



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 HD2
RELATING TO WASTEWATER.**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 12, 2025; 1:00 pm; Room Number: 225

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 This measure proposes to allow an individual wastewater system (IWS) to serve up to
6 five bedrooms, regardless of the quantity of dwellings, dwelling units, or accessory units,
7 whether the dwellings, dwelling units, or accessory units are attached or detached, provided
8 that this shall not apply to any new requests to connect additional bedrooms, dwellings,
9 dwelling units, or accessory units to an existing cesspool.

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

1 Hawai'i Administrative Rules, Section 11-62-03¹ defines "bedroom," "dwelling," and
2 "dwelling unit." A "dwelling unit" cannot be detached from a "dwelling." County definitions for
3 "bedroom", "dwelling", and "dwelling unit" would not be applicable.

4 The Department is concerned that this proposed measure may inadvertently allow
5 dwellings, dwelling units, or accessory units, which are connected to existing cesspools, to add
6 one (1) or more bedrooms for a total of up to five (5) bedrooms and remain on the existing
7 cesspool. The flow generated by all occupants, including the occupants of the additional
8 bedroom(s), may cause a wastewater spill from the existing cesspool.

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

12 SECTION 2, Page 2, lines 4-12: "~~§342D-~~ Individual wastewater system; dwelling
13 units. An individual wastewater system may serve up to five bedrooms, regardless of the
14 number of

15 (1) Dwellings or dwelling units; or

16 (2) Accessory units as defined by the counties[7];

17 whether the dwellings, dwelling units, or accessory units are attached or detached; provided
18 that this section shall not apply to any new requests to connect additional bedrooms, dwellings,
19 dwelling units, or accessory units to an existing cesspool."

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

¹ <https://health.hawaii.gov/oppdp/files/2015/06/11-62-Wastewater-Systems.pdf> (PDF pages 8 and 10)

COUNTY COUNCIL

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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawaii 96766

March 7, 2025

**TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 735, HD 2, RELATING TO WASTEWATER
AND
HB 750, HD 2, RELATING TO THE ENVIRONMENT
Senate Committee on Health and Human Services
Senate Committee on Agriculture and Environment
Wednesday, March 12, 2025
1:00 p.m.
Conference Room 225
Via Videoconference**

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

Thank you for this opportunity to provide testimony in SUPPORT of HB 735, HD 2, Relating to Wastewater and HB 750, HD 2, 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, HD 2 and HB 750, HD 2, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of HB 735, HD 2 and HB 750, HD 2. 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.

Sincerely,

ADDISON BULSOAN
Councilmember, Kaua'i County Council

AAO:dmc

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

Testimony of Ka'āina Hull

Planning Director, Planning Department, County of Kaua'i

Before the

Senate Committee on Health and Human Services and Senate Committee on Agriculture and Environment

Wednesday, March 12, 2025 at 1:00 PM

Conference Room 225 & Videoconference

In consideration of

House Bill 735 HD2

Relating to Wastewater

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

The County of Kaua'i Planning Department **SUPPORTS** HB 735 HD2, recognizing that infrastructure upgrades and assessments are part of several solutions needed to help mitigate the State's housing crisis. We acknowledge the Legislature's findings on the imbalance between housing costs and median household income, resulting in heightened vulnerability for local families and detrimental impacts to our broader community.

Under the administration of Mayor Derek K. Kawakami, the County of Kaua'i has proactively implemented zoning reform to stimulate multi-family and infill housing development consistent with the County's General Plan. This includes increased density allowances; incentivizing additional dwelling units; allowing additional rental units of up to 800 square feet in all residential districts; and providing site design flexibility through reduced setback and lot coverage requirements. These efforts are in harmony with the goals of HB 735 HD2 and seek to enhance the housing inventory through affordable housing options.

The current restriction of two dwelling units to a septic system regardless of the size of the dwelling units restricts the vast majority of Kauai's residential property owners from taking advantage of our additional rental unit program. Allowing an approved individual wastewater system to serve up to five bedrooms regardless of the number of dwelling units would allow several thousand properties on Kauai to be eligible to construct a nominally sized 800 square foot additional rental unit whereas currently they are prohibited from doing such.

The County of Kaua'i Planning Department respectfully urges the committees to **support** the advancement of HB 735 HD2 and move forward the solutions required to effectively address Hawaii's housing crisis.



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

March 12, 2025

The Honorable Joy A. San Buenaventura, Chair

Senate Committee on Health and Human Services

The Honorable Mike Gabbard, Chair

Senate Committee on Agriculture and Environment
State Capitol, Conference Room 225 & Videoconference

RE: House Bill 735, HD2, Relating to Wastewater

HEARING: Wednesday, March 12, 2025, at 1:00 p.m.

Aloha Chair San Buenaventura, Chair Gabbard, 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 10,000 members. HAR **supports** House Bill 735, HD2, which allows an individual wastewater system to serve up to five bedrooms, regardless of the number of dwellings, dwelling units, or accessory units, whether attached or detached, with certain exclusions. Effective 7/1/3000

Under Hawaii Administrative Rules Chapter 62 relating to wastewater systems, the definition of dwelling unit is, "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." By allowing individual wastewater systems to serve up to five bedrooms, regardless of the number of dwellings and whether they are detached or attached, would help address our evolving housing needs that also help with the supply of much needed housing, such as Accessory Dwelling Units and tiny homes.

Mahalo for the opportunity to testify on this measure.





Testimony in Strong Support of HB735 HD1

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Henry J.C. Aquino, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Herbert M. "Tim" Richards, III, Vice Chair

Dear Chairs San Buenaventura and Gabbard, Vice Chairs Aquino and Richards, and Members of the Committees,

My name is Joel Guy, and I am submitting testimony in strong support of **HB735 HD2**, 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 crucial for communities across Hawai'i that lack access to municipal sewer connections and rely on alternative wastewater systems. Under current regulations, a property with a two-bedroom home and a separate two-bedroom accessory dwelling unit (ADU) would be required to install an entirely new wastewater system if adding a third one-bedroom guest house. This presents a **significant financial burden** and a **major logistical challenge**, particularly for lots with limited space to accommodate an additional system.

By allowing a single IWS to support up to five bedrooms, HB735 HD1 provides a **practical and cost-effective solution** that supports **affordable housing efforts** while maintaining **responsible wastewater management**.

For these reasons, I strongly urge the Committees to pass **HB735 HD1** to ensure that Hawai'i's residents have access to **reasonable and sustainable wastewater solutions**.

Mahalo for your time and consideration.

Sincerely,

Joel Guy

Executive Director



(808) 635-2074



March 11, 2025

In Support of **HB735 HD1 Relating to Wastewater Systems**
Senate Committees on Health & Human Serv. (HHS) & Agriculture & the Environ. (AEN)
Hearing on Wed., March 12, 2025, 1:00pm, CR308

Aloha, Chairs San Buenaventura & Gabbard, Vice-Chairs Aquino & Richards, & Committee Members:

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations, I am writing in **support of HB735 HD1**. This bill requires the Hawaii Department of Health to update its rules and regulations to allow for multiple dwellings up to 5 bedrooms to use one septic systems or ATU to make wastewater systems and cesspool upgrades more affordable and efficient.

Cesspool conversions can be costly, and we need to try to find ways to make upgrades more **affordable**. Following the examples of other states and municipalities, the DOH guidelines for wastewater treatment (HAR 11-62) need to be updated so that they can include more efficient treatment systems and allow for multiple dwellings up to 5 bedrooms to use one treatment system. For instance, Hawaii has some of the highest daily flow rates in the country (200 gallons per day per bedroom), and these high rates dramatically increase the costs to convert cesspools.

Hawaii has more than 83,000 cesspools across the state, discharging 52 million gallons of raw sewage each day into Hawaii's waters. Along with threats to public health and drinking water resources, new research shows that polluted wastewater poses significant harm to coral reefs and the near-shore environment. The people of Hawaii need this law to make sure their wastewater systems aren't polluting the groundwater or nearby surface waters.

WAI is an environmental non-profit dedicated to protecting our water resources by reducing sewage pollution from cesspools. We support more innovative, affordable, and eco-friendly solutions to wastewater management. Better sanitation systems protect public health and valuable natural resources like groundwater, streams, coral reefs and coastal areas.

Hawaii is struggling with serious sewage pollution, and the state has a mandate to make sure all cesspools are converted in the next two decades. This bill would upgrade the rules and regulations for wastewater treatment and could lower the costs of upgrading cesspools. Mahalo for your leadership on this issue and support of this bill.

Aloha,

Stuart Coleman

Stuart H. Coleman, Executive Director

March 12, 2025, 1 p.m.
Hawaii State Capitol
Conference Room 225 and Videoconference

To: Senate Committee on Health and Human Services

Sen. Joy A. San Buenaventura, Chair

Sen. Henry J.C. Aquino, Vice Chair

Senate Committee on Agriculture and Environment

Sen. Mike Gabbard, Chair

Sen. Herbert M. "Tim" Richards, III, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: HB735 HD2 — RELATING TO WASTEWATER

Aloha Chairs, Vice-Chairs and other members of the committees,

The Grassroot Institute of Hawaii **supports** [HB735 HD2](#), 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 department's definition of "dwelling unit" excludes certain types of living arrangements.¹

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 that are used or intended to be used for living,

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

sleeping, cooking and eating.”² 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

² [Ibid](#), p. 10.

HB-735-HD-2

Submitted on: 3/7/2025 1:50:00 PM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sina Pruder	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE this bill. The current regulations limit connection of up to two dwelling units to an individual wastewater system. Having more than two kitchens connected to a septic system will cause premature failure of the system. Kitchen wastewater has extremely high organic loading characteristics, fats oil and grease and many have include waste from a garbage disposal. A septic system that will connect more than two homes will require frequent pumping to prevent premature failure of leach field/effluent disposal system.

Based on my 30 years of experience working for the Department of Health Wastewater Branch, majority of the septic systems are not being pumped and maintained on a regular basis. I've witnessed premature failure of septic systems that had three or more dwelling units connected. Kitchen waste that is not pumped from the septic system will flow into the leach field. Grease and food particles will plug the soil preventing leaching of the wastewater in the drain field.

Developers always look for ways to cut the cost of projects and they really don't care about the end user. If this measure is passed, **the multiple homeowners that are connected to the septic system will suffer the burden of cost of the frequent pumping and/or replacing the septic system due to premature failure.**

HB-735-HD-2

Submitted on: 3/7/2025 9:29:47 PM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Crozer	Individual	Comments	Written Testimony Only

Comments:

I can see how in back country this would be preferable, but on Oahu people are cramming more housing into place where the infrastructure is not capable of handling it. This bill should make it clear what kind of sytem that is being discussed - septic, cesspool or connected sewage. It's kind of vague.

HB-735-HD-2

Submitted on: 3/10/2025 12:52:45 PM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hermina Morita	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Chair Gabbard and Members of the Health & Human Services and Agriculture and Environment Committees:

My name is Mina Morita and I am in strong support of House Bill 735, HD2, Relating to Wastewater. Currently, I am the Board President for The Hanalei Initiative, a Hanalei based non-profit best known for operating the integrated access system for Hā‘ena State Park as a community-based economic development enterprise that has helped to transform Hā‘ena State Park. However, the testimony I share today are my own views as a resident and property owner in Hanalei concerned about the lack of workforce housing and affordable rentals in the Hanalei area.

Over a year ago, the Hanalei Initiative was given the opportunity to lease, with an option to purchase, the Hanalei LDS Church property which is in the “heart” of Hanalei town by the new property owner. As the organization began to master plan the property it became even more evident that the lack of workforce housing for our north shore is a major community concern. Although this property will not make a huge dent in Hanalei’s affordable rental inventory (average rent in Hanalei is \$5460/month) , it can help address the critical shortage and need for housing for a small sector of public servants like lifeguards and teachers (average salary for these professions range from \$3719-5027/month).

The issue House Bill 735, HD2 is trying to address surfaced when the Hanalei Initiative was trying to maximize the density of the property in the conceptual drawings for the workforce housing project. Had the property been sold, likely to another non-resident who could afford the \$4.6 million price tag, that person or entity would be entitled to build 2 5-bedroom residences by installing 2 septic systems without question. But if 10 detached studios with communal spaces were proposed, equaling the same or even less square footage and property coverage, it would be denied because the Department of Health reliance on the number of dwellings rather than the number of bedrooms.

A testifier on this bill before a House committee explained the illogic requirement stating, “. . . septic systems are sized [based] on [the] 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 [of the septic system].” I agree.

It is highly unlikely that Hanalei will be served by a wastewater treatment facility in the near future. We should not stymie efforts to increase the affordable housing inventory with arbitrary regulation that needlessly increase costs and that may hinder creative solutions to add density.

Thank you for the opportunity to testify. I had hoped to testify by zoom but will be traveling and missing the hearing. However, please feel free to contact me should you have any questions.

Sincerely,

Mina Morita

P.O. Box 791, Hanalei, Hi 96714

herminamorita@gmail.com

HB-735-HD-2

Submitted on: 3/10/2025 9:12:42 AM

Testimony for HHS on 3/12/2025 1:00:00 PM

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

Comments:

I fully support this bill.

HB-735-HD-2

Submitted on: 3/10/2025 8:36:44 AM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Betsy Scolnik	Individual	Support	Written Testimony Only

Comments:

PLEASE GET THIS DONE AND THANK YOU FOR MAKING IT A PRIORITY

HB-735-HD-2

Submitted on: 3/9/2025 1:39:32 PM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
robin knox	Individual	Support	Written Testimony Only

Comments:

I support this bill because as an environmental scientist and former Clean Water Act regulator, I know it is the amount of waste that matters, not how many buildings or toilets

HB-735-HD-2

Submitted on: 3/11/2025 9:52:37 AM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christina Comfort	Individual	Support	Written Testimony Only

Comments:

This bill removes some barriers to converting cesspools to IWS, and since cesspools cause water pollution, public health risk, and coral reef loss due to the lack of wastewater treatment, I support this effort to make cesspool conversions more accessible for any 5 bedroom property.

LATE

Aloha mai kākou,

My name is Mariko Quinn and I am testifying in **strong support** of HB 735. Cesspools are a major environmental threat to our ‘āina and waters and it is imperative that they are upgraded in order to better protect the places we live in.

The current Department of Health rules are restrictive in their language of the definition of a dwelling unit, which makes it challenging for homeowners building smaller units. This issue results in higher costs to homeowners who have to install multiple septic systems.

This bill would help to further streamline the process of upgrading, and allow for crucial flexibility for homeowners in Hawai‘i. This will help protect our environment, and making these systems more accessible to larger groups of people.

I strongly encourage you to pass this bill.

Thank you for your time,
Mariko Quinn