
A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

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

12 The purpose of this Act is to accelerate the deadlines for
13 required upgrades, conversions, or connections of:

- 14 (1) The 13,821 priority level 1 cesspools in the State to
15 2035, with certain exceptions; and
16 (2) The 12,367 priority level 2 cesspools in the State to
17 2040.



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

4 "§342D- Cesspools; mandatory upgrade, conversion, or
5 connection; priority level 1; priority level 2. (a) Every
6 cesspool in the State designated as priority level 1 according
7 to the university of Hawaii's Hawaii cesspool prioritization
8 tool shall be:

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

11 (2) Connected to a sewerage system,
12 before January 1, 2035; provided that priority level 1 cesspools
13 on recreational residence leases within Kokee state park and
14 Waimea canyon state park on the island of Kauai shall be
15 upgraded, converted, or connected before January 1, 2040.

16 (b) Every cesspool in the State designated as priority
17 level 2 according to the university of Hawaii's Hawaii cesspool
18 prioritization tool shall be:

19 (1) Upgraded or converted to a director-approved
20 wastewater system; or

21 (2) Connected to a sewerage system,



1 before January 1, 2040.

2 (c) The director may grant an exemption from the
3 requirements of subsections (a) and (b) to the property owner of
4 a cesspool who applies for an exemption and presents
5 documentation showing a legitimate reason that makes it
6 infeasible to upgrade, convert, or connect the cesspool. For
7 the purposes of this subsection, a legitimate reason shall
8 include but not be limited to:

- 9 (1) Small lot size;
- 10 (2) Steep topography;
- 11 (3) Poor soils;
- 12 (4) Accessibility issues; or
- 13 (5) A planned development of sewerage upgrades to an area.

14 (d) The department may grant extensions of up to five
15 years at a time from the requirements of subsections (a) and (b)
16 based on demonstration of financial inability to pay for or
17 finance a cesspool upgrade, conversion, or connection; provided
18 that the department of health may adopt rules pursuant to
19 chapter 91 necessary to effectuate the purposes of this
20 subsection.



1 (e) Notwithstanding any law to the contrary, no penalty or
2 other assessment for any violation of this section shall
3 constitute a lien on the real property. Notwithstanding any law
4 to the contrary, no seizure of real property shall be authorized
5 for any violation of this section.

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

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

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

- 14 (1) Upgraded or converted to a director-approved
15 wastewater system; or
16 (2) Connected to a sewerage system."

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Hawaii State Association of Counties Package; Upgrade,
Conversion, or Connection of Cesspools; Accelerated Deadlines

Description:

Accelerates the deadlines for the required upgrades,
conversions, or connections of priority level 1 and priority
level 2 cesspools to 2035 and 2040, respectively. Effective
7/1/3000. (HD1)

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