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# 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 State has a  
2 statutory and constitutional mandate to protect its environment  
3 and natural resources, operating in conjunction with federal  
4 statutory mandates under the Safe Drinking Water Act and the  
5 Clean Water Act. Recognizing the threats and long-term  
6 consequences of inadequate wastewater systems, the legislature  
7 understands and acknowledges the growing body of research that  
8 substantiates that overutilization of individual wastewater  
9 systems has been linked to groundwater contamination, waste  
10 leakage, and significant risks to nearshore marine ecosystems.  
11 Several well-documented public health and environmental concerns  
12 are associated with overutilized individual wastewater systems.  
13 When these systems experience hydraulic overload, effluent can  
14 migrate into groundwater sources, resulting in contamination  
15 that poses significant risks to public health and the  
16 environment. The legislature estimates that approximately  
17 eighty-three to eighty-eight thousand cesspools are located



1 throughout the State and that upwards of fifty- to fifty-five  
2 million gallons of untreated wastewater are discharged into the  
3 ground each day. Beyond the immediate and observable  
4 consequences to the environment, the legislature recognizes the  
5 secondary impacts that wastewater issues have on the housing  
6 sector, particularly workforce housing in the agricultural  
7 sector, where housing options are strained and often located in  
8 isolated rural locations that exacerbate wastewater connectivity  
9 issues.

10 In response to persistent cesspool conversion challenges,  
11 the legislature has enacted several measures to progress towards  
12 the cesspool conversion mandate established in Act 125, Session  
13 Laws of Hawaii 2017, including establishing a cesspool  
14 conversion working group, establishing tax credits for cesspool  
15 conversions, and the development of an interacting cesspool  
16 monitoring tool. However, despite these efforts, the rate of  
17 cesspool conversions remains slow and continues to impede the  
18 agricultural and housing sectors in the State's economy. The  
19 legislature recognizes the need to ensure that any further  
20 legislative initiative is coupled with flexibility, equity,  
21 enforceability, and technological adaptability in multiple



1 economic sectors. The legislature intends to fulfill its  
2 mandate to address the State's persistent wastewater challenges  
3 by balancing critical resource management, environmental  
4 protection, the interests of affected economic sectors, and the  
5 housing needs of the State.

6 Accordingly, the purpose of this Act is to require the  
7 department of health to amend its administrative rules to:

- 8 (1) Set the maximum number of dwellings and dwelling units  
9 that may be connected to a single individual  
10 wastewater system to five dwellings and dwelling  
11 units; and  
12 (2) Set the maximum number of bedrooms that may be  
13 connected to a single individual wastewater system to  
14 six bedrooms.

15 SECTION 2. The department of health shall amend its  
16 administrative rules in accordance with chapter 91, Hawaii  
17 Revised Statutes, to set the number of dwellings and dwelling  
18 units that may be connected to a single individual wastewater  
19 system to be not more than five dwellings or dwelling units;  
20 provided that the total quantity of bedrooms connected to one  
21 individual wastewater system shall not exceed six bedrooms.



1 SECTION 3. This Act shall take effect upon its approval.



S.B. NO. 2155  
S.D. 1

**Report Title:**

DOH; Individual Wastewater Systems; Dwelling Units; Dwellings;  
Bedrooms; Rules

**Description:**

Requires the Department of Health to amend its administrative rules to: (1) Set the maximum number of dwellings and dwelling units that may be connected to a single individual wastewater system to five dwellings and dwelling units; and (2) Set the maximum number of bedrooms that may be connected to a single individual wastewater system to six bedrooms. (SD1)

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