

JAN 21 2026

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## A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

1 SECTION 1. The legislature finds that Act 125, Session  
2 Laws of Hawaii 2017, requires the upgrade, conversion, or  
3 connection to a sewer system of all cesspools statewide by 2050.  
4 Act 153, Session Laws of Hawaii 2022, subsequently recognized  
5 the classifications of priority 1, priority 2, and priority 3  
6 cesspools identified by the university of Hawaii's 2021 Hawaii  
7 cesspool hazard assessment and prioritization tool.

8 The legislature further finds that counties and homeowners  
9 face substantial financial, workforce, and infrastructure  
10 limitations that make the current deadline unattainable. A  
11 revised, phased timeline will allow the State and counties to  
12 address the highest-risk cesspools first while allowing adequate  
13 time for planning and funding of long-term wastewater solutions.

14 The purpose of this Act is to amend the deadlines for the  
15 upgrade, conversion, or connection of cesspools by priority  
16 classes, establishing December 31, 2050, as the date by which  
17 priority 1 cesspools must be upgraded, converted, or connected,



1 and phasing the deadlines for lower priority cesspools in later  
2 years.

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

5 **"§342D-72 Cesspools; mandatory upgrade, conversion, or**

6 **connection.** (a) ~~[Before January 1, 2050, every]~~ Every cesspool  
7 in the State, excluding cesspools granted exemptions by the  
8 director of health pursuant to subsection (b), shall be:

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

11 (2) Connected to a sewerage system~~[–]~~,

12 in accordance with the phased schedule in subsection (d).

13 (b) The director of health may grant exemptions from the  
14 requirements of subsection (a) to property owners of cesspools  
15 that apply for an exemption and present documentation showing a  
16 legitimate reason that makes it infeasible to upgrade, convert,  
17 or connect the cesspools. For the purposes of this subsection,  
18 a legitimate reason shall include but not be limited to:

19 (1) Small lot size;  
20 (2) Steep topography;  
21 (3) Poor soils; or



#### (4) Accessibility issues.

(c) The director, in consultation with the counties, shall classify all cesspools in the State into one of the following  
city classifications:

(1) Priority 1 cesspools shall include cesspools located within the special management area established by the counties pursuant to chapter 205A;

(2) Priority 2 cesspools shall include those cesspools located in drinking water recharge areas, sensitive aquifer zones, and areas affecting public water systems;

(3) Priority 3 cesspools shall include cesspools located outside of the special management area pursuant to chapter 205A, but within one-quarter mile of the inland boundary of the special management area; and

(4) Priority 4 cesspools shall include all cesspools that do not fall into any of the preceding categories.

(d) The phased schedule shall be as follows:

(1) Priority 1 cesspools shall comply with subsection (a)  
no later than December 31, 2050;

1                   (2) Priority 2 cesspools shall comply with subsection (a)  
2                   no later than December 31, 2060;  
3                   (3) Priority 3 cesspools shall comply with subsection (a)  
4                   no later than December 31, 2070; and  
5                   (4) Priority 4 cesspools shall comply with subsection (a)  
6                   no later than December 31, 2080.

7                   (e) The department shall adopt rules pursuant to  
8                   chapter 91 to:

9                   (1) Define geographic boundaries for priority  
10                   classifications; and  
11                   (2) Maintain and update the cesspool priority  
12                   classification list.

13                   (f) The department shall develop and administer expanded  
14                   grants, tax credits, and low-interest loan programs to support  
15                   homeowners, with priority given to lower-income households and  
16                   the upgrade, conversion, or connection of priority 1 cesspools.

17                   The department shall coordinate with the counties to align  
18                   wastewater infrastructure investments with the phased schedule.

19                   (g) No later than twenty days prior to the convening of  
20                   each regular session, the department shall submit an annual  
21                   report to the legislature that includes:



- 1        (1) The State's progress in meeting the requirements of
- 2                this section;
- 3        (2) Funding requirements;
- 4        (3) Any challenges encountered; and
- 5        (4) Any recommended amendments to the programs authorized
- 6                by this section, including any proposed legislation.

7        [+] (h) As used in this section, "cesspool" means an  
8 individual wastewater system consisting of an excavation in the  
9 ground whose depth is greater than its widest surface dimension,  
10 that receives untreated wastewater, and retains or is designed  
11 to retain the organic matter and solids discharged into it, but  
12 permits the liquid to seep through its bottom or sides to gain  
13 access to the underground geographic formation."

14        SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16        SECTION 4. This Act shall take effect on July 1, 2026.

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INTRODUCED BY:

  
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By Request

**Report Title:**

County of Hawaii Mayor's Office Package; Department of Health; Counties; Cesspools; Conversion; Connection; Priorities; Deadlines

**Description:**

Amends the deadlines for the upgrade or conversion of cesspools to Director of Health-approved wastewater system or connection of cesspools to a sewerage system. Requires priority 1 cesspools to be upgraded, converted, or connected by 12/31/2050, and phases the deadlines for lower priority cesspools in later years. Requires the Director of Health, in consultation with the counties, to determine the prioritization level of all cesspools in the State.

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

