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FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT

WRITTEN ONLY

TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEES ON ENERGY AND ENVIRONMENTAL PROTECTION
AND WATER AND LAND
ON
HOUSE BILL NO. 2743

February 13, 2024
9:05 a.m.
Room 325 and Videoconference

RELATING TO WASTEWATER

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 2743:

- Amends Chapter 342D, HRS, to add a new part entitled “County Cesspool Elimination Planning” to:
 - Allow the Department of Health (DOH) to adopt rules pursuant to Chapter 91, HRS, for the purposes of this part.
 - Require each county to establish or identify a county advisory body and submit a wastewater management plan (WMP) to DOH by June 30, 2027.
 - Require DOH to review the WMPs and render a decision within 60 calendar days.
 - Require each county to designate one or more sewer improvement districts in its WMP.
 - Allow counties to apply for a partial exemption if the county already maintains an alternative plan that substantially addresses elements required in a WMP.

- Allow counties to assess a monthly cesspool pollution fee on any real property that contains a cesspool.
- Allow counties to establish, by ordinance, a Cesspool Closure and Mitigation Special Fund (CCMSF).
- Allow counties to offer grants or low-interest loans to pay for costs associated with conversion of a cesspool to an approved wastewater system or connection to a sewerage or wastewater treatment system.
- Require each county that assesses a cesspool pollution fee to submit a report to DOH.
- Amends Section 46-1.5, HRS, to allow counties to assess cesspool pollution fees and expend fee revenues and real property tax revenues for the CCMSF.
- Appropriates an unspecified amount of general funds for FY 25 to DOH to perform the duties specified in this measure, provided that \$80,000 is expended to establish 1.00 full-time equivalent (FTE) permanent Program Specialist V position and \$71,000 is expended to establish 1.00 FTE permanent Planner IV position.
- Appropriates an unspecified amount of general funds for FY 25 to assist the counties in implementing Section 2 of this measure.

As a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should:

1) serve a need as demonstrated by the purpose, scope of work, and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue;

- 3) provide an appropriate means of financing for the program or activity; and
- 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 2743, it is difficult to determine whether the proposed special fund would be self-sustaining.

Thank you for your consideration of our comments.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Energy & Environmental Protection
House Committee on Water & Land
Tuesday, February 13, 2024 at 9:05 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 2743 – RELATING TO WASTEWATER

Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Members of the Committees:

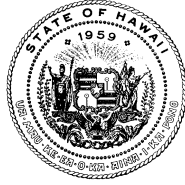
The University of Hawai'i Sea Grant College Program and UH Water Resources Research Center **support HB 2743**.

This legislation mandates each county to develop and maintain a wastewater management plan with specific requirements. It provides the Director of Health with the authority to exempt counties with existing plans meeting certain criteria. Counties are tasked with identifying priority areas for expanding or constructing centralized treatment systems to eliminate cesspools by 1/1/2050, designating them as sewer improvement districts. Starting 7/1/2025, counties can assess a monthly cesspool pollution fee on properties with cesspools, utilizing revenues for various mitigation activities, including sewer system expansion and grants/loans to property owners. The legislation acknowledges that the appropriation exceeds the state's general fund expenditure ceiling for 2024-2025 and makes appropriations accordingly.

The transition away from cesspools signifies Hawai'i's dedication to public health, recognizing the close connection between residents' well-being and effective wastewater management to ensure safety. Moving from cesspools to advanced wastewater treatment methods safeguards Hawai'i's natural resources and upholds the state's reputation as a global leader in sustainable environmental practices. This transition demonstrates Hawai'i's commitment to meeting and surpassing water quality standards set by regulatory bodies, showcasing proactive efforts to enhance environmental quality for residents' benefit.

Thank you for the opportunity to testify on this measure.

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



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

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In reply, please refer to:
File:

**Testimony in SUPPORT of HB2743
RELATING TO WASTEWATER**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

REPRESENTATIVE LINDA ICHIYAMA, CHAIR
HOUSE COMMITTEE ON WATER & LAND

Hearing Date: 2/13/2024

Room Number: 325

- 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 supports the intent of this measure that will require
- 5 each county to develop and maintain a wastewater management plan; authorize the director of
- 6 health to exempt a county from creating a wastewater management plan if the county has an
- 7 existing plan that substantially meets certain requirements; require the counties to identify
- 8 specific priority areas in which the county sewerage system or other centralized treatment system
- 9 will be expanded or constructed to reduce or eliminate cesspools before January 1, 2050, and
- 10 provide for the designation of these areas as sewer improvement districts; authorize each county
- 11 to assess a monthly cesspool pollution fee beginning on July 1, 2025, on real properties
- 12 containing a cesspool; authorize the counties to use cesspool pollution fee revenues for certain
- 13 activities that eliminate, reduce, or mitigate the impacts of cesspools, including the expansion of
- 14 county sewerage systems and the issuance of grants and low—interest loans to property owners;
- 15 and make appropriations.
- 16 **Offered Amendments:** The Department respectfully suggests the following revisions to the
- 17 proposed HRS amendments. Additions appear as underlined and deletions appear as strikeouts.
- 18 General comments:

1 • Include “wastewater management” before all references of the “plan” to specify the
2 “wastewater management plan.”

3 • Change all references from “sewerage system” to “sewer system.”

4 SECTION 2, §342D-A Definitions: Page 5:

5 • Add “Centralized treatment system” means “treatment works” as defined in Hawai‘i
6 Administrative Rules, Title 11, Chapter 62.

7 • Add “Community-scale package wastewater treatment system” means “treatment works”
8 as defined in Hawai‘i Administrative Rules, Title 11, Chapter 62.

9 • Add “Sewage” means “sewer” and “sewer system” as defined in Hawai‘i Administrative
10 Rules, Title 11, Chapter 62.

11 • Lines 9-19: ~~““Hawaii cesspool hazard assessment and prioritization tool” means the~~
12 ~~2021 University of Hawaii 2022 Hawaii cesspool hazard assessment and prioritization~~
13 ~~tool developed by the university of Hawaii sea grant college program and water resources~~
14 ~~research center, as may be amended.”~~

15 “Priority level 1 cesspool” means a cesspool located within an area that is designated as a
16 priority level 1 area by the Hawaii cesspool ~~hazard assessment and prioritization~~ tool.

17 “Priority level 2 cesspool” means a cesspool located within an area that is designated as a
18 priority level 2 area by the Hawaii cesspool ~~hazard assessment and prioritization~~ tool.”

19 SECTION 2, §342D-C Wastewater management plan; establishment; development:

20 • Page 6, lines 9-10: “(4) Converted to a director-approved wastewater ~~treatment~~ system.”

21 • Page 8, lines 6-12: ~~“(d) Following formal adoption of the wastewater management plan~~
22 ~~by the county council, the county shall submit the adopted plan to the department for review.~~

23 The adopted plan shall be accompanied by a document that contains a summary table of
24 comments received from the State or the public and a response detailing how the comments have
25 been addressed in the plan or, if it has not been addressed, the reason it was not.”

26 SECTION 2, §342D-E Submission schedule for revised wastewater management plans:

27 • Page 10, line 20: “(b) Not less than one hundred ~~and~~ twenty calendar days ...”

28 SECTION 2, §342D-F Contents of county wastewater management plans:

29 • Page 13, lines 13-14: “(4) Identify areas that are suitable for new alternative treatment
30 processes and receive the department’s approval to pilot or use; and”

- 1 • Page 13, line 16: “(A) Facilitate the conversion ~~and~~ or connection of ...”
- 2 • Page 14, lines 1-2: “(C) Manage onsite ~~residential wastewater treatment facilities~~
- 3 individual wastewater systems, including septic tanks;”

4 SECTION 2, §342D-G Sewer improvement districts:

- 5 • Page 16, line 8: “... sewer improvements will be completed.”

6 SECTION 2, §342D-J Guidelines:

- 7 • Page 18, lines 14-20: “~~§342D-J Guidelines. The process of county wastewater~~
- 8 ~~management planning shall be expedited to the greatest extent possible. Within six months of the~~
- 9 ~~effective date of this Act, the department shall issue guidelines for the development of county~~
- 10 ~~plans. The draft guidelines shall be circulated to the counties for review and comment not less~~
- 11 ~~than ninety calendar days before their issuance.”~~

12 SECTION 2, §342D-L County cesspool closure and mitigation special funds; authorized:

- 13 • Page 22, lines 12-14: “(2) The conversion of cesspools outside of sewer improvement
- 14 districts to ~~a~~ an individual wastewater system approved by the director;”
- 15 • Page 22, lines 17-21 and Page 23, lines 1-2: “(4) Costs associated with the connection of
- 16 a property having a cesspool to an existing sewerage system having available capacity; a new
- 17 private or public sewerage system; or a community-scale package wastewater treatment system
- 18 that meet the minimum wastewater treatment standards established by ~~the United States~~
- 19 Environmental Protection Agency the department,”

20 SECTION 2, §342D-M Grants and loans:

- 21 • Page 23, lines 17-21 and Page 24, lines 1-4: “§342D-M Grants and loans. (a) A county
- 22 may offer grants or low-interest loans to pay for costs, in whole or in part, associated with the
- 23 conversion of a cesspool to a director-approved wastewater system or the connection of a
- 24 property having a cesspool to a public or private sewerage system or a community-scale package
- 25 wastewater treatment system that meets the minimum wastewater treatment standards established
- 26 by ~~the United States Environmental Protection Agency~~ the department.”
- 27 • Page 24, lines 15-20: “(4) Indemnify and hold harmless the State or county and any
- 28 subdivision thereof and their officers, agents, and employees from and against any and all claims
- 29 arising out of or resulting from activities carried out or projects undertaken with funds provided
- 30 under this section;”

1 • Page 25, lines 5-6: “(6) Comply with any other requirements that the ~~department~~ county
2 may prescribe.”

3 • Page 25, lines 20-21: “(4) Indemnify and hold harmless the State or county and any
4 subdivision thereof and their officers, agents, and ...”

5 • Page 26, lines 9-10: “(6) Comply with any other requirements that the ~~department~~ county
6 may prescribe.”

7 SECTION 2, §342D-N Reports:

8 • Page 27, lines 4-6: “§342D-N Reports. (a) No later than ~~November 1~~ September 30 of
9 each year, each county that assesses a cesspool pollution fee shall submit a report to the
10 department of ~~health~~ that includes:”

11 • Page 27, lines 16-18: “(iii) Total cesspools, properly closed in the county due to projects
12 funded under section 342D—L(c) (1) to (7);”

13 SECTION 5, Page 49, lines 1-11: “SECTION 5. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$____ or so much thereof as may be necessary for
15 fiscal year 2024-2025 for the department of health to perform duties required pursuant to
16 section 2 of this Act; provided that:

17 (1) \$89,500 shall be expended to establish one permanent, full-time equivalent (1.0 FTE)
18 ~~program specialist~~ engineer V (SR-2426) position; ~~and~~

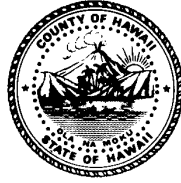
19 (2) \$82,700 shall be expended to establish one permanent, full-time equivalent (1.0 FTE)
20 ~~planner~~ engineer IV (SR-2224) position; ~~and~~

21 (3) \$76,800 shall be expended to establish one permanent, full-time equivalent (1.0 FTE)
22 accountant IV (SR-24) position.”

23 Thank you for the opportunity to testify.

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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February 8, 2024

Rep. Nicole E. Lowen, Chair, and
Members of the Committee on Energy and Environmental Protection

Rep. Linda Ichiyama, Chair, and
Members of the Committee on Water and Land

Dear Chair Lowen, Chair Ichiyama, and Committee Members,

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

- As noted in the attached response to House Concurrent Resolution No. 208, HD1 (2023) the County of Hawai'i is developing an integrated wastewater management plan. This master plan is being developed as a series of sub-plans, which will include a Facility Plan and Programmatic EIS for the Addition of Wastewater Services for the Puna District, a Wastewater Feasibility Study for the Town of Pahoa, the South Kohala Regional Wastewater Master Plan, the County-Wide Cesspool Conversion Plan, the County-Wide Wastewater Facilities Plan. Along with the Wastewater Rates and Fees Evaluation, the County is well-positioned to comply with the wastewater management plan requirement.
- This master plan will help the County of Hawai'i identify specific priority areas in which the county sewerage system will be expanded. This will give residents the certainty in knowing whether they should begin converting their homes from cesspool to septic, or whether they should presume that their homes will be serviced by a sewer line.
- The County of Hawai'i lacks a clear authorization from the State to assess a monthly cesspool pollution fee. As a result, individual residential cesspools are widely viewed as a "free" disposal method in that there are no fees charged for their continued existence. However, this view ignores the hidden costs of cesspools that manifest in environmental degradation and negative impacts to human health and safety. Further, this "free" disposal method results in a chronic underfunding of the public wastewater infrastructure, which then limits the ability of the County to expand the system to bring in new revenue. Only those residents connected to the sewer systems support the activities of the Wastewater Division through payment of their sewer fees. Many of the residents are

limited in their ability to pay, while the cost to maintain and upgrade the sewer system will continue to rise. HB 2743 addresses this by helping constituents understand that there is no “free” waste disposal system, and that delaying the conversion from cesspools to an approved treatment method in the long run will be both environmentally unfriendly and costly.

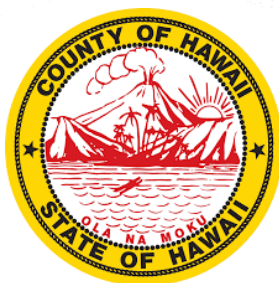
If it is possible, we would support an amendment to this section to allow a County to waive the collection of cesspool pollution fees based on income or other humanitarian considerations, such as advanced age or disability.

- This bill authorizes a County to offer grants and low-interest loans to pay for costs associated with the conversion of a cesspool. Costs are a significant barrier to conversion among Asset Limited, Income Constrained, Employed (ALICE) households on Hawai‘i Island, and many who want to close their cesspools due to environmental health concerns may not have the ability. The financial assistance aspect of HB 2743 would be another tool that will help Hawai‘i reach its goal of closing nearly all cesspools by 2050.

I thank you for the opportunity to provide this testimony in strong support of HB 2743.

Sincerely,

Ramzi I. Mansour, Director
Department of Environmental Management
County of Hawai‘i



COUNTY OF HAWAI'I, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Response to State of Hawai'i House Concurrent Resolution No. 208, H.D. 1



December 2023

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Introduction

In 2017, the Hawai'i State Legislature passed Acts 125 and 87, which mandates that all cesspools in the State, unless granted an extension, shall be converted to an approved wastewater system, or connected to a sewerage system by January 1, 2050. [House Concurrent Resolution No. 208, H.D. 1 \(Resolution\)](#), adopted in the 2023 session, requests that each County in the State of Hawai'i "develop a comprehensive integrated wastewater management plan and financial strategy to upgrade, convert, or connect cesspools located within its respective jurisdiction" no later than twenty days prior to the convening of the Regular Legislative Session of 2024.

The Resolution summarizes the State-wide issues, challenges, and importance of this significant undertaking. The County of Hawai'i (County) shares the concerns of the Legislature related to cesspool conversions in the State and initiated necessary planning efforts in 2022 to develop a long-term cesspool conversion strategy. This ongoing planning represents a cumulative investment of approximately \$8,000,000 toward the implementation of the most appropriate conversion approach.

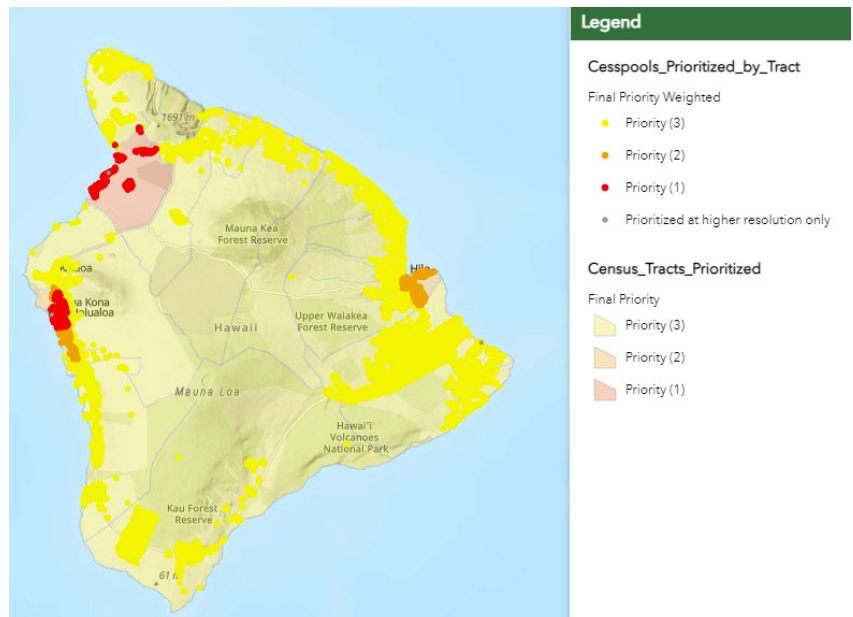
This initial work has enabled the County to quantify the considerable magnitude and complexity of the cesspool conversion issue. Although the County has been proactively conducting comprehensive planning efforts for nearly two years, the information requested by the Resolution cannot be completed prior to the start of the next Regular Legislative Session. This report documents work completed to date by the County, summarizes ongoing evaluations, presents anticipated future actions, and suggests information for legislative consideration.

Background

The County has the most cesspools in the State. Of the approximately 83,000 cesspools State-wide, nearly 60 percent (48,596) are in the County of Hawai'i. The cost of conversion of the Puna District alone, with approximately 16,000 cesspools, is estimated to be a minimum of \$1.4 billion (AECOM, 2023). Total County-wide costs for cesspool conversions could exceed \$3 billion. A study commissioned by the Hawai'i State Department of Health (DOH) concluded that "Hawai'i County has the greatest affordability challenges, the most cesspools of all the counties, and a large proportion with potential impacts to drinking water and sensitive coastal waters" (Carollo, 2021). That same report determined that all property owners in the County will be financially burdened by cesspool conversions based on median household income data. Financial assistance will be key to a successful cesspool conversion program.



The County has the greatest affordability challenges, the most cesspools of all counties, and a large proportion with potential impacts to drinking water and sensitive coastal waters.



Cesspool conversions also face technical challenges. The County is primarily composed of rural, decentralized communities. It is estimated that 78 percent of the existing County population does not have access to a centralized sewer system, indicating that connection to an existing sewer service area is unlikely to be available for most properties. This is expected to drive a large portion of the conversions to an approved individual wastewater system (IWS) which can be costly due to the lack of topsoil on Hawai'i island to serve as an appropriate means of wastewater treatment and disposal. Most homeowners will require some form of assistance to navigate the process required to upgrade their onsite system.

Given the cost, environmental impacts, and potential neighborhood disruption associated with the overall conversion effort, public input, outreach, and education will also be key to the implementation of the program. Ideally these efforts should be consistent State-wide.

Cesspool Conversion Planning Completed to Date

As previously discussed, the County has been proactively engaged in the development of a program for County-wide cesspool conversions for nearly two years. This work has included the following planning efforts.

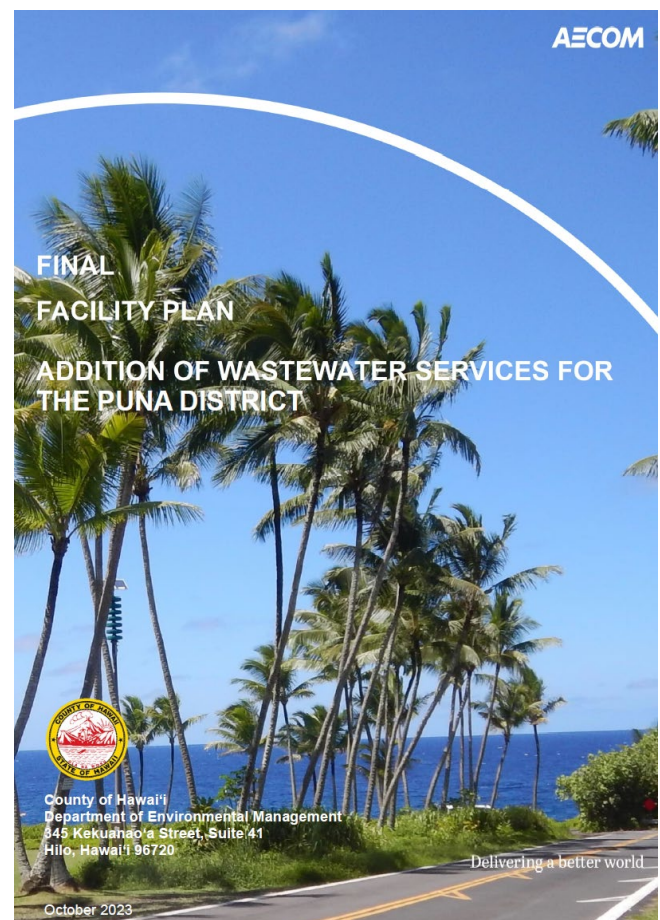
Facility Plan and Programmatic Environmental Impact Statement, Addition of Wastewater Services for the Puna District.

This recently completed comprehensive plan evaluated alternatives for providing sewer service for an area on the windward side of the island with approximately 20,000 onsite sewage disposal systems, including 16,000 cesspools. A range of options were considered including IWS, decentralized treatment, subregional treatment, as well as urban sewer connections and conveyance of wastewater flows to the existing Hilo Wastewater Treatment Plant (WWTP). Based on cost, environmental, and technical factors, a

combination of IWS and decentralized treatment was ranked as the most favorable option. The plan identified the need for the development of appropriate institutional arrangements along with the evaluation of funding and financing approaches. Public outreach, input, and education were also key elements of the plan development.



The Puna Facility Plan evaluated options for the conversion of 16,000 cesspools within the County.



Wastewater Feasibility Study for the Town of Pāhoā. This feasibility study was completed in November 2023 and focused on specific sewer service needs associated with the Pāhoā area within the Puna District. There is currently no public sewer system for wastewater generated in Pāhoā. Residential wastewater is disposed of via

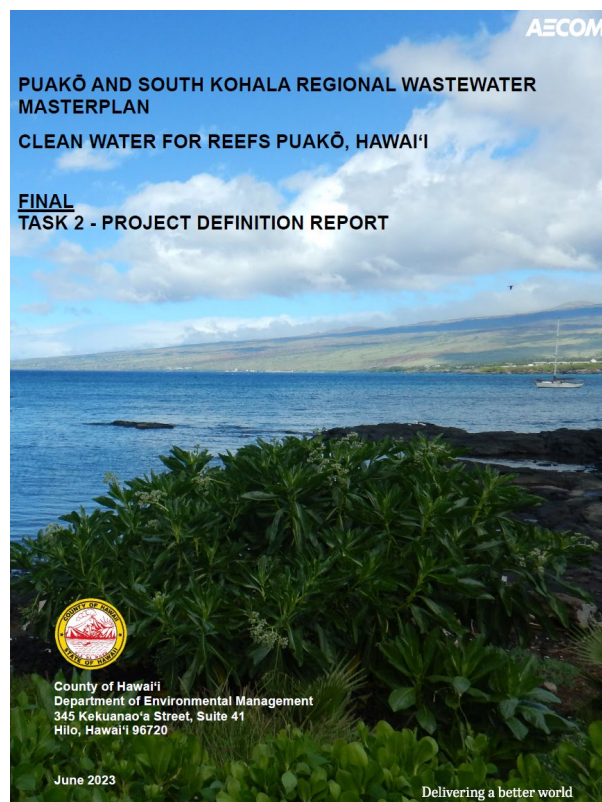
390 onsite systems, 320 of which are cesspools, and one small decentralized WWTP for flows from a shopping center. Alternatives considered included IWS, decentralized systems, and new sewers connecting to a new Pāhoa WWTP. Similar to the broader study for the Puna District, the alternative of IWS in combination with decentralized systems was determined to be most favorable.

Project Definition Report, Regional Wastewater Master Planning for Puakō and Other Communities within South Kohala.

The study area for this 2023 report encompasses approximately 176,000 acres, or 275 square miles. Based on the recent Hawai'i Cesspool Prioritization Tool commissioned by the Cesspool Conversion Working Group, the area contains 4,530 cesspools. The County does not currently provide wastewater collection and treatment services in the region. The Project Definition Report serves as the initial scoping document that prioritizes locations where wastewater services can be implemented in the project area, including development of potential alternative wastewater infrastructure. Data review included the summary of prior wastewater treatment evaluations for the area; private wastewater treatment plant information; zoning mapping and current development plans; cesspool location mapping; as well as physical features in the planning area such as depth to groundwater and soil type mapping. This information is currently being used for the development of options for community wastewater service as part of the wastewater master plan being developed for the South Kohala District.



The Project Definition Report for the South Kohala District establishes a baseline for further study of cesspool conversion options.



Cesspool Conversion Planning Currently in Progress

The County is continuing efforts to develop a comprehensive integrated wastewater management plan and financial strategy to upgrade, convert, or connect cesspools on Hawai'i Island. Cesspool conversions in compliance with Act 125 will necessitate a combination of efforts by the County and individual property owners. The following work is underway and is expected to be completed by the end of 2024.

South Kohala Regional Wastewater Master Plan. This master plan will conduct an analysis of wastewater infrastructure required for the conversion of the 4,530 cesspools in the South Kohala District, focused on the communities of Puakō, Kawaihae, Waimea, and Waikoloa Village. The master plan is being prepared in accordance with requirements of the Hawai'i State DOH for a wastewater system planning document. It will provide a roadmap for feasibility and

implementation for the County's sanitary sewer system in the area through the 30-year planning period (2022 to 2052). The plan will substantiate the need for the proposed facilities; identify feasible alternatives; and provide a systemic evaluation of these alternatives considering the unique demographic, geotechnical, topographic, hydrologic, and institutional characteristics of the area. The goal is for the master plan to demonstrate that the recommendations are implementable from legal, institutional, financial, physical, and management standpoints.

County-Wide Cesspool Conversion Plan. This comprehensive plan will evaluate the feasibility of extending sewer service from existing County-owned wastewater treatment facilities, study conversion alternatives for cesspool areas not previously evaluated, and integrate previous studies into a complete County-wide cesspool conversion plan. The scope of this effort addresses a wide range of tasks including:

- Review of previous studies, reports, and available GIS-based cesspool mapping.
- Evaluation of cesspool conversion options such as connection to existing sewer service areas, upgraded onsite wastewater treatment system, and decentralized or "satellite" collection and treatment systems.
- Site visits to confirm conversion analyses.
- Community engagement and education.
- Summary of potential funding sources.
- Preparation of a written cesspool conversion plan document with recommended options and conceptual level costs.

This work is expected to be complete in mid to late 2024.



The County-wide Cesspool Conversion Plan currently under development will establish a path for the conversion of all 48,600 cesspools within the County.

County-Wide Wastewater Facilities Plan. The County-wide facilities plan will focus on the evaluation and condition assessment of existing County wastewater infrastructure including collection system pump stations and treatment plants. Key to the assessment is the determination of available capacity within the existing Honoka'a, Kapehu, Kula'imano, Pāpa'ikou, Hilo, and Kealakehe service areas to accommodate additional wastewater contributions from cesspool conversions. The analysis will result in an overall wastewater capital improvement program (CIP) for existing County facilities.

Integrated Wastewater Management Plan. The integrated wastewater management plan will provide a summary of the County-wide Cesspool Conversion and Wastewater Facilities Plans into a single document and will establish a framework for implementation of the resulting CIP.

Wastewater Rates and Fees Evaluation. Based on the CIP developed as part of the County-Wide Wastewater Facilities Plan, the existing system of wastewater rates and fees will be updated to sustain operations going forward. The new rates and fees will be an important element in the County's financial strategy for selectively extending sewer service to areas with existing cesspools.

Anticipated Future Actions

Future actions will be predicated on the results of planning activities currently under development. However, it is expected that these plans will result in a combination of feasible alternatives for cesspool conversions within the County. These alternatives may include:

- Extension of wastewater collection and treatment services from existing County-owned sewer service areas.
- Creation of new County sewer service areas and satellite or decentralized treatment facilities.

- Connection of cesspool areas to non-County owned wastewater systems.
- Property owner-initiated upgrades to an approved IWS.

Implementation of a successful cesspool conversion plan will also require the County to consider revisions to existing sewer service policies as well as adoption of the wastewater CIP and associated system of rates and fees.

Actions for Consideration by the State Legislature

The magnitude of the program necessary to connect or convert all cesspools by 2050 requires a coordinated and cooperative effort by all levels of government, the public, and private industry. There are several areas where State legislation and resulting State-directed initiatives are needed to ensure the success of this undertaking.



Legislation is required to establish state-wide programs for workforce development, public outreach and education; technical resources for IWS conversions; and program funding.

Workforce Development. There may not be adequate qualified technical support and construction contractors to meet projected cesspool conversion needs. Additional resources are likely needed throughout the State to support cesspool conversions and sewer system expansions. A more formal gap analysis of workforce and training needs will be helpful to support workforce development needed for cesspool conversions.

Public Outreach and Education. There is currently a wide range of inconsistent communications in the public domain regarding cesspool conversions. It is imperative that a consistent and effective message be developed

and communicated to the public State-wide. Homeowners need to understand and support the environmental drivers behind the need for cesspool conversions.

Resources for Property Owner IWS

Conversions. It is likely that a large percentage of the cesspool conversions in the State will consist of upgrades to approved alternate onsite systems to be implemented by property owners. Property owners will require access to informative and consistent State-wide guidance to assist them with the complete cesspool conversion process, including planning, engineering, permitting, construction, and financing.

Funding. The cost of the cesspool conversion program will be in the billions of dollars. A successful program of this magnitude will require financial assistance from both the State and Federal governments to expand public wastewater infrastructure and to assist property owners with conversion to an approved IWS or connect to a sewer. This is one of the most critical issues that requires attention from all levels of leadership to support the conversion program.

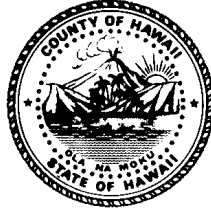
References

AECOM, 2023. Final Facilities Plan, Addition of Wastewater Services for the Puna District.

Carollo, 2021. Final Cesspool Conversion Finance Research Summary Report.



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



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HAWAI‘I COUNTY COUNCIL

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

February 12, 2024

House Committee on Energy and Environmental Protection
Honorable Representative Nicole E. Lowen, Chair
House Committee on Water and Land
Honorable Representative Linda Ichiyama, Chair

RE: **Support for HB 2743**

Dear Chair Lowen, Chair Ichiyama, and Members of the Committees on Energy and Environmental Protection, and Water and Land:

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

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

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

Chair Lowen
Chair Ichiyama
February 12, 2024
Page 2

Page 19, Line 15: Please add a new section (c), “Each County may waive the collection of cesspool pollution fees based on income or other considerations.”

Page 23, Line 14: Please add to uses of cesspool closure and mitigation special fund, “(9) Leverage State cesspool conversion loan special funds, should funding become available.”

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

Sincerely,

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

HEATHER L. KIMBALL

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 305

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, New Cesspool Pollution Fee

BILL NUMBER: HB 2743, SB 2952

INTRODUCED BY: HB by NAKAMURA, AMATO, BELATTI, CHUN, EVSLIN, GARRETT, HOLT, HUSSEY-BURDICK, ICHIYAMA, KAHALOA, KAPELA, KITAGAWA, LOWEN, MARTEN, MARTINEZ, MIYAKE, MORIKAWA, PERRUSO, POEPOE, TARNAS, TODD; SB by KOUCHI

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

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

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

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

EFFECTIVE DATE: July 1, 2024.

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

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

Re: HB 2743, SB 2952

Page 2

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

Digested: 2/9/2024



To: The Honorable Chairs Nicole Lowen and Linda Ichiyama, the Honorable Vice Chairs Elle Cochran and Mahina Poepoe, and Members of the Committees on Energy and Environmental Protection and Water and Land.

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

Re: Hearing **HB2743 RELATING TO WASTEWATER**

Hearing: Tuesday February 13, 2024 9:05 a.m.

Aloha Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Members of the Committees on Energy and Environmental Protection and Water and Land:

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.

The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS HB2743!

HIROC is deeply concerned about the harm that cesspool pollution inflicts on our precious coral reefs! Hawaii has over 80,000 cesspools that put about 53 million

gallons of raw sewage into our groundwater, streams and ocean every single day! Hawaii's reefs, which are essential in preserving our shorelines, ocean environment and visitor-based economy, will die in warmer, more acidic, and rising oceans if we don't reduce cesspool pollution and other harmful factors now! A study reported in Nature Journal last August found that "Coral reef ecosystems are being fundamentally restructured by local human impacts and climate-driven marine heatwaves that trigger mass coral bleaching and mortality." 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>.

Hawai'i needs to reduce cesspool pollution now in order to give coral reefs a chance to survive in the face of ocean warming and other harmful factors!

Hawaii's counties by law have the power over matters of sanitation and sewers, but have not developed **comprehensive wastewater management plans**. This bill would require the counties to develop such plans and determine which areas in each county will fall within expanded sewer areas. Among other benefits, such planning can help cesspool owners know whether their cesspools will be connected to a sewer (centralized or decentralized) or need an upgraded on-site wastewater system, since the law requires all cesspools to be connected to a sewer or upgraded by 2050.

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

This bill takes necessary steps forward to tackling Hawaii's massive cesspool pollution through planning and funding, with flexibility at the county level.

Please pass this bill!

Mahalo!

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



TO: House Committee on Energy & Environmental Protection
Representative Nicole E. Lowen, Chair
Representative Elle Cochran, Vice Chair

House Committee on Water & Land
Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair

FROM: Lynn Miyahira representing Public Access to SunScreens (PASS) Coalition
DATE: Tuesday, Feb 13, 2024
TIME: 9:05 AM
PLACE: Conference Room 325 & Videoconference

Re: HB 2743

Position: SUPPORT

The [Public Access to SunScreens](#) (PASS) Coalition is a multi-stakeholder coalition composed of public health groups, dermatologists, sunscreen manufacturers, and leading advocates for skin cancer patients. We also support efforts that protect our coral reefs.

We support this measure.

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

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

Mahalo you for the opportunity to testify.

Sincerely,

Lynn Miyahira
Public Access to SunScreens (PASS) Coalition

February 13, 2024

The Honorable Nicole E. Lowen, Chair

House Committee on Energy & Environmental Protection

The Honorable Linda Ichiyama, Chair

House Committee on Water & Land

State Capitol, Conference Room 325 & Videoconference

RE: House Bill 2743, Relating to Financing

HEARING: Tuesday, February 13, 2024, at 9:05 a.m.

Aloha Chair Lowen, Chair Ichiyama, and Members of the Joint Committees:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 11,000 members. HAR **supports and offers comments** on House Bill 2743, which requires each county to develop and maintain a wastewater management plan. Specifies the requirements of the wastewater management plan. Authorizes the Director of Health to exempt a county from creating a wastewater management plan if the county has an existing plan that substantially meets certain requirements. Requires the counties to identify specific priority areas in which the county sewerage system or other centralized treatment system will be expanded or constructed to reduce or eliminate cesspools before 1/1/2050. Provides for the designation of these priority areas as sewer improvement districts. Authorizes each county to assess a monthly cesspool pollution fee beginning in 7/1/2025 on real properties containing a cesspool. Authorizes the counties to use fee revenues for certain activities that eliminate, reduce, or mitigate the impacts of cesspools, including the expansion of county sewerage systems and the issuance of grants and low-interest loans to property owners. Declares that the appropriation exceeds the state general fund expenditure ceiling for 2024-2025. Makes appropriations.

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

HAR supports the goal of protecting our water and ocean resources and recognize that cesspool conversion is important to preserve our environment. There are approximately 83,000 cesspools divided into three priorities¹ (48,596 on Hawaii Island; 14,300 on Kauai; 11,038 on Maui; 1,400 on Molokai; and 7,491 on Oahu) with only 26 years to meet the state's mandate to convert all cesspools to a Director of Health ("DOH") approved wastewater system. To convert 83,000 cesspools by 2050, at least 3,192 cesspools need to be converted per year. It is crucial that we properly plan and find ways to assist communities and homeowners as resources and manpower are limited, especially on the neighbor islands.

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

Affordability and financial planning are key. The Cesspool Conversion Working Group conducted an affordability analysis² for homeowners. Based on the analysis, 97% of homeowners would be financially burdened by cesspool conversion costs. Equally concerning, even with a \$10,000 rebate 82% of homeowners would still be financially burdened. Costs will vary greatly depending on resources, labor, permitting delays, property terrain, and other variables. Most homeowners will not be able to afford to do this alone and would need additional assistance to ensure they can meet the mandate to convert.

Mahalo for the opportunity to testify on this measure.

¹ University of Hawai'i Sea Grant College Program. *Hawai'i Cesspool Prioritization Tool*.

<https://seagrantsoest.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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The Nature Conservancy, Hawai'i and Palmyra
923 Nu'uuanu Avenue
Honolulu, HI 96817

Tel (808) 537-4508
Fax (808) 545-2019
nature.org/HawaiiPalmyra

**Testimony of The Nature Conservancy
Support for HB 2743, Relating to Wastewater
Committees on Energy and Environmental Protection, and
Water and Land
February 13, 2024, 9:05 a.m.
Conference Room 325 & Videoconference**

Aloha Chair Lowen, Chair Ichiyama, Vice Chair Cochran, Vice Chair Poepoe, and Members of the Committees:

The Nature Conservancy (TNC) **supports** HB 2743, relating to wastewater, which requires each county to develop and maintain a wastewater management plan and specifies the requirements of the wastewater management plan. It authorizes the Director of Health to exempt a county from creating a wastewater management plan if the county has an existing plan that substantially meets certain requirements and requires the counties to identify specific priority areas in which the county sewerage system or other centralized treatment system will be expanded or constructed to reduce or eliminate cesspools before 1/1/2050. Further, it provides for the designation of these priority areas as sewer improvement districts and authorizes each county to assess a monthly cesspool pollution fee beginning in 7/1/2025 on real properties containing a cesspool. It authorizes the counties to use fee revenues for certain activities that eliminate, reduce, or mitigate the impacts of cesspools, including the expansion of county sewerage systems and the issuance of grants and low-interest loans to property owners.

Clean coastal waters are critical for our reef ecosystems health. Implementing wastewater management regulatory tools and accelerating the phase out of cesspools is essential to protect our natural resources. Cesspools can cause harm to water quality within adjacent groundwater, anchialine, coral reef systems and fisheries by introducing elevated amounts of organic nitrogen and phosphorus, pathogens, and other contaminants. Contaminants emitted from cesspools can harm aquatic ecosystems by encouraging excess algal and bacterial growth, and can also pose a threat to human health.

Our research has shown direct evidence of cesspool contamination in streams and coastal waters using a variety of bioindicators and chemical signatures. Areas with concentrated cesspools that are close to important water bodies show higher amounts of pharmaceuticals like ibuprofen and carbamazepine that degrade quickly and cannot be attributed to wastewater distribution systems or agricultural or landscaping inputs. While areas that have lots of groundwater flow do dilute the signal, the impact of millions of gallons of untreated wastewater into our important coastal waters is measurable and shows evidence of impact on coastal systems. This bill represents an important step in addressing these concerns. Mahalo for the opportunity to testify in support of HB 2743.

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Feb. 12, 2024

In Strong Support of **HB2743** Relating to Financing
House Committees on Energy & Environmental Protection (EEP) and Water & Land (WAL)
Hearing on Feb. 13, 9:05am, Rm. 325

Aloha, Chairs Lowen & Ichiyama, Vice-Chairs Cochran & Poepoe, and Committee Members:

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

Under Act 125 (2017), all cesspools are mandated to be converted by 2050. To facilitate these cesspool conversions, this bill would require the counties to come up with Wastewater Management Plans to see where sewer extensions may be available and to require conversions of cesspools in all other areas. To help finance these conversions, the bill gives the counties authority to charge fees on homeowners with cesspools, and these funds would be used to help low-moderate income homeowners with the costs of conversions and to hire needed staff at DOH to oversee this process.

Hawaii has more than 83,000 cesspools across the state, discharging 52 million gallons of raw sewage each day into Hawaii's waters. That's similar to a massive sewage spill every day! Along with threats to public health and drinking water resources, new research in *Nature* shows that this polluted wastewater poses significant harm to coral reefs and the near-shore environment (see also [my article in Hawaii Business Magazine](#)). The people of Hawaii need this law to make sure their wastewater systems aren't polluting the groundwater or nearby surface waters.

WAI is an environmental non-profit dedicated to protecting our drinking water, groundwater and near-shore ecosystems by reducing sewage pollution from cesspools 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 planning and funding that is needed to convert cesspools across the state. Mahalo for your leadership on this issue and support of this bill.

Aloha,

Stuart Coleman

Stuart H. Coleman, Executive Director



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
and COMMITTEE ON WATER & LAND
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
Tuesday, February 13, 2024 AT 9:05 A.M.**

To The Honorable Nicole E. Lowen, Chair
The Honorable Elle Cochran, Vice Chair
Members of the Committee on Energy & Environmental Protection
To The Honorable Linda Ichiyama, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the Committee on Water & Land

SUPPORT HB2743 RELATING TO WASTEWATER

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

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

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

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

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

Sincerely,

Pamela Tumpap
President

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

HB-2743

Submitted on: 2/2/2024 3:25:14 PM

Testimony for EEP on 2/13/2024 9:05:00 AM

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

Comments:

I strongly support HB 2743. All residents of Hawaii benefit from clean water and suffer from water pollution, and should therefore help to pay for good wastewater management - not only those who are currently connected to a municipal sewer system and therefore pay sewer fees. Citizens such as myself, who are still on cesspool awaiting access to an effective wastewater treatment option, should pay a monthly fee, as stipulated, to improve the County's wastewater treatment system. Ideally these fees should accumulate until they are sufficient to be used for local treatment systems in the neighborhoods where they have been collected, but those details will be left up to the counties. By whatever means, Hawaii MUST confront its wastewater pollution crisis.

HB-2743

Submitted on: 2/4/2024 1:49:52 AM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Lavorn Sparks	Individual	Support	Written Testimony Only

Comments:

My family and I support the Bill proposed to clean up the pollution being caused by unsanitary cesspools. The solution to pollution is not dilution. We need to immediately clean up polluting cesspools near streams, water Supplies and pristine Bays. Moloaa Bay Kauai is one of the most polluted Bays on the Island and we are told it is mostly due to cesspools. Please act to remediate this problem.

HB-2743

Submitted on: 2/5/2024 9:22:04 PM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Dadds, PA-C	Individual	Support	Written Testimony Only

Comments:

I support this bill because it is unacceptable that we still have 80,000 cesspools on the island that are contaminating our local recreational and ground water. The county needs to have wastewater plans and authorizing counties to charge cesspool fees to fund grants and loans for conversions.

HB-2743

Submitted on: 2/6/2024 12:57:53 PM

Testimony for EEP on 2/13/2024 9:05:00 AM

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

Comments:

Our home is located at 3556 Moloa'a Road on Kauai, and our property abuts the Moloa'a Stream. I'm writing express both my concern and consternation that this stream has for many years been among the most polluted in the State of Hawaii, and yet no discernable steps have been taken to mitigate this problem. Please bear in mind that this is a public health issue -- it is not uncommon to see visitors, including families with young children, playing in the stream where it enters the bay. As a physician, I find this situation to be completely unacceptable. The problem apparently results from the many homes with a cesspool that drains more or less directly into the stream. (Our home is equipped with an aerobic waste disposal system designed specifically to avert this type of problem.) I urge the State of Hawaii to develop a wastewater management plan that eliminates cesspool drainage into our streams -- before more people are injured.

HB-2743

Submitted on: 2/7/2024 10:03:54 AM

Testimony for EEP on 2/13/2024 9:05:00 AM

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

Comments:

To Whom It May Concern:

My comments support HB2743:Relating to Wastewater.

I live in Kaua'i along Moloa'a stream by the beach in Moloa'a Bay. The stream is regularly cited by Surfrider, based upon regular testing, to be the first or second most polluted stream on Kaua'i, and arguably the entire state. Fecal coliform levels are literally off the charts.

It is unsurprising the stream is so hazardous. There are dozens of entirely illegal, unpermitted residences dotting the stream along Moloa'a road, and many, many more further upstream. These illegal residences, typically carved from single family homes, or stand alone cottages, shacks, treehouses, yurts or other unpermitted structures, either dump waste into often prehistoric cesspools (many of which are at or below stream level, particularly during rains during which the cesspools are underwater), or directly into the stream. From where I sit, I can identify at least 10 illegal apartments. Most of these entirely unpermitted structures are attached to or erected alongside homes, built to or over the stream, and many have piping through which human waste flows directly into the stream.

Moloa'a Bay has no services, no public parking, little to no signage and very limited beach access. Often, residents discover barely concealed human feces poorly or entirely unburied along the stream and by the beach. Of course, this adds to the already overburdened environment.

Moloa'a stream where it flows into the ocean must be crossed to access the beach to the north. Contact with the water is hazardous, particularly for those with open cuts or sores. Over the past 30 years, I've noted many residents and visitors who contracted severe bacterial infections due to contact with the stream water. Yet, given the idyllic setting and incomparable beauty, not a day passes during which young children are not happily playing in the lagoon, their parents utterly unaware of the dangers.

The projected and proposed 2050 date for cesspool conversion is entirely inadequate to contend with the exponentially worsening circumstances. I recommend a far more aggressive conversion program with a projected date for mandatory conversions no later than 2030. Pursuant to that date, Kaua'i county and counties statewide should immediately

undertake concerted efforts to identify and deconstruct illegal residences, particularly those along watersheds and waterways such as Moloa'a stream. Given that human excrement is the principal contaminant, shutting down these easily identified tenements and other unpermitted residences will provide immediate and definite mitigation. Thereafter, for those remaining legal residences, far more rapid cesspool conversion mandates, ideally by 2030 will likely address much of the remaining problem.

Thank you very much for consideration of my comments,

Michael Becker

3584 B Moloa'a Road

Anahola, HI 96703

HB-2743

Submitted on: 2/7/2024 12:12:26 PM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Eacott	Individual	Support	Written Testimony Only

Comments:

I am in support of any bill that helps rid Hawaii of cesspools and upgrade to residential sewage treatment to protect our water. The sooner, the better.

Peter Eacott, Moloaa Bay, Kauai (often rater the highest level of pollutannts in the state.)

HB-2743

Submitted on: 2/8/2024 1:23:32 PM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Maureen Brock	Individual	Support	Written Testimony Only

Comments:

I support HB2743.

HB-2743

Submitted on: 2/8/2024 6:26:04 PM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Jotis Russell-Christian	Individual	Support	Written Testimony Only

Comments:

Dear Hawai'i State Legislature,

I am writing to express my full support for the proposed legislation regarding cesspools, specifically the provision requiring county wastewater plans and authorizing counties to charge cesspool fees to fund grants and loans for conversions.

As a member of the Surfrider Foundation, I have witnessed firsthand the environmental impact of outdated cesspool systems on our local water quality. This legislation addresses a critical issue that demands immediate attention and strategic intervention.

The requirement for county wastewater plans ensures a comprehensive and coordinated approach to cesspool management, aligning with sustainable practices and long-term environmental goals. Furthermore, authorizing counties to impose cesspool fees establishes a dedicated funding source crucial for implementing necessary grants and loans to support property owners in converting their systems.

The proposed legislation not only tackles the pollution caused by cesspools but also provides a practical framework for transitioning to more environmentally friendly alternatives. By facilitating conversions through financial support, we can collectively work towards safeguarding our water resources and preserving the well-being of our communities.

I urge the committee to consider the long-term benefits that this legislation offers in terms of environmental conservation, public health, and the overall quality of life for our residents. Your support for this bill is a crucial step towards a more sustainable and resilient future.

Thank you for your time and consideration.

Sincerely,

Jotis Russell-Christian

(808) 639-1243

HB-2743

Submitted on: 2/9/2024 8:35:19 AM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Hilary Smith	Individual	Support	Written Testimony Only

Comments:

I support **HB2743!** Hawaii County needs to authorize cesspool fees so that people know that cesspools are not a "free" option for dealing with wastewater. With millions of gallons of sewage being dumped into Hawaii's oceans every day, we need to act now.

HB-2743

Submitted on: 2/9/2024 10:31:14 AM

Testimony for EEP on 2/13/2024 9:05:00 AM

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

Comments:

I support this bill to clean up our water/convert cesspool. Sewage pollution is filling our island with bacteria, etc., as evidenced by recent beach closures.

HB-2743

Submitted on: 2/9/2024 10:52:53 AM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Dr. Brooke Foreman	Individual	Support	Written Testimony Only

Comments:

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

As an Eastern and Functional Medicine doctor practicing on the beautiful island of Kauai, I have witnessed firsthand the detrimental effects of water pollution and the use of cesspools on the health and well-being of our patients. Clean water is not just a basic necessity; it is the foundation upon which we build our health and future. The transition from cesspools to more sustainable waste management solutions is imperative to safeguard the health of our citizens and protect the fragile ecosystem of our island. I strongly advocate for legislative action to prioritize clean water initiatives and cesspool conversion projects. Such measures are essential to ensure the long-term health, safety, and prosperity of Kauai's residents and the preservation of its natural beauty for generations to come.

Dr. Brooke Foreman

LAc, DACM, NBC-HWC

Eastern & Functional Medicine

HB-2743

Submitted on: 2/10/2024 5:00:15 AM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Mirah Horowitz	Individual	Support	Written Testimony Only

Comments:

I fully support this legislation to clean up our water and convert cesspools. The residents of our island deserve clean water, and the lack of progress to date is unacceptable.

HB-2743

Submitted on: 2/10/2024 8:29:47 AM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Lenore Horowitz	Individual	Support	Written Testimony Only

Comments:

I fully support this legislation to clean up our water and convert cesspools. The residents of our island deserve clean water, and the lack of progress to date is unacceptable. Clean water is essential, particularly as our population increases!

HB-2743

Submitted on: 2/12/2024 1:06:33 AM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelly Nishimura	Individual	Support	Written Testimony Only

Comments:

I support HB 2743, to address the cesspool problem and to prevent sewage from contaminating our neighborhoods, streams, beaches and oceans.

The health of the public and our aina and wai depend on this legislation. Please act now.

Mahalo in advance.

Sincerely,

Kelly Nishimura

HB-2743

Submitted on: 2/12/2024 10:19:37 AM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Nelson	Individual	Support	Written Testimony Only

Comments:

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

Elizabeth Nelson

Kaneohe

HB-2743

Submitted on: 2/12/2024 11:41:26 AM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
stuart a. scolnik	Individual	Support	Written Testimony Only

Comments:

My Moloaa water makes me ill and gives me digestion problems. I am in favor of this legislation to clean up our water and convert cesspools. I am frustrated by the lack of progress up to now.

HB-2743

Submitted on: 2/12/2024 8:29:20 PM

Testimony for EEP on 2/13/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Shimei	Individual	Support	Written Testimony Only

Comments:

IN SUPPORT