
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 failing cesspools
2 are contaminating the State's ground water, streams, and coastal
3 ecosystems. To address this, Act 125, Session Laws of Hawaii
4 2017, required all cesspools to be upgraded or converted to a
5 septic system or aerobic treatment unit system, or connected to
6 a sewerage system, by 2050 and directed the department of health
7 to develop a system to prioritize their upgrade, conversion, or
8 connection based on their impact on public health. The
9 department of health's December 2017 report to the legislature
10 identified four priority categories: priority level one for
11 areas where cesspools present a significant risk of human
12 impacts, drinking water impacts, or draining to sensitive
13 waters; priority level two for areas where cesspools present a
14 potential to impact drinking water; priority level three for
15 areas where cesspools present a potential impact on sensitive
16 state waters or coastal ecosystems; and priority level four,
17 which includes cesspools where impacts have not yet been



1 assessed. Cesspools categorized under levels one, two, and
2 three include approximately forty-three thousand cesspools in
3 the State.

4 The legislature recognizes that the requirement to upgrade
5 or convert a cesspool imposes a financial burden on low- and
6 moderate-income families.

7 The purpose of this Act is to assist low- and moderate-
8 income property owners, including lessees on Hawaiian home
9 lands, with upgrading, converting, or connecting their failing
10 cesspools to more environmentally appropriate systems or
11 sewerage systems by creating a pilot grant project to assist
12 with conversion costs.

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

16 "§342D- Cesspool compliance pilot grant project. (a)
17 There is established in the department the cesspool compliance
18 pilot grant project to assist property owners, including lessees
19 on Hawaiian home lands, with upgrading, converting, or
20 connecting a cesspool that the department has identified as
21 failing. Specifically, the cesspool compliance pilot grant



1 project shall assist property owners and lessees on Hawaiian
2 home lands in meeting the costs of:

- 3 (1) Upgrading or converting a failing cesspool to a
4 director-approved wastewater system; or
- 5 (2) Connecting a failing cesspool to a sewerage system.

6 (b) The department shall not grant awards to any owner of
7 real property with a cesspool or lessee on Hawaiian home lands
8 with a cesspool unless:

- 9 (1) The department has assigned the cesspool to priority
10 level one, two, or three in the department's December
11 2017 report to the legislature entitled, "Relating to
12 Cesspools and Prioritization for Replacement"; and
- 13 (2) The owner or lessee provides the department with the
14 tax return required by this section.

15 (c) No grant under this section shall be awarded to any
16 owner of real property with a cesspool or lessee on Hawaiian
17 home lands with a cesspool who is:

- 18 (1) A taxpayer filing a single return or a married person
19 filing separately with a federal adjusted gross income
20 of \$ _____ or more;



1 (1) Fund one temporary, part-time position in the
2 department of health for a cesspool compliance pilot
3 grant project administrator to establish and
4 administer the project; or

5 (2) Contract for services to establish and administer the
6 project.

7 The sum appropriated shall be expended by the department of
8 health for the purposes of this Act.

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2100.

11



Report Title:

Cesspool Compliance Pilot Grant Project; Appropriation

Description:

Establishes a cesspool compliance pilot grant project to assist low- and moderate-income property owners, including lessees on Hawaiian home lands, with the costs of upgrading, converting, or connecting a cesspool. Applies to cesspools identified as failing by the department of health. Appropriates funds. Effective 7/1/2100. (HD2)

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