
A BILL FOR AN ACT

RELATING TO WASTEWATER SYSTEMS.

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

1 SECTION 1. The legislature finds that the department of
2 health and department of business, economic development, and
3 tourism receive approximately \$1,100,000 in annual federal
4 grants through the Coastal Zone Act Reauthorization Amendments
5 of 1990. The legislature further finds that this funding is
6 contingent on the State taking measures to address and minimize
7 polluted runoff, including runoff from on-site sewage
8 facilities.

9 Accordingly, the purpose of this Act is to:

- 10 (1) Minimize the polluted runoff created by failing
11 individual wastewater systems in the State by
12 establishing a program to oversee their inspection and
13 repair of individual wastewater systems at the time of
14 an attached property's transfer or sale; and
- 15 (2) Remove the limitation on specific types of wastewater
16 systems to which cesspools must be upgraded or
17 converted, and instead requires a cesspool to be



1 upgraded or converted to a wastewater system approved
2 by the department of health, prior to January 1, 2050.

3 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
4 amended by adding a new section to part IV to be appropriately
5 designated and to read as follows:

6 "§342D- Time of transfer wastewater system inspection
7 program. (a) There is established within the department the
8 time of transfer wastewater system inspection program to oversee
9 the inspection and repair of any individual wastewater system at
10 the time of sale or transfer of ownership of residential real
11 property that is attached to the individual wastewater system.

12 (b) This section and any rules promulgated to implement
13 this section shall not apply to:

14 (1) A transfer between joint tenants or tenants in common;

15 (2) A transfer made to a spouse, child, or parent; or

16 (3) A transfer made between spouses resulting from a
17 decree of dissolution of marriage, a decree of legal
18 separation, or a property settlement agreement that is
19 incidental to such decrees.

20 (c) Following an inspection, the inspection form and any
21 related reports shall be provided to the department.



1 (d) If an individual wastewater system fails inspection,
2 the system shall be repaired or replaced within one year by the
3 current property owner or by the prospective property owner with
4 written agreement, to meet the design and construction
5 requirements adopted by the department.

6 (e) The department shall adopt rules pursuant to
7 chapter 91 to implement this section.

8 (f) As used in this section, "individual wastewater
9 system" means facilities, such as septic systems, aerobic
10 treatment units, and cesspools, that are not connected to a
11 sewer and are used and designed to dispose of:

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

14 (2) Greater than one thousand gallons per day of domestic
15 wastewater from buildings having highly variable
16 flows."

17 SECTION 3. Section 342D-72, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[+]§342D-72[+] Cesspools; mandatory upgrade, conversion,
20 or connection. (a) Prior to January 1, 2050, every cesspool in



1 the State, excluding cesspools granted exemptions by the
2 director of health pursuant to subsection (b), shall be:

3 (1) Upgraded or converted to a [~~septic system or aerobic~~
4 ~~treatment unit system;~~] department-approved wastewater
5 system; or

6 (2) Connected to a sewerage system.

7 (b) The director of health may grant exemptions from the
8 requirements of subsection (a) to property owners of cesspools
9 that apply for an exemption and present documentation showing a
10 legitimate reason that makes it infeasible to upgrade, convert,
11 or connect the cesspools. For the purposes of this subsection,
12 a legitimate reason shall include but not be limited to:

13 (1) Small lot size;

14 (2) Steep topography;

15 (3) Poor soils; or

16 (4) Accessibility issues.

17 (c) As used in this section[+]

18 "~~Aerobic treatment unit system~~" means an individual
19 ~~wastewater system that consists of an aerobic treatment unit~~
20 ~~tank, aeration device, piping, and a discharge method that is in~~



1 ~~accordance with rules adopted by the department relating to~~
2 ~~household aerobic units.~~

3 ~~"Cesspool"]~~, "cesspool" means an individual wastewater
4 system consisting of an excavation in the ground whose depth is
5 greater than its widest surface dimension, which receives
6 untreated wastewater, and retains or is designed to retain the
7 organic matter and solids discharged into it, but permits the
8 liquid to seep through its bottom or sides to gain access to the
9 underground geographic formation.

10 ~~["Septic system" means an individual wastewater system that~~
11 ~~typically consists of a septic tank, piping, and a drainage~~
12 ~~field where there is natural biological decontamination as~~
13 ~~wastewater discharged into the system is filtered through~~
14 ~~soil.] "~~

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

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



Report Title:

Individual Wastewater System Inspection; Sale or Transfer of Property; Cesspool Conversion

Description:

Establishes the time of transfer wastewater system inspection program in the Department of Health to oversee the inspection and repair of any individual wastewater system at the time of sale or transfer of residential real property attached to the wastewater system. Excludes certain sales or transfers. Removes the limitation on specific types of wastewater systems to which cesspools must be upgraded or converted, and instead requires a cesspool to be upgraded or converted to a wastewater system approved by the department of health, prior to 1/1/2050. (SD1)

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