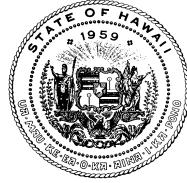


JOSH GREEN, M.D.  
GOVERNOR OF HAWAII  
KE KIA'AINA O KA MOKU'AINA 'O HAWAII



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

KENNETH S. FINK, MD, MGA, MPH  
DIRECTOR OF HEALTH  
KA LUNA HO'OKELE

WRITTEN  
TESTIMONY  
ONLY

In reply, please refer to:  
File:

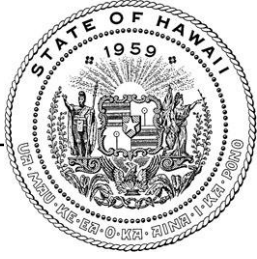
**Testimony in SUPPORT of SB0426 SD1  
RELATING TO CESSPOOLS**

SENATOR DONOVAN M. DELA CRUZ, CHAIR  
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: 2/28/2023

Room Number: 211

- 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

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](http://gems.hawaii.gov)

**Testimony of**  
**Gwen Yamamoto Lau**  
Executive Director  
**Hawaii Green Infrastructure Authority**  
before the  
**COMMITTEE ON WAYS AND MEANS**  
February 28, 2023, 10:00 AM  
State Capitol, Conference Room 211  
in consideration of  
**SENATE BILL NO. 426, SD1**  
**RELATING TO CESSPOOLS**

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Ways and Means Committee:

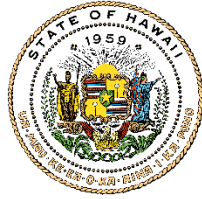
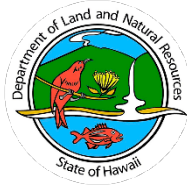
Thank you for the opportunity to testify and provide comments on Senate Bill No. 426, SD1 relating to cesspools. The Hawai'i Green Infrastructure Authority (HGIA) **strongly supports** this bill which provides for staggered deadlines to upgrade priority level 1 and level 2 cesspools ahead of the existing 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, SD1.

**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 Senate Committee on  
WAYS AND MEANS**

**Tuesday, February 28, 2023  
10:00 AM**

**State Capitol, Conference Room 211 & Videoconference**

**In consideration of  
SENATE BILL 426, SENATE DRAFT 1  
RELATING TO CESSPOOLS**

Senate Bill 426, Senate Draft 1 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, 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 and offers the following suggested amendments.**

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's Division of State Parks (DSP) administers approximately 100 recreational residence leases within Kōke'e/Waimea Canyon State Parks on Kaua'i. All or nearly all of these leased properties are serviced by cesspools, and a review of the University of Hawaii 2022 cesspool hazard assessment and prioritization tool indicates that the vast majority of these cesspools are categorized as priority level 1, despite their location within upland areas with no potential to impact nearshore marine areas. Furthermore, all of these 20-year leases will expire between 2029 and 2031. Should these leased cabins be affected by this proposed legislation and required to convert their cesspools by 2030, there would likely be a mass default and uncertainty

**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

introduced to the transition and future leasing potential, due to the imposition of a conversion and expense not envisioned as a condition of the current leases. DSP was already aware of the 2050 deadline and intended to make cesspool conversion a condition of new leases issued upon the expiration of all leased recreational residences in 2031, allowing future lessees to amortize the costs over the life of the lease.

For this reason, the Department respectfully requests that the recreational residence leases within Kōke'e/Waimea Canyon State Parks be allowed 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 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.

The Department offers the following suggested amendments (highlighted in gray) beginning on page 4, line 1:

Therefore, the purpose of this Act is to implement the recommendation of the working group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools by requiring:

- (1) Priority level 1 cesspools, with certain exceptions, to be upgraded, converted, or connected by 2030; and
- (2) Priority level 2 cesspools to be upgraded, converted, or connected by 2035.

SECTION 2. Chapter 342D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§342D- Cesspools; mandatory upgrade, conversion, or connection; priority level 1; priority level 2. (a)**

Notwithstanding section 342D-72, every cesspool in the State categorized as priority level 1 according to the University of Hawaii's 2022 Hawaii cesspool hazard assessment and prioritization tool shall be:

(1) Upgraded or converted to a director-approved wastewater system; or

(2) Connected to a sewerage system,

before January 1, 2030[-], provided that the deadline for upgrading, converting, or connecting priority level 1 cesspools on recreational residence leases within the Kōke'e/Waimea Canyon State Parks shall be January 1, 2035.

Should DSP be compelled through this legislation to convert these cesspools by 2030, it would likely result in the Department incurring these costs, which we estimate will be between \$5-10 million in the aggregate, and which are not currently funded.

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



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, Hawai'i DP  
Director, Kaua'i DP  
The Adjutant General  
Manager, CZM

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

**Before the Senate Committee on  
WAYS AND MEANS**

**Tuesday, February 28, 2023  
10:00 AM**

**State Capitol, Via Videoconference, Conference Room 211**

**In support of  
Senate Bill 426 Senate Draft 1  
RELATING TO CESSPOOLS.**

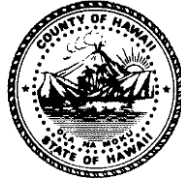
Senate Bill 426 SD1 implements the recommendation of the cesspool conversion working group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools by requiring priority level 1 cesspools to be upgraded, converted, or connected 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* 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.

**Mitchell D. Roth**  
*Mayor*

**Lee Lord**  
*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

February 27, 2023

Sen. Donovan Dela Cruz, Chair, and  
Members of the Committee on Ways and Means

Chair Dela Cruz and Committee Members,

I served as a member of the Cesspool Conversion Working Group. The Department of Environmental Management supports this bill. SB 426 SD1 codifies **Priority A1** of the working group's recommendations into statute.

In Hawai'i County, where 37 percent of the cesspools in the Priority Level 1 group are located (and only 14 percent of the State's population), it is the judgment of this specialized working group that it would be otherwise impossible for residents to meet the 2050 conversion deadline without identifying cesspools in immediate need of conversion. This bill accelerates compliance with the 2050 deadline and protection of our groundwater sources and nearshore environments from the deleterious effects of cesspools.

Please refer to our report (DC175) for the importance of passing this bill:

“The working group recommends, based on greater understanding of impacts cesspools have on nearshore water quality and human health, that the deadline by which cesspools in the State must be converted should be adjusted to a staggered timeline that would accelerate the mandatory conversion date for cesspools that pose the highest risk of harming human or environmental health, as determined by the Hawai'i Cesspool Prioritization Tool and supporting water quality data. The working group further recommends the adoption of policies and mechanisms that will facilitate this acceleration and the need for an iterative process as new findings are established.”

Thank you for the opportunity to provide testimony.

Ramzi Mansour, Director



Environmental Caucus of  
The Democratic Party of Hawai'i

To: The Honorable Donovan M. Dela Cruz, Chair  
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair  
Members of the Committee on Ways and Means

Re: **SB 426, SD1 – RELATING TO CESSPOOLS**

Hearing: Tuesday, February 28, 2023, 10:00 a.m., Conference Room 211 & Videoconference

Position: **Strong support**

Aloha, Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means:

The Environmental Caucus of the Democratic Party of Hawai'i with its 7,500 voting enrolled members, stands in strong support of SB 426, SD1. 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, 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 \(hawaiidemocrats.org\)](#)

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.





February 28, 2023  
Page 2

“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 \(hawaii.gov\)](#)

Implementing 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, 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



2/28/2023

WAM Committee  
Hawaii State Capitol  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means,

**Position: Support SB426 HD1**

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 SD1**, 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 SD1, 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

February 28, 2023

**The Honorable Donovan M. Dela Cruz, Chair**Senate Committee on Ways and Means  
State Capitol, Conference Room 211 & Videoconference**RE: Senate Bill 426, SD1, Relating to Cesspools****HEARING: Tuesday, February 28, 2023, at 10:00 a.m.**

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

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 expressing strong concerns** on Senate Bill 426, SD1, 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, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2035, rather than before 1/1/2050.

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 Report<sup>1</sup>, there are 13,821 cesspools categorized as Priority Level 1 and 12,367 cesspools categorized as Priority Level 2. To convert Priority Level 1 and 2 cesspools by 2030 over **2,679 cesspools would need to be converted per year** (see table below.) Additionally, to convert the remaining Priority Level 2 cesspools would be an additional 951 conversions per year over the subsequent 5 years. This of course is not including the 55,237 Priority Level 3 cesspools that will still need to be converted by 2050, if we wait to convert Priority Level 3 cesspools until after 2035, there will be 15 years left to convert them all which averages to 3,683 conversions a year.

Year:	Priority Level 1	Priority Level 2	Convert Per Year
2023	1,728	951	<b>2,679</b>
2024	1,728	951	<b>2,679</b>
2025	1,728	951	<b>2,679</b>
2026	1,728	951	<b>2,679</b>
2027	1,728	951	<b>2,679</b>
2028	1,728	951	<b>2,679</b>

<sup>1</sup> 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>

2029	1,728	951	<b>2,679</b>
2030	1,728	951	<b>2,679</b>
2031		951	<b>951</b>
2032		951	<b>951</b>
2033		951	<b>951</b>
2034		951	<b>951</b>
2035		951	<b>951</b>

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.

Moreover, moving up the mandate does not solve the financial dilemma for homeowners. The Cesspool Conversion Working Group conducted an affordability analysis<sup>2</sup> 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.

<sup>2</sup> 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>



Email: [communications@ulupono.com](mailto:communications@ulupono.com)

SENATE COMMITTEE ON WAYS & MEANS  
Tuesday, February 28, 2023 — 10:00 a.m.

**Ulupono Initiative supports SB 426 SD1, Relating to Cesspools.**

Dear Chair Dela Cruz and Members of the Committee:

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 SD1**, 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, 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*



2/28/2023

WAM Committee  
Hawaii State Capitol  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means,

**Position: Support SB426 HD1**

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 SD1**, 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 SD1, 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,

Lauren Blickley  
Hawaii Regional Manager  
Surfrider Foundation



**LATE**

Feb. 26, 2023

In Support of **SB426 SD1** Relating to Cesspools  
Senate Committee on Ways And Means (WAM)  
Hearing on Feb. 27, 10am, Rm. 211

Aloha, Chair Dela Cruz, Vice-Chair Keith-Agaran and Members of the Committee:

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.

Hawaii has more than 83,000 cesspools across the state, discharging 52 million gallons of raw sewage each day into Hawaii's waters. That's similar to a massive sewage spill every day! The people of Hawaii need this law to make sure their wastewater systems aren't polluting the groundwater or nearby surface waters.

As a member of the State's Cesspool Conversion Working Group over the last four years, 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-1**

Submitted on: 2/23/2023 6:27:01 PM

Testimony for WAM on 2/28/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Like I stated Before Cess pools are not the Problem Wast water Plants are the Problem and WE NO YOU JUST WANT TO RIP US OF TO MAKE MORE ILEAGE MONEY FOR YOUR POCKETS!!!!!!

**SB-426-SD-1**

Submitted on: 2/25/2023 9:07:50 AM

Testimony for WAM on 2/28/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of SD1. Thank you.



To: The Honorable Chair Donovan Delacruz,, Vice Chair Gilbert Keith-Agaran, and members of the Senate Committee on Ways and Means

From: Hawai'i Reef and Ocean Coalition

Re: **Hearing SB426 SD1 RELATING TO CESSPOOLS**

Hearing: Tuesday February 28, 2023, 10:00 a.m., room 211

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Aloha Chair Delacruz, Vice Chair Keith-Agaran, and members of the Committee:

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 those in Priority Levels 1 and 2.

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**The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS SB426 SD1!**

**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.** Hawaii has more than eighty thousand cesspools that discharge about fifty million gallons of wastewater into the State's 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. Cesspool pollution also harms public recreation and the precious coral reefs on which Hawaii's economy, shoreline, fisheries, and native species depend.

A 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, 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.

The working group recommended staggering the timing of upgrades of cesspools and prioritizing them based on updated information about their pollution impacts. The 2022 Hawaii cesspool hazard assessment and prioritization tool was developed for the working group and applied to determine which cesspools should be upgraded first.

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. Priority level 2 cesspools are those cesspools that cause the next most pollution and represent a significant contamination hazard. The report categorized 12,367 cesspools in the State as priority level 2.

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

(1) priority level 1 cesspools to be upgraded, converted, or connected by 2030;  
and

(2) priority level 2 cesspools to be upgraded, converted, or connected by 2035.

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

It makes sense to stagger the cesspool conversions, starting with the highest pollution impact first (priority level 1). This will both ensure reductions in the pollution to waters and facilitate implementation of the large number of wastewater system installations.

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 that an upgrade may be infeasible include small lot size, steep topography, poor soils, or accessibility issues.

The working group also investigated technology issues. New 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 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)

SENATE COMMITTEE ON WAYS AND MEANS  
Hearing on Feb. 28, 2023 at 10:00 am

SUPPORTING SB 426 SD 1

My name is John Kawamoto, and I support SB 426 SD 1.

Although Hawaii is considered to have a relatively clean environment, there are 83,000 cesspools throughout the state that release 53 million gallons of untreated sewage into the ground every day. Tens of thousands of these cesspools are located within watersheds. Cesspools have significant impact on the quality of drinking water, general water quality, the health of Hawaii's residents, and the health of reefs.

In 2018 the Legislature authorized the Department of Health to create a working group to develop a comprehensive plan to convert cesspools. The cesspool conversion working group issued its final report, which includes recommendations for upgrading, converting, or connecting. This bill implements those recommendations.

**SB-426-SD-1**

Submitted on: 2/25/2023 2:05:31 PM

Testimony for WAM on 2/28/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Noel Morin	Individual	Support	Written Testimony Only

Comments:

Dear Chair Yamashita, Vice Chair Kitagawa, and Committee members,

I SUPPORT HB426 HD1.

Sincerely,

Noel Morin

Climate, Sustainability, and Resilience Advocate

Hilo

**SB-426-SD-1**

Submitted on: 2/25/2023 7:56:54 PM

Testimony for WAM on 2/28/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Virginia Tincher	Individual	Support	Written Testimony Only

Comments:

Members of the WAM 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 SD1.

Virginia Tincher, Oahu



**SB-426-SD-1**

Submitted on: 2/26/2023 1:32:55 PM

Testimony for WAM on 2/28/2023 10:00:00 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 just recently made aware of a Senate bill (SB426 SD1

- [https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=426&year=2023](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](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'anai 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 families and individuals that, for all intents and purposes, have done absolutely nothing wrong.

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-1**

Submitted on: 2/27/2023 8:28:12 AM

Testimony for WAM on 2/28/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christian Squire	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please support SB426 to accelerate the conversion of high priority cesspools. This is a public health issue that needs to be addressed now.

Mahalo,

Christian Squire

**LATE**

**SB-426-SD-1**

Submitted on: 2/27/2023 2:39:25 PM  
Testimony for WAM on 2/28/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elizabeth Benyshek	Individual	Support	Written Testimony Only

Comments:

Aloha, I am writing to express my support for SB426, which would convert the most polluting cesspools by 2030. When it rains across our island, we are faced with the threat of brown water for days to weeks due to the high density of cesspools. Our state has some of the highest rates of MRSA because of this! Please support SB426 SD1 and clean water. Thank you for your time and consideration.

Elizabeth Benyshek

Chair, Surfrider Foundation O‘ahu Chapter

**LATE**

**SB-426-SD-1**

Submitted on: 2/27/2023 8:10:42 PM

Testimony for WAM on 2/28/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joachim Schneider	Individual	Support	Written Testimony Only

Comments:

Strongly support. This is the best chance to eliminate the worst polluting cesspools.

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**LATE**

Respectfully to All Hawaii Senatorial Officials,

Oppose and Protest against both Companion SB426 & HB181 and should be Deferred Entirely. Again, “the Carriage is put in front of the Horse”. To procure first, 100% Federal funding to mitigate the negative financial impact for Hawaii communities. Totally avoid the ill intent and language installed within these Bills, that will set 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 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 Interest included, unpaid citations leads to property foreclosure (clear gentrification)

Our District 22 Senator Shimabukuro is fully aware of “Petition of Noholio Road Landowner’s” dated Jan 20, 2023. Urging the Director of Dept of Health & City DPP

to Grant all landowner's on Noholio Rd. with current installed Septic upgrade a "Full Exemption and Immunity" from connecting to City Sewer Infrastructure". Reasons alone, the current written language made in Chapter 62 of Title 11, Hawaii Admin Rules "Do not protect or automatic exempt rights for landowner's with already installed Septic/Aerobic System from City Sewer Lateral Hook'up" and puts the landowners at the Mercy of the Discretion by Hawaii Dept Of Health Director to approve Full Exemption.

Year 2022, Deferred Entirely reference companion Bills SB3188 & HB2059, introduced by District 45 Rep. Cedric Gates. I provided testimony "to oppose & protest against introduced Bill SB3188", and DLNR Chief Engineer testified against this Infrastructure on the Lands in Upper Makaha Valley, and reason for would only be benefiting Private Large Land Developer's & Commercial Landowner's. Including significant threat to All Unaware Landowner's on Noholio Road. Those landowners of Upper Jade St. are undergoing the Monthly Financial Burden As A Result of Upgrade Cesspool and connecting to City Sewer Infrastructure.

Fairly to testify, of our District 22 Senator Shimabukuro & District 45 Rep. Cedric Gates have not made any awareness, transparency of this specific said Bills introduce that will negatively impact our community by means of NOT communicating through City Waianae Neighborhood Board meetings or legislative Townhall Meetings held by them, and knowingly of earlier similar Bills was Deferred. Because it would pose a significant financial hardship upon the districts they represent.

Mahalo Nui Loa,  
Austin Salcedo