
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. (a) There is established in the department of
14 health the cesspool compliance pilot grant project to assist
15 property owners, including lessees on Hawaiian home lands, with
16 upgrading, converting, or connecting a cesspool that the
17 department has identified as failing. Specifically, the
18 cesspool compliance pilot grant project shall assist property
19 owners and lessees on Hawaiian home lands in meeting the costs
20 of:



1 (1) Upgrading or converting a failing cesspool to a
2 director-approved wastewater system; or

3 (2) Connecting a failing cesspool to a sewerage system.

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

7 (1) The department has assigned the cesspool to priority
8 level one, two, or three in the department's December
9 2017 report to the legislature entitled, "Relating to
10 Cesspools and Prioritization for Replacement"; and

11 (2) The owner or lessee provides the department with the
12 tax return required by this section.

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

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

19 (2) A taxpayer filing as a head of household with a
20 federal adjusted gross income of \$ or more;
21 or



1 (3) A taxpayer filing a joint return or as a surviving
2 spouse with a federal adjusted gross income of
3 \$ or more.

4 The owner's or lessee's income shall be verified using the
5 tax return of the most recent taxable year that is closed.

6 (d) The department shall grant awards on a first-come,
7 first-served basis, subject to funding availability.

8 (e) The department shall adopt rules as necessary to carry
9 out the cesspool compliance pilot grant project; provided that
10 the rules shall include a method of calculating a sliding scale
11 grant amount based upon the federal adjusted gross income of the
12 owner or lessee of the property with a failing cesspool.

13 (f) The department shall submit to the legislature a
14 report on the pilot grant project, including any findings and
15 recommendations, and any proposed legislation, no later than
16 twenty days prior to the convening of the regular session
17 of .

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2022-2023 to



1 implement the cesspool compliance pilot grant project; provided
2 that \$ of the appropriation may be used to:

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

7 (2) Contract for services to establish and administer the
8 project.

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

11 SECTION 4. This Act shall take effect on July 1, 2100, and
12 shall be repealed on .



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 cesspools. Applies to cesspools identified by the Department of Health as failing. Appropriates funds. Effective 7/1/2100. Sunsets on . (SD1)

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

