

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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In reply, please refer to:  
File:

**Testimony in SUPPORT of SB2425  
RELATING TO CESSPOOLS**

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENTATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES  
Hearing Date: 2/9/2024 Room Number: 224

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (Department) appropriations and  
3 personnel priorities.

4 **Department Testimony:** The Department supports the authorization and appropriation of funds  
5 to the Department to retain qualified consultants to identify necessary public outreach and  
6 education resources and tools, develop a comprehensive public outreach strategy, and develop a  
7 website to serve as a statewide clearinghouse for information and resources for homeowners and  
8 wastewater industry professionals related to cesspool conversions. However, the Department  
9 requests the authorization and appropriation of funds out of the general revenue of the State of  
10 Hawaii to establish full-time equivalent permanent positions to implement this measure.

11 The Department also supports the mandatory seller disclosures in real estate transactions  
12 to include whether the property has a cesspool, including the date by which state law mandates  
13 that the cesspool be upgraded, converted or connected to a sewer system, and the priority level of  
14 the cesspool according to the Hawaii cesspool prioritization tool.

15 **Offered Amendments:** The Department respectfully suggests the following revisions to the  
16 proposed HRS amendments. Additions appear as underlined and deletions appear as bracketed  
17 strikeouts.

1 SECTION 2, Page 4, lines 11-14: “(2) With the approval of the governor, cooperate  
2 with, and receive money from the federal government, or any political subdivision of the State ~~or~~  
3 ~~from private sources~~ for the study and control of water pollution”

4 SECTION 3, Page 7, lines 16-21: “(c) When residential real property contains a cesspool  
5 and the cesspool is identified by the maps in the University of Hawaii 2022 Hawaii cesspool  
6 ~~hazard assessment and~~ prioritization tool, subject to the availability of the maps, the seller shall  
7 include the material fact information in the disclosure statement provided to the buyer subject to  
8 this chapter. The...”

9 SECTION 4, Page 8, lines 9-20: “SECTION 4. Notwithstanding section 342D-83,  
10 Hawaii Revised Statutes, or any other law to the contrary, there is appropriated out of the ~~water~~  
11 ~~pollution control revolving~~ general revenues of the State of Hawaii the sum of \$150,000 \_\_\_\_\_  
12 or so much thereof as may be necessary for fiscal year 2024-2025 for the establishment  
13 of \_\_\_\_\_ full-time equivalent ( \_\_\_\_\_ FTE) positions within the department of health to retain  
14 qualified consultants, as necessary, to identify necessary public outreach and education resources  
15 and tools, and develop a comprehensive public outreach strategy and website to provide  
16 necessary information to homeowners and wastewater industry professionals about information  
17 and resources regarding the State's cesspool connection, upgrade, and conversion requirements  
18 and deadlines.”

19 Thank you for the opportunity to testify.



STATE OF HAWAII  
HAWAII CLIMATE CHANGE MITIGATION & ADAPTATION  
COMMISSION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Co-Chairs:**  
Chair, DLNR  
Director, OPSD

**Commissioners:**  
Chair, Senate AEN  
Chair, Senate WTL  
Chair, House EEP  
Chair, House WAL  
Chairperson, HTA  
Chairperson, DOA  
CEO, OHA  
Chairperson, DHHL  
Director, DBEDT  
Director, DOT  
Director, DOH  
Chairperson, DOE  
Director, C+C DPP  
Director, Maui DP  
Director, Hawai'i DP  
Director, Kaua'i DP  
The Adjutant General  
Manager, CZM

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

**Before the Senate Committees on  
AGRICULTURE AND ENVIRONMENT  
AND  
HEALTH AND HUMAN SERVICES**

**Friday February 9, 2024  
1:00 PM  
State Capitol, Via Videoconference, Conference Room 224**

**In support of  
Senate Bill 2425  
RELATING TO CESSPOOLS**

Senate Bill 2425 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. The bill also requires that mandatory seller disclosures in real estate transactions include whether the property has a cesspool, including the date by which state law mandates that the cesspool be upgraded, converted, or connected, and the priority level of the cesspool according to the Hawai'i cesspool hazard assessment and prioritization tool. **The Hawai'i Climate Change Mitigation and Adaptation Commission (Commission) supports this measure.**

The Commission consists of a multi-jurisdictional effort between 20 different departments, committees, and counties. Removal of cesspools for all properties within the Sea Level Rise Exposure Area (SLR-XA), is imperative to the health of nearshore waters and for members of the public accessing coastal resources. Removal may not be achievable by 2050 as directed by state law without viable alternatives for replacement. Cesspools on the shoreline and in the coastal zone will be an increasing source of nonpoint source pollution as groundwater rises and coastal erosion accelerates. The Commission's 2022 update to the *Sea Level Rise Vulnerability and Adaptation Report* Recommended Action 6.4 counsels that the State should expand policy directives beyond the existing income tax credits and requirement for removal by 2050. Accelerating the conversion of cesspools of any kind would ensure a more resilient future and safer reefs and waters for kama'āina and visitors alike.

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



**Testimony of  
Gwen Yamamoto Lau  
Executive Director  
Hawaii Green Infrastructure Authority**  
before the  
**SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT**  
and  
**SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**  
February 9, 2024, 1:00 PM  
State Capitol, Conference Room 224  
in consideration of  
**SENATE BILL NO. 2425  
RELATING TO CESSPOOLS**

Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Members of the Agriculture and Environment & Health and Human Services Committees:

Thank you for the opportunity to testify and provide comments on Senate Bill No. 2425, relating to cesspools. The Hawai'i Green Infrastructure Authority (HGIA) **supports** this bill which empowers the Department of Health to develop a public outreach plan regarding cesspool upgrade, conversion, and connection; allows the Department to hire consultants for outreach; and mandates seller disclosures of relevant cesspools in real estate transactions.

HGIA, Hawaii's Green Bank, facilitates the adoption of green technologies through affordable and inclusive financing. Cesspools promote a significant risk to human and environmental health in Hawaii, disproportionately affecting rural and low-income communities. While the state has set a mandated conversion date for all systems by 2050, the current conversion rate of 200 per year is insufficient to meet this goal.<sup>1</sup> In collaboration with clean water advocates, including the Department of Health, HGIA has been made aware of the existence of a financing gap and bills introduced this session, including HB2066 and SB2498, could provide a vehicle for HGIA's administration of an affordable cesspool conversion financing program. However, while cost is a major factor in slow conversion rates, a lack of education is as well.

In administering its solar financing program, HGIA has found that financing cannot be scaled unless communities, especially communities that have historically faced inequities while working with government bodies, are informed about its existence and benefits in a respectful and trustworthy manner. A comprehensive public outreach strategy and website to serve as a single source of information on all aspects of cesspool conversion, including financing, will facilitate the necessary acceleration of cesspool conversions. While HGIA may offer financial outreach, this bill provides for collaboration from industry professionals with technical expertise, public health and wastewater expertise from the Department of Health, and outreach networks from counties and non-profits.

Thank you for this opportunity to testify and provide comments in support of Senate Bill No. 2425.

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<sup>1</sup> <https://www.civilbeat.org/2021/06/the-work-to-convert-hawaiis-cesspools-continues/>

February 9, 2024

**The Honorable Mike Gabbard, Chair**

Senate Committee on Agriculture and Environment

**The Honorable Joy A. San Buenaventura, Chair**

Senate Committee on Health and Human Services  
State Capitol, Conference Room 224 & Videoconference

**RE: Senate Bill 2425, Relating to Cesspools**

**HEARING: Friday, February 9, 2024, at 1:00 p.m.**

Aloha Chair Gabbard, Chair San Buenaventura, 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 Hawai'i and its over 11,000 members. HAR provides **comments** on Senate Bill 2425, which 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. Requires that mandatory seller disclosures in real estate transactions include whether the property has a cesspool, including the date by which state law mandates that the cesspool be upgraded, converted, or connected, and the priority level of the cesspool according to the Hawaii cesspool hazard assessment and prioritization tool.

HAR develops standard forms utilized by the real estate industry in Hawaii. Our Standard Forms Committee continuously reviews or creates our real estate contracts to ensure the forms are current with industry standards and the law. Sellers are required to disclose "material facts" that are within the knowledge and control of the seller or observed from visible, accessible areas. As such, we already include disclosure provisions relating to cesspools in our *Seller's Real Property Disclosure Statement* (SRPDS) form. Sellers are asked "What type of waste water/sewage system does the property have?" and must provide a detailed response.

This measure proposes to go beyond the existing material fact requirement and require sellers to utilize the Hawaii Cesspool Hazard Assessment Tool<sup>1</sup> ("HCPT") to disclose whether the property has a cesspool and include the date by which state law mandates that the cesspool be upgraded, converted, or connected as well as the priority level of the cesspool. While we appreciate the intent to provide further

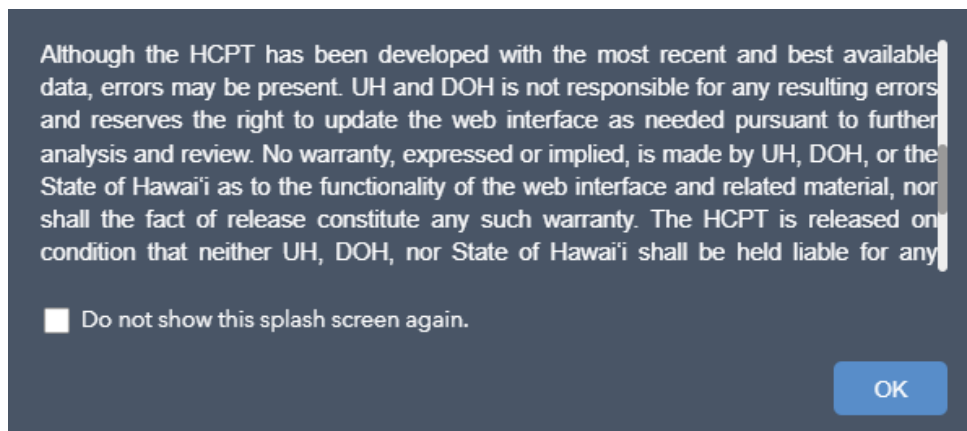
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<sup>1</sup> Shuler, C., Renteria, A., Mezzacapo, M., Allen, K., Whittier, R. (2021). 2021 Hawai'i Cesspool Hazard Assessment & Prioritization Tool: Web Application. <https://seagrant.soest.hawaii.edu/app/>

education on cesspools, we believe there may be challenges with using the HCPT for sellers to provide information to homebuyers. For example, **the state mandated deadline for upgrading, converting, or connecting is not currently provided on the HCPT.**

In addition, under the current law (HRS 342D-72(b)), the **Department of Health (DOH) may provide a homeowner with an exemption from the requirement to convert their cesspool; however, it is not clear that the HCPT includes information for each exempted property** in an easily accessible way for sellers or homebuyers to view. Moreover, the HCPT **may not indicate whether a homeowner has already closed their cesspool** and converted to a DOH approved wastewater system.

Furthermore, the HCPT companion tool that looks at cesspool risk factors (Input Data App) has a disclaimer stating that, "Although the HCPT has been developed with the most recent and best available data, errors may be present. UH and DOH is not responsible for any resulting errors and reserves the right to update the web interface as needed pursuant to further analysis and review..." As such, this may **expose sellers and by extension real estate professionals to liability should the HCPT contain any errors** or should there be changes to priority levels or deadlines over time.



Instead, HAR believes that by enhancing public outreach and educational resources, such as creating a dedicated website as contained in measure is a great way to inform homeowners with cesspools. This will help to educate homeowners and wastewater industry professionals about the state's cesspool upgrade, conversion, and connection requirements. Additionally, by providing accessible information and resources, homeowners or homebuyers of properties with cesspools can better understand their options and obligations.

Mahalo for the opportunity to testify and provide comments on this measure.

# KINGDOM PATHWAYS



Re: **COMMENTING ON SB2425**

Aloha Kakou Chair and Respected Committee Members,

My name is Carmen Guzman-Simpliciano, and I am a lifelong resident of Wai'anae Moku, on the leeward coast of O'ahu. I wish to express my apprehension towards the expedited deadlines for mandatory upgrades for priority 1 and 2. I have testified against SB2426 and believe that the expectations should remain unchanged as implementing such a demanding change without clear guidance, funding resources, or outreach is premature. Furthermore, the lack of quantified data or information creates confusion and leaves many questions unanswered, as you will read in my following statement below.

Kingdom Pathways has joined forces with the DOH to conduct a comprehensive study on the water quality in our community and watershed. Given that our region is designated as a Priority #1 area for cesspool conversion, this has sparked numerous important inquiries.

Recently, the Environmental Finance Center West organized a community gathering to address these concerns. The feedback received highlighted the necessity for the actions outlined in the bill to be promptly implemented to expedite the required mandate of Act 125.

**I am eager to fully endorse this bill; however, I believe it seems to target homeowners exclusively, overlooking other contributors that cause harm to Hawai'i and its environment.**

To address this issue comprehensively, I propose broadening the scope to encompass not only residents but also businesses, city and state establishments, and apartment/condo buildings, . This inclusive approach will ensure a more effective and balanced impact on the community and the environment.

Respectfully,

*Carmen Guzman-Simpliciano*

Director of Kingdom Pathways

Email: [kingdompathways.info@gmail.com](mailto:kingdompathways.info@gmail.com)

Website: [www.kingdompathways.info](http://www.kingdompathways.info)

KP



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

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

Re: Hearing SB2425 **RELATING TO CESSPOOLS**

Hearing: Friday February 9, 2024 1:00 p.m.

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

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. HIROC is deeply concerned about polluted runoff, particularly nutrients, running into the ocean from cesspools.

The Climate Protectors Hawai'i seeks to educate and engage the local community in climate change action, to help Hawai'i show the world the way back to a safe



and stable climate. The Climate Protectors Hawai'i is very concerned that the current cesspool pollution is contributing unnecessarily to greenhouse gas emissions and climate warming.

**The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i STRONGLY SUPPORT SB2425!**

The cesspool conversion working group (working group) was established pursuant to Act 132 of 2018 to develop a long-range, comprehensive plan for conversion of cesspools statewide by 2050 and consider and recommend means by which the Department of Health can ensure that cesspools are converted to more environmentally-responsible waste treatment systems or connected to sewer systems.

In its final report at the end of 2022, the working group indicated that **outreach and education are essential; other jurisdictions have found that a robust public outreach was necessary for success.**

Cesspool owners are likely to be confused if they are not made aware of information related to the cesspool upgrade requirements. They will need education on questions such as the timing of such requirements, how they can obtain an upgrade, what financing assistance is available, and whether they may qualify for an exemption. Industry professionals will also need guidance on how the cesspool upgrade program will work.

**This bill appropriates funds for the 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 industry professionals related to cesspool conversions.**

The bill also requires residential real estate sellers to disclose material fact information when there is a cesspool on the property shown on the cesspool prioritization tool maps, the cesspool priority level, and the date when the cesspool must be upgraded. This full disclosure can benefit all parties to transactions, including real estate professionals, by avoiding misunderstandings.

This important bill will help facilitate and smooth the elimination of cesspools. The **Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i STRONGLY SUPPORT SB2425** and ask the committees to please pass it.

Mahalo!

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



# Environmental Caucus of The Democratic Party of Hawai'i

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Thursday, February 8, 2024

To: Senate Committee on Agriculture and the Environment  
Hon. Mike Gabbard, Chair  
Hon. Herbert M. "Tim" Richards, III, Vice Chair

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

Re: SB 2425 relating to Cesspools

Hearing: Friday, February 9, 2024, 1:00 p.m., Room 224 & videoconference

Position: Strong support

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

The Environmental Caucus of the Democratic Party of Hawai'i, which has over 7,500 active members statewide, strongly supports SB 2425 because conversions of the State's 83,000 cesspools are long overdue.

SB 2425 authorizes and appropriates funds to the 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. It requires that mandatory seller disclosures in real estate transactions include whether the property has a cesspool, including the date by which state law mandates that the cesspool be upgraded, converted, or connected, and the priority level of the cesspool according to the Hawai'i cesspool hazard assessment and prioritization tool.

Marine scientists have advised us that **the coral reefs will die before 2050 if the bombardment of pollution by cesspools on them is not abated before then. We have run out of time.** The public has taken advantage of the generous lead time previously provided by the law to remediate the cesspool pollution problem, and basically, they have done nothing. Now, we must catch up by accelerating the process.

Hawaii faces significant environmental challenges due to its approximately 83,000 cesspools, which is more than any other U.S. state. There are severe and oftentimes irreversible dangers associated with cesspools:

1. **Groundwater Contamination.** Cesspools are untreated and contain pathogens, bacteria, and viruses that can spread diseases. The effluent from cesspools also contains nutrients like nitrogen and phosphorus. **When these pollutants infiltrate the groundwater, they can harm the sensitive ecosystems of Hawaii, including nearshore coral reefs as we have seen in the deterioration of the once pristine Kaneohe Bay, once the home of many ancient Hawaiian fishponds, such the He`eia Fishpond, dating back 800 years.**

**Kahalu`u Fishpond:** Historically known as Kohouna Fishpond on Kane`ohe Bay is one of only four surviving ancient Hawaiian fishponds on O`ahu that are still in use today. At one point in time, there were around 100 fishponds around the island.

2. **Coastal Impact:** Many of these cesspools are located close to the shoreline. Rising sea levels due to climate change are eroding Hawaii's coast near homes with cesspools. As the island's groundwater rises, it allows the cesspool effluent to mix with the water table and flow into the ocean. Coastal erosion can remove sand surrounding cesspools, pulling sewage out to sea. **Inland cesspools near aquifers can also contaminate groundwater, affecting springs beaches, and the ocean.**
3. **Coral Reef Damage.** The toxic mixture of waste, pharmaceuticals, and other contaminants from cesspools seep into the groundwater and often ends up in the ocean. These harms nearshore coral reefs and can sicken swimmers. **Hawai`i's coral reefs are essential for the economy, shoreline protection, recreation, fisheries, and native species, making cesspool pollution a critical concern.**

While efforts are underway to address these issues, the task of removing all cesspools by 2050 is daunting, costly, and way too late. Measures must be taken much earlier to preserve and let the environment recover from the pollution damage that it has already sustained. This bill will assist in the recovery of the environment.

It is also crucial to find sustainable solutions to protect Hawai`i's environment and public health. Some approaches to protect the environment and public health include:

1. **Community Efforts:**
  - a. **Education and Outreach:** Raise awareness about the impact of cesspools on water quality, coral reefs, and health. Encourage responsible wastewater management practices.
  - b. **Community-Based Solutions:** Engage local communities in finding solutions. Community-led initiatives can drive change and promote sustainable practices.
2. **Wastewater Treatment Upgrades:**
  - a. **Replace Cesspools:** Gradually phase out cesspools by replacing them with modern wastewater treatment systems. These systems treat sewage more effectively, removing harmful pathogens and pollutants before discharge.
  - b. **Septic System Improvements.** For areas where cesspool replacement is challenging, upgrade existing septic systems to meet higher standards. Regular maintenance and proper sizing are essential.

3. **Advanced On-Site Systems:**
  - a. **Aerobic Treatment Units (ATUs):** These compact systems use oxygen to break down organic matter, producing cleaner effluent. ATUs can be a viable alternative to cesspools.
  - b. **Constructed Wetlands:** Create natural wetland areas that filter and treat wastewater. Wetland plants absorb nutrients and purify water, benefiting both the environment and public health.
  
4. **Incentives and Regulations:**
  - a. **Financial Incentives:** Offer financial assistance or tax breaks to homeowners who voluntarily upgrade their wastewater systems. Encourage adoption of eco-friendly alternatives.
  - b. **Stricter Regulations:** Enforce regulations that limit new cesspool installations and encourage transition to better systems. Regular inspection can ensure compliance.
  
5. **Ocean-Friendly Practices:**
  - a. **Ocean Outfalls:** Consider ocean outfalls for treated wastewater. Properly designed and monitored outfalls can disperse treated effluent far from sensitive coastal areas.
  - b. **Reef-Friendly Products:** Promote the use of reef-safe cleaning products and discourage harmful chemicals that can end up in cesspools.

Authorizing the DOH to retain qualified consultants to identify (1) public outreach, (2) education resources and tools, and (3) develop a public outreach strategy and website to educate homeowners and wastewater professionals on cesspool upgrade, conversion, connection resources and deadlines and requiring mandatory disclosures in real estate sales on (a) the presence of a cesspool, (b) date when the cesspool must be upgraded, converted, or connected, and (c) the priority level of the cesspool per the Hawai`i cesspool hazard assessment and prioritization tool, a map-based tool, are significant steps toward Hawai`i safeguarding its unique environment and the well-being of its residents by assisting in and mandating cesspool conversions.

Thank you for the opportunity to testify on this very important measure.

*Melodie Adyja* [legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com)

*Alan B. Burdick* [burdick808@gmail.com](mailto:burdick808@gmail.com)

Co-Chairs,

Environmental Caucus of the  
Democratic Party of Hawai`i

**SB-2425**

Submitted on: 2/7/2024 4:01:52 PM

Testimony for AEN on 2/9/2024 1:00:00 PM

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

Comments:

Strong support



**PUAKŌ FOR  
REEFS**

# A Community Dedicated to Saving Puakō Reef

Return the reef to its historic 70% coral coverage from its existing 7%.

[www.puako4reefs.org](http://www.puako4reefs.org)

**TO: Agriculture and Environment Committee Chair, Mike Gabbard,  
Vice-Chair, Tim Richards,  
And members, Lynn De Coite, Karl Rhoads, and Brenton Awa**

**TO: Health and Human Services Committee Chair, Joy San Buenaventura  
Vice-Chair, Henry J.C. Aquino  
And members, Jarrett Keohokalole, Maile S.L. Shimabokuro, and Brenton Awa**

**RE: Senate Bill 2426, Relating to Cesspools.** Cesspools; Cesspool Conversion Working Group; Mandatory Upgrade, Conversion, or Connection; Prioritization; Income Tax Credit; Appropriation; Expenditure Ceiling and

**RE: Senate Bill 2425, Relating to Cesspools. Cesspools; DOH; Public Outreach and Education; Real Property; Mandatory Seller Disclosures; Appropriation**

Aloha, my name is Barbara Bell, a resident of Puakō, South Kohala and a member of the steering committee of a newly formed 501 (c) 3 organization, Puakō for Reefs. Puakō is a low-lying residential community with the majority of houses having the original cesspools which continue to damage the reef and near-shore waters.

Puako for Reefs is in strong support of both of these Senate Bills, as well as their companions in the House.

As you probably know, wastewater is the primary contributor to degraded water quality. It is not the only factor, but it is the biggest one the community and government have control over. Since tourism, the State's #1 industry, is in large part drawn to the oceans surrounding Puakō, our request is that the State Senate joins us in supporting all the cesspool abandonment bills, as well as financial incentives, loan programs, and the balance of the package the cesspool working group has identified.

**Senate Bill 2426**, moving the deadline for abandonment of all Priority One cesspools from 2050 to 2035 is a huge step in stopping the damage to the reef and to begin reef regrowth. We are working diligently, as a community, to install a sewer in Puakō to which all homes could connect. This bill helps motivate residents with cesspools to connect to this new sewer.

**Senate Bill 2425**, providing outreach and seller's disclosures at time of sale, are also important. Many people don't understand the issues, especially when they are new to an area. This bill helps too.

Did you know?

- Dr. Greg Asner determined that in the 1970s coral cover of Puakō reef was 70%. it is now 7%.
- Our last survey showed 75% of Puakō property owners support a major upgrade of our wastewater systems.
- Puakō hosts the largest amount of marine tourism on the Big Island. There are daily dive and snorkel boats, kayak tours, SUP tours, whale watching, and manta ray trips.
- The problem and solution are led by science. The damage to the reef by and solutions to the wastewater problem at Puako have been documented for over 20 years.
- All of the science demonstrates that sewer systems are the only guaranteed way to remove waste and all damaging nutrients from the reef.



**PUAKŌ FOR  
REEFS**

## **A Community Dedicated to Saving Puakō Reef**

**Return the reef to its historic 70% coral coverage from its existing 7%.**

[www.puako4reefs.org](http://www.puako4reefs.org)

- Both carrot and stick approaches are needed to inspire people to act. Financial incentives to replace cesspools are an absolutely necessary. To have homeowners abandon cesspools in time to save the reef must also be driven by a deadline. Moving the deadline by 15 years, to 2035 gives the reef, and the entire big island economy, a chance.

Thank you for all your help and for this opportunity to comment.

Sincerely,

Barbara Bell

[bbellster@gmail.com](mailto:bbellster@gmail.com)

808.937.2573





# 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 Agriculture and Environment  
Senate Committee on Health and Human Services  
Friday, February 9, 2024 at 1:00 p.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

Director, UH Water Resources Research Center

And

Michael Bruno, PhD

Provost

University of Hawai'i at Mānoa

#### SB 2425 – RELATING TO CESSPOOLS

Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Members of the Committee:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and UH Water Resources Research Center (WRRC) **supports SB 2425**.

This bill would authorize and appropriate funds to the Department of Health for public outreach and education and update the mandatory seller disclosures in real estate transactions to include information regarding cesspool status and conversion dates.

The upgrade of cesspools underscores Hawaii'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.

Mandatory disclosure would motivate conversion prior to the sale of the property, accelerating the statewide conversion and upgrade of cesspools and preventing new buyers from the undue burden of conversion.

Thank you for the opportunity to testify on this measure.



FROM: Lynn Miyahira representing Public Access to SunScreens (PASS) Coalition  
DATE: Friday, Feb 9, 2024  
TIME: 1:00 PM  
PLACE: Conference Room 224 & Videoconference

**Re: SB 2425**

**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 want to support efforts that protect 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 that leads to algae blooms that suffocate and cover our coral reefs.

**SB2425 funds necessary outreach and education** to facilitate the cesspool upgrades with less owner confusion. Outreach and education have been essential for successful programs in other places.

Mahalo you for the opportunity to testify.

Sincerely,

Lynn Miyahira  
Public Access to SunScreens (PASS) Coalition



Testimony Before The  
Senate Committee on Agriculture and Environment (AEN)  
Senate Committee on Health and Human Services (HHS)  
**IN SUPPORT OF SB2425**  
February 9, 2024, 1:00PM, Room 224 and Via Zoom

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) almost 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." Our shared vision is to once again experience what our kūpuna (ancestors) referred to as **'āina momona** – abundant and healthy ecological systems that sustain our community resilience and well-being.

**KUA supports SB2425 as an incremental step towards 'āina momona.**

This bill would authorize the Department of Health to retain qualified consultants to conduct the urgently necessary public outreach and education to create a comprehensive strategy and website for educating homeowners and wastewater industry leaders about the state's cesspool upgrade, conversion, and connection requirements and deadlines. Lack of public education and awareness play a huge part in the vast challenges for ensuring compliance with cesspool laws by 2050. This bill and others like it are part of an urgent need to deal with cesspool pollution in our state.

The health and well-being of all people, plants, and animals in Hawai'i are threatened by the increasing dangers and disastrous effects of our aging cesspool systems, with over 80,000 that continue to discharge roughly 50 million gallons of wastewater every day. These systems have the serious potential to pollute our drinking water and beaches, affecting everything from our basic needs for water to decreasing fish populations, and hindering recreational use and enjoyment of our nearshore resources. The communities we work with are committed to

ensuring the long-term health of our biocultural resources that they have cared for and depended on for generations since time immemorial.

**We believe our environment, the foundation of our very existence, is about long-term investment and a vision of ‘āina momona.** Tackling the problems of cesspools head on is a major step toward ensuring ‘āina momona today and into the future. Passing this bill out of your committee supports reaching our goal to once again realize the abundant and thriving ecological balance in Hawai‘i today and for future generations to care for and enjoy.

Mahalo for the opportunity to testify in support. Please **PASS** SB2425.

**Aloha ‘Āina Momona no nā kau ā kau.**

**SB-2425**

Submitted on: 2/8/2024 3:48:15 PM

Testimony for AEN on 2/9/2024 1:00:00 PM

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

Comments:

Aloha, Chairs Gabbard & Buenaventura, Vice Chairs Richards & Aquino, and Committee Members,

On behalf of WAI: Wastewater Alternatives & Innovations, we are in support of SB2425. As a member of the State's Cesspool Conversion Working Group, we recommended that DOH hire consultants to help educate homeowners, contractors, engineers and the public about the importance of converting the 83,000 cesspools across the state and help provide guidance on the best and most affordable ways to do those conversions. There are non-profits like WAI that already do some of this work but need more support to do outreach and education across the state. Mahalo for your support and leadership in this field.

Aloha, Stuart Coleman, Hibiscus Pl., Hon., HI

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**Council Services Division**  
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Lihu'e, Kaua'i, Hawai'i 96766

February 6, 2024

**TESTIMONY OF ADDISON BULOSAN  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON  
SB 2426, RELATING TO CESSPOOLS  
AND  
SB 2425, RELATING TO CESSPOOLS  
AND  
SB 2368, RELATING TO THE ENVIRONMENT  
Senate Committee on Agriculture and Environment  
Senate Committee on Health and Human Services  
Friday, February 9, 2024  
1:00 p.m.  
Conference Room 224  
Via Videoconference**

Dear Chair Gabbard, Chair San Buenaventura, and Members of the Committees:

Thank you for this opportunity to provide testimony in SUPPORT of SB 2426, Relating to Cesspools, SB 2425, Relating to Cesspools, and SB 2368, Relating to the Environment. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of SB 2426, SB 2425, and SB 2368, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of SB 2426, SB 2425, and SB 2368. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov).

Sincerely,

**ADDISON BULOSAN**  
Councilmember, Kaua'i County Council

AAO:slr

**SB-2425**

Submitted on: 2/6/2024 5:10:02 PM

Testimony for AEN on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard, Chair San Buenaventura, and AEN / HHS Committee Members,

Mahalo for the opportunity to testify in support of this common sense bill to help ensure all homeowners affected by the cesspool upgrade requirement, and prospective home buyers, can comply with the requirement.

With Aloha,

Lisa Bishop

Hawaii resident, homeowner, tax payer, voter

**SB-2425**

Submitted on: 2/7/2024 12:02:25 PM

Testimony for AEN on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Betsy Scolnik	Individual	Support	Written Testimony Only

Comments:

I am very in favor of this legislation and all related legislation. I am also very frustrated by the lack of action on this issue thus far. GET THIS DONE LEGISLATORS!!!!

mahalo



**SB-2425**

Submitted on: 2/7/2024 7:42:49 PM

Testimony for AEN on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jerylle Bills	Individual	Support	Written Testimony Only

Comments:

I live on north shore of Kauai where in Hanalei we have cesspool. These are dangerous not only to our health but the environment. With climate change there have been frequent floodings and the effluent from these cesspools spill over onto yards and down streets and eventually impacting our reefs. Hanalei needs to be given support in converting to a safe sewer system. This will only happen if the cesspools are deemed illegal. I want the environment safe for my grandchikdren as well as Kapuna abd to ensure the sustainability of our reefs

**SB-2425**

Submitted on: 2/7/2024 9:17:29 PM

Testimony for AEN on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Daniel Amato	Individual	Support	Written Testimony Only

Comments:

Aloha, I am writing today in support of SB2425. As a marine scientist and water quality professional, I believe that SB2425 is essential to protecting our near shore ecosystems and human health by providing funds for community education. With over 88,000 cesspools to convert by 2050, the greatest need at the moment is to educate people on why this is important for our aquatic ecosystems. In my academic career, I have personally demonstrated that cesspools impact ocean water and influence reef processes. Please support SB2425. Mahalo – Dr. Daniel Amato

**SB-2425**

Submitted on: 2/8/2024 3:34:56 PM

Testimony for AEN on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maureen Niehaus	Individual	Support	Written Testimony Only

Comments:

I agree with this bill. We need implementation now.

**SB-2425**

Submitted on: 2/8/2024 12:40:12 PM

Testimony for AEN on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Georjean Adams	Individual	Support	Written Testimony Only

Comments:

I support the legislative recommendations of the 2023 Cesspool Conversion Working Group Final Report. The state needs to support the massive communication effort needed, especially on Hawaii Island, as soon as possible.

Georjean Adams

**SB-2425**

Submitted on: 2/8/2024 4:30:48 PM

Testimony for AEN on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cheryle Kelley	Individual	Support	Written Testimony Only

Comments:

Cesspools should be prohibited going forward. Any home with such a sewage system should be required to change to a sewer line as a condition of sale. It's time to protect our 'Aina and Kaua'i ne!!!