

JAN 21 2022

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 Hawaii still has
2 about eighty thousand cesspools that have been found to
3 regularly leach contaminants into Hawaii's fresh water aquifers,
4 streams, and marine environment. This has led to increases in
5 dangerous bacterial levels in drinking water and pollution that
6 has made streams and beaches unsafe to swim in and it has
7 threatened coral reefs and near shore ecosystems.

8 The legislature further finds that homes connected to
9 municipal sewer systems pay a monthly fee for the sewer
10 infrastructure that safely disposes of sewer waste, contributing
11 to the effort to keep Hawaii's sensitive waters safe. However,
12 homes with cesspools contributing to the pollution in Hawaii's
13 waters do not. Yet, state and county efforts to ensure public
14 safety and address cesspool pollution and contamination in fresh
15 water and marine environments cost millions of dollars that all
16 taxpayers continue to pay. The legislature finds that it is
17 unfair that the taxpayers paying for proper sewer, septic, or



1 other infrastructure to properly dispose of their sewer waste
2 must pay to clean up the dangerous mess made by those homes with
3 cesspools, which currently contribute nothing to the effort.

4 The purpose of this Act is to:

5 (1) Authorize the counties to establish and charge a
6 monthly or annual fee on commercial and residential
7 property owners with cesspools with exceptions; and

8 (2) Require the counties to establish a cesspool
9 conversion fund.

10 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
11 by adding two new sections to part I to be appropriately
12 designated and to read as follows:

13 "§46-A Cesspools; fees. (a) The counties may establish
14 and charge a monthly or annual fee on commercial and residential
15 property owners with cesspools; provided that commercial and
16 residential property owners who have converted or upgraded their
17 cesspools to a septic system or aerobic treatment unit system
18 shall be exempt.

19 (b) The fees collected pursuant to subsection (a) shall be
20 deposited into a cesspool conversion fund established pursuant
21 to section 46-B.



1 (c) As used in this section, "aerobic treatment unit
2 system", "cesspool", and "septic system" shall have the same
3 meaning as those terms are defined in section 342D-72.

4 §46-B Cesspool conversion fund. (a) Each county shall
5 establish a cesspool conversion fund into which shall be
6 deposited proceeds from the cesspool fees collected pursuant to
7 section 46-A.

8 (b) Moneys in the fund shall be used to incentivize
9 conversion of cesspools by funding cesspool conversions to
10 advanced septic systems, aerobic treatment unit systems, or
11 innovation systems approved by the department of health for low
12 and middle income residents and to assist the counties with
13 general mitigation of cesspool pollution efforts.

14 (c) As used in this section, "aerobic treatment unit
15 system", "cesspool", and "septic system" shall have the same
16 meaning as those terms are defined in section 342D-72."

17 SECTION 3. In codifying the new sections added by section
18 2 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.

21 SECTION 4. New statutory material is underscored.



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

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INTRODUCED BY:

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S.B. NO. 2802

Report Title:

Cesspools; Conversion; Fees; Cesspool Conversion Fund; Counties

Description:

Authorizes the counties to establish and charge a monthly or annual fee on commercial and residential property owners with cesspools with exceptions. Requires the counties to establish a Cesspool Conversion Fund.

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

