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## A BILL FOR AN ACT

RELATING TO CESSPOOL CONVERSION.

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

1           SECTION 1. Section 342D-72, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           " ~~[+] §342D-72 [+~~ Cesspools; mandatory upgrade, conversion,  
4 or connection. (a) Prior to January 1, 2050, every cesspool in  
5 the State, excluding cesspools granted exemptions by the  
6 director of health pursuant to subsection (b), shall be:

7           (1) Upgraded or converted to [~~a septic system or aerobic~~  
8 ~~treatment unit system,~~] a department-approved  
9 wastewater system; or

10          (2) Connected to a sewerage system.

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

17          (1) Small lot size;



1 (2) Steep topography;

2 (3) Poor soils; or

3 (4) Accessibility issues.

4 (c) As used in this section[+

5 ~~"Aerobic treatment unit system" means an individual~~  
6 ~~wastewater system that consists of an aerobic treatment unit~~  
7 ~~tank, aeration device, piping, and a discharge method that is in~~  
8 ~~accordance with rules adopted by the department relating to~~  
9 ~~household aerobic units.~~

10 ~~"Cesspool"], "cesspool" means an individual wastewater~~  
11 ~~system consisting of an excavation in the ground whose depth is~~  
12 ~~greater than its widest surface dimension, which receives~~  
13 ~~untreated wastewater, and retains or is designed to retain the~~  
14 ~~organic matter and solids discharged into it, but permits the~~  
15 ~~liquid to seep through its bottom or sides to gain access to the~~  
16 ~~underground geographic formation.~~

17 ~~["Septic system" means an individual wastewater system that~~  
18 ~~typically consists of a septic tank, piping, and a drainage~~  
19 ~~field where there is natural biological decontamination as~~  
20 ~~wastewater discharged into the system is filtered through~~  
21 ~~soil.] "~~



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1 SECTION 2. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Miss E. Lowe

JAN 20 2021



# H.B. NO. 114

**Report Title:**

Cesspool Conversion; Environmental Management Division of the Department of Health

**Description:**

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.

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