JAN 17 2020

A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

- 1 SECTION 1. Section 235-16.5, Hawaii Revised Statutes, is
- 2 amended by amending subsections (h) and (i) to read as follows:
- 3 "(h) This section shall not apply to taxable years
- 4 beginning after December 31, [2020.] 2025.
- 5 (i) As used in this section:
- 6 "Aerobic treatment unit system" means an individual
- 7 wastewater system that consists of an aerobic treatment unit
- 8 tank, aeration device, piping, and a discharge method that is in
- 9 accordance with rules adopted by the department of health
- 10 relating to household aerobic units.
- "Cesspool" means an individual wastewater system consisting
- 12 of an excavation in the ground whose depth is greater than its
- 13 widest surface dimension, which receives untreated wastewater,
- 14 and retains or is designed to retain the organic matter and
- 15 solids discharged into it, but permits the liquid to seep
- 16 through its bottom or sides to gain access to the underground
- 17 geographic formation.



S.B. NO. 2178

| 1 | "Qualified cesspool" means a cesspool that is: |
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| 2 | (1) [Certified by the department of health to be: |
| 3 | (A) Located within: |
| 4 | (i) Five hundred-feet of a shoreline, perennial |
| 5 | stream, or wetland; or |
| 6 | (ii) A source water assessment program area (two |
| 7 | year time of travel from a cesspool to a |
| 8 | <pre>public drinking water source);</pre> |
| 9 | (B) Shown to impact drinking water supplies or |
| 10 | recreational waters; or |
| 11 | $\frac{(C)}{C}$] A residential large capacity cesspool; or |
| 12 | (2) Certified by a county or private sewer company to be |
| 13 | appropriate for connection to its existing sewer |
| 14 | system. |
| 15 | "Qualified expenses" means costs that are necessary and |
| 16 | directly incurred by the taxpayer for upgrading or converting a |
| 17 | qualified cesspool into a septic system or an aerobic treatment |
| 18 | unit system, or connecting a qualified cesspool to a sewer |
| 19 | system, and that are certified as such by the appropriate |
| 20 | government agency. |

S.B. NO. 2178

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By Request

| 1 | "Residential large capacity cesspool" means a cesspool that |
|----|---|
| 2 | is connected to more than one residential dwelling. |
| 3 | "Septic system" means an individual wastewater system that |
| 4 | typically consists of a septic tank, piping, and a drainage |
| 5 | field where there is natural biological decontamination as |
| 6 | wastewater discharged into the system is filtered through soil. |
| 7 | "Sewer system" means a system of piping, with |
| 8 | appurtenances, for collecting and conveying wastewater from |
| 9 | source to discharge following treatment. |
| 10 | "Wastewater" means any liquid waste, whether or not treated |
| 11 | and whether animal, mineral, or vegetable, including |
| 12 | agricultural, industrial, and thermal wastes." |
| 13 | SECTION 2. Statutory material to be repealed is bracketed |
| 14 | and stricken. New statutory material is underscored. |
| 15 | SECTION 3. This Act shall take effect upon its approval, |
| 16 | and shall be repealed on December 31, 2025. |
| 17 | |

INTRODUCED BY:

SB LRB 20-0351.doc

S.B. NO. 2178

Report Title:

Hawaii State Association of Counties (HSAC) Package; Income Tax Credit; Cesspool Upgrade, Conversion, or Connection

Description:

Extends tax credits for the upgrade, conversion, or connection of a qualified cesspool to a sewer system, and eliminates the geographical limitations for qualified cesspools.

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

SB LRB 20-0351.doc