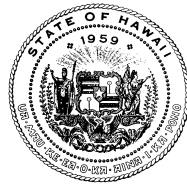


JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII



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

WRITTEN
TESTIMONY

In reply, please refer to:
File:

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

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

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: 2/1/2023

Room Number: 224

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



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
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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
AGRICULTURE AND ENVIRONMENT**

**Wednesday, February 1, 2023
1:00 PM
State Capitol, Via Videoconference, Conference Room 224**

**In support of
Senate Bill 428
RELATING TO CESSPOOLS**

Senate Bill 428 requires each county to develop a comprehensive integrated wastewater management plan and financial strategy, and to submit its respective plan and financial strategy to the Legislature. **The Hawai'i Climate Change Mitigation and Adaptation Commission (Commission) offers the following comments in support of this measure.**

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. Removal may not be achievable by 2050 as directed by state law without viable alternatives for replacement. The Commission's 2022 update to the *Sea Level Rise Vulnerability and Adaptation Report* Recommended Action 6.1.1 states that following the outcomes of the cesspool conversion working group, funding for the state should sponsor research and development efforts to expand affordable and actionable conversion options for shoreline property owners. Recommended Action 6.1.1 also counsels that options should account for SLR-XA projections of coastal erosion and associated land loss, and potential failure of onsite sewage treatment systems resulting from sea level rise-induced groundwater inundation.

Cesspools on the shoreline and in the coastal zone will be an increasing source of nonpoint source pollution as groundwater rises and coastal erosion accelerates. Recommended Action 6.4 counsels that the state should 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 comment in support of this measure.

LATE

SB-428

Submitted on: 2/1/2023 8:43:38 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stuart Coleman	Testifying for WAI: Wastewater Alternatives & Innovations	Support	Written Testimony Only

Comments:

Aloha, Chair Gabbard and AEN Committee Members,

On behalf of the environmental non-profit WAI: Wastewater Alternatives & Innovations, I am writing in support of SB428, which requires each county to complete a comprehensive wastewater management plan and submit it to the state legislature. This will help with the huge task of converting more than 80,000 cesspools across the state and give guidance to homeowners if sewer lines may be extended to their areas. Sorry for the late testimony and mahalo for your consideration of this bill.

Aloha, Stuart Coleman

Executive Director, WAI: Wastewater Alternatives & Innovations

2927 Hibiscus Pl., Hon., HI 96815

February 1, 2023

The Honorable Mike Gabbard, Chair

Senate Committee on Agriculture and Environment
State Capitol, Conference Room 224 & Videoconference

RE: Senate Bill 428, Relating to Cesspools

HEARING: Wednesday, February 2, 2023, at 1:00 p.m.

Aloha Chair Gabbard, Vice Chair Richards, 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 **strongly supports** Senate Bill 428, which requires each county to develop a comprehensive integrated wastewater management plan and financial strategy. Requires each county to submit its respective plan and financial strategy to the Legislature.

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

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

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

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

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



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well as to identify funding mechanisms and develop financing strategies to assist with cesspool conversions.

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

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





Environmental Caucus of The Democratic Party of Hawai'i

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

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

Hearing: Wednesday, February 1, 2023, 1:00 p.m., Conference Room 224 & Videoconference

Position: **Strong support**

Aloha, Chair Gabbard, Vice Chair Richards and Members of the Committee on Agriculture and Environment:

The Environmental Caucus of the Democratic Party of Hawai'i stands in strong support of SB 428. This measure requires (1) that each county to develop a comprehensive integrated wastewater management plan and financial strategy; and (2) that each county submit its respective plan and financial strategy to the Legislature no later than twenty days prior to the convening of the regular session of 2024.

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

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

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

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

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

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



February 1, 2023
Page 2

Requiring (1) each county to develop a comprehensive integrated wastewater management plan and financial strategy; and (2) requiring each county to submit its respective plan and financial strategy to the Legislature no later than twenty days prior to the convening of the regular session of 2024 will assist in implementing the recommendations set forth in the Cesspool Conversion Plan which are consistent with the state and counties' duties under the Public Trust Doctrine and the DPH Platform environmental plank that all people have the right to live in a clean, healthy and safe environment.

Please support and pass this bill.

Mahalo for the opportunity to testify on this measure.

/s/ Melodie Aduja and Alan Burdick
Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

SB-428

Submitted on: 1/28/2023 4:07:15 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Ceptic systems are the Worest poluters and this has bin proven many times. Cess pools are Safer to the Enviroment put in your terms.

SB-428

Submitted on: 1/30/2023 8:34:15 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

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

Comments:

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

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

SB-428

Submitted on: 1/31/2023 12:42:57 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Aloha, I am writing in support of SB 428, relating to cesspools.

Like many who live here in Hawaii, I am very concerned about the purity of our groundwater. I believe that upgrading and preferably converting cesspools to a sewage system is best for all involved in our state. However, I do understand, having lived in a more rural area that was not connected to a public wastewater system, that the infrastructure may take time and that coordination with the counties may be a great idea.

One of the biggest aspects I support in this bill is the decisive provision that an actionable plan be offered to the state by the 2024 legislative session, as this delegating from state to county and back again might simply a way to delay a policy that needs a viable plan to go forward.

I hope that this bill passes, so that our counties and state can better insure the safety of our water supply in an equitable manner for all.

Mahalo for your time.