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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),]~~ (c), shall be:

7 (1) Upgraded or converted to ~~[a septic system or aerobic~~  
8 ~~treatment unit system,]~~ a wastewater system approved  
9 by the director of health; or

10 (2) Connected to a sewerage system.

11 (b) Any cesspool located within five hundred feet of a  
12 shoreline, drinking water well, or sensitive body of water on  
13 real property that is sold or whose ownership is transferred on  
14 or after January 1, 2024, shall be:

15 (1) Upgraded or converted to a septic system, aerobic  
16 treatment unit system, or other wastewater system  
17 approved by the director of health; or



1        (2) Connected to a sewerage system, at the time of sale or  
2        transfer of ownership of the real property.

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

10        (1) Small lot size;

11        (2) Steep topography;

12        (3) Poor soils; or

13        (4) Accessibility issues.

14        (c) As used in this section+

15        "Aerobic treatment unit system" means an individual  
16 wastewater system that consists of an aerobic treatment unit  
17 tank, aeration device, piping, and a discharge method that is in  
18 accordance with rules adopted by the department relating to  
19 household aerobic units.

20        "Cesspool" means an individual wastewater system consisting  
21 of an excavation in the ground whose depth is greater than its



1 widest surface dimension, which receives untreated wastewater,  
2 and retains or is designed to retain the organic matter and  
3 solids discharged into it, but permits the liquid to seep  
4 through its bottom or sides to gain access to the underground  
5 geographic formation.

6 "Septic system" means an individual wastewater system that  
7 typically consists of a septic tank, piping, and a drainage  
8 field where there is natural biological decontamination as  
9 wastewater discharged into the system is filtered through soil."

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 Statutory material to be repealed is bracketed  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

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



**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. Requires upgrades of cesspools that are within five hundred feet of certain bodies of water by January 1, 2024. (SD1)

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