

JAN 19 2018

A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

1 SECTION 1. The legislature finds that public health and
2 the quality of Hawaii's drinking water, streams, ground waters,
3 and ocean are being harmed by water pollution from cesspools.
4 Hawaii has eighty-eight thousand cesspools that deposit
5 approximately fifty-three million gallons of raw sewage directly
6 into the groundwater every day. Drinking water, public
7 recreation, and the precious coral reefs, on which Hawaii's
8 economy, shoreline, recreation, fisheries, and native species
9 depend, are or may be harmed by such pollution.

10 Upgrading cesspools can be expensive for homeowners,
11 averaging \$20,000, which presents a financial barrier to
12 improving water quality. When a property with a cesspool or
13 cesspools is being sold, property sellers or buyers typically
14 have sales proceeds that may be used to pay for upgrading the
15 cesspool or cesspools. Buyers and sellers can negotiate the
16 payment of the upgrade costs as part of the sale.



S.B. NO. 2567

1 The purpose of this Act is to improve the State's ability
2 to control and reduce water pollution from cesspools by
3 connecting to a sewer system or installing an individual
4 wastewater system that complies with department of health rules,
5 within one hundred eighty days after the sale of the property, a
6 time when homeowners generally have an ability to pay for the
7 upgrades.

8 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
9 amended by adding two new sections to part IV to be
10 appropriately designated and to read as follows:

11 "§342D- Cesspool upgrades after sale of property. (a)
12 Any owner of property containing a cesspool or cesspools shall,
13 within one hundred eighty days after the sale of the property,
14 upgrade the cesspool or cesspools by connecting to a sewer
15 system or installing an individual wastewater system or systems
16 that comply with department rules.

17 (b) The director may grant exemptions from the
18 requirements of subsection (a) to property owners of cesspools
19 that apply for an exemption and present documentation showing a
20 legitimate reason that makes it infeasible to upgrade, convert,

1 or connect the cesspool. For the purposes of this subsection, a
2 legitimate reason shall include but not be limited to:

- 3 (1) Small lot size;
- 4 (2) Steep topography;
- 5 (3) Poor soils; or
- 6 (4) Accessibility issues.

7 §342D- Cesspool outreach and assistance. The director
8 shall establish an outreach program to provide cesspool owners
9 with information on sewer connections and upgrades to individual
10 wastewater systems and on opportunities for financial assistance
11 for cesspool connections and upgrades."

12 SECTION 3. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on December 31,
17 2018.

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S.B. NO. 2567

Report Title:

Cesspool Connections or Upgrades; Sale of Property

Description:

Requires cesspools to be connected or upgraded within 180 days of the sale of the property on which the cesspool is located. Allows the Director of Health to issue exemptions. Takes effect on 12/31/2018.

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

