

JAN 15 2025

# A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

SECTION 1. Section 342D-72, Hawaii Revised Statutes, is amended to read as follows:

"§342D-72 Cesspools; mandatory upgrade, conversion, or connection. (a) Before January 1, 2050, every cesspool in the State, excluding cesspools granted ~~[exemptions]~~ an exemption by the director of health pursuant to subsection (b) ~~[7]~~ or (c), shall be:

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

(2) Connected to a sewerage system.

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

(c) The director of health may also grant an exemption 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 Statutory material to be repealed is bracketed  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.

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INTRODUCED BY:

Kurt Fella



**Report Title:**

Cesspool Conversion; Mandate; Exemption

**Description:**

Authorizes 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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