

# TOWN & UPCOUNTRY UPDATE

2018 Legislative Session



*REPRESENTATIVE*  
**KYLE**  
**YAMASHITA**

Dear Neighbors,

The legislature completed the first crossover on March 8<sup>th</sup>. This means that all 381 House bills that passed third reading is now in the Senate. I look forward to the next phase of the session where we will have committee hearings on Senate bills.

This newsletter features bills from the Keiki Caucus, and Women's Caucus. Many bills addressing education, housing, the environment, health and public safety have also moved to the Senate.

Cesspools are a big issue for us as well as other Neighbor Island counties and the Kaneohe/Kahaluu districts on Oahu.

We encourage you to follow bills of interest on the House website, [www.capitol.hawaii.gov](http://www.capitol.hawaii.gov) and utilize our multiple tracking tools.

As always, thank you for allowing me to serve you at the Legislature. Please contact my office if you have comments or concerns.

Aloha,

Please assist us in our initiative to 'GO GREEN,' and send us your email address to receive newsletters by email.

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## Finding Cesspool Solutions

Cesspools are on the minds of many Upcountry residents. People are worried about costs if they are required to replace their cesspools, about the safety of drinking water, and about possible contamination of the soil.

I have talked with many of you about this problem and discussed the issue with state and county officials. In order to take a reasonable and responsible approach to cesspool replacement, I have introduced a House Resolution that calls for the creation of a Regional Task Force in each county to work on this complex and expensive issue.

One important thing to remember while looking for cesspool solutions is that there is no "one size fits all," answer, and we need to find the right answer for Upcountry Maui. Other areas such as Kea'au on Hawai'i Island, Kōloa/Pō'ipu on Kaua'i, and Kahalu'u on O'ahu may have different solutions for their cesspool problems.

The primary concern for Upcountry is nitrate levels - chemicals found in fertilizer and sewage - in our drinking water. Upcountry has 7,400 cesspools that health officials see as possible threats to drinking water. The nitrates could easily be coming from two wells identified by the DOH to have elevated nitrate levels: the Baldwin Ranch Estates Well and the Pukalani Golf Course Well.

There could also be other sources of nitrates that have not yet been thoroughly looked at.

The overall problem is there are about 88,000 cesspools in the state releasing 53 million gallons of untreated sewage into the ground each day. State law requires residents to replace cesspools with a septic tank or hook up to a sewer system by 2050. That could cost about \$20,000, which many residents say they cannot afford.

In Kahalu'u, which has a very different geology than Upcountry, their problem concerns bacteria in the water and streams, and because they are a coastal community, in the ocean.



Senator English and Rep. Yamashita listening to the discussion of the cesspools at the Kula Community Association meeting.

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**Finding Cesspool Solutions**

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On Hawai'i Island, the land is volcanic and very porous in places.

Each area must be looked at for its own soil, geography, and contaminants before taking a "One size fits all" remedy. How some areas have access to municipal sewer lines and some don't. Each area has its own geology, cesspool density, and receiving waters. Therefore, the most appropriate approach must be taken.

Finding solutions to complex problems are not easy or inexpensive. That is why we need a diverse, knowledgeable group to look carefully at this issue and find solutions that work best for each community involved.

My Resolution (HCR111/HR99) requires the State Department of Health to take into account the complexity of this issue. I have asked the Maui Senators Baker, English, and Keith-Agaran to introduce the companion resolution in the Senate (SCR141/SR91). You can track these measures on the House website, [www.capitol.hawaii.gov](http://www.capitol.hawaii.gov)

I am asking the DOH to set up a Regional Cesspool Modernization Task Force in each county to investigate the feasibility and potential impacts of cesspool replacement in light of health, safety, geographic and economic considerations.

Members of the task forces will include a DOH representative, one State Senator from that county, one State Representative from that county, one County Council member, one County Economic Development representative, one person from the county's wastewater management agency, one member from area agricultural interests, and one resident of the community.

The task forces will meet starting July 1, 2018 and submit a report of its findings and recommendations to the Legislature before the start of the 2019 Session.

**Cesspool Bills****HB1802 HD1**– *Cesspools; Income Tax Credit*

Amends the cesspool upgrade, conversion, or connection income tax credit pilot program by repealing the provision that restricts DOH from certifying more than two residential large capacity cesspools as qualified cesspools.

**HB2540 HD2**– *Cesspools; Upgrade and Conversion; Low Interest Loan Program*

Authorizes the Department of Health to coordinate with each county water department to establish a low interest loan program for the upgrade or conversion of cesspools in each county to septic systems, aerobic treatment unit systems, for connection to an existing sewer system, or other wastewater treatment system approved by the Department.

**HB2626 HD1**– *Cesspools; Working Group; Study*

Requires the Department of Health to hire a third-party consultant to conduct a study on the issues relating to the upgrade or conversion of cesspools. Establishes the cesspool conversion working group to assist the third-party consultant on the study.



*Discussing tax issues with Representatives Linda Ichiyama, Sylvia Luke and Della Au Belatti.*

**Women's Legislative Caucus****HB1614 HD1**– *Automatic Restraining Orders; Annulment; Divorce; Separation*

Automatically imposes a restraining order upon parties filing for annulment, divorce, or separation to preserve the financial assets of the parties and their dependents and maintain the current island of residence and school of enrollment of a minor child of the parties.



**HB2128 HD2– Insurance Coverage; Clinical Victim Support Services; Victims of Sexual Violence and Abuse**

Requires that health insurance policies include coverage for clinical victim support services for victims of sexual violence and abuse who suffer from mental disorders. Defines "clinical victim support service" and "victim of sexual violence or abuse" for the purposes of insurance coverage.

**For Our Health****HB2276 HD1- Clean Water Branch; Environmental Health Specialist; Hawaii Island Streams**

Establishes an additional full-time Environmental Health Specialist IV position within the Department of Health to monitor water quality in Hawaii island. Appropriates funds.

**HB1911 HD2- Care Facilities; Uncertified; Unlicensed; Enforcement; Community-Based Care Home; Adult Care Center; Criminal Penalty**

Requires home care agencies to be licensed or certified. Authorizes the Department of Health to inspect home care agencies. Requires the Department of Health to establish a home care aid registry. Authorizes the Department of Health to establish procedures for the receipt, investigation, and resolution of complaints against home care agencies. Authorizes the Department of Health to enter a care facility when investigating a facility or home. Allows the Department of Health to establish a forum where state-licensed care facilities may post job vacancies. Imposes criminal penalty for the intentional operation of a community-based foster family home, adult foster family home, adult day care center, or home care agency without a license. Requires the Department of Health to establish a working group to discuss and provide feedback for the implementation of the job vacancy forum.

**HB2611 HD1- Substance Abuse Treatment**

Appropriates moneys for Department of Health to fund substance abuse treatment programs relating to persons with multiple chronic conditions, a centralized referral system, case management programs, and a peer mentoring or coaching program.

**Supporting Our Keiki****HB2156 HD2- Keiki Caucus; Hawaii Farm to School Program; Department of Agriculture; Department of Education**

Authorizes the Department of Education to establish a Farm to School Program. Requires the Farm to School Coordinator in the Department of Agriculture to work in collaboration with the Department of Education on any Farm to School Program. Establishes two FTE Farm to School staff positions within the Department of Education. Appropriates funds.



Visiting the site for the Kula Agricultural Science Program.

**Representative Kyle Yamashita**

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Please assist us in our initiative to inform you on events. Send us your email address to receive date alerts by email.

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## **CIP PROJECT FUNDING**

*Released by the Governor on February 28, 2018*

### **R&M Hawaiian Home Lands Existing Infrastructure, Maui**

\$1,000,000 This project will provide design and construction funding to repair and maintain 90+ acres of designated archaeological preserve areas in Keokea and Waiohuli, Maui.

### **Hawaii Health Systems Corporation, Lump Sum CIP, Statewide**

\$88,062 Revert and reallocate \$88,062 in General Obligation (G.O) bonds from design to construction for the Kula Hospital, Exterior Building and Ward Room Renovations, Maui, project.

### **Hawaiian Home Lands Lot Development, Maui**

\$2,000,000 This project will provide funds for design and construction for Phase 1 of a non-potable agricultural water system in the Keokea Farm Lots Subdivision on Maui.

*Project release funds; January 1, 2018-January 31, 2018.*

### **Kahului Airport, Maui**

\$1,300,000 Construction for hold room gates Common Use Passenger Processing System Upgrade at Kahului Airport on Maui.