



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

**Testimony COMMENTING on HB0735 HD1**  
**RELATING TO WASTEWATER.**

REPRESENTATIVE MARK J. HASHEM, CHAIR  
HOUSE COMMITTEE ON WATER & LAND

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

February 11, 2025; 10:00 am; Room Number: 411

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health (“Department”) comments on this measure.

3 **Department Testimony:** The Environmental Management Division Wastewater Branch  
4 (EMD-WWB) provides the following testimony on behalf of the Department.

5 The Department provides comments on this measure that proposes to allow an  
6 individual wastewater system (IWS) to serve up to five bedrooms, regardless of the number of  
7 dwelling units or accessory units, whether attached or detached provided that this shall not  
8 apply to any new requests to connect additional dwelling units to an existing cesspool.

9 The Department is currently researching scientific literature and data to determine the  
10 quantifiable effect of the quantity of dwellings generating domestic wastewater flows in gallons  
11 per day for residential properties in the United States and Hawai'i. This measure may be  
12 problematic if scientific literature and data determines that the IWS is not able to treat the  
13 generated wastewater flow.

1           The Department’s Hawai’i Administrative Rules, Title 11, Chapter 62 has definitions for  
2 “bedroom”, “dwelling”, and “dwelling unit”. County definitions for “bedroom”, “dwelling”, and  
3 “dwelling unit”, would not applicable.

4 **Offered Amendments:** The Department respectfully suggests the following revisions to  
5 proposed measure. Additions appear as double underlined and deletions appear as bracketed  
6 strikeouts.

7           SECTION 2, Page 2, lines 4-9: “ ~~§342D-~~ Individual wastewater system; dwelling units.  
8 An individual wastewater system may serve up to five bedrooms, regardless of the number of  
9 (1) dwellings or dwelling units or (2) accessory units as defined by the counties, whether the  
10 dwellings, dwelling units, or accessory units are attached or detached; provided that this shall  
11 not apply to any new requests to connect additional dwelling units to an existing cesspool.”

12           Thank you for the opportunity to testify on this measure.

**COUNTY COUNCIL**

Mel Rapozo, Chair  
KipuKai Kualii, Vice Chair  
Addison Bulosan  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Fern Holland  
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**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

February 10, 2025

TESTIMONY OF ADDISON BULOSAN  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON  
HB 735, HD1, RELATING TO WASTEWATER  
AND  
HB 379, HD1, RELATING TO THE ENVIRONMENT  
House Committee on Water & Land  
House Committee on Energy & Environmental Protection  
Tuesday, February 11, 2025  
10:00 a.m.  
Conference Room 411  
Via Videoconference

Dear Chair Hashem, Chair Lowen, and Members of the Committees:

Thank you for this opportunity to provide testimony in SUPPORT of HB 735, HD1, Relating to Wastewater and HB 379, HD1, 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 HB 735, HD1 and HB 379, HD1, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of HB 735, HD1 and HB 379, HD1. 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:ss

Feb. 11, 2025, 10 a.m.  
Hawaii State Capitol  
Conference Room 411 and Videoconference

**To: House Committee on Water and Land**  
**Rep. Mark Hashem, Chair**  
**Rep. Rachele Lamosao, Vice Chair**

**From: Grassroot Institute of Hawaii**  
**Ted Kefalas, Director of Strategic Campaigns**

RE: HB735 — RELATING TO WASTEWATER

Aloha Chair Hashem, Vice-Chair Lamosao and other members of the Committee,

The Grassroot Institute of Hawaii **supports** [HB735 HD1](#), which would allow a septic system to serve up to five bedrooms, regardless of the number of dwellings attached to it.

Current state Department of Health rules allow certain septic systems to have five bedrooms connected to them; however, the rules' definition of "dwelling unit" excludes certain types of living arrangements.<sup>1</sup>

The rules consider a dwelling unit as "any habitable room or group of habitable rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating."<sup>2</sup> But this language excludes guest houses that do not have kitchens and dwellings that might have extra rooms located outside of them, such as a completely detached room.

Amending the definition would give small-scale builders more flexibility in constructing housing to meet their needs, county zoning rules and individual lot configurations.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

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<sup>1</sup> "[Wastewater Systems](#)," Title 11, Chapter 62, Hawaii Administrative Rules, May 21, 2016, p. 49.

<sup>2</sup> Ibid, p. 10.



**Committee on Water & Land**

Rep. Mark J. Hashem, Chair

Hearing Date: February 11, 2025

Aloha Chair Hashem, Vice Chair, and Members of the Committee,

My name is **Joel Guy**, and I am submitting testimony in **strong support** of **HB735 HD1**, which seeks to allow an individual wastewater system (IWS) to serve up to five bedrooms, regardless of the number of dwelling units or accessory units, with certain exclusions.

This bill is essential for communities across Hawai'i that lack municipal sewer connections and depend on alternative wastewater systems. Under current regulations, if a property has a two-bedroom home and a separate two-bedroom ADU, adding a third one-bedroom guest house would require installing an entirely new wastewater system. This imposes a significant financial burden and a major logistical challenge, as many lots simply do not have the space to accommodate an additional system.

For these reasons, **we strongly urge the Committee to pass HB735 HD1** to support affordable housing solutions while maintaining responsible wastewater management.

Mahalo for your time and consideration.

**Sincerely,**

**Joel Guy**

**Executive Director**

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

**(808) 635-2074**

HB 735

Individual Wastewater Systems; Dwelling Units; Accessory Units; Cesspools

House Committee on Energy & Environmental Protection

House Committee on Water & Land

Finance Committee

Public Hearing - 11 February 2025

10:00 a.m., Conference room 411 via videoconference

By

Sarah Duell, Department of Natural Science at Hawai'i Pacific University

Aloha Chairman Hashem of the Water and Land Committee, and respected committee members,

Mahalo for taking the time to listen to my testimony. My name is Sarah Duell and I am in my last semester of obtaining my bachelor's in Environmental Studies at Hawai'i Pacific University; I have also been a resident of the city of Honolulu for five years. I would like to offer my **support of HB 735 Individual Wastewater Systems; Dwelling Units; Accessory Units; Cesspools** with additional comments.

HB 735 will allow individual wastewater systems to serve a maximum of five bedrooms, this will include the accessory units and housing units with accessory units.

Replacing cesspools with septic systems is imperative to maintaining the health of the precious groundwater supply that Oahu' needs. In my environmental ethics class, we have discussed the ethics behind maintaining resources for the benefit of future generations. I don't have to stress how important maintaining the precious freshwater resources are for Oahu', however it is imperative to keep that thought in mind for our future generations. Keeping bacteria and foreign contaminants out of the freshwater sources on Oahu' would prevent a plethora of future illnesses and expenses from occurring. Thus, ensuring the health of future keiki and ensuring that local communities thrive in the years to come.

Replacing cesspools with septic systems will be better for future generations since the septic systems will be creating a barrier between groundwater and wastewater. The cesspools have a higher chance of contaminating water supplies and creating future problems that will need to be addressed and will be costly. Installing septic systems will ensure the safety of groundwater reserves throughout Oahu', ensuring future generations have access to clean freshwater.

Replacing the cesspools is going to be expensive and daunting to any homeowner who is dealing with these issues. However, an additional comment for the bill would be to create a website or a source of information for homeowners to receive government financial assistance to aid in the transition. There is assistance that comes from the Hawaiian government or from the Federal government that residents can apply for. These funds and resources need to be made readily available for the homeowners of Hawai'i if we are to remedy the cesspool issue.

To conclude, I am in support of HB 735 however I strongly support a transition towards septic systems instead of cesspools to prevent environmental damages that are difficult to remedy and would prevent future suffering of the Hawaiian residents. Mahalo for hearing my thoughts and concerns.

Sarah Duell  
Department of Natural Science  
Hawai'i Pacific University

**HB-735-HD-1**

Submitted on: 2/10/2025 5:20:47 PM

Testimony for WAL on 2/11/2025 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeremy Burns	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Committee:

My name is Jeremy Burns, and I am submitting testimony in support of HB 735, particularly its provision allowing an individual wastewater system (IWS) to serve up to five bedrooms, regardless of the number of dwelling or accessory units.

Hawaii's current wastewater regulations restrict septic systems to serving no more than two structures, even if the system has the capacity for additional bedrooms. The septic systems are sized on number of bedrooms as a proxy for expected capacity and usage, so it does not make sense to also add a number of structures limitation which doesn't seem germane to the design and engineering. There should be no difference between 5 one-bedroom structures or 1 five-bedroom structure, or any combination thereof.

HB 735 is a practical update to Hawaii's wastewater regulations that supports affordable housing, sustainable development, and responsible land use. I urge the committee to pass this bill and help ensure fair housing opportunities for all communities, especially those without access to sewer infrastructure.

Mahalo for your time and consideration.

Jeremy Burns

Kapa'a, Kaua'i