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

12           Therefore, the purpose of this Act is to:

13           (1) Accelerate the deadlines for required upgrades,  
14           conversions, or connections of:

15           (A) The 13,821 priority level 1 cesspools in the  
16           State to 2035, with certain exceptions; and



1 (B) The 12,367 priority level 2 cesspools in the  
2 State to 2040; and

3 (2) Repeal the January 1, 2050, deadline for the upgrade,  
4 conversion, or connection of all remaining cesspools  
5 and instead require the director of health to prepare  
6 and submit to the legislature an inventory of every  
7 remaining cesspool in the State as of January 1, 2045,  
8 including cesspools that were granted exemptions by  
9 the director of health, recommending whether or not  
10 and by what date the cesspool should be upgraded,  
11 converted, or connected.

12 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 "§342D- Cesspools; mandatory upgrade, conversion, or  
16 connection; priority level 1; priority level 2. (a) Every  
17 cesspool in the State designated as priority level 1 according  
18 to the university of Hawaii's Hawaii cesspool prioritization  
19 tool shall be:

20 (1) Upgraded or converted to a director-approved  
21 wastewater system; or



1       (2) Connected to a sewerage system,  
2 before January 1, 2035; provided that priority level 1 cesspools  
3 on recreational residence leases within Kokee state park and  
4 Waimea canyon state park on the island of Kauai shall be  
5 upgraded, converted, or connected before January 1, 2040.

6       (b) Every cesspool in the State designated as priority  
7 level 2 according to the university of Hawaii's Hawaii cesspool  
8 prioritization tool shall be:

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

11       (2) Connected to a sewerage system,  
12 before January 1, 2040.

13       (c) The director may grant an exemption from the  
14 requirements of subsections (a) and (b) to the property owner of  
15 a cesspool who applies for an exemption and presents  
16 documentation showing a legitimate reason that makes it  
17 infeasible to upgrade, convert, or connect the cesspool. For  
18 the purposes of this subsection, a legitimate reason shall  
19 include but not be limited to:

20       (1) Small lot size;

21       (2) Steep topography;



- 1        (3) Poor soils;  
2        (4) Accessibility issues; or  
3        (5) A planned development of sewerage upgrades to an area.

4        (d) The department may grant extensions of up to five  
5 years at a time from the requirements of subsections (a) and (b)  
6 based on demonstration of financial inability to pay for or  
7 finance a cesspool upgrade, conversion, or connection; provided  
8 that the department of health may adopt rules pursuant to  
9 chapter 91 necessary to implement this subsection.

10       (e) Notwithstanding any law to the contrary, no penalty or  
11 other assessment for any violation of this section shall  
12 constitute a lien on the real property. Notwithstanding any law  
13 to the contrary, no seizure of real property shall be authorized  
14 for any violation of this section.

15       (f) As used in this section, "cesspool" has the same  
16 meaning as in section 342D-72."

17       SECTION 3. Section 342D-72, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19       "(a) [~~Before~~] Except as otherwise provided in  
20 section 342D- , before January 1, 2050, [~~every cesspool in the~~  
21 State, excluding cesspools granted exemptions by the director of



1 ~~health pursuant to subsection (b), shall]~~ the director of health  
2 shall prepare and submit to the legislature an inventory of  
3 every remaining cesspool in the State as of January 1, 2045,  
4 including cesspools that were granted exemptions by the director  
5 of health pursuant to subsection (b), recommending whether or  
6 not and by what date the cesspool should be:

7 (1) Upgraded or converted to a director-approved  
8 wastewater system; or

9 (2) Connected to a sewerage system."

10 SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

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



**Report Title:**

Hawaii State Association of Counties Package; Upgrade, Conversion, or Connection of Cesspools; Accelerated Deadlines; Inventory Report; Legislature

**Description:**

Accelerates the deadlines for the required upgrades, conversions, or connections of priority level 1 and priority level 2 cesspools to 2035 and 2040, respectively, and repeals the 1/1/2050 deadline for the upgrade, conversion, or connection of all remaining cesspools. Before 1/1/2050, requires the Director of Health to prepare and submit to the Legislature an inventory of every remaining cesspool in the State as of 1/1/2045, including cesspools that were granted exemptions by the Director of Health, recommending whether or not and by what date the cesspool should be: (1) Upgraded or converted to a Director-approved wastewater system; or (2) Connected to a sewerage system. 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.*

