

JAN 24 2024

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 granted [~~exemptions~~] an exemption by
6 the director of health pursuant to subsection (b) [~~7~~] or (c),
7 shall be:

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

10 (2) Connected to a sewerage system.

11 (b) The director of health may grant [~~exemptions~~] an
12 exemption from the requirements of subsection (a) [~~10~~] if the
13 State is unable to present evidence that the cesspool is
14 affecting the State's drinking water supply or recreational
15 waters.

16 (c) The director of health may also grant an exemption
17 from the requirements of subsection (a) if a property [~~owners of~~



1 ~~cesspools that apply~~ owner applies for an exemption and
2 [~~present~~] presents documentation showing a legitimate reason
3 that makes it infeasible to upgrade, convert, or connect the
4 [~~cesspools.~~] cesspool. For the purposes of this subsection, a
5 legitimate reason shall include but not be limited to:

- 6 (1) Small lot size;
- 7 (2) Steep topography;
- 8 (3) Poor soils; or
- 9 (4) Accessibility issues.

10 [~~(e)~~] (d) As used in this section, "cesspool" means an
11 individual wastewater system consisting of an excavation in the
12 ground whose depth is greater than its widest surface dimension,
13 that receives untreated wastewater, and retains or is designed
14 to retain the organic matter and solids discharged into it, but
15 permits the liquid to seep through its bottom or sides to gain
16 access to the underground geographic formation."

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:

Kurt Zwick



S.B. NO. 3369

Report Title:

Cesspool Conversion; Mandate; Exemption

Description:

Allows the Director of Health to grant an exemption from the requirement to upgrade, convert, or connect a cesspool if the State is unable to present evidence that the cesspool is affecting the State's drinking water supply or recreational waters.

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