

# A BILL FOR AN ACT

## RELATING TO CESSPOOLS.

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

1 PART I

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

**13** The purpose of this Act is to:

14 (1) Allow certain extensions of the deadline for cesspool  
15 conversions; and  
16 (2) Authorize and appropriate funds to the department of  
17 health to retain qualified consultants as necessary to



1                   identify necessary public outreach and education  
2                   resources and tools and develop a comprehensive public  
3                   outreach strategy and website to serve as a statewide  
4                   clearinghouse for information and resources for  
5                   homeowners and wastewater industry professionals  
6                   related to cesspool upgrade, conversion, and  
7                   connection.

8                   PART II

9                   SECTION 2. Section 342D-72, Hawaii Revised Statutes, is  
10                  amended to read as follows:

11                  **"§342D-72 Cesspools; mandatory upgrade, conversion, or**  
12                  **connection.** (a) Before January 1, 2050, every cesspool in the  
13                  State, excluding cesspools granted exemptions by the director of  
14                  health pursuant to subsection (b), shall be:

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

18                  (b) The director of health may grant exemptions from the  
19                  requirements of subsection (a) to property owners of cesspools  
20                  that apply for an exemption and present documentation showing a  
21                  legitimate reason that makes it infeasible to upgrade, convert,



1 or connect the cesspools. For the purposes of this subsection,  
2 a legitimate reason shall include but not be limited to:  
3 (1) Small lot size;  
4 (2) Steep topography;  
5 (3) Poor soils [; or]  
6 (4) Accessibility issues [; or]  
7 (5) A planned development of sewerage upgrades to an area.  
8 (c) The department may grant extensions of up to five  
9 years at a time of the deadline under subsection (a) based on a  
10 demonstration of financial inability to pay for or finance a  
11 cesspool upgrade, conversion, or connection; provided that the  
12 department of health may adopt rules pursuant to chapter 91  
13 necessary to effectuate the purposes of this subsection.  
14 (d) Notwithstanding any law to the contrary, no penalty or  
15 other assessment for any violation of this section shall  
16 constitute a lien on the real property. Notwithstanding any law  
17 to the contrary, no seizure of real property shall be authorized  
18 for any violation of this section.  
19 [←e] (e) As used in this section, "cesspool" means an  
20 individual wastewater system consisting of an excavation in the  
21 ground whose depth is greater than its widest surface dimension,



1 that receives untreated wastewater, and retains or is designed  
2 to retain the organic matter and solids discharged into it, but  
3 permits the liquid to seep through its bottom or sides to gain  
4 access to the underground geographic formation."

### PART III

6 SECTION 3. Section 342D-59, Hawaii Revised Statutes, is  
7 amended to read as follows:

8        "[+]§342D-59[+]    Research, educational, and training  
9    programs. The director may:

10 (1) Conduct and supervise research programs for the  
11 purpose of determining the causes, effects, and  
12 hazards of water pollution, the quality of the  
13 receiving water and the means to monitor the quality  
14 of water, or to effect the proper disposal of sewage,  
15 drainage, and waste;

16 (2) With the approval of the governor, cooperate with, and  
17 receive money from the federal government, or any  
18 political subdivision of the State or from private  
19 sources for the study and control of water pollution;  
20 [and]





1 SECTION 4. Notwithstanding section 342D-83, Hawaii Revised  
2 Statutes, or any other law to the contrary, there is  
3 appropriated out of the water pollution control revolving fund  
4 the sum of \$ or so much thereof as may be necessary  
5 for fiscal year 2026-2027 for the department of health to retain  
6 qualified consultants, as necessary, to identify necessary  
7 public outreach and education resources and tools, and develop a  
8 comprehensive public outreach strategy and website to provide  
9 necessary information to homeowners and wastewater industry  
10 professionals about information and resources regarding the  
11 State's cesspool upgrade, conversion, and connection  
12 requirements and deadlines.

13 The sum appropriated shall be expended by the department of  
14 health for the purposes of this Act.

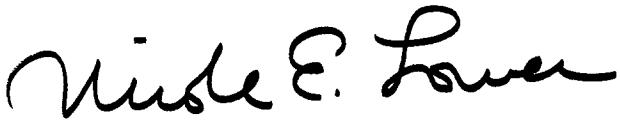
15 PART IV

16 SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2026.

19

INTRODUCED BY:

  
Nuelle E. Lowen

JAN 23 2026



# H.B. NO. 1985

**Report Title:**

Cesspools; Mandatory Upgrade, Conversion, or Connection; Extensions; Public Outreach and Education; Appropriation

**Description:**

PART II: Allows certain extensions of the deadline for cesspool conversions. PART III: Authorizes and appropriates funds to the Department of Health to retain qualified consultants as necessary to identify necessary public outreach and education resources and tools and develop a comprehensive public outreach strategy and website to educate homeowners and wastewater industry professionals about information and resources regarding the State's cesspool upgrade, conversion, and connection requirements and deadlines.

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

