
A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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 described in subsections (b) and (c)
6 and cesspools granted exemptions by the director of health
7 pursuant to subsection ~~[(b)-7]~~ (d), shall be:

- 8 (1) Upgraded or converted to a director-approved
9 wastewater system; or
10 (2) Connected to a sewerage system.

11 (b) Before January 1, 2035, every cesspool categorized as
12 priority level 1 according to the university of Hawaii 2022
13 Hawaii cesspool prioritization tool that is attached to or used
14 by any form of housing or lodging that provides transient
15 accommodations in the State, excluding cesspools granted
16 exemptions by the director of health pursuant to subsection (d),
17 shall be:



1 (1) Upgraded or converted to a director-approved
2 wastewater system; or
3 (2) Connected to a sewerage system.
4 (c) Before January 1, 2040, every cesspool categorized as
5 priority level 2 according to the university of Hawaii 2022
6 Hawaii cesspool prioritization tool that is attached to or used
7 by any form of housing or lodging that provides transient
8 accommodations in the State, excluding cesspools granted
9 exemptions by the director of health pursuant to subsection (d),
10 shall be:

11 (1) Upgraded or converted to a director-approved
12 wastewater system; or
13 (2) Connected to a sewerage system.
14 [~~(b)~~] (d) The director of health may grant exemptions from
15 the requirements of [~~subsection~~] subsections (a), (b), and (c)
16 to property owners of cesspools that apply for an exemption and
17 present documentation showing a legitimate reason that makes it
18 infeasible to upgrade, convert, or connect the cesspools. For
19 the purposes of this subsection, a legitimate reason shall
20 include but not be limited to:

21 (1) Small lot size;



- 1 (2) Steep topography;
- 2 (3) Poor soils; or
- 3 (4) Accessibility issues.

4 [~~e~~] (e) As used in this section [~~,"cesspool"~~]:

5 "Cesspool" means an individual wastewater system consisting
6 of an excavation in the ground whose depth is greater than its
7 widest surface dimension, that receives untreated wastewater,
8 and retains or is designed to retain the organic matter and
9 solids discharged into it, but permits the liquid to seep
10 through its bottom or sides to gain access to the underground
11 geographic formation.

12 "Transient accommodations" has the same meaning as defined
13 in section 237D-1."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Cesspools; Transient Accommodations; Upgrade, Conversion,
Connection

Description:

Requires cesspools attached to or used by housing or lodging that provides transient accommodations to be upgraded, converted, or connected before 1/1/2035 for priority level 1 cesspools and before 1/1/2040 for priority level 2 cesspools. Takes effect 7/1/2050. (SD1)

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