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# A BILL FOR AN ACT

RELATING TO CESSPOOLS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. The legislature finds that the health of  
3 Hawaii's people and quality of Hawaii's waters are being harmed  
4 by pollution from cesspools. Hawaii has more than eighty  
5 thousand cesspools that discharge about fifty million gallons of  
6 wastewater into the State's groundwater every day. Cesspools  
7 are antiquated, substandard systems that damage public health;  
8 pollute drinking water; and lower water quality in streams,  
9 ground waters, nearshore marine areas, and the ocean. Cesspool  
10 pollution also harms public recreation and the precious coral  
11 reefs on which Hawaii's economy, shoreline, fisheries, and  
12 native species depend.

13 The purpose of this Act is to:

14 (1) Accelerate the dates for required upgrades,  
15 conversions, or connections of:

16 (A) The 13,821 priority level 1 cesspools in the  
17 State, with certain exceptions; and



1 (B) The 12,367 priority level 2 cesspools in the  
2 State;

3 (2) Authorize and appropriate funds to the department of  
4 health to retain qualified consultants as necessary to  
5 identify necessary public outreach and education  
6 resources and tools and develop a comprehensive public  
7 outreach strategy and website to serve as a statewide  
8 clearinghouse for information and resources for  
9 homeowners and wastewater industry professionals  
10 related to cesspool upgrade, conversion, and  
11 connection; and

12 (3) Appropriate funds and establish positions for the  
13 implementation of the cesspool compliance pilot grant  
14 project.

15 PART II

16 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 "§342D- Cesspools; mandatory upgrade, conversion, or  
20 connection; priority level 1; priority level 2. (a) Every  
21 cesspool in the State categorized as priority level 1 according



1 to the University of Hawaii's 2022 Hawaii cesspool

2 prioritization tool shall be:

3 (1) Upgraded or converted to a director-approved

4 wastewater system; or

5 (2) Connected to a sewerage system,

6 before January 1, ; provided that priority level 1 cesspools

7 on recreational residence leases within the Kokee state park and

8 Waimea Canyon state park on the island of Kauai shall be

9 upgraded, converted, or connected before January 1, .

10 (b) Every cesspool in the State designated as priority

11 level 2 according to the University of Hawaii's 2002 Hawaii

12 cesspool prioritization tool shall be:

13 (1) Upgraded or converted to a director-approved

14 wastewater system; or

15 (2) Connected to a sewerage system,

16 before January 1, .

17 (c) The director may grant an exemption from the

18 requirements of subsections (a) and (b) to the property owner of

19 a cesspool who applies for an exemption and presents

20 documentation showing a legitimate reason that makes it

21 infeasible to upgrade, convert, or connect the cesspool. For



1 the purposes of this subsection, a legitimate reason shall  
2 include but not be limited to:

- 3       (1) Small lot size;
- 4       (2) Steep topography;
- 5       (3) Poor soils;
- 6       (4) Accessibility issues; or
- 7       (5) A planned development of sewerage upgrades to an area.
- 8       (d) The department may grant extensions of up to five  
9 years at a time from the requirements of subsections (a) and (b)  
10 based on demonstration of financial inability to pay for or  
11 finance a cesspool upgrade, conversion, or connection; provided  
12 that the department of health may adopt rules pursuant to  
13 chapter 91 necessary to effectuate the purposes of this  
14 subsection.

15       (e) Notwithstanding any law to the contrary, no penalty or  
16 other assessment for any violation of this section shall  
17 constitute a lien on the real property. Notwithstanding any law  
18 to the contrary, no seizure of real property shall be authorized  
19 for any violation of this section.

20       (f) As used in this section, "cesspool" has the same  
21 meaning as in section 342D-72."



1 SECTION 3. Section 342D-72, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) [~~Befere~~] Except as otherwise provided in section  
4 342D- , before January 1, 2050, every cesspool in the State,  
5 excluding cesspools granted exemptions by the director of health  
6 pursuant to subsection (b), shall be:

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

9 (2) Connected to a sewerage system."

10 PART III

11 SECTION 4. Section 342D-59, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "~~[+]~~ §342D-59 ~~[+]~~ **Research, educational, and training**  
14 **programs.** The director may:

15 (1) Conduct and supervise research programs for the  
16 purpose of determining the causes, effects, and  
17 hazards of water pollution, the quality of the  
18 receiving water and the means to monitor the quality  
19 of water, or to effect the proper disposal of sewage,  
20 drainage, and waste;



- 1           (2) With the approval of the governor, cooperate with, and  
2           receive money from the federal government, or any  
3           political subdivision of the State or from private  
4           sources for the study and control of water pollution;  
5           [and]
- 6           (3) Conduct and supervise state educational and training  
7           programs on water pollution prevention, control, and  
8           abatement, including the preparation and distribution  
9           of information relating to water pollution[-]; and
- 10          (4) In consultation with counties, nonprofit  
11          organizations, and wastewater industry professionals:
- 12            (A) Identify necessary resources and tools for public  
13            outreach and education, including necessary  
14            funding and timelines, to meet the requirements  
15            of section 342D-72;
- 16            (B) Develop a comprehensive public outreach strategy  
17            for the State and counties to educate homeowners  
18            on cesspool upgrade, conversion, and connection  
19            options and resources; and
- 20            (C) Develop a website to serve as a statewide  
21            clearinghouse for information and resources for



1 homeowners and wastewater industry professionals  
2 about resources, priority level maps, cesspool  
3 impacts, financing options, exemptions, county  
4 plans, and any other relevant information."

5 SECTION 5. Notwithstanding section 342D-83, Hawaii Revised  
6 Statutes, or any other law to the contrary, there is  
7 appropriated out of the water pollution control revolving fund  
8 the sum of \$ or so much thereof as may be necessary  
9 for fiscal year 2024-2025 for the department of health to retain  
10 qualified consultants, as necessary, to identify necessary  
11 public outreach and education resources and tools, and develop a  
12 comprehensive public outreach strategy and website to provide  
13 necessary information to homeowners and wastewater industry  
14 professionals about information and resources regarding the  
15 State's cesspool upgrade, conversion, and connection  
16 requirements and deadlines.

17 PART IV

18 SECTION 6. 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 2024-2025 to



1 implement the cesspool compliance pilot grant project  
2 established pursuant to Act 153, Session Laws of Hawaii 2022.

3 The sum appropriated shall be expended by the department of  
4 health for the purposes of this part.

5 SECTION 7. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so  
7 much thereof as may be necessary for fiscal year 2024-2025 to  
8 establish:

9 (1) full-time equivalent ( FTE) engineer V  
10 position;

11 (2) full-time equivalent ( FTE) engineer IV  
12 position; and

13 (3) full-time equivalent ( FTE) accountant IV  
14 position,

15 to implement the cesspool compliance pilot grant project  
16 established pursuant to Act 153, Session Laws of Hawaii 2022,  
17 and perform other cesspool conversion-related work.

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

20 PART V





1 SECTION 8. In accordance with section 9 of article VII of  
 2 the Hawaii State Constitution and sections 37-91 and 37-93,  
 3 Hawaii Revised Statutes, the legislature has determined that the  
 4 appropriations contained in H.B. No. , will cause the state  
 5 general fund expenditure ceiling for fiscal year 2024-2025 to be  
 6 exceeded by \$ or per cent. In addition, the  
 7 appropriations contained in this Act will cause the general fund  
 8 expenditure ceiling for fiscal year 2024-2025 to be further  
 9 exceeded by \$ or per cent. The combined total  
 10 amount of general fund appropriations contained in only these  
 11 two Acts will cause the state general fund expenditure ceiling  
 12 for fiscal year 2024-2025 to be exceeded by  
 13 \$ or per cent. The reasons for exceeding the  
 14 general fund expenditure ceiling are that:

- 15 (1) The appropriations made in this Act are necessary to
- 16 serve the public interest; and
- 17 (2) The appropriations made in this Act meet the needs
- 18 addressed by this Act.

19 SECTION 9. Statutory material to be repealed is bracketed  
 20 and stricken. New statutory material is underscored.

21 SECTION 10. This Act shall take effect on July 1, 2050.



**Report Title:**

Cesspools; Mandatory Upgrade, Conversion, or Connection;  
Prioritization; Public Outreach and Education; Cesspool  
Compliance Pilot Grant Project; Expenditure Ceiling;  
Appropriation

**Description:**

Part II: Amends the deadlines for required upgrades conversions, or connections for certain priority level 1 and priority level 2 cesspools. Part III: Authorizes and appropriates funds to the Department of Health to retain qualified consultants as necessary to identify necessary public outreach and education resources and tools and develop a comprehensive public outreach strategy and website to educate homeowners and wastewater industry professionals about information and resources regarding the State's cesspool upgrade, conversion, and connection requirements and deadlines. Part IV: Appropriates funds and establishes positions for the implementation of the cesspool compliance pilot grant project. Declares that the general fund expenditure ceiling is exceeded. Takes effect 7/1/2050. (SD1)

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