensure reductions in the pollution to waters and facilitate implementation of the large number of wastewater system installations.

The Hawaii cesspool hazard assessment and prioritization tool was developed for the working group and applied to determine which cesspools should be upgraded first.

This bill implements the working group's recommendation to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools.

Priority level 1 cesspools are those that represent **the greatest contamination hazard**. The report categorized **13,821 cesspools** in the State as **priority level 1** and **recommended that they be upgraded, converted, or connected to sewers by 2030**.

Priority level 2 cesspools are those cesspools that **cause the next greatest amount of pollution** and represent a significant contamination hazard. The report categorized **12,367 cesspools in the State as priority level 2** and **recommended that they be upgraded, converted, or connected to sewers by 2035**.

The working group recommended that the remaining cesspools categorized as priority level 3 (55,237, or approximately **sixty-nine per cent of the total**) **not be required to upgrade until 2050**, pursuant to existing law.

The bill authorizes the Director of Health to grant **exemptions** for homeowners who show it is infeasible to upgrade, convert or connect their cesspools. Legitimate reasons it is infeasible include **small lot size, steep topography, poor soils, or accessibility issues**.

The working group also investigated technology issues. **New wastewater technologies** are being developed and may be an important part of the conversion effort.

The working group also investigated **financing issues**. Upgrades, conversions and connections will all be expensive. **Financing from federal, State, county and private resources will be needed to alleviate the financial burden on homeowners**.

This important bill will begin to address Hawaii's serious cesspool pollution problem in a reasonable way. The **Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS this bill** and asks the committees to pass it.

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



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 426 SD2, 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 426 SD2, which implements the recommendation of the Cesspool Conversion Working Group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools by requiring priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2030, with certain exceptions, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2035, rather than before 1/1/2050.

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. By prioritizing conversions based on environmental impact and establishing interim benchmarks along the way to our 2050 goal, the State can start to chip away at the conversion of Hawai'i's most hazardous cesspools and provide for responsible waste management.

Thank you for the opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs

Investing in a Sustainable Hawai'i



March 15, 2023

TESTIMONY in SUPPORT OF SB426 HD2

To: The Honorable Chairs Nicole Lowen and Linda Ichiyama, the Honorable Vice Chairs Elle Cochran and Mahina Poepoe, and Members of the Committees on Energy and Environment and Water and Land

From: Coral Reef Alliance (by Manuel Mejia)

Re: Hearing SB426 SD2 RELATING TO CESSPOOLS.

Hearing: Thursday March 16, 2023, 9:00 a.m., room 325

Aloha Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Members of the Committees on Energy and Environment and Water and Land:

We at the Coral Reef Alliance (CORAL) work at local, regional, and global levels to keep coral reefs healthy, so they can adapt to climate change and survive for generations to come. As one of the largest global NGOs focused exclusively on protecting coral reefs, the CORAL has used cutting-edge science and community engagement for nearly 30 years to reduce direct threats to reefs and to promote scalable and effective solutions for their protection. There are approximately eighty-eight thousand cesspools in the State, which collectively release more than fifty-three million gallons of untreated sewage into the ground each day and enters our fragile ecosystem. Hawaii relies on groundwater for ninety per cent of its drinking water and our nearshore waters that receive this pollution provide vast economic benefits to Hawaii's residents and visitors alike through ecosystem services.

CORAL sees pollution from cesspools as one of the biggest threats to coral reefs in Hawaii and **STRONGLY SUPPORTS** the passing of bill SB426 SD2. This bill is reasonable, rational, and systematic in its phased approach to prioritizing cesspool conversions across our state, starting with the most ecologically impactful areas identified as Priority Levels 1 and 2.

This is the most important bill to implement the recommendations of the Cesspool Conversion working group, established by Act 132 of 2018 to develop a long-range, comprehensive plan for conversion of cesspools. This bill implements the working group's recommendation to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools to restore the health of our coastal waters, upon which we are all reliant.

Now, more than ever, we need to restore public trust by taking care of both our waters and people's health and well-being. Our beloved island home needs this. Thank you for your bold and innovative and strong leadership in supporting SB426 HD2 and for all that you do in protecting our island home. We at CORAL urge you to please pass this bill.

Mahalo nui loa,

Manuel Mejia

Regional Program Director
Hawaii Islands Program (CORAL)
mmejia@coral.org



March 15, 2023

In Support of **SB426 SD2**
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 **strong support of SB426**. This bill will provide accelerated conversion deadlines for cesspools in Priority 1 & 2 areas as identified by Hawai'i Cesspool Prioritization Tool. These earlier deadlines will ensure that cesspools posing a greater risk (higher priority) to coastal ecosystems and public health are converted sooner rather than later to help reduce sewage pollution and ensure clean water for the people of Hawaii. As an amendment, I would suggest establishing a Working Group consisting of wastewater experts and non-profit leaders to help with public outreach and education.

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, drinking water sources or nearby surface waters.

As a member of the State's Cesspool Conversion Working Group over the last four years, I believe that accelerating the deadlines for higher priority cesspools is essential to reduce sewage and nutrient pollution in coastal waters which impact Hawaii's reef ecosystems. In addition, converting these higher priority cesspools will also reduce the contamination of groundwater and drinking water resources as well.

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. Accelerated deadlines is the only way to help ensure that Hawaii reaches that goal by 2050, paying specific attention to converting higher priority cesspools sooner, those which have a higher impact to the environment.

This bill creates a practical and expedient phased deadline approach to start the conversion process as soon as possible, and it's the only way the state will be able to meet the mandate to convert all cesspools by 2050. Mahalo for your leadership on this issue and support of this bill.

Aloha,

Stuart Coleman

Stuart H. Coleman, Executive Director

SB-426-SD-2

Submitted on: 3/12/2023 8:46:31 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 the opportunity to testify in strong support of SB426. It would be a great step forward in the protection of both environmental and public health to implement the recommendation of the cesspool conversion working group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools by requiring priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2030, with certain exceptions, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2035, rather than before 1/1/2050.

Lisa Bishop

SB-426-SD-2

Submitted on: 3/13/2023 9:02:50 AM

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

Submitted By	Organization	Testifier Position	Testify
austin salcedo	Individual	Oppose	In Person

Comments:

Per Member Cesspool Conversion Working Group, Ms. Linsey Garcia (of Hawaii Realtor's Association). Testimony "Analysis calculated 97% landowner's cannot financially afford to Upgrade".

State lawmaker's is forcing Hawaii Landowner's(Knowingly unable to afford any added financial burden exspence and to upgrade, and forced (coerced) to make bank loans).

State lawmaker's is forceing the Honolulu City Director's to make and issue Citations to 97% of Hawaii landowner's unable to financially afford to upgrade. Which leads to City Leins against Hawaii landowner's. Set'up for landowner's failure to adhere to Hawaii State amended Laws.

SB-426-SD-2

Submitted on: 3/13/2023 9:18:48 AM

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

Submitted By	Organization	Testifier Position	Testify
Virginia Tincher	Individual	Support	Written Testimony Only

Comments:

Members of the EEP/WAL Committee,

Cesspools have been a concern for years and now due to increasing storm intensity which washes undigested cesspool contents into waterways the negative health impacts are increasing and action is critical.

I strongly support the recommendation of the cesspool conversion working group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools by requiring priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2030, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2035.

I urge you to pass SB426 SD2.

Virginia Tincher, Oahu

SB-426-SD-2

Submitted on: 3/13/2023 12:07:53 PM

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

Submitted By	Organization	Testifier Position	Testify
gina salcedo	Individual	Oppose	Remotely Via Zoom

Comments:

Respectfully to All Hawaii State House Representative's,

Oppose and Protest against Companion SB426 and should be "Deferred" by all Representatives committee on EEP, WAL, CPC, FIN, Entirely. Again, "the Carriage is put in front of the Horse". To procure first, 100% Federal/State financial assistance funding to mitigate the negative financial impact for Hawaii communities. Totally avoid the ill intent and language installed within these Bills, that will insert an Initial Financial Hardship and Monthly Financial Burden upon the entire community of Hawaii State (gentrification, and price out of paradise and not by choice). No written language inserted to mentioned of any 100% Tax Credit Exemptions, 100% Federally/State Funded with No financial impact for 97% Hawaii communities based on the net income.

I echo the testimony by Ms. Linsey Garcia of (Hawaii Realtor's Association, and Member for Cesspool Working Group). "Fact studied of 97% of Hawaii community cannot financially afford any Cesspool Upgrade". This validates the "No Vote" by Senator Brenton Awa, and Rep. Elijah Pierick concerns of "impose a financial hardship upon the community of our state". This validates "reservation vote" by Senator Herbert Richards of concerns this SB426 "landowners be Cited for Violations". Moreso, landowners will have City Liens made against violations, to include Monetary and nterest included, unpaid citation liens, leads to property foreclosure caused by our own Government Lawmaker's and Officials.

The ramification and consequence will cause another Emotional Stress upon Landowners , and Landlords raising tenant rentals costs to balance the negative impact caused by the STATE and CITY Officials towards Elderly homeowner's, whom is living on a fix Retirement Income less then \$46.000 yearly, that can barely afford their Medications, Food, and home-utilities. Forcing Synonyms! having NO CHOICE! and being FORCED! To pay additional City Wastewater Utilities Debts. Clear gentrification is taking over the islands causing Synonyms impact!

Mahalo Nui Loa,

Gina Salcedo (Kalei)

SB-426-SD-2

Submitted on: 3/13/2023 12:08:30 PM

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

Submitted By	Organization	Testifier Position	Testify
Matthew Geyer	Individual	Support	In Person

Comments:

I strongly support Senate Bill 426, which would establish a task force to assess the potential impacts of cesspools on Hawaii's groundwater resources.

As a resident of Hawaii, I am deeply concerned about the impact of cesspools on our environment and public health. Cesspools are a significant source of groundwater pollution and can have severe impacts on the quality of our drinking water, our oceans, and marine life.

This bill would create a task force that would examine the potential impacts of cesspools on our groundwater resources and develop recommendations for addressing this issue. By doing so, we can better protect our natural resources and ensure that future generations have access to clean and safe water.

I strongly urge you to support this bill and take action to address the impact of cesspools on Hawaii's environment and public health.

Thank you for hearing this important measure.

Matthew Geyer

SB-426-SD-2

Submitted on: 3/13/2023 12:16:52 PM

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

Submitted By	Organization	Testifier Position	Testify
Barbara Best	Individual	Support	Written Testimony Only

Comments:

Upgraded cesspools will make for cleaner oceans for all creatures.

SB-426-SD-2

Submitted on: 3/13/2023 5:20:32 PM

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

Submitted By	Organization	Testifier Position	Testify
Kani Victor	Individual	Oppose	In Person

Comments:

Hello this testimony is in opposition to sb 426. On March 24, 2006 48 million gallons of raw sewage was spilled into waikiki .. people who came in contact with the water caught streptococcus flesh eating bacteria. No cesspool or septic tank system owners where even partly responsible because they are not tied into this sewage system...

In August of 2015, the state again released raw sewage in kaneohe, kailua, alamoana , and kakaako... the was around 600,000 gallons. Again no cesspool or septic owners where apart of these spills..

In June of 2022 honouliuli waste water plant was releasing 25 millions gallons a day into our oceans..... and again cesspool and septic owners where not apart of the spill...

In February of 2023 23000 gallons was released on makule road in ewa beach... again no cesspool or septic system owners contributed to this spill..

Seeing that these cesspool and septic owners are not apart of these spills maybe the state should look into commercial wastewater like hotels.. I say hotels because by daily census we have 43000 visitors a day according to epa that's 4,300,000 gallons of sewage generated a day by tourist who out number us 7 to 1. These hotels and other businesses should be responsible. The surf rider foundation says that cesspool are responsible for the deaths of our reefs..but want to tie us in to failing infrastructure to burden the system even more .. when septic systems are federally approved systems.

The deaths of our reefs hit close to home for myself and family we rely on our our ocean for subsistence... my forefather before me gathered from this ocean, I gather from this ocean, and my children will gather from this ocean after me... my children's school takes trip to reef to gather paakai and limu from the ocean.. but as I see it your sewer system is a threat to our keiki's health and subsistence. Pollution comes from the state built canals and drain trying to improve the flow of run off to the ocean but in stream and rivers have rocks and plants in them natural filters for silt and rubbish.. not a smooth drain polluting the ocean like Waimanalo gulch depositing medical.waste into the ocean.. one of many drains we have...

I have to dig 200 plus feet to tie in into this sewage system not to mention that I'm below grade of this so everyone above my house from the top of the mountain down to me when this system fails this gravity fed system will come running down to my/our neighborhood

Financially this bill could wipe out a lot of families they have to pay upfront to install this sewage system 50k\$\$\$ then a monthly bill ... we already paying for the rail, the new stadium, the roads, highest electric in the nation now burden us more... this bill will make more homelessness in my opinion... kupuna on monthly fixed income now gotta get a loan for this ...another nail in the coffin for me...this will cause stress on many families where we gonna get this money from... please reconsider.

SB-426-SD-2

Submitted on: 3/13/2023 7:41:20 PM

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

Submitted By	Organization	Testifier Position	Testify
Pieter Meinster	Individual	Oppose	Written Testimony Only

Comments:

Septic tank mandate - opposition to accelerated dates for compliance.

I was recently made aware of a Senate bill (SB426 SD1

- https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=426&year=2023) with and associated House bill (HB181 HD1

- https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=181&year=2023).

These bills propose to accelerate the mandate on cesspool conversions to septic (or other approved infrastructure), based on an existing mandate implemented in 2017 that set original compliance by 2050.

With subsequent recommendations to accelerate the conversion by the State of Hawai'i Cesspool Conversion Working Group, whereby priority levels were further categorized per the reported findings in the 2021 report prepared For State of Hawai'i Department of Health Wastewater Branch and the State of Hawai'i Cesspool Conversion Working Group (link to report <https://health.hawaii.gov/wastewater/files/2022/01/priortizationtoolreport.pdf>).

Though I fully appreciate the need for the ultimate elimination of cesspools and support the end goal of preservation of our water purity and a concerted effort at eliminating one of the many sources of contamination for our nearshore waters, the financial burden this would generate, is of astounding magnitude!

By the very nature of the infrastructure being addressed, this initiative would disproportionately affect lower income communities, families, multigenerational homes and people of Hawaii that are already pressed beyond reasonable measure to survive on a daily basis.

Without subsidies or financial aid, the severe financial hardship this would incur would result in an unmitigated disaster.

When a typical septic tank installation could cost anywhere from \$30,000 to \$50,000 and when viewing the communities on Oahu that are specifically impacted, such as the Wai'anāe Coast communities and those along the north shore of Oahu from Kahuku, Laie, Hauula and Kaaawa (all largely classified as priority level 1 and 2 per the report) and are all unequivocally the lower

income and marginalized communities, this would create a disproportionate financial hardship to those communities, to the detriment of the residents.

There is talk of financial assistance, but this is purely a fallacy; the financial relief "options" that have been mentioned are not a realistic measure implemented to offset the cost of installing a septic system.

As far as the grant is concerned, to put things in perspective; on Oahu alone, there are approximately 29,000 properties that are listed in the tabulation of properties that are eligible for the grant (https://health.hawaii.gov/wastewater/files/2023/02/EligibleTMKList_Honolulu.pdf).

These properties are within that classification of high priority, per the recommendations from the report (<https://health.hawaii.gov/wastewater/files/2022/01/priorizationtoolreport.pdf>).

However, the number of grants are currently capped at only 225 (the website doesn't specify if this per island or Statewide, I suspect it is Statewide).

That is less than 1% of qualifying TMKs on Oahu alone (0.7% actually), significantly less if taken Statewide! If these grants are to be even remotely effective in offsetting the financial hardship that this measure is going to impose on communities Statewide, we would need to see a 99% or more increase in funding availability.

Furthermore, the wastewater website fails to quantify the actual amount it will award. Given that a typical septic system now costs anywhere between \$30,000 and \$50,000, that is important information to know.

A tax credit would only be effective for those that have the money to install a septic system to start with and that have a large existing tax liability (high income), scanning that bill it appears this tax credit applies to one tax year only. Exceptionally few people in this demographic have the State tax liability to make use of a one time credit. Additionally, if this is modeled after the first tax credit that was made available some years back, it only applied to a specific list of Tax Map Keys (TMK) that were eligible.

Hypothetically, if property owners were unable to achieve compliance by any of the set dates, one could realistically expect some punitive action from the Administration, if that punitive action were in the form of fines levied to the property, those property owners, who already suffer financial hardship, will be further encumbered.

The Nett result will be foreclosure and loss of homes and security for families that have not emphatically done anything wrong, they simply couldn't afford to meet the perpetually rising costs of home ownership in Hawai'i.

Additionally, for those neighborhoods that currently do not have sewer connectivity, there is currently a mandate that those properties switch to sewer, should it become available, so even if someone goes to the immense personal expense of upgrading their cesspool to septic tank, if the city subsequently brings sewer to their neighborhood, they are mandated to switch over.

So homelessness will increase and more local people would be displaced from this State by the short sighted actions of administrators and elected officials that don't have their constituents interests at heart. People simply pushing a narrative that does not reconcile with the reality of the needs and capabilities of the people within their communities.

Knowing that some of the elected officials that proposed and endorsed these measures are supposed to represent these very communities, I am dismayed by the blatant lack of foresight and lack of genuine representation.

The fact that there was no community outreach regarding a measure that would directly create a financial hardship for constituents, I would consider negligent and worthy of formal censure.

I propose three things;

1. Maintain the status quo on compliance, set at 2050.
2. When a household installs a septic tank, such system be universally accepted as the primary and sole means of wastewater handling and further mandates to subsequently connect to sewer be removed.
3. There has to be financial assistance in accomplishing these projects in the furtherance of the State's goals to eliminate cesspools. Said financial assistance should be adequate to cover the cost of an average septic system. Without which, the majority of those affected would simply not be able to comply with these ludicrous mandates.

I appreciate your time and thank you for the opportunity to provide written testimony.

Mahalo

Pieter Meinster - Resident Makaha

SB-426-SD-2

Submitted on: 3/14/2023 1:20:07 AM

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

Submitted By	Organization	Testifier Position	Testify
SUSANNA CALDWELL	Individual	Oppose	Written Testimony Only

Comments:

Aloha

I object to this bill being passed as written at the present time for the following reasons

a) I believe that financial relief bills should be developed FIRST before passing this bill. Conersions can cost \$50000. Presently the only financial assistance available is 225 grants up to \$20,000 available for over thousands of households to apply for. please create more grants before passing this bill. There is another bill presently being considered for some tax relief. I could not find a specified amount. At least pass that bill FIRST with a specified amount of tax returns.

b) the permitting process presently takes at least one year. I know of a situation that took 3 years. Please amend any bill that requires conversion that will waive any punitive action against a landowner as long as a permit has been applied for by the conversion due date.

thank you for your time and consideration.

SB-426-SD-2

Submitted on: 3/14/2023 6:44:30 AM

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

Submitted By	Organization	Testifier Position	Testify
Emily Auwae	Individual	Oppose	In Person

Comments:

I feel this bill will be very stressful for our Ohana . The cost of living in Hawaii is high enough. Very bad at this time.

SB-426-SD-2

Submitted on: 3/14/2023 8:25:06 AM

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

Submitted By	Organization	Testifier Position	Testify
Helen Cox	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Chair and Members,

Please support SB426 SD2. This bill is essential if we are to protect our waters and reefs. It implements the recommendation of the cesspool conversion working group to accelerate the dates for required conversion or connections of priority level 1 cesspools and priority level 2 cesspools by requiring priority level 1 cesspools to be converted or connected before 1/1/2030 with certain exceptions. Priority level 2 cesspools will be converted or connected before 1/1/2035. Both of these new deadlines are before the current deadline of 1/1/2050.

Mahalo for supporting SB426 SD2.

Helen Cox, Kalaheo, Kauai

SB-426-SD-2

Submitted on: 3/14/2023 3:51:27 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 **SB426 SD2**.

Sincerely,

Noel Morin

Climate, Sustainability, and Resilience Advocate

Hilo, Hawaii

**Testimony Presented Before the
House Committees on Energy & Environmental Protection and Water & Land
Thursday March 16, 2023, 9:00 AM**

By Chris Shuler

SB426 SD 2– RELATING TO CESSPOOLS.

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

I stand in **support of SB 426**.

This bill would enact a major recommendation of the Cesspool Conversion Working Group to move up upgrade and conversion timelines for Priority 1 and 2 areas, which have been found to have the most severe impacts on our state’s resources.

The upgrade and conversion of cesspools to advanced forms of wastewater treatment is critical to avoiding outcomes that could impair Hawai’i’s drinking water and ecosystem health. Bringing forward the conversion timelines for priority level 1 to 2030 and priority 2 areas to 2035 would demonstrate the time-sensitive nature of cesspool upgrade and conversion. To further support the success of this measure, the state should champion workforce development and capacity expansion for the wastewater management field.

Thank you for the opportunity to testify on this measure.

SB-426-SD-2

Submitted on: 3/14/2023 10:27:40 PM

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

Submitted By	Organization	Testifier Position	Testify
Daniel Amato	Individual	Support	Written Testimony Only

Comments:

To: The Honorable Chairs Nicole Lowen and Linda Ichiyama, the Honorable Vice Chairs Elle Cochran and Mahina Poepoe, and Members of the Committees on Energy and Environment and Water and Land

From: Daniel Amato, PhD

Re: Hearing SB426 SD2 RELATING TO CESSPOOLS.

Hearing: Thursday March 16, 2023, 9:00 a.m., room 325

Aloha Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Members of the Committees on Energy and Environment and Water and Land:

As a research scientist and water quality professional, I strongly support SB426. I encourage this committee to support this bill that will enact the recommendations of the cesspool working group. Cesspools are a major source of nutrients and other pollutants that are currently stressing our state's coral reefs. The residents and visitors of Hawaii deserve to enjoy clean waters and healthy reefs. Facilitating the upgrade of priority one cesspools is a major step in reducing the stress on our nearshore ecosystems and ensuring a safe ocean environment for our people. Thank you for your time. Mahalo - Dr. Daniel Amato

SB-426-SD-2

Submitted on: 3/15/2023 8:31:30 AM

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

Submitted By	Organization	Testifier Position	Testify
Steven R Spengler	Individual	Oppose	Written Testimony Only

Comments:

I sent an e-mail on 3-14-2023 to the listed co-sponsors of the legislation SB 426 titled “A Bill for an Act Relating to Cesspools”. I was inspired to e-mail the co-sponsors of the bill after reading the Our View section of yesterday’s Star Advertiser titled “Speed up closure of isle cesspools.” This opinion piece asserts that legacy cesspools: “remain a threat to island water quality”, represent a “health hazard”, “untreated sewage...can leach into oceans, streams and groundwater” and “the nitrates it contains can damage aquatic ecosystems.” Unfortunately, these assertions do not hold up under scientific scrutiny.

A paper that I co-authored is to be published in the International Journal of Environmental Impacts later this month and will be available on-line. This paper is titled “Impact to Stream Water Quality from Sewage Exfiltration and Legacy On-Site Disposal Systems on the Island of O’ahu, Hawaii” and evaluated the environmental impact of legacy cesspools and sewage exfiltration on stream and spring water quality on the island of Oahu.

This research work was self-funded. I have no affiliation to any of the parties involved with the current cesspool legislation and do not own a property with a cesspool.

The following bullet points summarize the study’s findings:

1. The average concentration of two conservative wastewater tracers (carbamazepine and sulfamethoxazole) measured in Oahu streams under baseflow conditions (when streamflow is dominated by groundwater input) were 1.4% and 0.6% the average concentration levels measured in over 1,200 streams worldwide in a study published last year.
2. The average pharmaceutical and nutrient levels in streams and springs sampled in areas with high densities of cesspools and sewer lines were slightly higher, but not statistically different than concentration levels measured in streams and springs in areas with low densities of cesspools and low sewer line densities.
3. Little evidence of wastewater was detected in streams located within the Priority 1 Areas delineated by the Hawaii Cesspool Hazard Assessment Group (northern shorelines of Oahu) for immediate cesspool closure. The working Group appears to have ignored the impact of natural groundwater flux to the shoreline in their ranking analysis.
4. The presence of elevated concentrations of nitrate in some streams and springs on O’ahu predominately reflects the impact of the historical use of up-gradient lands for sugarcane cultivation rather than on-going wastewater input from cesspools.

5. Our study findings are consistent with water quality data collected by the Hawaii Department of Health from the Puna district on the island of Hawaii, where the highest density of cesspools within the State exist. HDOH found no increase in nitrate concentrations in groundwater as it flowed mauka to makai through this area of high cesspool density (up to 440 cesspools/square kilometer) in their study.

My concern, as an avid environmentalist, is that the proposed legislation will require homeowners throughout the State (many of which are low- to moderate-income households) to spend between 1 to 5 billion dollars on cesspool conversion which will result in no measurable improvement to stream and near-shore water quality or human health. If the basis of the proposed legislation in SB 426 (i.e. improvement in water quality and human health) does not stand up under scientific scrutiny, I fear that passage of this legislation may be used in the future by those for whom the environment is a secondary consideration as an example to question future, impactful environmental legislation that will be required due to the inexorable impacts that climate change will inflict on our island State.

ALOHA

Steve Spengler, Ph.D.