
A BILL FOR AN ACT

RELATING TO WASTEWATER.

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

1 SECTION 1. The legislature finds that existing
2 administrative rules allow an individual wastewater system to
3 serve no more than five bedrooms, whether the five bedrooms are
4 in one dwelling unit or two dwelling units. However, the
5 definition of a dwelling unit under chapter 62, Hawaii
6 administrative rules, does not clearly consider the varied types
7 of development, such as dwelling units that may have exterior
8 bedrooms without a kitchen or guest houses with a bathroom but
9 without a kitchen. Certain dwelling units may be prohibited
10 from using an individual wastewater system solely because the
11 bedrooms are outside the dwelling unit.

12 The legislature further finds that through the cooperation
13 of the department of health, university of Hawaii, and cesspool
14 conversion working group, the Hawaii cesspool prioritization
15 tool was developed to consider the risks that cesspools pose and
16 prioritize cesspools based on the urgency to convert the
17 cesspool to a wastewater system or connect the cesspool to a



1 sewer system prior to January 1, 2050, pursuant to section
2 342D-72, Hawaii Revised Statutes. Cesspools found in priority
3 level 1 areas have the greatest potential to impact human health
4 and the environment, cesspools in priority level 2 areas rank
5 behind those in priority level 1 areas but still pose a
6 significant hazard to human health and the environment, and
7 cesspools in priority level 3 areas still have an impact on
8 human health and the environment but may be further away from
9 sensitive natural resources or areas that may directly impact
10 human health. Although cesspools in priority level 3 areas will
11 still have to undergo upgrades prior to January 1, 2050, new
12 buildings in certain priority level 3 areas should not be
13 prohibited from using cesspools if those cesspools do not have
14 an impact on water resources.

15 The purpose of this Act is to:

- 16 (1) Allow an individual wastewater system to serve up to
17 five bedrooms, regardless of the number of dwelling
18 units or accessory units, whether attached or
19 detached; and
- 20 (2) Temporarily permit certain new buildings constructed
21 within a priority level 3 area, as designated by the



1 Hawaii cesspool prioritization tool, that contains up
2 to five bedrooms to be served by an existing cesspool.

3 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
4 amended by adding two new sections to be appropriately
5 designated and to read as follows:

6 "**§342D-A Individual wastewater system; dwelling units.** An
7 individual wastewater system may serve up to five bedrooms,
8 regardless of the number of dwelling units or accessory units as
9 defined by the counties, whether attached or detached.

10 **§342D-B Cesspools; new buildings; construction.** (a)
11 Except as provided in subsection (b), any new building
12 constructed within a priority level 3 area that contains up to
13 five bedrooms may be served by an existing cesspool; provided
14 that the cesspool shall serve no more than five bedrooms and
15 shall receive no more than one thousand gallons of wastewater
16 per day.

17 (b) The department shall develop rules pursuant to chapter
18 91 to prohibit the permitting and construction of new buildings
19 in certain priority level 3 areas if evidence is produced to
20 show that cesspools in priority level 3 areas are impacting
21 water quality.



1 (c) For the purposes of this section, "priority level 3
2 area" means an area designated as priority level 3 by the most
3 recently published version of the Hawaii cesspool prioritization
4 tool."

5 SECTION 3. In codifying the new sections added by
6 section 2 and referenced in sections 2 and 5 of this Act, the
7 revisor of statutes shall substitute appropriate section numbers
8 for the letters used in designating the new sections in this
9 Act.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval;
12 provided that section 342D-B, Hawaii Revised Statutes,
13 established by section 2 of this Act, shall be repealed on June
14 30, 2030.

15

INTRODUCED BY:

ZNC

JAN 17 2025



H.B. NO. 735

Report Title:

Individual Wastewater Systems; Dwelling Units; Accessory Units; Cesspools; New Construction

Description:

Allows an individual wastewater system to serve up to five bedrooms, regardless of the number of dwelling units or accessory units, whether attached or detached. Permits, until 6/30/2030, certain new buildings constructed within a priority level 3 area, as designated by the Hawaii cesspool prioritization tool, that contain up to five bedrooms to be served by an existing cesspool.

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