THE SENATE
THIRTY-THIRD LEGISLATURE, 2025
STATE OF HAWAII

S.B. NO. 1636

JAN 23 2025

A BILL FOR AN ACT

RELATING TO WASTEWATER SYSTEMS.

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

SECTION 1. The legislature finds that the health of Hawaii's people and quality of Hawaii's waters are being harmed by pollution from cesspools. Hawaii has more than eighty thousand cesspools that discharge about fifty million gallons of wastewater into the State's groundwater every day. Cesspools are antiquated, substandard systems that damage public health; pollute drinking water; and lower water quality in streams, ground waters, nearshore marine areas, and the ocean. Cesspool pollution also harms public recreation and the precious coral reefs on which Hawaii's economy, shoreline, fisheries, and native species depend. The United States Geological Survey estimates that reefs in Hawaii provide flood protection benefits to six thousand eight hundred people and $836,000,000 annually in averted damages to property and economic activity. To protect the public health and environment, including coral reefs, cesspools should be replaced by connecting homes to sewerage systems or, in areas that are too remote to be feasibly

connected, upgraded either with individual on-site wastewater disposal systems or cluster wastewater treatment systems. Maintaining the cleanliness of the State's waters is a matter of statewide concern that falls under the legislature's obligation pursuant to article XI, section 7, of the Hawaii State Constitution.

To address the State's cesspool pollution, Act 125, Session Laws of Hawaii 2017, required all cesspools to be upgraded or converted to a septic system or aerobic treatment unit system or connected to a sewerage system before January 1, 2050, with certain exemptions. Act 153, Session Laws of Hawaii 2022, amended the law to instead require that every cesspool in the State, excluding cesspools granted exemptions by the director of health, shall be upgraded or converted to "a director-approved wastewater system" or connected to a sewerage system. The legislature believes it is also critical that cesspool conversions be affordable for homeowners and government entities.

The legislature further finds that rules and policies adopted in other states, if adopted by the department, may improve public health and the environment more affordably

without compromising water quality. The legislature notes that administrative rules adopted almost a decade ago currently may exclude some feasible affordable solutions.

Accordingly, the purpose of this Act is to:

(1) Require the department of health, in consultation with various agencies and professionals, to review rules and practices and propose changes that have the potential to make wastewater systems and cesspool upgrades more affordable without compromising water quality; and

(2) Appropriate funds.

SECTION 2. (a) The department of health shall, in consultation with:

(1) The university of Hawaii at Manoa:

(A) Water resources research center;

(B) Sea grant college program; and

(C) College of engineering;

(2) The department of Hawaiian home lands;

(3) The counties;

(4) Other states;

(5) Wastewater industry professionals; and

(6) Any other individual or organization deemed necessary by the department of health,

review its rules and practices and propose changes that have the potential to make wastewater systems and cesspool upgrades in Hawaii more affordable without compromising water quality.

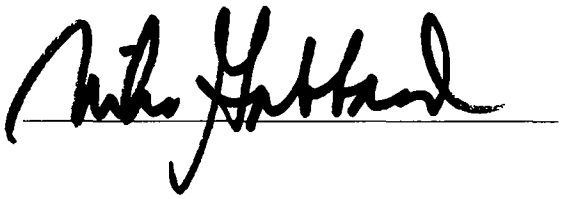
(b) The department of health may adopt rules pursuant to chapter 91, Hawaii Revised Statutes, for the purposes of this Act.

(c) The department of health shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2027.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the department of health to hire a consultant to advise on changes to its rules and policies that have the potential to make wastewater systems and cesspool upgrades more affordable without compromising water quality.

The sums appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2025.

INTRODUCED BY: 

S.B. NO. 1636

Report Title:
DOH; Rules; Wastewater Systems; Cesspool Conversion; Appropriation

Description:
Requires the Department of Health, in consultation with various agencies and professionals, to review rules and practices and propose changes that have the potential to make wastewater systems and cesspool upgrades more affordable without compromising water quality. Appropriates funds.

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