

JAN 24 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 the State's streams,
2 groundwaters, and ocean are being harmed by water pollution from
3 nonpoint contamination sources that flow off the land directly
4 rather than through pipes or ditches. A nonpoint contamination
5 source of great concern is cesspools. These substandard systems
6 are essentially holes in the ground that discharge raw,
7 untreated sewage. Groundwater, drinking water sources, streams,
8 and the ocean are contaminated by cesspool pollution from
9 systems that do not treat wastewater but merely dispose of the
10 wastewater.

11 The legislature further finds that the State's cesspools
12 release approximately 53,000,000 gallons of untreated sewage
13 into the ground each day. Hawaii relies on groundwater for over
14 ninety per cent of its drinking water. There are approximately
15 88,000 cesspools in the State, with nearly 50,000 located on
16 Hawaii island, approximately 14,000 on Kauai, over 12,000 on
17 Maui, over 11,000 on Oahu, and approximately 1,400 on Molokai.



1 In response to the State's cesspool pollution problem,
2 legislation was enacted in 2017 that requires all cesspools not
3 excluded by the director of health to be upgraded or converted
4 to a septic system or aerobic treatment unit system, or
5 connected to a sewerage system by January 1, 2050. While this
6 mandate may encourage some landowners to act now to reduce water
7 contamination, there is little sense of urgency and such changes
8 will also impose substantial costs on private landowners.

9 The purpose of this Act is to offer financial assistance to
10 cesspool owners who upgrade or convert their cesspools to
11 aerobic treatment unit systems by establishing a cesspool
12 remediation and conversion loan program.

13 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§342D- Hawaii cesspool remediation and conversion loan
17 program. There is established the Hawaii cesspool remediation
18 and conversion loan program to be administered by the department
19 in coordination with each county water and sewage department.
20 The program shall provide low interest loans for the upgrade or
21 conversion of cesspools in each county to aerobic treatment unit



1 systems, as defined in section 342D-72 and approved by the
2 department. The loan program shall include an on bill financing
3 option supported by funding from the water pollution control
4 revolving fund established under section 342D-83."

5 SECTION 3. Section 342D-83, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) The purpose of the revolving fund is to provide
8 financial assistance to eligible parties for projects or
9 activities to:

10 (1) Enable counties and state agencies to plan, design,
11 and construct publicly owned wastewater treatment
12 works in accordance with title 33 United States Code
13 sections 1381 to 1387;

14 (2) Enable eligible parties to implement management
15 programs established under title 33 United States Code
16 section 1329;

17 (3) Enable eligible parties to implement conservation and
18 management plans established under title 33 United
19 States Code section 1330;

20 (4) Enable eligible parties to construct, repair, or
21 replace a privately owned decentralized wastewater



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1 treatment system and individual wastewater system that
2 treats municipal wastewater or domestic sewage under
3 title 33 United States Code section 1383;

4 (5) Enable eligible nonprofit entities to provide
5 assistance to small and medium sized publicly owned
6 treatment works for training activities, planning,
7 design, and associated preconstruction activities
8 under title 33 United States Code section 1383;

9 (6) Enable eligible parties to manage, reduce, treat, or
10 recapture stormwater or subsurface drainage water
11 under title 33 United States Code section 1383;

12 (7) Enable eligible parties to develop and implement
13 watershed projects meeting the criteria under title 33
14 United States Code section 1274;

15 (8) Enable counties and state agencies to reduce the
16 demand for publicly owned treatment works capacity
17 through water conservation, efficiency, or reuse under
18 title 33 United States Code section 1383;

19 (9) Enable counties and state agencies to reduce the
20 energy consumption needs for publicly owned treatment
21 works under title 33 United States Code section 1383;



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(10) Enable eligible parties to reuse or recycle
wastewater, stormwater, or subsurface drainage water
under title 33 United States Code section 1383; ~~and~~

(11) Enable eligible parties to increase the security of
publicly owned treatment works under title 33 United
States Code section 1383~~[-]~~; and

(12) Enable the department to coordinate with each county
water and sewage department to establish a low
interest loan program for the upgrade or conversion of
cesspools in each county to aerobic treatment unit
systems approved by the department."

SECTION 4. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: _____

M. N. M.

By Request



S.B. NO. 2850

Report Title:

Cesspools; Upgrade and Conversion; Low Interest Loan Program

Description:

Requires the department of health to coordinate with each county water department to establish a low interest loan program for the upgrade or conversion of cesspools in each county to aerobic treatment unit systems.

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

