

JAN 23 2026

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 additional resources
2 are needed to help governments and homeowners address Hawaii's
3 cesspool pollution problem. Existing law requires that all
4 cesspools be converted by 2050. However, these much needed
5 conversions must be affordable for homeowners and government
6 entities.

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



1 depend. Wastewater systems release over three thousand tons of
2 nutrients per year, which fertilize algae that can smother coral
3 reefs. Maintaining the cleanliness of the State's waters falls
4 under the State's obligation to protect, control, and regulate
5 the use of Hawaii's water resources for the benefit of its
6 people and the legislature's obligation to provide for a water
7 resources agency that shall, among other things, set overall
8 water quality and use policies and protect ground and surface
9 water resources and watersheds, pursuant to article XI,
10 section 7, of the Hawaii State Constitution.

11 The legislature also finds that to protect the public
12 health and environment, including coral reefs, cesspools should
13 be replaced by connections to sewerage systems or, in areas that
14 are too remote to be feasibly connected, upgraded either with
15 individual on-site wastewater disposal systems or cluster
16 wastewater treatment systems. Upgrading cesspools will benefit
17 public health, water quality, and coral reefs and enhance the
18 State's economy by providing better visitor experience and
19 stimulating new green jobs related to the installation of
20 wastewater systems. Protecting the State's coral reefs also
21 will benefit fisheries and protect shoreline properties from



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1 erosion. The United States Geological Survey estimates that
2 coral reefs in Hawaii provide flood protection benefits to
3 Hawaii residents and \$836,000,000 annually in averted damages to
4 property and economic activity.

5 To address the State's cesspool pollution, Act 125, Session
6 Laws of Hawaii 2017, and Act 87, Session Laws of Hawaii 2022,
7 require all cesspools to be upgraded or converted to a director-
8 approved wastewater system or connected to a sewerage system
9 before January 1, 2050, with certain exemptions. Although more
10 than three thousand three hundred cesspools need to be upgraded
11 per year on average to meet the 2050 mandate, currently less
12 than four hundred cesspools per year are being upgraded.

13 In Act 217, Session Laws of Hawaii 2024, the legislature
14 appropriated funds for the university of Hawaii water resource
15 research center to prepare an overlay of sewers and cesspools
16 and in Act 198, Session Laws of Hawaii 2025, the legislature
17 established a three-year new wastewater system and individual
18 wastewater system technology testing pilot program. These acts
19 are intended to help the counties plan for sewer expansion
20 cesspool upgrades and help the director of health expedite
21 approval of new wastewater technologies in the near term.



1 However, the cesspool upgrade effort will also need additional
2 strategic planning and resources for the long term.

3 The legislature further finds that, given the scope of
4 Hawaii's cesspool pollution problem, the department of health
5 needs additional support and resources to help implement the
6 program of cesspool upgrades, including:

7 (1) Advice from a committee of technical advisers to help
8 determine the best, most affordable solutions;

9 (2) Advice in revising existing administrative rules,
10 which were adopted a decade ago and may exclude some
11 feasible, affordable solutions; and

12 (3) Additional department personnel to focus solely on
13 cesspool upgrades.

14 Additionally, the legislature finds that the department of
15 health should examine rules and policies adopted in other states
16 as models to find more affordable means of improving public
17 health and the environment without compromising water quality.
18 For example, the department of health's current administrative
19 rules require an individual wastewater system to be designed
20 assuming a home produces two hundred gallons of wastewater per
21 day per bedroom, whereas many other states use a lower number.



1 This requirement tends to result in larger, more expensive
2 individual wastewater systems in Hawaii. Identifying ways to
3 reduce excavation, which is a major cost of installing an
4 individual waste system given the State's geology, could reduce
5 costs. Additionally, treating wastewater adequately before
6 disposing of it through an existing cesspool could improve water
7 quality while reducing costs.

8 Accordingly, the purpose of this Act is to:

- 9 (1) Establish a wastewater technical advisory group to
10 advise the department of health in its review of rules
11 and practices for cesspools and wastewater systems;
12 (2) Require the department of health, in consultation with
13 the wastewater technical advisory group, to propose
14 changes for administrative rules and practices to make
15 wastewater systems and cesspool upgrades and
16 conversions more affordable without compromising water
17 quality;
18 (3) Establish positions within the department of health to
19 begin staffing a new branch focused on implementing
20 the cesspool compliance program and related
21 activities; and



1 (4) Appropriate funds.

2 SECTION 2. (a) There is established a wastewater
3 technical advisory group to assist the department of health in
4 reviewing administrative rules and practices for cesspools and
5 wastewater systems. The wastewater technical advisory group
6 shall consist of members selected by the director of health,
7 unless otherwise specified, from various backgrounds with
8 knowledge of wastewater technologies and systems and include but
9 not be limited to:

10 (1) Two individuals who have worked as professors at
11 universities who have knowledge and experience with
12 wastewater issues in Hawaii and nationally;

13 (2) Two county government officials selected by the Hawaii
14 State Association of Counties who have knowledge and
15 experience with Hawaii's wastewater issues;

16 (3) Two wastewater industry professionals in Hawaii with
17 knowledge and experience in wastewater systems and
18 individual wastewater systems technologies;

19 (4) Three individuals who helped develop the Hawai'i
20 cesspool prioritization tool;



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1 (5) Three individuals from non-profit groups with
2 knowledge of wastewater issues in Hawaii;

3 (6) One individual from the department of Hawaiian home
4 lands; and

5 (7) One individual with knowledge about alternative
6 wastewater technology systems in other states.

7 (b) The department of health, in consultation with the
8 wastewater technical advisory group, shall review its
9 administrative rules and practices and propose changes that have
10 the potential to make wastewater systems and cesspool upgrades
11 more affordable without compromising water quality.

12 (c) The department of health may adopt rules pursuant to
13 chapter 91, Hawaii Revised Statutes, for the purposes of this
14 Act.

15 (d) The department of health shall submit a report of its
16 findings and recommendations, including any proposed
17 legislation, to the legislature no later than twenty days prior
18 to the convening of the regular session of 2028.

19 (e) The wastewater technical advisory group shall dissolve
20 on June 30, 2028.



1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2026-2027 for
4 the establishment of the following positions focused on
5 achieving cesspool upgrades within a branch of the department of
6 health:

7 (1) One full-time equivalent (1.0 FTE) permanent program
8 specialist V position; and

9 (2) One full-time equivalent (1.0 FTE) permanent planner
10 IV position.

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

13 SECTION 4. 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 2026-2027 to
16 hire a consultant to assist the wastewater technical advisory
17 group in advising the department of health on changes to the
18 department's administrative rules and policies that have the
19 potential to make wastewater systems and cesspool upgrades more
20 affordable without compromising water quality.



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

3 SECTION 5. This Act shall take effect on July 1, 2026.

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INTRODUCED BY: _____

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Report Title:

DOH; Wastewater Technical Advisory Group; Cesspools;
Administrative Rules; Appropriation

Description:

Establishes a Wastewater Technical Advisory Group to assist the Department of Health in a review of the Department's administrative rules and practices regarding wastewater systems and cesspools and in the development of proposed changes to make cesspool conversions more affordable. Requires report to the Legislature. Appropriates funds for positions and hiring of a consultant to assist the Wastewater Technical Advisory Group.

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

