

JAN 17 2014

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# A BILL FOR AN ACT

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RELATING TO WATER POLLUTION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that Hawaii's streams,  
2 groundwaters, and ocean are being harmed by water pollution from  
3 nonpoint sources, such as stormwater and sewage from cesspools,  
4 that flow off the land directly rather than through pipes or  
5 ditches. Public recreation is harmed by such nonpoint source  
6 pollution and the frequent "brownwater advisories" that follow  
7 heavy rain events. Nonpoint source pollution may also be  
8 harming coral reefs and native species.

9       The legislature further finds that cesspool owners pay no  
10 fees for the pollution that they place in the public's surface  
11 waters and groundwater, whereas those who are served by sewers  
12 pay substantial fees, averaging up to \$100 per month on Oahu.

13       The purpose of this Act is to:

- 14       (1) Improve the State's ability to control and reduce  
15           water pollution from cesspools and other nonpoint  
16           sources;



(2) Offer financial assistance for low-income cesspool owners upgrading to septic systems or connecting to sewers;

(3) Establish an interim cesspool operating fee; and

(4) Require the director of health to set cesspool operating fees by rule within five years.

SECTION 2. Chapter 342D, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

**"§342D-A Revolving fund; water pollution control account.**

(a) There is established within the water pollution control revolving fund established under section 342D-83 a separate account to be designated as the water pollution control account, into which shall be deposited:

(1) All revenues generated from the interim fees established under section 342D-B and fees authorized by rules adopted pursuant to section 342D-B;

(2) Any moneys appropriated from the general revenues of the State for purposes established in subsection (b); and

(3) All interest earned or accrued on moneys deposited in the water pollution control account.



1        (b) The moneys in the water pollution control account  
2 shall be expended by the department for the following purposes:

3        (1) Controlling and reducing pollution from point sources,  
4        nonpoint sources, individual wastewater systems, and  
5        cesspools;

6        (2) Preparing generally applicable rules or guidelines;

7        (3) Implementing and enforcing the terms and conditions of  
8        any rules, permits, waivers, and department-approved  
9        plans;

10       (4) Monitoring discharges and water quality in state  
11       waters;

12       (5) Performing or reviewing modeling, analyses, and  
13       demonstrations;

14       (6) Conducting the nonpoint and cesspool outreach program  
15       pursuant to section 342D-C;

16       (7) Providing financial assistance to low-income cesspool  
17       owners, as the director may define by rule, connecting  
18       to a sewer or upgrading to a septic system; and

19       (8) Administering the water pollution control account.

20       **§342D-B Fees.**    (a) Until superseded by operating fees  
21 established by the director pursuant to subsection (b), the  
22 interim cesspool monthly operating fees shall equal



approximately ten per cent of the average existing monthly  
residential sewer fees for each county, as follows:

- |     |                                    |                           |
|-----|------------------------------------|---------------------------|
| (1) | <u>County of Hawaii</u>            | <u>\$3 per month;</u>     |
| (2) | <u>County of Kauai</u>             | <u>\$5 per month;</u>     |
| (3) | <u>County of Maui</u>              | <u>\$6 per month; and</u> |
| (4) | <u>City and county of Honolulu</u> | <u>\$9 per month.</u>     |

The director shall determine in consultation with each  
county the most efficient way to collect these interim fees.

Counties that collect fees pursuant to this section shall timely  
remit the fees, minus reasonable collection charges, for deposit  
to the credit of the water pollution control account established  
under section 342D-A.

(b) No later than June 30, 2019, the director shall adopt  
rules pursuant to chapter 91 establishing operating fees for  
owners of cesspools and determining how these fees shall be  
collected.

**§342D-C Nonpoint and cesspool outreach program and**  
**assistance.** The director shall establish an outreach program to  
provide information on controlling nonpoint source pollution,  
including providing cesspool owners with information on sewer  
connections and upgrades to individual wastewater systems and



1 opportunities for financial assistance for sewer connections and  
2 upgrades to individual wastewater systems."

3 SECTION 3. Section 342D-1, Hawaii Revised Statutes, is  
4 amended by adding five new definitions to be appropriately  
5 inserted and to read as follows:

6 "Cesspool" means an individual wastewater system  
7 consisting of an excavation in the ground whose depth is greater  
8 than its widest surface dimension, which receives untreated  
9 wastewater, and retains or is designed to retain the organic  
10 matter and solids discharging therein, but permits the liquid to  
11 seep through its bottom or sides to gain access to the  
12 underground formation.

13 "Individual wastewater systems" means facilities, including  
14 cesspools, septic systems, and aerobic treatment units, that are  
15 not connected to a sewer and are used and designed to receive  
16 and dispose of:

17 (1) No more than one thousand gallons per day of domestic  
18 wastewater; or

19 (2) Greater than one thousand gallons of domestic  
20 wastewater with a variance.

21 "Nonpoint source pollution" means water pollution that does  
22 not originate from a point source.



1       "Point source pollution" means pollution from any  
2       discernible, confined, and discrete conveyance, including but  
3       not limited to any pipe, ditch, channel, tunnel, conduit, well,  
4       discrete fissure, container, rolling stock, concentrated animal  
5       feeding operation, or vessel or other floating craft from which  
6       pollutants are or may be discharged. "Point source pollution"  
7       does not include agricultural stormwater discharges and return  
8       flows from irrigated agriculture.

9       "Septic system" means an individual wastewater system that  
10      usually consists of a septic tank, piping, and a drainage field  
11      where there is natural biological decontamination as it is  
12      filtered through soil."

13       SECTION 4. In codifying the new sections added by section  
14       2 of this Act, the revisor of statutes shall substitute  
15       appropriate section numbers for the letters used in designating  
16       the new sections in this Act.

17       SECTION 5. New statutory material is underscored.

18       SECTION 6. This Act shall take effect on July 1, 2014.

19  
INTRODUCED BY:

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**Report Title:**

Water Pollution Control Revolving Fund; Nonpoint Source  
Pollution

**Description:**

Establishes a water pollution control account within the water pollution control revolving fund to improve the State's ability to control and reduce water pollution from cesspools and other nonpoint sources. Establishes interim cesspool operating fees and requires the director of health to establish operating fees by rule no later than 6/30/2019. Establishes a nonpoint and cesspool outreach program to assist low-income cesspool owners connecting to a sewer or upgrading to a septic system.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

