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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 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



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 and  
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 additionally 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 advisors 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 cesspool conversion implementation working  
10 group to assist the department of health in its review  
11 of rules and practices for cesspools and wastewater  
12 systems;
- 13 (2) Require the department of health, in consultation with  
14 the cesspool conversion implementation working group,  
15 to propose changes for administrative rules and  
16 practices to make wastewater systems and cesspool  
17 upgrades and conversions more affordable without  
18 compromising water quality;
- 19 (3) Establish positions within the department of health  
20 focused on implementing the cesspool compliance  
21 program and related activities; and



1 (4) Appropriate funds.

2 SECTION 2. (a) There is established a cesspool conversion  
3 implementation working group to assist the department of health  
4 in reviewing administrative rules and practices for cesspools  
5 and wastewater systems. The cesspool conversion implementation  
6 working group shall consist of members selected or, if the  
7 member is a private individual, invited to participate by the  
8 director of health, unless otherwise specified, from various  
9 backgrounds with knowledge of wastewater technologies and  
10 systems and shall include:

11 (1) The director of health or the director's designee;

12 (2) Members of the house of representatives or the  
13 members' designees, to be selected by the speaker of  
14 the house of representatives;

15 (3) Members of the senate or the members' designees, to be  
16 selected by the president of the senate;

17 (4) The administrator of the state historic preservation  
18 division of the department of land and natural  
19 resources or the administrator's designee;

20 (5) The chairperson of the Hawaiian homes commission or  
21 the chairperson's designee;



- 1       (6) Licensed consulting individual wastewater systems  
2           engineers working on Oahu sites;
- 3       (7) Licensed consulting individual wastewater systems  
4           engineers working on Maui sites;
- 5       (8) Licensed consulting individual wastewater systems  
6           engineers working on Kauai sites;
- 7       (9) Licensed consulting individual wastewater systems  
8           engineers working on Hawaii Island sites;
- 9       (10) Licensed individual wastewater systems contractors  
10           working on Oahu sites;
- 11       (11) Licensed individual wastewater systems contractors  
12           working on Maui sites;
- 13       (12) Licensed individual wastewater systems contractors  
14           working on Kauai sites;
- 15       (13) Licensed individual wastewater systems contractors  
16           working on Hawaii Island sites;
- 17       (14) One university of Hawaii professor who has knowledge  
18           and experience with wastewater issues in the State and  
19           nationally;



- 1 (15) One county government official selected by the Hawaii  
2 State Association of Counties who has knowledge and  
3 experience with wastewater issues in the State;
- 4 (16) One wastewater industry professional in Hawaii who has  
5 knowledge and experience in wastewater systems and  
6 individual wastewater systems technologies;
- 7 (17) One individual who helped develop the Hawai'i cesspool  
8 prioritization tool;
- 9 (18) Two individuals from non-profit groups who have  
10 knowledge of wastewater issues in the State; and
- 11 (19) One individual who has knowledge of alternative  
12 wastewater systems in other states.
- 13 (b) The department of health, in consultation with the  
14 cesspool conversion implementation working group, shall review  
15 the department's administrative rules and practices and propose  
16 changes that have the potential to make wastewater systems and  
17 cesspool upgrades more affordable without compromising water  
18 quality.
- 19 (c) The department of health may adopt rules pursuant to  
20 chapter 91, Hawaii Revised Statutes, for the purposes of this  
21 Act.



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

5 (e) The cesspool conversion implementation working group  
6 shall dissolve on June 30, 2028.

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

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

15 (2) One full-time equivalent (1.0 FTE) permanent engineer  
16 V position.

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

19 SECTION 4. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$ or so  
21 much thereof as may be necessary for fiscal year 2026-2027 to



1 hire a consultant to assist the cesspool conversion  
2 implementation working group in advising the department of  
3 health on changes to the department's administrative rules and  
4 policies that have the potential to make wastewater systems and  
5 cesspool upgrades more affordable without compromising water  
6 quality.

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

9 SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

DOH; Cesspool Conversion Implementation Working Group;  
Cesspools; Administrative Rules; Appropriation

**Description:**

Establishes a Cesspool Conversion Implementation Working 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 a report to the Legislature. Appropriates funds for positions and hiring of a consultant to assist the Cesspool Conversion Implementation Working Group. Effective 7/1/3000. (HD2)

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

