

JAN 20 2023

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, or**
4 **connection.** (a) Before January 1, 2050, every cesspool in the
5 State, excluding cesspools granted exemptions by the director
6 [~~of health~~] pursuant to subsection [~~(b)~~], (c), shall be:

7 (1) Upgraded or converted to a director-approved
8 wastewater system; or

9 (2) Connected to a sewerage system.

10 (b) Any cesspool located within five hundred feet of a
11 shoreline, drinking water well, or sensitive body of water on
12 real property that is sold, or the ownership of which is
13 transferred, on or after January 1, 2026, shall be:

14 (1) Upgraded or converted to a septic system, aerobic
15 treatment unit system, or other director-approved
16 wastewater system; 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
4 from 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 ~~[(e)]~~ (d) As used in this section, "cesspool" means an
15 individual wastewater system consisting of an excavation in the
16 ground ~~[whose]~~ the depth of which is greater than its widest
17 surface dimension, that receives untreated wastewater, and
18 retains, or is designed to retain, the organic matter and solids
19 discharged into it, but permits the liquid to seep through its
20 bottom or sides to gain access to the underground geographic
21 formation."



S.B. NO. 429

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 Statutory material to be repealed is bracketed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.

4

INTRODUCED BY: *Mike Hubbard*



S.B. NO. 429

Report Title:

Cesspool Conversion; Department of Health

Description:

Requires that cesspools within five hundred feet of certain bodies of water be upgraded, converted, or connected if sold or transferred on or after 1/1/2026.

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

