

JAN 21 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 the State has a
2 statutory and constitutional mandate to protect the State's
3 environment and natural resources, operating in conjunction with
4 federal statutory mandates under the Safe Drinking Water Act and
5 the Clean Water Act. Recognizing the threats and long-term
6 consequences of inadequate wastewater systems, the legislature
7 understands and acknowledges the growing body of research that
8 substantiates that overutilization of individual wastewater
9 systems has been linked to groundwater contamination, waste
10 leakage, and significant risks to nearshore marine ecosystems.
11 Several well-documented public health and environmental concerns
12 are associated with overutilized individual wastewater systems.
13 When these systems experience hydraulic overload, effluent can
14 migrate into groundwater sources, resulting in contamination
15 that poses significant risks to public health and the
16 environment. The legislature estimates that approximately
17 eighty-three to eighty-eight thousand cesspools are located



1 throughout the State and that upwards of fifty- to fifty-five
2 million gallons of untreated wastewater are discharged into the
3 ground each day. Beyond the immediate and observable
4 consequences to the environment, the legislature recognizes the
5 secondary impacts that wastewater issues have on the housing
6 sector, particularly workforce housing in the agricultural
7 sector, where housing options are strained and often located in
8 isolated rural locations that exacerbate wastewater connectivity
9 issues.

10 In response to persistent cesspool conversion challenges,
11 the legislature has enacted several measures to progress towards
12 the cesspool conversion mandate established in Act 125, Session
13 Laws of Hawaii 2017, including establishing a cesspool
14 conversion working group, establishing tax credits for cesspool
15 conversions, and the development of an interacting cesspool
16 monitoring tool. However, despite these efforts, the rate of
17 cesspool conversions remains slow and continues to impede the
18 agricultural and housing sectors in the State's economy. The
19 legislature recognizes the need to ensure that any further
20 legislative initiative is coupled with flexibility, equity,
21 enforceability, and technological adaptability in multiple



1 economic sectors. The legislature intends to fulfill its
2 mandate to address the State's persistent wastewater challenges
3 by balancing critical resource management, environmental
4 protection, the interests of affected economic sectors, and the
5 housing needs of the State.

6 Accordingly, the purpose of this Act is to require the
7 department of health to amend its administrative rules to:

8 (1) Set the maximum number of dwellings and dwelling units
9 that may be connected to a single individual
10 wastewater system to five dwellings and dwelling
11 units; and

12 (2) Set the maximum number of bedrooms that may be
13 connected to a single individual wastewater system to
14 six bedrooms.

15 SECTION 2. The department of health shall amend its
16 administrative rules in accordance with chapter 91, Hawaii
17 Revised Statutes, to set the number of dwellings and dwelling
18 units that may be connected to a single individual wastewater
19 system to be not more than five dwellings or dwelling units;
20 provided that the total quantity of bedrooms connected to one
21 individual wastewater system shall not exceed six bedrooms.



1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Mark W. Pertway Jr.



S.B. NO. 2155

Report Title:

DOH; Individual Wastewater Systems; Dwelling Units; Dwellings; Bedrooms; Rules

Description:

Requires the Department of Health to amend its administrative rules to: (1) Set the maximum number of dwellings and dwelling units that may be connected to a single individual wastewater system to five dwellings and dwelling units; and (2) Set the maximum number of bedrooms that may be connected to a single individual wastewater system to six bedrooms.

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

