

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT GOVERNOR



Hawaii Green Infrastructure Authority

An Agency of the State of Hawaii

JAMES KUNANE TOKIOKA
CHAIR

GWEN S YAMAMOTO LAU
EXECUTIVE DIRECTOR

Testimony of
Gwen Yamamoto Lau
Executive Director
Hawaii Green Infrastructure Authority
before the
SENATE COMMITTEE ON WAYS AND MEANS
Wednesday, April 3, 2024, 10:30 AM
State Capitol, Conference Room 211
in consideration of
HOUSE BILL NO. 1892, HD2, SD1
RELATING CESSPOOLS

Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee:

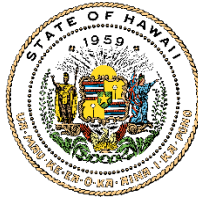
Thank you for the opportunity to testify and provide comments on House Bill No. 1892, HD2, SD1 relating to cesspools. The Hawai'i Green Infrastructure Authority (HGIA) **supports** this bill which provides for staggered deadlines to upgrade priority level 1 and level 2 cesspools ahead of the existing 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 to convert some 13,800 priority level 1 cesspools and some 12,400 priority level 2 cesspool ahead of the January 1, 2050 deadline.

We support the measure so long as it does not adversely impact priorities identified in Exec. Suppl. Budget Request for FY2025. Thank you for this opportunity to testify and provide comments on House Bill No. 1892, HD2, SD1.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
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

Wednesday, April 3, 2024
10:30 AM
Conference Room 211 & Videoconference, State Capitol

In consideration of
HOUSE BILL 1892, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO CESSPOOLS

House Bill 1892, House Draft 2, Senate Draft 1 proposes to 1) amend the deadlines for required upgrades conversions, or connections for certain priority level 1 and priority level 2 cesspools; 2) authorize and appropriate funds to the Department of Health to retain qualified consultants as necessary to identify necessary public outreach and education resources and tools and develop a comprehensive public outreach strategy and website to educate homeowners and wastewater industry professionals about information and resources regarding the State's cesspool upgrade, conversion, and connection requirements and deadlines; and 3) appropriate funds and establish positions for the implementation of the cesspool compliance pilot grant project. **The Department of Land and Natural Resources (Department) supports this bill provided that it does not replace or adversely impact priorities indicated in the Executive FY 2025 Supplemental Budget Request.**

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 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.

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>

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

The Department believes that requiring priority level 1 and priority level 2 cesspools to be upgraded sooner than 2050 is a prudent policy decision. Because of the lack of incentives and lack of urgency for converting cesspools in Hawai‘i until 2050, the Department fears that many homeowners will wait until the 2050 deadline to convert their systems and the State will be backlogged. In addition, many of the priority level 1 and 2 cesspools, which contribute the most harm to the marine ecosystem, will continue to pollute groundwater for the next 25 years. Our reefs are in peril and urgently need help. Moving the dates for upgrades to priority level 1 and 2 cesspools will reduce the amount of contaminants entering Hawai‘i’s nearshore waters and support more resilient coral reef ecosystems.

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



UNIVERSITY OF HAWAII SYSTEM
‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony
Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Ways and Means
Wednesday, April 3, 2024 at 10:30 a.m.

By

Darren T. Lerner, PhD

Director, University of Hawai'i (UH) Sea Grant College Program,
School of Ocean and Earth Science and Technology

And

Thomas Giambelluca, PhD

Director, UH Water Resources Research Center

And

Michael Bruno, PhD, Provost

University of Hawai'i at Mānoa

HB 1892 HD2 SD1 – RELATING TO CESSPOOLS

Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and UH Water Resources Research Center **support** for HB 1892 HD2 SD1, a comprehensive bill with the following key provisions:

- It sets deadlines for upgrading, converting, or connecting priority level 1 cesspools by 1/1/2035 and priority level 2 cesspools by 1/1/2045, advancing the previous deadline of 1/1/2050.
- It allocates funds to implement the cesspool compliance pilot grant project established under Act 153, Session Laws of Hawai'i 2022.
- It authorizes and appropriates funding for the Department of Health to establish a comprehensive public outreach and education strategy and website.
- It establishes and funds positions for the implementation of the Cesspool Compliance Pilot Grant Project.

The Cesspool Conversion Working Group has highlighted that most cesspool owners face financial constraints hindering the upgrade to advanced wastewater treatment systems. Eliminating cesspools promptly is crucial for human and environmental health, necessitating various financial assistance mechanisms for homeowners.

We support a swift transition and recognize the need for financial support in doing so. Implementation of a compliance pilot grant, with the associated positions to administer the program, will aid residents in transitioning from cesspools to more advanced wastewater treatment technologies.

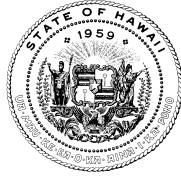
The upgrade of cesspools underscores Hawai'i's commitment to public health, recognizing that the well-being of its residents is closely linked to the state's ability to effectively manage and treat wastewater to meet the highest standards of safety. Homeowner and public education regarding the risks associated with cesspools, upgrade requirements and timelines is an integral element of achieving the state's cesspool conversion goals.

Because this bill adds responsibilities for the Department of Health related to the management and implementation of a grant program, our departments encourage the legislature's support of capacity increases at the Department of Health, specifically within the Wastewater Branch, so that they can effectuate their growing responsibilities related to cesspool conversion.

Thank you for considering our testimony on this important measure.

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia'āina o ka Moku'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia'āina o ka Moku'āina
'o Hawai'i*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

Ka 'Oihana 'Āina Ho'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF KALI WATSON, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS
HEARING ON APRIL 3, 2024 AT 10:30AM IN CR 211

HB 1892, HD 2, SD 1 RELATING TO CESSPOOLS

April 3, 2024

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports this bill which, Part II: Amends the deadlines for required upgrades conversions, or connections for certain priority level 1 and priority level 2 cesspools; Part III: Authorizes and appropriates funds to the Department of Health (DOH) to retain qualified consultants as necessary to identify necessary public outreach and education resources and tools and develop a comprehensive public outreach strategy and website to educate homeowners and wastewater industry professionals about information and resources regarding the State's cesspool upgrade, conversion, and connection requirements and deadlines; and Part IV: Appropriates funds and establishes positions for the implementation of the cesspool compliance pilot grant project; declares that the general fund expenditure ceiling is exceeded - effective 7/1/2050.

Approximately 2,500 cesspools exist on Hawaiian Home Lands and majority of which are ranked as priority level 1 or priority level 2 cesspools to be upgraded, converted, or connected to a sewerage system. DHHL understands the urgency to complete these conversions and connections before the year 2050.

DHHL also supports an appropriation of funds for DOH to retain qualified consultants as necessary to identify necessary public outreach and education resources and tools and develop a comprehensive public outreach strategy and website to educate homeowners and wastewater industry professionals about information and resources regarding the State's cesspool upgrade, conversion, and connection requirements and deadlines.

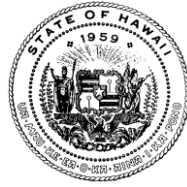
This pilot project will provide the opportunity for alternative, financially feasible, and effective wastewater technologies to be evaluated and shared for DHHL, current lessees residing on Hawaiian Home Lands, and potential beneficiaries to understand

Department of Hawaiian Home Lands
April 3, 2024
Page 2

the challenges and financial costs of cesspool conversions and wastewater technologies.

DHHL understands that there is no simple, one method fits all ahupua'a (land division) solution toward addressing the cesspool conversion and wastewater needs of the State of Hawaii and we support this measure that may improve the implementation of the diverse and feasible ways to fulfill the noted requirements.

Thank you for your consideration of our testimony.



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:

LATE

**Testimony COMMENTING on HB1892 SD1
RELATING TO CESSPOOLS**

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

Hearing Date: 4/3/2024

Room Number: 211

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. The Department recognizes that there is a need to provide public outreach, education
6 resources, a website to serve as a statewide clearinghouse for information and resources related
7 to cesspool upgrade, conversion, and sewer connection to assist homeowners and wastewater
8 industry professionals, and a cesspool compliance pilot grant program. The Department is
9 concerned about the fiscal implications generated by this proposal as it may adversely impact
10 priorities indicated in the Governor’s Executive Budget.. However, without the necessary
11 full-time equivalent positions, the Department will be unable to implement these programs.

12 The specifics of the “cesspool compliance pilot grant project” are not stated in this
13 measure, but should be added for clarification.

14 The Department supports cesspool conversion efforts managed by the counties.

15 **Offered Amendments:** The Department respectfully suggests the following revision to the
16 proposed HRS amendment. Additions appear as underlined and deletions appear as strikeouts.

17 SECTION 5, Page 7, lines 5-16: “Notwithstanding section 342D-83, Hawaii Revised
18 Statutes, or any other law to the contrary, there is appropriated out of the ~~water pollution control~~
19 ~~revolving fund~~ general revenues of the State of Hawaii the sum of \$ or so much thereof as
20 may be necessary for fiscal year 2024-2025 for the department of health to retain qualified
21 consultants, as necessary, to identify necessary public outreach and education resources and
22 tools, and develop a comprehensive public outreach strategy and website to provide necessary

1 information to homeowners and wastewater industry professionals about information and
2 resources regarding the State’s cesspool upgrade, conversion, and connection requirements and
3 deadlines.”

4 SECTION 7, Page 8, lines 5-17: “There is appropriated out of the general revenues of the
5 State of Hawaii the sum of \$305,504 or so much thereof as may be necessary for fiscal year
6 2024-2025 to establish:

7 (1) one full-time equivalent (1.0 FTE) permanent engineer V (SR-26) position;

8 (2) one full-time equivalent (1.0 FTE) permanent engineer IV (SR-24) position; and

9 (3) one full-time equivalent (1.0 FTE) permanent accountant IV (SR-24) position,

10 and \$50,000 to fund the development of public outreach and education tools, to implement the

11 cesspool compliance pilot grant project established pursuant to Act 153, Session Laws of Hawaii

12 2022, and perform other cesspool conversion-related work.”

13 Thank you for the opportunity to testify.

April 3, 2024

The Honorable Donovan M. Dela Cruz, Chair

Senate Committee on Ways and Means

State Capitol, Conference Room 211 & Videoconference

RE: House Bill 1892, HD2, SD1, Relating to Cesspools

HEARING: Wednesday, April 3, 2024, at 10:30 a.m.

Aloha Chair Dela Cruz, Vice Chair San Moriwaki, 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 Hawaii and its over 11,000 members. HAR provides **comments** on House Bill 1892, HD2, SD1, which part II: Amends the deadlines for required upgrades conversions, or connections for certain priority level 1 and priority level 2 cesspools. Part III: Authorizes and appropriates funds to the Department of Health to retain qualified consultants as necessary to identify necessary public outreach and education resources and tools and develop a comprehensive public outreach strategy and website to educate homeowners and wastewater industry professionals about information and resources regarding the State's cesspool upgrade, conversion, and connection requirements and deadlines. Part IV: Appropriates funds and establishes positions for the implementation of the cesspool compliance pilot grant project. Declares that the general fund expenditure ceiling is exceeded. Takes effect 7/1/2050.

HAR 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 and support Parts III and IV of the bill. We are however concerned with Hawaii's ability to achieve the current mandate of converting all cesspools to a Department of Health approved wastewater system by 2050, much less the challenges that homeowners will face if that mandate was moved forward to 2035 and 2040. Therefore, we are opposed to Part II of the measure.

According to the Cesspool Working Group Final Report¹, there are 13,821 cesspools categorized as Priority Level 1 and 12,367 cesspools categorized as Priority Level 2. While the dates have been blanked out in the current version, if based on the HD1, to convert Priority Level 1 and 2 cesspools by 2035, **1,878 cesspools would need to be converted per year** (see table below.) Additionally, to convert the remaining Priority Level 2 cesspools would be an additional 727 conversions per year over the remaining 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

¹ Cesspool Conversion Working Group. (2022). *Final Report to the 2023 Regular Session Legislature*. State of Hawaii Department of Health. <https://health.hawaii.gov/opppd/files/2022/12/Act-170-SLH-2019-Nov-2022.pdf>

Level 3 cesspools until after 2040, there will be 10 years left to convert them all which averages to 5,523 conversions a year.

Year:	Priority Level 1	Priority Level 2	Convert Per Year
2024	1,151	727	1,878
2025	1,151	727	1,878
2026	1,151	727	1,878
2027	1,151	727	1,878
2028	1,151	727	1,878
2029	1,151	727	1,878
2030	1,151	727	1,878
2031	1,151	727	1,878
2032	1,151	727	1,878
2033	1,151	727	1,878
2034	1,151	727	1,878
2035	1,151	727	1,878
2036		727	727
2037		727	727
2038		727	727
2039		727	727
2040		727	727

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 a review and approval from the State Historic Preservation Division (“SHPD”), obtaining permits, construction, and engineers getting final approval from DOH. We believe the missing piece of this conversation is to hear directly from these contractors and other professionals who would be engaged in the work of cesspool conversion to hear about the feasibility of these goals and how we can all move forward to protect our environment. 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 analysis² for homeowners. Based on the analysis, **97% of homeowners would be financially burdened by cesspool conversion costs.** Equally concerning, even

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



 808-733-7060

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

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.

As such, the focus should be on efforts to aid communities and homeowners with cesspool conversion, which includes education and financial assistance in addition to wastewater infrastructure planning and development. We believe the income tax credit and cesspool compliance pilot grant project can help homeowners who may be financially burdened to convert their cesspools to a DOH wastewater system or connect to a sewerage system.

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



HB-1892-SD-1

Submitted on: 4/2/2024 2:20:32 AM

Testimony for WAM on 4/3/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Hawai'i Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

The Hawaii Reef and Ocean Coalition **STRONGLY SUPPORTS** this bill, which is needed to protect public health and environment, including coral reefs, by requiring upgrade of the most polluting cesspools and providing public education on cesspool upgrade requirements. We must get started on cesspool upgrades before 2050 in order to meet the 2050 deadline.

Please pass this key bill!

Please pass this key bill!

HB-1892-SD-1

Submitted on: 4/2/2024 7:15:39 AM

Testimony for WAM on 4/3/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Gibson	Testifying for Indivisible Hawaii	Support	Written Testimony Only

Comments:

STRONG SUPPORT. 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.



April 2, 2024

In Support of **HB1892 HD2 SD1** Relating to the Environment
Sen. Committees on Agriculture & the Environment (AEN) and Health & Human Serv. (HHS)
Hearing on April 3, 10:30am, Rm. 211

Aloha, Chair Dela Cruz, Vice-Chair Moriwak 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 HB1892 HD2**. This bill would do three very important things: 1. create earlier deadlines for cesspool conversions in Priority Areas 1 (2035) and 2 (2040) to help the state meet its mandate under Act 125; 2. extend the successful funding support program under Act 153 (to assist low-moderate income homeowners with the costs of cesspool conversion); and 3. Develop a comprehensive outreach and education program to help homeowners with the conversion process. This bill includes top recommendations of the State's Cesspool Conversion Working Group, which I served on for four years.

Under Act 125 (2017), all cesspools are mandated to be converted by 2050. The only way to accomplish this mandate is to stagger the phases of conversion and create earlier deadlines for the most polluting cesspools in Priority Areas 1 & 2. Cesspools in these areas pose serious threats to drinking water supplies, coral reefs and water quality in nearshore areas. To help homeowners with financing these conversions, the bill would extend funding from Act 153 for low-moderate income households to help defray the costs.

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. The people of Hawaii need this law to make sure their wastewater systems aren't polluting the groundwater or nearby surface waters. This pollution threatens our environment, public health and our economy, damaging Hawaii's reputation as a world class destination with pristine waters.

WAI is an environmental non-profit 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 and help homeowners with the conversion process. 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 deadlines and funding 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



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

DATE: Tuesday, April 2, 2024

Re: HB 1892

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 1892 is needed now because the health of Hawaii's people and quality of Hawaii's waters and aquatic life including coral reefs are being harmed by pollution from cesspools.

Mahalo you for the opportunity to testify.

Sincerely,

Lynn Miyahira
Public Access to SunScreens (PASS) Coalition

Mar 13, 2024

Dear, Committee(s) on WAM

Re: HB1892 HD2 SD1 Relating to Cesspools

From: Erica Perez- Sr. Program Manager/Head of Sanitation

eperez@coral.org

Coral Reef Alliance (CORAL)

Subject: In Support of HB1892 HD2 SD1 Relating to Cesspools

I am testifying in Support of HB1892 HD2 SD1 on behalf of the Coral Reef Alliance (CORAL) and myself, a concerned Hawaii resident, and a Hawaii Cesspool Conversion Working Group participant. I believe that this bill is a critical step towards addressing the impacts of cesspools on Hawaii's coral reefs and community wellbeing.

This practical bill would create the needed urgency and secure resources to remove millions of gallons of raw sewage leaching into Hawaii's groundwater and ocean, per day. Creating an earlier deadline for cesspool conversions in Priority Areas 1 (2035) and 2 (2045) will help the state meet its mandate under Act 125; and also will develop the broad outreach and education that will provide important resources to the general population on how we can safeguard our water through expediting cesspool conversion.

Under Act 125 (2017), all cesspools are mandated to be converted by 2050. The only way to accomplish this mandate is to stagger the phases of conversion and create earlier deadlines for the most polluting cesspools in Priority Areas 1 & 2. Cesspools in these areas pose serious threats to drinking water supplies, coral reefs and water quality in nearshore areas.

I firmly believe that the passage of HB1892 HD2 SD1 will create the needed conditions and urgency to address cesspool impacts and improve the quality of Hawaii's water and community resilience. Thank you for supporting HB1892 HD2 SD1 to expedite the transition of cesspool conversion. Let us embrace this opportunity to safeguard our future, preserve our natural resources, and create a thriving, sustainable community for generations to come.



CORAL REEF ALLIANCE

Coral Reef Alliance has been working to provide clean water for reefs for 30 years! The Coral Reef Alliance (CORAL) is on a mission to save the world's coral reefs. We use a science-based, holistic approach in supporting resilient coastal communities, reducing sources of water pollution, and promoting sustainable fisheries to ensure that coral reefs adapt in the face of global climate change. In Hawaii, CORAL works alongside local communities and partners to make lasting and effective conservation solutions to save precious coral reef ecosystems.

Sincerely,

Erica Perez, Sr. Program Manager (Hawai'i Island)

Coral Reef Alliance - coral.org

HC 1 Box 5519

Keaau, HI 96749

(808) 756 - 1786

eperez@coral.org



LATE

4/2/2024

Ways and Means Committee
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Ways and Means Committee

Position: Support HB1892 - Earlier deadlines for cesspool conversions in priority areas

The Surfrider Foundation, Hawaii region, is testifying in **strong support of HB1892**, relating to staggered and earlier deadlines for cesspool upgrades, which would require certain priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2035, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2040, rather than before 1/1/2050. It also includes a public outreach/education component.

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. HB1892 supports this staggered conversion as suggested by the Cesspool Conversion Working Group

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 to convert some 13,800 cesspools between 2024 to 2035; 12,400 cesspool conversions between 2036 to 2040, and the remaining 56,800 cesspool conversions between 2041 to 2050

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. Without mechanisms to accelerate the conversion of 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 HB1892, 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

HB-1892-SD-1

Submitted on: 4/2/2024 8:01:06 AM

Testimony for WAM on 4/3/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Hixon	Individual	Support	Written Testimony Only

Comments:

Aloha: As a professional marine biologist, I urge you to pass HB1892 HD2 SD1 and all bills designed to avert our cesspool disaster. The scientific reality is clear: If Hawai'i is to have healthy coral reefs that protect our coasts from sea-level rise and erosion, feed us, and provide us income, recreation, tourism, and spiritual connection, then we must curtail the leaching of cesspool pollution into our coastal ocean. There is no free lunch regarding this issue. If we don't invest in cleaning our coastal waters to save our reefs, our children and grandchildren will never forgive us. Mahalo--Mark Hixon (Honolulu)

HB-1892-SD-1

Submitted on: 4/2/2024 8:24:21 AM

Testimony for WAM on 4/3/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephen D Lopez	Individual	Oppose	Written Testimony Only

Comments:

WAM Committee

To me, this entire subject is being pushed by a consortium who are spreading FUD (fear, uncertainty, doubt) to mire the details in rhetoric into the legislative process using water quality as their mantra. Certainly no one can argue over the need for maintaining high levels of water quality for obvious reasons but their nature of painting a broad brush to vilify all cesspools is a far reach. Particularly on Big Island with steep terrains and rapid elevation increases cause one to ill suspect the “studies” done by this or partner organizations. WAI is a non-profit organized, in part, by members of 3rd party solutions who would gain from this overreach.

WAI response to “how have the citizens responded to your presentations” by your committee was that approximately 75% of the public was in favor of the program. I was present and 2-3 of those sessions and the material presented was all about the potential damage to the coastline and water sources due to possible contaminations and wouldn’t you agree we can’t allow this? I ask you to have them present the survey questions as they were tilted toward a need to protect the resource but nothing about the quantified and real damage cesspools present across a broad spectrum of incidents. To say a cesspool at the > 800ft elevation on Big Island (a vast majority) are the villains in this drama is a highly questionable supposition. In 2 of those presentations, representatives of DOH stated that a septic tank is about 30% better than a cesspool. I respectfully ask you to table any approval pending your gathering of real information that goes beyond the scare tactics offered.

NO on HB1892 – where is the funding coming from? Senate just killed 2 bills attempting to provide funding. Again, it’s the penalty fee in HB2743 that is where this targeted and limited funding may come from. However, they are asking for funding to provide outreach and conversion assistance! Details on what this is are grossly lacking.

HB-1892-SD-1

Submitted on: 4/2/2024 10:13:59 AM

Testimony for WAM on 4/3/2024 10:30:00 AM

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

Comments:

Aloha WAM Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee,

I write in **strong support of HB1892.**

I am a third-year environmental law student at the University of Hawai‘i at Mānoa William S. Richardson School of Law, born and raised in Kailua, Hawaii. My education has informed my belief that converting cesspools quickly is of the utmost importance to the health, safety, and wellness of the people and natural environment of Hawai‘i. The sooner, the better.

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.

Cesspools also pose a major threat 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 financial issue: this bill is my top priority not only because of cesspools’ significant threat to public health and the environment, but also because of the financial impacts contaminated water may have on our local economy. For example, the significant health risks of swimming in contaminated water could impact the tourism industry. Further reef decline will also affect tourism and fishing stock for local fishermen.

HB1892 (1) creates earlier deadlines for cesspool conversion in Priority Areas 1 & 2; (2) extends funding for the cesspool grant program to financially assist low and moderate-income families in converting their cesspools; and (3) funds and develops an outreach and education program to help homeowners with the conversion process.

This bill will provide the necessary deadlines and funding needed to convert cesspools across the state.

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

Best regards, Sophia Morgan