

CESSPOOL CONVERSION WORKING GROUP (CCWG)  
**Main Group - Meeting Agenda**

**Date:** August 16, 2022

**Time:** 1:30 PM – 3:30 PM

**Location:** Environmental Management Conference Room, 2827 Waimano Home Road,  
Pearl City, Hawaii, 96782 and Webinar

**Call in Details:**

[Join Zoom Meeting](#)

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**Public Testimony**

Written Testimony/comments – To ensure the public as well as Cesspool Conversion Working Group members receive testimony in a timely manner, written testimony/comments should be submitted 24 hours prior to the scheduled meeting date and time. Any written testimony/comments submitted after this time cannot be guaranteed to be distributed in time for the meeting.

Written testimony may be submitted by one of the methods listed below:

- By email to: [doh.wwb@doh.hawaii.gov](mailto:doh.wwb@doh.hawaii.gov)
- By U.S. Postal Mail: State of Hawaii, Wastewater Branch, 2827 Waimano Home Road, Suite 207, Pearl City, Hawaii 96782

Members of the public are also welcomed to provide verbal testimony/comments via Zoom Agenda Item B – Public testimony on agenda items. Public testimony is limited to no more than three (3) minutes per individual.

**AGENDA**

- A.** Call to order
- B.** Public testimony on agenda items
- C.** Approval of July 12, 2022 meeting minutes
- D.** Presentation of amendments to the Hawai'i Cesspool Hazard Assessment & Prioritization Tool by Chris Schuler
- E.** Discussion and vote on recommendations for the Cesspool Conversion Plan  
Draft list of recommendations is included as an Attachment to this agenda.
- F.** Questions and Comments
- G.** Adjournment

Any person requiring an auxiliary aid/service or other accommodation due to a disability, please contact Sina Pruder (808) 586-4294 or [sina.pruder@doh.hawaii.gov](mailto:sina.pruder@doh.hawaii.gov) no later than 5 days prior to the meeting so arrangements can be made.

## Cesspool Conversion Working Group Draft Recommendations

**This is in draft only, during the 8.16.2022 cesspool conversion working group will have more discussion around these recommendations.**

### **DRAFT FOR REPORT IS PROPOSED AS FOLLOWS**

The Cesspool Conversion Working Group reviewed internal and external reports, scientific and policy data, in addition to consulting with various wastewater experts to develop a thorough set of recommendations it believes will promote a successful and actionable plan to convert cesspools across the State. Recommendations are broken down into relevant sections pertaining to their topic with a brief description of the topic below the title. The list of recommendations provided is extensive, however, the group recognizes that more may be needed as the situation evolves. The recommendations provided represent a majority opinion of the working group, not consensus. Where appropriate, narrative may be included from members who dissent on specific positions. That being said, recommendations provided represent years of dialogue and research discussed by the working group.

#### **Recommendations for Cesspool Conversion Prioritization and Timeline:**

*After careful consideration and discussion, the working group believes that the original timeline set for completion of cesspool conversion should be staggered and adjusted based on priority assessments in the Hawai'i Cesspool Conversion Tool. The working group recommends the creation of a disclosure law, similar to other state's who have had similar challenges with outdated wastewater technologies.*

1. Replace the timelines, from Act 125 SLH 2017, for cesspool conversion. Priority 1 zones should be converted by 2030, Priority 2 zones converted by 2035, and Priority 3 zones converted by 2050.
2. Recommends the State Legislature pass a homeowners seller's disclosure law to acknowledge the existence of a cesspool and the current State regulations regarding cesspool conversion.

#### **Recommendations for Cesspool Conversion Financing:**

*Perhaps the most challenging element to achieving success in converting cesspools is the ability to fund conversions for low and moderate income residents of Hawaii. Many residents simply cannot afford the often high upfront costs associated with onsite wastewater system replacement. The working group separated the following recommendations into the development of funding mechanisms and the distribution of the created funds.*

##### **Creation of Funding Mechanisms**

1. Allocate Federal Infrastructure Investment and Jobs Act funds and American Rescue Plan Act funds for County's to implement cesspool conversion. Conversion solutions may include, but are not limited to, options for onsite replacement, connection to sewer, and the creation of new utility districts with cluster wastewater treatment systems. Where appropriate, State, County and local governments should pursue congressionally designated spending request(s) for cesspool conversions.

2. The State/Counties should develop a long-term, low-interest financing program for homeowners who can't afford the cost of conversion.
3. All available federal assistance, including grant and revolving loan programs should be explored to create a reliable source of financial assistance to help owners convert cesspools. If/when funding sources are exhausted, the State Legislature and Counties should explore fees and increases in taxes to cover shortfalls in conversion assistance programs. Sources may include, but are not limited to, General Excise Tax, Special Improvement Districts, Property Tax, Transient Accommodations Tax.

#### **Distribution of Financial Assistance**

1. A conversion program should provide refundable tax credits and rebates for upgrade/connection costs for low-moderate income households.
2. Improve personnel capacity at the State and County level to apply for and manage Federal loans/grants.
3. Pass law(s) that allow nonprofits and Community Development Financial Institutions to help cesspool owners access various government funding sources for conversion.
4. Create an office or a program within the State to administer and provide federal funding to Counties, nonprofits and Community Development Financial Institutions for cesspool conversion.

#### **Recommendations for Public Outreach for Cesspool Conversions:**

*Public outreach and education is paramount to a successful cesspool conversion program. Programs across the continental United States utilized robust outreach techniques and allocated dedicated funds for wastewater conversion plans. The working group believes that a cesspool conversion plan needs thoughtful and robust outreach.*

1. Establish State level public outreach personnel for cesspool conversion.
2. Identify funding and resources to develop a comprehensive outreach plan for cesspool conversions that educates homeowners on conversion options and resources.
3. Develop a public facing webpage that is easy to use with and provides resources to homeowners and professionals in the wastewater field. Other information may include details on priority zones and links to priority zone web maps.

#### **Recommendations for Cesspool Conversion Technology Considerations:**

*Having the types of technology needed to achieve nutrient reduction and public health protection is essential in Hawai'i's unique geology, climate and land use practices. The working group seeks to promote the adoption of novel technologies and policies to allow tailored solutions through the following recommendations.*

1. Available approved technology options for given locations and site conditions (including onsite, sewerage and cluster systems) should be viewable online.
2. Create an official onsite wastewater testing, training and education center in the state of Hawai'i for testing and approval of island based solutions.

3. Reevaluate minimum treatment standards for onsite wastewater technology for ecologically sensitive areas (high water table, close proximity to ocean/streams, prone to sea level rise).
4. Incentivise companies to pilot wastewater projects in Hawai'i to expand the available technology options for cesspool conversion.
5. Develop a map and database inventory of all onsite wastewater treatment systems within the state for management and maintenance tracking.

**Recommendations for Cesspool Conversion Planning/Program Administration:**

*Undertaking a massive infrastructure project such as converting cesspools requires proper planning and administration across stakeholders and governmental institutions. The working group seeks to set up the state for successful implementation of its conversion plan through the following three recommendations.*

1. Each County should develop a comprehensive integrated wastewater management plan to include centralized (sewers systems and treatment plants) and decentralized options (onsite wastewater treatment systems or cluster systems) for cesspool replacement, including financial assistance plans.
2. Establish a cesspool section within the DOH Wastewater Branch to work on cesspool conversions planning, implementation, permitting and regulatory framework. Including 3-4 staff with a manager, engineering and analysis, communications and permitting capacity.
3. Prioritize environmental justice for disadvantaged community needs, including identifying funding and position(s) to promote equitable outcomes related to the entire cesspool conversion process.

**Recommendations for Cesspool Conversion Workforce Development:**

*Converting 80,000+ cesspools will require a large number of professionals in the wastewater field. By investing in education and workforce development targeted at residents of Hawai'i, the State can grow the economy with well paying jobs.*

1. Fund a study, to be completed within 12 months, to identify the workforce needs for upgrading all cesspools, including but not limited to state and county workers, contractors, engineering, permitting and public engagement. The study should also assess the capacity needs (where applicable) for cesspool conversion at State Agencies that have landholdings including DHHL, DLNR, DOA, HCDA and HHFDC.
2. Allocate funding to create a green workforce training program for cesspool upgrades. The program may include education, certification, on the job training, or other categories as appropriate. Partnership opportunities with State agencies and/or non-profit organizations should be considered where appropriate.

**RECOMMEDATIONS TO BE FURTHER DISCUSSED**

**Recommendations for Cesspool Conversion Prioritization and Timeline:**

1. **Mandate point-of-sale cesspool conversions within a set amount of time from the property transfer. - *strong opposition from some members, needs to be put to a vote***

2. Update prioritization and timelines as needed particularly when new information becomes available.

#### Recommendations for Cesspool Conversion Financing:

##### Creation of Funding Mechanisms

1. Have the State authorize Counties, to the extent necessary, to charge a fee of up to \$10/month to cesspool owners, with revenue going to a special fund to support grants for low-moderate income upgrades/connections. - *service definition would be critical, might not be legal to do - need to take it to a vote to decide on keeping this in the recommendations or not. To work this would need to focus on a special district or area experiencing severely degraded water quality.*
2. Consider the creation of special assessment districts in areas with large amounts of cesspools to help fund needed wastewater infrastructure. -*this one seems more feasible of the two based on programs that have been done before. - County/ Homeowners*
3. Pilot a special assessment district at the homeowners request. Pursue direct community access to federal funding for community infrastructure expansion.
4. Allow cesspool installers to pay/finance for upgrades or connections and receive any tax credits or rebates available to homeowners to offset overall conversion costs.
5. Allow cesspool installers to pay for upgrades or connections and receive SRF grants.
6. *Consider alternative funding mechanisms for wastewater infrastructure. – too generic suggest removing*

##### Distribution of Financial Assistance

1. *Create a one stop shop for homeowners to check on available financing options for cesspool conversion for their specific property and financial needs. - connect to homeowner education*
2. *Focus early efforts on areas of low income and with the highest priority ranking (From Erica in report comments)*

#### Recommendations for Cesspool Conversion Planning/Program Administration:

1. *Research and identify new and existing partners for cesspool conversion program administration services (coordinating with homeowners, approvals, inspections). – too generic remove?*
2. *Research and recommend creating a state Department of Environmental Conservation that would handle elements of the cesspool conversion and program administration process. - out of scope remove?*

#### Recommendations for Cesspool Conversion Workforce Development:

1. *Recommend evaluating the creation of a Cesspool Ombudsman position that advocates for and helps homeowners convert their cesspools when the volume of cesspool conversions is at full build out.. -not something that is needed right now, could be considered down the line - remove?*