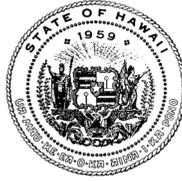


JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀNA O KA MOKU'ĀNA 'OHAWAI'I



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

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
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**Testimony COMMENTING on HB0735
RELATING TO WASTEWATER**

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

January 30, 2025; 9:00 am; Room Number: 325

1 **Fiscal Implications:** None

2 **Department Position:** The Department comments on this measure.

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

5 The Department has concerns and provides comments on this measure that proposes to
6 allow an individual wastewater system (IWS) to serve up to five bedrooms, regardless of the
7 number of dwelling units or accessory units, whether attached or detached and proposes to
8 temporarily permit certain new buildings constructed within a priority level 3 area, as
9 designated by the Hawai'i cesspool prioritization tool, that contains up to five bedrooms to be
10 served by an existing cesspool.

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

1 An existing cesspool connected to any new building is consider a large-capacity cesspool
2 (LCC) by the U.S. Environmental Protection Agency (USEPA) if: 1) more than one dwelling or
3 dwelling unit is connected to the existing cesspool, 2) 20 or more people in a given day are
4 served by a non-residential building, or 3) the building is a combined dwelling and home-based
5 business. Therefore, this measure would also be problematic as it conflicts with the USEPA's
6 LCC definitions and regulations.

7 **Offered Amendments:** None

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



To: Nicole E. Lowen, Chair Committee on Energy & Environmental Protection

Re: HB 735 Relating to Wastewater Systems
Thursday, January 30, 2025 9:00AM
VIA VIDEOCONFERENCE
Conference Room 325
State Capitol
415 South Beretania Street

From: Hanna Puentes- Project Coordinator (Hawai'i)
info@hawaiiwaiola.com
Hawai'i Wai Ola

Subject: I am testifying in Opposition of HB 735 Relating to Wastewater Systems.

I am testifying in Support of HB 735 relating to Wastewater Systems on behalf of Hawai'i Wai Ola (HWO) and as a concerned community member of Moku o Keawe. HWO is a Hawai'i Island based multi-organization initiative that produces quality assured, publicly-available nearshore water quality data. Since 2018, HWO has collected, analyzed, and reported on water quality throughout Hawaii County, the leading contributor of cesspools across the State, to safeguard our communities and marine ecosystems from sewage contamination. Enabling new construction to rely on outdated and polluting wastewater infrastructure contradicts the state's long-term goal of eliminating cesspools by 2050 and ensuring clean, safe water for all residents.

HWO strongly advocates for policies that prioritize water quality protection, sustainable wastewater solutions, and financial assistance for homeowners to transition to modern wastewater treatment systems. Rather than prolonging cesspool use, legislative efforts should focus on providing equitable funding mechanisms and technical support for alternative wastewater solution.

In closing, HWO opposes HB 735 Thank you for the opportunity to provide this testimony.

Sincerely,

A handwritten signature in black ink, appearing to be 'HP' or similar initials.

Hanna Puentes, Project Coordinator (Hawai'i)
info@hawaiiwaiola.com
Hawaii Wai Ola

Jan. 30, 2025, 9 a.m.
Hawaii State Capitol
Conference Room 325 and Videoconference

To: House Committee on Energy and Environmental Protection
Rep. Nicole Lowen, Chair
Rep. Amy Perruso, Vice Chair

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

RE: HB735 — RELATING TO WASTEWATER

Aloha Chair Lowen, Vice-Chair Perruso and other members of the Committee,

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

It would also allow new buildings with five bedrooms or less that are constructed in priority level 3 cesspool areas to be connected to existing cesspools, provided that the existing cesspools shall receive no more than 1,000 gallons of wastewater a day, and that the Department of Health can deny a permit to build on an existing cesspool if the new construction would affect water quality.

The underlying reason for this bill, which would sunset on June 30, 2030, is that Hawaii has a housing crisis, and while the state goal of converting all 88,000 cesspools to other wastewater treatment systems by 2050 is well-intentioned, it must be balanced against the need to facilitate the construction of more homes.

The 2022 report from the Cesspool Conversion Working Group noted that replacing a cesspool with a septic system, connecting to a sewer line, or converting to any other kinds of wastewater treatment technology would be a financial burden for 97% of Hawaii's households. Even with a \$10,000 tax rebate, conversion would be a financial burden to 85% of households.¹

¹ ["Cesspool Conversion Working Group Final Report to the Regular Session Legislature pursuant to Act 170 Session Laws Hawaii of 2019,"](#) Hawaii Department of Health, November 2022, p. 43.

This is because cesspool conversion is expensive, with costs ranging from \$9,000 to \$60,000, depending on the property's location and access to existing sewer lines.² For many homeowners in rural areas, the cost of converting a cesspool can make the construction of new housing units extremely difficult, if not impossible.

This was evidenced by the rebuilding after the August 2023 fires in Kula, Maui.³ Many homeowners there were facing the hardship of upgrading their wastewater systems after losing their homes to the fires, until the Hawaii Department of Health issued guidance that generally exempted the rebuilds from the state's cesspool-conversion mandate.⁴

The exemptions provided in this bill would allow homeowners with cesspools or septic systems to have up to five bedrooms connected to these systems. Federal rules state that cesspools can only be connected to one dwelling,⁵ while the bill specifies that more than one dwelling could connect to septic so long as the total number of bedrooms does not exceed five.

The result would be more housing for Hawaii residents, which I'm sure you would agree would be a good thing.

Please advance HB735.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

² ["Cesspool Conversions Finance Research: Summary Report,"](#) Hawaii Department of Health, January 2021, p. 1.

³ Colleen Uechi, ["Rebuild of homes destroyed in Kula fire runs into costly wastewater upgrades,"](#) Maui Now, Sept. 29, 2024.

⁴ ["DOH issues guidance for existing cesspool use in residential Kula,"](#) Maui Now, Nov. 12, 2024.

⁵ ["Large-Capacity Cesspools,"](#) U.S. Environmental Protection Agency, updated July 10, 2024.



Testimony in Support of HB 735

Hearing Before the House Committee on Energy & Environmental Protection
Rep. Nicole E. Lowen, Chair

Date: January 30th, 2025

Chair Lowen, Vice-Chair Perruso, and Members of the Committee:

My name is Joel Guy, and I am submitting testimony in strong 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. This arbitrary limit creates unnecessary financial and logistical barriers for homeowners and rural communities that rely on septic systems due to the lack of sewer infrastructure.

For example, under current rules, a five-bedroom septic system could legally support two, two-bedroom homes, but adding an additional one-bedroom guest house would require installing a completely separate septic system, despite available capacity. In addition to financial barriers, lots may have the zoning density but lack space for an additional leach fields.

Conclusion

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.

Sincerely,
Joel Guy
Executive Director, Hanalei Initiative
(808) 635-2074

A handwritten signature in black ink, appearing to read "Joel Guy", is written over a horizontal line.

HB-735

Submitted on: 1/29/2025 9:48:49 AM

Testimony for EEP on 1/30/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Stuart Coleman	Individual	Support	In Person

Comments: Aloha, Chair, Vice Chair and Committee Members, My name is Stuart Coleman, and I am writing in support of HB735. We need to help homeowners as much as possible with making sure the regulations regarding wastewater honor the spirit of the law and not just the letter of the law. Mahalo, Stuart

HB-735

Submitted on: 1/29/2025 9:05:34 PM

Testimony for EEP on 1/30/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeremy Burns	Individual	Support	Written Testimony Only

Comments:

I am submitting testimony in strong 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. This seems like an arbitrary limit that has nothing to do with projected usage or capacity for design considerations and shouldn't have any bearing on the number of septic systems needed to service the expected inhabitants.

Thank you,

Jeremy Burns