

JAN 23 2025

A BILL FOR AN ACT

RELATING TO WASTEWATER SYSTEMS.

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 about fifty million gallons of
5 wastewater into the State's groundwater every day. Cesspools
6 are antiquated, substandard systems that damage public health;
7 pollute drinking water; and lower water quality in streams,
8 ground waters, nearshore marine areas, and the ocean. Cesspool
9 pollution also harms public recreation and the precious coral
10 reefs on which Hawaii's economy, shoreline, fisheries, and
11 native species depend. The United States Geological Survey
12 estimates that reefs in Hawaii provide flood protection benefits
13 to six thousand eight hundred people and \$836,000,000 annually
14 in averted damages to property and economic activity. To
15 protect the public health and environment, including coral
16 reefs, cesspools should be replaced by connecting homes to
17 sewerage systems or, in areas that are too remote to be feasibly



1 connected, upgraded either with individual on-site wastewater
2 disposal systems or cluster wastewater treatment systems.
3 Maintaining the cleanliness of the State's waters is a matter of
4 statewide concern that falls under the legislature's obligation
5 pursuant to article XI, section 7, of the Hawaii State
6 Constitution.

7 To address the State's cesspool pollution, Act 125, Session
8 Laws of Hawaii 2017, required all cesspools to be upgraded or
9 converted to a septic system or aerobic treatment unit system or
10 connected to a sewerage system before January 1, 2050, with
11 certain exemptions. Act 153, Session Laws of Hawaii 2022,
12 amended the law to instead require that every cesspool in the
13 State, excluding cesspools granted exemptions by the director of
14 health, shall be upgraded or converted to "a director-approved
15 wastewater system" or connected to a sewerage system. The
16 legislature believes it is also critical that cesspool
17 conversions be affordable for homeowners and government
18 entities.

19 The legislature further finds that rules and policies
20 adopted in other states, if adopted by the department, may
21 improve public health and the environment more affordably



1 without compromising water quality. The legislature notes that
2 administrative rules adopted almost a decade ago currently may
3 exclude some feasible affordable solutions.

4 Accordingly, the purpose of this Act is to:

- 5 (1) Require the department of health, in consultation with
6 various agencies and professionals, to review rules
7 and practices and propose changes that have the
8 potential to make wastewater systems and cesspool
9 upgrades more affordable without compromising water
10 quality; and
11 (2) Appropriate funds.

12 SECTION 2. (a) The department of health shall, in
13 consultation with:

- 14 (1) The university of Hawaii at Manoa:
15 (A) Water resources research center;
16 (B) Sea grant college program; and
17 (C) College of engineering;
18 (2) The department of Hawaiian home lands;
19 (3) The counties;
20 (4) Other states;
21 (5) Wastewater industry professionals; and



1 (6) Any other individual or organization deemed necessary
2 by the department of health,
3 review its rules and practices and propose changes that have the
4 potential to make wastewater systems and cesspool upgrades in
5 Hawaii more affordable without compromising water quality.

6 (b) The department of health may adopt rules pursuant to
7 chapter 91, Hawaii Revised Statutes, for the purposes of this
8 Act.

9 (c) The department of health shall submit a report of its
10 findings and recommendations, including any proposed
11 legislation, to the legislature no later than twenty days prior
12 to the convening of the regular session of 2027.

13 SECTION 3. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2025-2026 and
16 the same sum or so much thereof as may be necessary for fiscal
17 year 2026-2027 for the department of health to hire a consultant
18 to advise on changes to its rules and policies that have the
19 potential to make wastewater systems and cesspool upgrades more
20 affordable without compromising water quality.



1 The sums appropriated shall be expended by the department
2 of health for the purposes of this Act.

3 SECTION 4. This Act shall take effect on July 1, 2025.

4

INTRODUCED BY:





S.B. NO. 1636

Report Title:

DOH; Rules; Wastewater Systems; Cesspool Conversion;
Appropriation

Description:

Requires the Department of Health, in consultation with various agencies and professionals, to review rules and practices and propose changes that have the potential to make wastewater systems and cesspool upgrades more affordable without compromising water quality. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

