

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 COMMENTING on HB2743 HD2
RELATING TO WASTEWATER**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATOR ANGUS L.K. MCKELVEY, CHAIR
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Hearing Date: 3/13/2024

Room Number: 224

- 1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities.
- 4 **Department Testimony:** The Department acknowledges the intent of this measure and offers
5 comments. This measure will require each county to develop and maintain a wastewater
6 management plan; authorize the director of health to exempt a county from creating a wastewater
7 management plan if the county has an existing plan that substantially meets certain requirements;
8 require the counties to identify specific priority areas in which the county sewerage system or
9 other centralized treatment system will be expanded or constructed to reduce or eliminate
10 cesspools before January 1, 2050, and provide for the designation of these areas as sewer
11 improvement districts; authorize each county to assess a monthly cesspool pollution fee
12 beginning on July 1, 2025, on real properties containing a cesspool; authorize the counties to use
13 cesspool pollution fee revenues for certain activities that eliminate, reduce, or mitigate the
14 impacts of cesspools, including the expansion of county sewerage systems and the issuance of
15 grants and low-interest loans to property owners; and make appropriations. The Department
16 supports cesspool conversion efforts managed by the counties.

1 **Offered Amendments:** The Department respectfully suggests the following revisions to the
2 proposed HRS amendments. Additions appear as underlined and deletions appear as strikeouts.

3 SECTION 5, Page 49, lines 8-21: “SECTION 5. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$249,000 or so much thereof as may be necessary for
5 fiscal year 2024-2025 for the department of health to perform duties required pursuant to
6 section 2 of this Act; provided that:

7 (1) \$89,500 shall be expended to establish one full-time equivalent (1.0 FTE) permanent
8 engineer V (SR-26) position;

9 (2) \$82,700 shall be expended to establish one full-time equivalent (1.0 FTE) permanent
10 engineer IV (SR-24) position; and

11 (3) \$76,800 shall be expended to establish one full-time equivalent (1.0 FTE) permanent
12 accountant IV (SR-24) position.”

13 Thank you for the opportunity to testify.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | 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 Senate Committees on
AGRICULTURE AND ENVIRONMENT
and
HEALTH AND HUMAN SERVICES
and
GOVERNMENT OPERATIONS

Wednesday, March 13, 2024
1:00 PM

State Capitol, Conference Room 224 & Videoconference

In consideration of
HOUSE BILL 2743, HOUSE DRAFT 2
RELATING TO WASTEWATER

House Bill 2743, House Draft 2 proposes to 1) require each county to develop and maintain a wastewater management plan; 2) authorize the Director of Health to exempt a county from creating a wastewater management plan under certain conditions; 3) require the counties to identify specific priority areas in which the county sewer system or other centralized treatment system will be expanded or constructed to reduce or eliminate cesspools before 1/1/2050; 4) provide for the designation of these priority areas as sewer improvement districts; 5) authorize each county to assess a monthly cesspool pollution fee beginning in 7/1/2025 on real properties containing a cesspool; 6) authorize the counties to use fee revenues for certain activities that eliminate, reduce, or mitigate the impacts of cesspools, including the expansion of county sewer systems and the issuance of grants and low-interest loans to property owners; and 7) makes appropriations. **The Department of Land and Natural Resources (Department) supports this bill.**

Clean nearshore waters are vital to both public health and the health of nearshore reefs and associated fisheries. Wastewater systems have the potential to pollute groundwater and nearshore waters by introducing elevated levels of contaminants such as nitrogen, phosphorus, and

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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

pathogens. A 2023 Hawai‘i-based study¹ found that septic and cesspool pollution is a major driver of coral reef decline along the West Hawai‘i coastline. When excess nutrients, such as nitrogen, from these wastewater systems enter nearshore waters, they stimulate the growth of algae, which can smother coral. The Department believes that requiring counties to develop and maintain a wastewater management plan will reduce the amount of contaminants entering Hawai‘i’s nearshore waters and support more resilient coral reef ecosystems in the long run.

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

¹ Gove, J.M., Williams, G.J., Lecky, J. *et al.* Coral reefs benefit from reduced land–sea impacts under ocean warming. *Nature* **621**, 536–542 (2023). <https://doi.org/10.1038/s41586-023-06394-w>



**Testimony of the
Hawai'i State Association of Counties**

H.B. No. 2743, H.D.2

Relating to Wastewater.

Committee on Agriculture and Environment
Committee on Health and Human Services
Committee on Government Operations

Wednesday, March 13, 2024, 1:00 p.m.

The Hawai'i State Association of Counties (HSAC) supports H.B. 2743, H.D.2., which authorizes the counties to:

- Develop and maintain a wastewater management plan;
- Identify priority areas in which county sewer systems or wastewater treatment systems will be expanded or constructed to reduce or eliminate cesspools; and
- Assess a monthly cesspool pollution fee, which can be used to eliminate, reduce, or mitigate the impacts of cesspools.

Statewide there are almost eighty-three thousand cesspools in Hawaii, which release millions of gallons of untreated sewage into the ground contributing to the pollution of groundwater, which makes up most of Hawaii's drinking water.

The conversion of onsite wastewater treatment systems requires substantial investment of funds. H.B. 2743, H.D.2, establishes a program to provide financial assistance to eliminate, reduce, or mitigate existing cesspools. It authorizes grants or low-interest loans for the conversion of a cesspool to an eligible property owner, which is described as a person having an income that "does not exceed eighty per cent of the area median income...", or a loan if the property owner's income is at least eighty per cent of the area median income *and* does not exceed one hundred twenty percent of the area median income." H.B. 2743, H.D.2, should be further amended to authorize the counties to further reduce or waive the cesspool conversion fee based on the person's ability to pay.

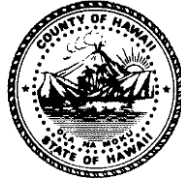


H.B. 2743, H.D.2, should also be amended to authorize the counties to leverage the monies in the Cesspool Closure and Mitigation Special Fund to maximize the use of the Fund.

For these reasons, theHawai'i State Association of Counties strongly supports H.B. 2743, H.D.2, with the amendments requested and requests your favorable consideration of this measure.

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

March 12, 2024

Sen. Mike Gabbard, Chair, and AEN Committee members
Sen. Joy A. San Buenaventura, Chair, and HHS Committee members
Sen. Angus L.K. McKelvey, Chair, and GVO Committee members

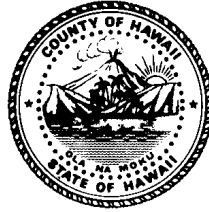
Dear Chair Gabbard, Chair San Buenaventura, Chair McKelvey, and Committee Members,

The Department of Environmental Management of the County of Hawai'i supports the intent of HB 2743 HD2 and urges a favorable recommendation for the following reasons:

- As noted in our response to House Concurrent Resolution No. 208, HD1 (2023), filed with the Legislature as Department Communication No. 362, the County of Hawai'i is developing an integrated wastewater management plan. This master plan is being developed as a series of sub-plans, which will include a Facility Plan and Programmatic EIS for the Addition of Wastewater Services for the Puna District, a Wastewater Feasibility Study for the Town of Pahoa, the South Kohala Regional Wastewater Master Plan, the County-Wide Cesspool Conversion Plan, the County-Wide Wastewater Facilities Plan. Along with the Wastewater Rates and Fees Evaluation, the County is well-positioned to comply with the wastewater management plan requirement.
- This master plan will help the County of Hawai'i identify specific priority areas in which the county sewerage system will be expanded. This will give residents the certainty in knowing whether they should begin converting their homes from cesspool to septic, or whether they should presume that their homes will be serviced by a sewer line.
- The Department believes additional discussions are necessary regarding the details of establishing and implementing a cesspool pollution fee and a grant program. However, DEM supports additional fees to extend or expand the current sewer collection system, for the purpose of facilitating cesspool conversions.

Ramzi I. Mansour, Director

HEATHER L. KIMBALL
COUNCIL CHAIR
Council District 1 (North Hilo,
Hāmākua, and portion of Waimea)



Phone: (808) 961-8828
Fax: (808) 961-8912
Email: Heather.Kimball@hawaiicounty.gov

HAWAI‘I COUNTY COUNCIL

25 Aupuni Street, Ste. 1402.
Hilo, Hawai‘i 96720

March 12, 2024

Senate Committee on Agriculture and Environment
Honorable Senator Mike Gabbard, Chair

Senate Committee on Health and Human Services
Honorable Senator Joy A. San Buenaventura, Chair

Senate Committee on Government Operations
Honorable Senator Angus L.K. McKelvey, Chair

RE: **Support for HB 2743, HD2**

Dear Chair Gabbard, Chair San Buenaventura, Chair McKelvey and Members of the Committees on Agriculture and Environment, Health and Human Services, and Government Operations:

As the Chair of the Hawai‘i County Council, I thank you for the opportunity to submit **testimony in SUPPORT of HB 2743, HD2, along with proposed amendments**, relating to wastewater. This legislation requires the counties to develop and maintain a wastewater management plan and authorizes each county to assess a monthly cesspool pollution fee to be used by the counties to help to facilitate the conversion of the cesspools.

The conversion of cesspools across the state presents a significant financial burden to the counties and property owners. However, cesspools present a well-established threat to human health and the environment. The urgent need to start conversions can no longer be delayed. Bill HB 2743 represents a novel and fair system for everyone to contribute to a solution including individuals, the counties and the state and the proposed fee reflects the true cost burden of cesspools in our state. The requirement for counties to have a wastewater management plan ensures that there is a public process and clear guidelines and priorities for the use of these funds, particularly to help lower and moderate-income families convert their cesspools, before any fees are assessed.

HB2743 was developed through a highly collaborative process, led by Rep. Nakamura, members of your committees, representatives from the counties and other stakeholder groups. We are grateful to have had the opportunity to work collaboratively towards a solution to ensure the elimination of cesspools in Hawai‘i before 2050. In addition to expressing support for the bill I would like to suggest the following amendments:

Hawai‘i County is an Equal Opportunity Provider and Employer.

Chair Gabbard
Chair San Buenaventura
Chair McKelvey
March 12, 2024
Page 2

We respectfully request that a provision be added that would allow the Counties to waive the collection of cesspool pollution fees based on income or other considerations as the legislature see fit to allow.

I do urge that this committee to continue to improve and move HB2743 through the legislative process. We are certain with continued collaboration and dialogue we will arrive at a final bill that will be amenable to all involved. Thank you for the opportunity to submit this testimony. If you would like to discuss this matter further, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in cursive script that reads "Heather Kimball".

HEATHER L. KIMBALL

RICHARD T. BISSEN, JR.
Mayor

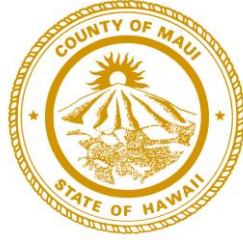
SHAYNE R. AGAWA, P.E.
Director

ROBERT SCHMIDT
Deputy Director

MICHAEL KEHANO, P.E.
Solid Waste Division

ERIC A. NAKAGAWA, P.E.
Wastewater Reclamation Division

Environmental Protection &
Sustainability Division



COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
2145 KAOHU STREET, SUITE 102
WAILUKU, MAUI, HAWAI'I 96793

TO: Committee on Agriculture and Environment
Honorable Mike Gabbard, Chair
Honorable Herbert M. "Tim" Richards, III, Vice Chair

Committee on Health and Human Services
Honorable Joy A. San Buenaventura, Chair
Honorable Henry J.C. Aquino, Vice Chair

Committee on Government Operations
Honorable Angus L.K. McKelvey, Chair
Honorable Mike Gabbard, Vice Chair

FROM: Shayne R. Agawa, Director

DATE: March 12, 2024

SUBJECT: **OPPOSITION TO HB2743, HD2, RELATING TO WASTEWATER**

Thank you for the opportunity to testify in **OPPOSITION to HB2743, HD2.**

In 2018, the Department of Health (DOH) was authorized by Act 132 of SLH 2018 to establish a cesspool conversion working group. The purpose of this working group was to develop a long-range, comprehensive plan for the cesspool conversion statewide for all cesspools by 2050. This working group submitted a final report, including findings, recommendations, and any proposed legislation, to the legislature in 2023.

This bill is requiring all Counties to reproduce what the DOH Cesspool Working Group's final report already concluded. This is a waste of time and tax payer's money to reproduce or recreate another report that identifies similar challenges with this statewide issue and is a huge unfunded mandate that the Department cannot support, nor accommodate in the future without an increase in manpower and resources.

In HB1892, HD2 Relating to Cesspools, in Parts III and IV, there may be additional manpower and resources being given to DOH for the implementation of their final report. Therefore, this bill (HB2743, HD2) should not be necessary.

Thank you for allowing me to testify in **OPPOSITION to HB2743, HD2.**



To: The Honorable Senators Mike Gabbard, Joy San Buenaventura and Angus McKelvey, Chairs, the Honorable Senators Tim Richards, III, Henry Aquino, and Mike Gabbard, Vice Chairs, and Members of the Committees on Agriculture and Environment, Health and Human Services, and Government Operations

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

Re: **Hearing HB2743 HD2 RELATING TO WASTEWATER**

Hearing: Wednesday March 13, 2024 1:00 p.m.

Aloha Chairs Gabbard, San Buenaventura and McKelvey, Vice Chairs Richards, Aquino, and Gabbard, and Members of the Committees on Agriculture and Environment, Health and Human Services, and Government Operations:

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 pollution from cesspools that endangers human health and fertilizes algae that smothers and kills coral reefs.

The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS HB2743 HD2 and proposes an amendment!

Cesspool pollution is harming our precious coral reefs and public health! Hawai'i has over 80,000 cesspools that release about 53 million gallons of raw sewage into our groundwater, streams and ocean every single day! This discharge **exposes people to sewage pathogens that can make them sick**. The release of **nutrients** from cesspools through groundwater and streams into the ocean causes algae growth, which can smother the coral reefs that are essential to protecting our shorelines, nurturing our fisheries, preserving water quality, 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. **Hawaii's coral reefs will die in warmer, more acidic, and rising oceans if we don't reduce cesspool pollution!**

Hawaii's counties by law have the power over matters of sanitation and sewers but have not developed comprehensive plans for sewer construction and expansion that could eliminate many cesspools by 2050. This bill would require the counties to develop such plans and identify priority areas in each county where sewers will be expanded or constructed to reduce or eliminate cesspools. Among other benefits, such planning can help cesspool owners know whether their cesspools will be connected to a sewer (centralized or decentralized) or they will need an upgraded on-site wastewater system, since the law requires all cesspools to be connected to a sewer, converted, or upgraded by 2050.

Hawaii Reef and Ocean Coalition urges the Committees to amend the bill with a less complicated approach: have the University of Hawaii Water Resources Research Center and Seagrant College prepare an overlay with the UH 2022 Hazard Assessment and Prioritization Tool to provide the counties with information on where they might feasibly expand and develop sewers that would eliminate many cesspools by 2050.

This bill would also make explicit the counties' authority to assess cesspool pollution fees on cesspool owners and use the revenue or other revenue such as property tax revenue designated for the cesspool closure and mitigation special fund to eliminate, reduce, or mitigate the impacts of cesspools, including the issuance of grants and low interest loans. Funding to assist cesspool owners will be essential; the costs are very high for either sewerage or upgrading on-site systems.

The bill includes a blank appropriation for three full-time equivalent (3.0 FTE) positions in DOH to implement the cesspool compliance pilot grant project established by Act 153, Session Laws of Hawaii 2022, and perform other duties relating to the conversion of cesspools.

This bill takes necessary steps forward to tackling Hawaii's massive cesspool pollution by requiring comprehensive wastewater planning and explicitly authorizing funding at the county level, with flexibility for the counties to implement, and grants and low interest loans to assist cesspool owners.

Please pass this bill with Hawaii Reef and Ocean Coalition's proposed amendment!

Mahalo!

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



March 12, 2024

In Support of **HB2743 HD2** Relating to Cesspools
Sen. Committees on Agricult. & Environ. (AEN), Heath & Human Serv. (HHS) and Govern. Operations (GVO)
Hearing on March 13, 1:00pm, Rm. 224

Aloha, Chairs Gabbard, San Buenaventura & McKelvey, Vice-Chairs and Committee Members:

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations and the Cesspool Legislative Task Force, I am writing in **strong support of HB2743 HD2**. This comprehensive bill would require that the counties work together with the state DOH to come up with Wastewater Management Plans, create a cesspool impact fee and use this funding to help with the cost of converting cesspools across the state. This bill includes the top recommendations of the State's Cesspool Conversion Working Group, on which I served from 2018-2022.

Under Act 125 (2017), all cesspools are mandated to be converted by 2050. To facilitate these cesspool conversions, this bill would require the counties to come up with Wastewater Management Plans to see where sewer extensions may be available and to require conversions of cesspools in all other areas. To help finance these conversions, the bill gives the counties authority to charge fees on cesspools (exempting low-income folks). These funds would be used to help low-moderate income homeowners with the costs of conversions and to hire needed staff at DOH to oversee this process. Currently, cesspool owners are the only ones not paying either sewer fees or the cost of upgrades.

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! Along with threats to public health and drinking water resources, new research in *Nature* shows that this polluted wastewater poses significant harm to coral reefs and the near-shore environment (see also [my article in Hawaii Business Magazine](#)). The people of Hawaii need this law to make sure their wastewater systems aren't polluting the groundwater or nearby surface waters.

WAI is an environmental non-profit dedicated to protecting our drinking water, groundwater and near-shore ecosystems by reducing sewage pollution from cesspools. We offer more innovative, affordable, and eco-friendly solutions to wastewater management. Better sanitation systems reduce sewage and nutrient pollution and make properties more valuable, while also protecting public health and valuable natural resources like groundwater, streams, 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. This bill will provide the necessary planning, funding and cross-sector collaboration that is needed to convert cesspools across the state. Mahalo for your leadership on this issue and support of this bill.

Aloha,
Stuart Coleman
Stuart H. Coleman, Executive Director

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 305

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, New Cesspool Pollution Fee

BILL NUMBER: HB 2743 HD 2

INTRODUCED BY: House Committee on Finance

EXECUTIVE SUMMARY: Requires each county to develop and maintain a wastewater management plan. Authorizes the Director of Health to exempt a county from creating a wastewater management plan under certain conditions. Requires the counties to identify specific priority areas in which the county sewer system or other centralized treatment system will be expanded or constructed to reduce or eliminate cesspools before 1/1/2050. Provides for the designation of these priority areas as sewer improvement districts. Authorizes each county to assess a monthly cesspool pollution fee beginning in 7/1/2025 on real properties containing a cesspool. Authorizes the counties to use fee revenues for certain activities that eliminate, reduce, or mitigate the impacts of cesspools, including the expansion of county sewer systems and the issuance of grants and low-interest loans to property owners.

SYNOPSIS: The Foundation's testimony will be limited to Part C, which creates a new cesspool pollution fee.

The bill proposes a new part to chapter 342D that would authorize the counties to assess a monthly cesspool pollution fee on any real property that contains a cesspool. The counties are to set the amount of the fee at between 50% and 100% of the monthly sewage fee that would apply to the property if the property were connected to the county's sewer system.

The counties would be responsible for collecting the fee and enforcing noncompliance.

Amends section 46-1.5, HRS, to implement the fee and associated special fund.

EFFECTIVE DATE: July 1, 3000.

STAFF COMMENTS: We wonder whether it is wise to enact this new fee if responsibility for its enforcement is going to be foisted onto the counties. The last time the State tried to do the counties a favor by giving them a new revenue source was by Act 1, SLH 2021 (Special Session), which enacted the county transient accommodations tax. After the bill became law, the counties were forced to muddle through setting up the infrastructure to collect the tax and enforce compliance, as they thought they would be able to piggyback on the Department of Taxation's enforcement of the State TAT but soon found out that the Department of Taxation wouldn't be able to help them at all.

Some counties may be more ready than others to take on this type of new responsibility.

Re: HB 2743 HD 2

Page 2

We also question whether a fee of 50%-100% of the normal county sewer fee will be sufficient to motivate people to upgrade or convert their cesspools. We would think that an appropriate fee would need to exceed the normal county sewer fee to provide such motivation.

Digested: 3/11/2024

March 13, 2024

The Honorable Mike Gabbard, Chair

Senate Committee on Agriculture and Environment

The Honorable Joy A. San Buenaventura, Chair

Senate Committee on Health and Human Services

The Honorable Angus L.K. McKelvey, Chair

Senate Committee on Government Operations
State Capitol, Conference Room 224 & Videoconference

RE: House Bill 2743, HD2, Relating to Wastewater

HEARING: Wednesday, March 13, 2024, at 1:00 p.m.

Aloha Chair Gabbard, Chair San Buenaventura, Chair McKelvey, 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 Hawaii and its over 11,000 members. HAR **supports and offers comments** on House Bill 2743 HD2, which requires each county to develop and maintain a wastewater management plan. Authorizes the Director of Health to exempt a county from creating a wastewater management plan under certain conditions. Requires the counties to identify specific priority areas in which the county sewer system or other centralized treatment system will be expanded or constructed to reduce or eliminate cesspools before 1/1/2050. Provides for the designation of these priority areas as sewer improvement districts. Authorizes each county to assess a monthly cesspool pollution fee beginning in 7/1/2025 on real properties containing a cesspool. Authorizes the counties to use fee revenues for certain activities that eliminate, reduce, or mitigate the impacts of cesspools, including the expansion of county sewer systems and the issuance of grants and low-interest loans to property owners. Makes appropriations. Effective 7/1/3000.

HAR supports this measure with comments related to funding mechanisms for the counties. We support the issuance of grants and low-interest loans to property owners to be able to convert their cesspools and note that counties could utilize federal sources of funding as well as tax increment financing ("TIF"). TIF entails issuing bonds with repayment from taxes generated by future rises in property values. This tool can also be used towards infrastructure and development in regions with areas identified as high priority because infrastructure and the environmental impacts of cesspools are a community concern. Counties already have the power to issue bonds and should consider exploring this as well as federal sources of funding to assist residents with conversion and improve wastewater infrastructure in their jurisdictions.

HAR supports the goal of protecting our water and ocean resources and recognize that cesspool conversion is important to preserve our environment. There are approximately 83,000 cesspools divided into three priorities¹ (48,596 on Hawaii Island; 14,300 on Kauai; 11,038 on Maui; 1,400 on Molokai; and 7,491 on Oahu) with only 26 years to meet the state's mandate to convert all cesspools to a Director of Health ("DOH") approved wastewater system. To convert 83,000 cesspools by 2050, at least 3,192 cesspools 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.

Undertaking such a massive infrastructure project will require proper planning across various stakeholders and government institutions, including state and local governments. This measure is an important next step through development of a wastewater management plan so that we may be able to determine which areas sewer can be built out or where other conversion options are possible.

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. Costs will vary greatly depending on resources, labor, permitting delays, property terrain, and other variables. Most homeowners will not be able to afford to do this alone and would need additional assistance to ensure they can meet the mandate to convert.

Mahalo for the opportunity to testify on this measure.

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>

HB-2743-HD-2

Submitted on: 3/11/2024 3:47:44 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Shimei	Testifying for Indivisible Hawaii	Support	Written Testimony Only

Comments:

IN STRONG SUPPORT

This bill lays out the respective roles of the state and counties and fosters much-needed clarity and efficiency. We must accelerate the deadlines for conversion; time is not on our side. The cesspool pollution fee eliminates the financial incentive to avoid sewer fees and forces cesspool home owners to absorb at least part of the cost of the pollution their system creates. Using the fees to support further conversions makes the program at least partly self-funding.

Waiting only shifts the burden of our pollution onto our children and grandchildren. We need to fix it now.

HB-2743-HD-2

Submitted on: 3/9/2024 3:16:26 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
MELYNDA DANT	Testifying for Fair Wind Cruises	Support	Written Testimony Only

Comments:

Strongly support this bill.



FROM: Lynn Miyahira representing Public Access to SunScreens (PASS) Coalition

DATE: Wednesday, March 13, 2024

Re: HB 2743

Position: SUPPORT

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 also support efforts that protect our coral reefs.

We support this measure.

Cesspools are a pressing issue in Hawaii that impacts our health, water quality, and coral reefs. With over 83,000 cesspools in the state, discharging about 50 million gallons of raw sewage every day, immediate action is needed to mitigate their negative impact. Untreated wastewater leaking from cesspools into nearshore waters can cause high levels of nitrogen in the water, which leads to algae blooms that suffocate and cover our coral reefs.

HB 2743 will require each county to develop and maintain a wastewater management plan and allows them to charge a cesspool pollution fee. This comprehensive approach with the counties is important to address the cesspool pollution problem.

Mahalo you for the opportunity to testify.

Sincerely,

Lynn Miyahira
Public Access to SunScreens (PASS) Coalition



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEES ON
AGRICULTURE AND ENVIRONMENT and HEALTH AND HUMAN SERVICES and
GOVERNMENT OPERATIONS
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 224
Wednesday, March 13, 2024, 1:00 PM**

To The Honorable Senator Mike Gabbard, Chair
The Honorable Senator Herbert M. "Tim" Richards, III, Vice Chair
Members of the Committee on Agriculture and Environment
To The Honorable Senator Joy A. San Buenaventura, Chair
The Honorable Senator Henry J.C. Aquino, Vice Chair
Members of the Committee on Health and Human Services
To The Honorable Senator Angus L.K. McKelvey Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Committee on Government Operations

SUPPORT HB2743 HD2 RELATING TO WASTEWATER

The Maui Chamber of Commerce **SUPPORTS HB2743 HD2.**

The Chamber notes that this bill is critical as wastewater treatment is important to our top priority, which is housing. We agree that each county should have a wastewater management plan and appreciate that this bill would allow counties to use existing plans if they are approved by the Department of Health.

We believe that the sooner cesspool owners convert to a less polluting wastewater system, the quicker our water systems (ground water & near shore water) can recover from potential seepage issues. There are elements of this bill we have supported in the past such as cesspool conversion, grants to perform those conversions, and prioritization of affected areas. This bill will help in moving housing forward and it should help streamline permitting.

We feel that this bill is another tool the toolbox to addressing critical infrastructure needed for housing.

For these reasons, we **SUPPORT HB2743 HD2.**

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



3/12/2024

AEN/HHS/GVO Committees
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chair Gabbard, Chair San Buenaventura, and Chair McKelvey, and Members of the Senate Committees on Agriculture and Environment, Health and Human Services, and Government Operations

Position: Support HB2743

The Surfrider Foundation, Hawai'i region, is testifying in **strong support of HB2743** that would require each county to develop and maintain a wastewater management plan.

With an estimated 83,000 cesspools, Hawai'i has one of the highest per capita number of cesspools in the nation that discharge 53 million gallons of raw sewage into our groundwater every day. Moving from cesspools to advanced wastewater treatment methods is critical to protecting our natural resources. Hawai'i's counties by law have the power over matters of sanitation and sewers, but have not developed comprehensive wastewater management plans. This bill would require the counties to develop such plans and determine which areas in each county will fall within expanded sewer areas. These county-based plans will, for one, provide clarity to local residents of cesspool conversion requirements or the opportunity to be serviced by local sewer lines.

HB2743 would also make explicit the counties' authority to assess cesspool pollution fees on cesspool owners and use the revenue to eliminate, reduce, or mitigate the impacts of cesspools, including the issuance of grants and low interest loans. Funding will be essential; the costs are very high for either sewerage or upgrading on-site systems. With the significant environmental impact of cesspools on Hawai'i's water quality, we need all the tools and options available to tackle this major issue.

Surfrider Foundation maintains a citizen-science water quality monitoring program called the Blue Water Task Force (BWTF) on Kaua'i, Maui, and O'ahu that tests for enterococcus, a fecal indicator bacteria. Due to the high concentration of cesspools in areas like Nāwiliwili Stream (Kaua'i) and Kahalu'u (O'ahu), the ocean water near and around these areas regularly exceeds state public health standards. Without mechanisms and tools to help finance and convert cesspools and other failing wastewater systems, 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 HB2743 submitted on the behalf of the Surfrider Foundation's 3 Chapters in Hawai'i 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,

Lauren Blickley
Hawai'i Regional Manager
Surfrider Foundation

HB-2743-HD-2

Submitted on: 3/12/2024 10:44:15 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Martha Nakajima	Individual	Support	In Person

Comments:

I strongly support this bill. Thanks. Martha Nakajima, Honolulu

HB-2743-HD-2

Submitted on: 3/11/2024 1:01:36 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Fritz	Individual	Oppose	Written Testimony Only

Comments:

This "fee" is nothing more than a tax being levied upon Hawaiian citizens who purchased homes with cesspools already installed. Please do NOT enact this tax: it is unfair, prejudicial and a "punishment" for taxpaying citizens who had not choice when they purchased their properties. If this issue is so very pressing, then why wait until 2050 to mandate cesspool conversion? This is simply a money grab and unfair, unfair, unfair.

HB-2743-HD-2

Submitted on: 3/11/2024 7:34:07 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maria Duncan	Individual	Oppose	Written Testimony Only

Comments:

It seems that the people trying to pass this are not trying to help locals and local homeowners. Put fees on the vacation rentals who abuse the cesspools. Do not put fees on those of us who bought a home to actually live in and hope to be able to pay for septic changes before 2050 without fees suddenly being forced on us for being good community members who use our family toilet as people should be able to do --as existing humans were created to do --don't charge us a fee to use our toilets and then use the fee to change someone else's system to septic. Many of us need financial help to change to septic and you are trying to hurt the local families by trying to impose fees. Many have properties that it is impossible to change and/or the resulting change won't make a difference. And there will be many legal actions, no doubt, if a law is passed stating people cannot sell the homes they paid dearly for if they still have cesspools. This was your and your predisessors planning errors. We did not legaly agree to fees --so don't say we have anything to do with the results of passing your documents etc that you alone agree to.

HB-2743-HD-2

Submitted on: 3/12/2024 6:54:40 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Liz Lees	Individual	Oppose	Written Testimony Only

Comments:

I oppose the portion of this bill that allows the counties to fine home owners with cesspools. This was the approved method of waste handling at the time my home was built. The county needs to come up with a comprehensive plan to convert cesspools and spread the cost among ALL tax payers/citizens, as all communitiy members benefit from the pollution reduction. Septic is little more than an expensive cesspool. Sewer lines should be provided in coastal areas.

HB-2743-HD-2

Submitted on: 3/12/2024 1:55:51 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jane Morrill	Individual	Oppose	Written Testimony Only

Comments:

Aloha and thank you for considering the predicament of current property owners with cesspools. We purchased our property in 2017 with the awareness there was/is a legal cesspool and no issues with it. I understand if the county and or state want to convert cesspools to septic, they have the right to do so but also the responsibility to fund it. Requiring property owners to magically pull \$20 - \$30,000 or more out of the air in such a horrific economy is irresponsible, illogical, and frankly impossible.

To add insult to injury, I understand the county's desire to fine or add additional fees beginning next year to property owners with a cesspool. Again, this is government overreach by treating local residents in a punitive way.

I personally do not believe that the science reflects a huge difference between the leach fields in a septic versus a cesspool. Perhaps the county should prioritize expanding a proper sewer system, without financially singling out either cesspool or septic property owners, since each system was blessed by the county at the time it was built and up through at least 2017 when my property was purchased as well as hundreds of others.

Mahalo,

Jane Morrill

HB-2743-HD-2

Submitted on: 3/11/2024 3:37:16 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sheila Gallien	Individual	Comments	Written Testimony Only

Comments:

To all esteemed persons considering this bill:

While I am open to understanding other aspects of this bill, I **VEHEMENTLY OPPOSE FEES IMPOSED ON HOMEOWNERS**. As there has been no previous option for homeowners in the affected districts, no county or state support, and no municipal planning on this matter to generate different solutions, there should be no punitive damages imposed upon homeowners.

Realistically, this entire issue is a state problem and should fall under the development of plausible, safe and efficient water systems. Each generation makes the best decisions they can based on the information and technology available. Certainly, information and technology have advanced since the original idea of cesspools. But a whole generation of homeowners should not be punished as a result. The community, the state, really, the nation, should step up to make sure ALL systems in place are functioning with the best interest of all in mind. And that cost should fall under the standard costs of infrastructure in a developed country.

Thank you,

Sheila Gallien

HB-2743-HD-2

Submitted on: 3/9/2024 8:07:49 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Crozer	Individual	Support	Written Testimony Only

Comments:

We need to get rid of cesspools ASAP. We need our reef to get healthy again - bring back the herbivore fish, keep our islands protected. Please pass this bill, it makes sense.

REBECCA VILLEGAS
Council Member
District 7, Central Kona



PHONE: (808) 323-4267
FAX: (808) 323-4786
EMAIL: Rebecca.villegas@hawaiicounty.gov

HAWAI‘I COUNTY COUNCIL

West Hawai‘i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai‘i 96740

TESIMONY OF REBECCA VILLEGAS COUNCIL MEMBER

HAWAII COUNTY COUNCIL

ON HB 2743 HD2 RELATING TO WASTEWATER

Senate Committee on Agriculture and Environment, Health and Human Services,
Government Operation

March 11, 2024

Chairpersons Gabbard, San Buenaventura and McKelvey and Members of the Committee:

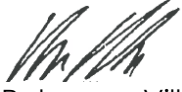
My testimony is submitted in my individual capacity as a member of the Hawaii County Council.

I support HB2743 HD2, relating to wastewater. This legislation requires the counties to develop and maintain a wastewater management plan and authorizes each county to assess a monthly cesspool pollution fee to be used by the counties to help facilitate the conversion of the cesspools.

The conversion of cesspools across the state presents a significant financial burden to the counties and property owners. However, cesspools present a well-established threat to human health and the environment. The urgent need to start conversion can no longer be delayed. Bill HB 2743 HD2 represents a novel and fair system for everyone to contribute to a solution including individuals, the counties and the state and the proposed fee reflects the true cost burden of cesspools in our state. The requirement for counties to have a wastewater management plan ensures that there is a public process and clear guidelines and priorities for the use of these funds, particularly to help lower and moderate-income families convert their cesspools before any fees are assessed.

For these reasons stated above, I urge the Senate Committee on Agriculture and Environment, Health and Human Services and Government Operations to support this measure. Should you have any questions, please contact me at, (808) 323-4267.

Mahalo for your consideration.

A handwritten signature in black ink, appearing to read 'Rebecca Villegas', with a stylized flourish at the end.

Rebecca Villegas
Council Member, Hawai'i County Council

HB-2743-HD-2

Submitted on: 3/8/2024 6:12:52 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

I strongly support HB2743. Planning and fundraising at the County level is essential to enable to Hawaii to achieve its goal of converting cesspools to less polluting wastewater disposal systems in the near future. I am begging my County to tax me if it means a time will come in my lifetime when I will not be swimming in sewage every time I go in the ocean!

HB-2743-HD-2

Submitted on: 3/9/2024 1:14:43 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

Yes to requiring each county to develop and maintain a wastewater management plan.

Authorizes the Director of Health to exempt a county from creating a wastewater management plan under certain conditions.

Requires the counties to identify specific priority areas in which the county sewer system or other centralized treatment system will be expanded or constructed to reduce or eliminate cesspools before 1/1/2050. Provides for the designation of these priority areas as sewer improvement districts.

Authorizes each county to assess a monthly cesspool pollution fee beginning in 7/1/2025 on real properties containing a cesspool. Authorizes the counties to use fee revenues for certain activities that eliminate, reduce, or mitigate the impacts of cesspools, including the expansion of county sewer systems and the issuance of grants and low-interest loans to property owners.

HB-2743-HD-2

Submitted on: 3/11/2024 10:06:28 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

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

Comments:

Aloha Committee Chairs and members,

Mahalo for the opportunity to testify in support of this Bill.

With Aloha,

Lisa Bishop,

Hawaii resident, homeowner, tax payer, voter

HB-2743-HD-2

Submitted on: 3/11/2024 12:33:25 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Betsy Scolnik	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT!! CESSPOOL CONVERSIONS ARE CRITICAL. OUR RIVERS ARE BECOMING OPEN SEWAGE!!!! CANT WAIT TIL 2050

HB-2743-HD-2

Submitted on: 3/11/2024 1:18:20 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cathleen M Haggerty	Individual	Support	Written Testimony Only

Comments:

Our beaches are a valuable resource in Hawaii. We must protect the water, swimmers and fish from bathing in human feces.

HB-2743-HD-2

Submitted on: 3/11/2024 5:56:28 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

I am in strong **SUPPORT** of this measure.

- U'ilani Naipo

HB-2743-HD-2

Submitted on: 3/12/2024 3:49:03 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheri Gienger	Individual	Support	Written Testimony Only

Comments:

Please pass this bill concerning wastewater and make those accountable do something to contain wastewater. Our waters are being contaminated. Please pass this bill.

HB-2743-HD-2

Submitted on: 3/12/2024 11:35:48 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diana L. Van De Car	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure. Hilo Bay is the best example of why this bill is so sorely needed. It is notoriously polluted and paddlers regularly suffer infections if they are unlucky enough to suffer a scratch while paddling in the bay. Virtually every study and investigation of the problem has concluded that the bay cannot be fixed without addressing the existing contamination that enters the bay from overflowing cesspools, contaminated rivers and streams, & contaminated flooding. Runoff regularly pours into the bay carrying dangerous bacteria. Inadequate measures to address sewage and other contamination are causing the problem. And it's not just Hilo Bay! The Department of Health REGULARLY issues brown water advisories for beaches across the state. An example from the DOH on November 30th re: East Hawai'i: "The public is advised to stay out of flood waters and storm water runoff due to possible overflowing cesspools, sewer, manholes, pesticides, . . ." ENOUGH! Please pass this bill to help address the problem. Thank you!

HB-2743-HD-2

Submitted on: 3/12/2024 10:56:33 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Becker	Individual	Support	Written Testimony Only

Comments:

To whom it may concern:

I first came to Moloa'a in 1990 on holiday. There were many fewer homes. I live on Moloa'a stream, often cited by Surfrider as the first or second most polluted in the county and among the most polluted in the state. Fecal coliform levels are literally off the charts. Contact with the water is dangerous and crossing the stream to the beach represents risk. Yet, small children and their parents play in what appears an idyllic lagoon as the fetid water flows into and pollutes the bay.

Over the more than 30 years, there have been enormous changes in the bay.

Moloa'a has no services or restrooms, little parking and limited beach access. It is not unusual to find barely concealed human excrement by the stream or near the beach.

Living on the stream, I can attest to the fact that it often stinks of sewage. Illegal dwellings, line the stream up to the highway and either dump their untreated sewage into agent cesspools, or directly into the stream. Fecal coliform can only result from untreated Human Feces.

Clearly, septic is better than cesspools - but septic requires sufficient land for a leach field. Most of the illegal dwellings are built directly at the stream, there is not room whatsoever for a leach field even should money be available to put in a state of the art septic system. In any case, these unpermitted dwellings should not exist in the first place.

I fully support the bill, but the time frame is far too long for mitigation of the exponentially worsening, hazardous circumstances. Dismantling illegal, unpermitted dwellings which dump their sewage into Moloa'a stream would be the logical first place to start, with state of the art septic conversion mandated for all ancient cesspools by 2030.

Warmest Regards,

Michael Becker

3584 B Moloa'a Road

Anahola, HI 96703

HB-2743-HD-2

Submitted on: 3/12/2024 10:58:19 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jay Henderson	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill.

HB-2743-HD-2

Submitted on: 3/12/2024 11:02:56 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Langham	Individual	Support	Written Testimony Only

Comments:

Keep our water clean and our beaches open!

HB-2743-HD-2

Submitted on: 3/12/2024 11:15:00 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

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

Comments:

STRONG SUPPORT

I am in favor of this legislation to clean up our water and convert cesspools. I am frustrated by the lack of progress up to now.

HB-2743-HD-2

Submitted on: 3/12/2024 11:25:47 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sophia Morgan	Individual	Support	Written Testimony Only

Comments:

Aloha AEN Chair Gabbard and Vice Chair Richards, HHS Chair San Buenaventura and Vice Chair Aquino, GVO Chair McKelvey and Vice Chair Gabbard,

I write in **strong support of HB 2743 HD2**. This comprehensive bill would require that the counties work together with the state DOH to come up with Wastewater Management Plans, create a cesspool impact fee and use this funding to help with the cost of converting cesspools across the state.

This bill is vital to help ensure the State of Hawaii achieves its mandate to convert all cesspools by 2050. 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. Around half of these cesspools pose a risk to water resources.

Cesspool discharge directly impacts human health by contaminating drinking water or waters used for swimming, exposing the citizens of Hawai‘i to sewage pathogens. Untreated wastewater from cesspools contains pathogens such as bacteria, protozoa and viruses that can cause gastroenteritis, Hepatitis A, conjunctivitis, leptospirosis, salmonellosis and cholera.

The threat of discharge also extends directly to the environment. A 2023 Hawai‘i-based study published by Nature found that septic and cesspool pollution is a major driver of coral reef decline. The release of nutrients from cesspools through groundwater and streams into the ocean causes algae growth, which can smother the coral reefs that are essential to protecting our shorelines, nurturing our fisheries, preserving water quality and enabling our lucrative recreational economy.

Cesspools are also a social justice issue here in Hawaii. The Association of Hawaiian Civic Clubs, a Native Hawaiian advocacy group and large organization, passed a resolution in 2023 recommending that the legislature fund a grant program to convert cesspools. The resolution notes that cesspools are prevalent in low-income, rural communities in which Native Hawaiians live. The large costs of cesspool conversion thus can exacerbate the issue of Native Hawaiians moving to the mainland because of economic constraints.

To help address the costliness of cesspool conversion, HB 2743 would allow counties to use fees collected from homeowners with cesspools and allocate them towards cesspool conversion for low-middle income homeowners.

Mahalo nui loa for your time and consideration of my testimony!

Best regards, Sophia Morgan

HB-2743-HD-2

Submitted on: 3/12/2024 11:15:14 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Arianna Feinberg	Individual	Support	Written Testimony Only

Comments:

Dear Senators,

I am writing in strong support of HB2743. For the health of Hawaii's people and coral reefs, we need to do everything in our power to eliminate cesspools as soon as possible. The Counties' need to create Wastewater Management Plans. Currently, most cesspool owners do not know if their County may be able to potentially connect them to a centralized wastewater treatment plant. This information is pivotal for individuals to decide on how and when to convert their cesspools. Also these plans will potentially renew focus in the Counties to apply for federal infrastructure funding for centralized wastewater projects. The counties should have never permitted cesspools in the first place and need to help the people clean up this mess.

Thanks,

Arianna Feinberg

Makawao, Maui

HB-2743-HD-2

Submitted on: 3/12/2024 4:23:38 PM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
GWEN YOUNG	Individual	Support	Written Testimony Only

Comments:

Aloha all,

As a resident, waterwoman, environmental volunteer, and a water quality tester for Surfrider Foundation, I see the results of cesspools that are not contained or adequately functioning etc.

We critically need Cesspool Conversions that require county wastewater plans and authorizes counties to charge cesspool fees to fund conversion grants and loans.

Thank you,

Gwen Young

HB-2743-HD-2

Submitted on: 3/13/2024 9:17:38 AM

Testimony for AEN on 3/13/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Falinski	Individual	Support	Written Testimony Only

Comments:

To the House Committee

Re: HB2743, rev 2

Clean coastal waters are critical for our reef ecosystems health. Cesspools can cause harm to water quality within adjacent groundwater, anchialine, coral reef systems and fisheries by introducing elevated amounts of organic nitrogen and phosphorus, pathogens, and other contaminants. Contaminants emitted from cesspools can harm aquatic ecosystems by encouraging excess algal and bacterial growth, and can also pose a threat to human health.

My research in He'eia, Maunalua and south Kohala has shown direct evidence of cesspool contamination in streams and coastal waters using a variety of bioindicators and chemical signatures. Areas with concentrated cesspools that are close to important water bodies show higher amounts of pharmaceuticals like ibuprofen and carbamazepine that degrade quickly and cannot be attributed to wastewater distribution systems or agricultural or landscaping inputs. While areas that have lots of groundwater flow do dilute the signal, the impact of millions of gallons of untreated wastewater into our important coastal waters is measurable and shows evidence of impact on coastal systems.

I strongly support efforts to upgrade our antiquated systems to newer wastewater technology, and prevent harmful runoff into our sensitive ocean systems.

Kim