

ACT 125

H.B. NO. 1244

A Bill for an Act Relating to Cesspools.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 342D, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

“§342D- Cesspools; mandatory upgrade, conversion, or connection. (a) Prior to January 1, 2050, every cesspool in the State, excluding cesspools granted exemptions by the director of health pursuant to subsection (b), shall be:

- (1) Upgraded or converted to a septic system or aerobic treatment unit system; or
- (2) Connected to a sewerage system.

(b) The director of health may grant exemptions from the requirements of subsection (a) to property owners of cesspools that apply for an exemption and present documentation showing a legitimate reason that makes it infeasible to upgrade, convert, or connect the cesspools. For the purposes of this subsection, a legitimate reason shall include but not be limited to:

- (1) Small lot size;
 - (2) Steep topography;
 - (3) Poor soils; or
 - (4) Accessibility issues.
- (c) As used in this section:

“Aerobic treatment unit system” means an individual wastewater system that consists of an aerobic treatment unit tank, aeration device, piping, and a discharge method that is in accordance with rules adopted by the department relating to household aerobic units.

ACT 125

“Cesspool” means an individual wastewater system consisting of an excavation in the ground whose depth is greater than its widest surface dimension, which receives untreated wastewater, and retains or is designed to retain the organic matter and solids discharged into it, but permits the liquid to seep through its bottom or sides to gain access to the underground geographic formation.

“Septic system” means an individual wastewater system that typically consists of a septic tank, piping, and a drainage field where there is natural biological decontamination as wastewater discharged into the system is filtered through soil.”

SECTION 2. Section 235-16.5, Hawaii Revised Statutes, is amended by amending the definition of “qualified cesspool” in subsection (i) to read:

““Qualified cesspool” means a cesspool that is ~~certified~~:

(1) Certified by the department of health ~~[as being]~~ to be:

~~[(1)]~~ (A) Located within:

~~[(A) Two]~~ (i) Five hundred feet of a shoreline, perennial stream, or wetland; or

~~[(B)]~~ (ii) A source water assessment program area (two year time of travel from a cesspool to a public drinking water source); ~~[or]~~

(B) Shown to impact drinking water supplies or recreational waters; or

~~[(2)]~~ (C) A residential large capacity cesspool~~[-]; or~~

(2) Certified by a county or private sewer company to be appropriate for connection to its existing sewer system.”

SECTION 3. The department of health shall investigate the number, scope, location, and priority of cesspools statewide that require upgrade, conversion, or connection based on each cesspool’s impact on public health. The department of health shall also work in collaboration with the department of taxation to assess the feasibility of a grant program to assist low-income property owners with cesspool upgrade, conversion, or connection. The department of health shall submit a report of its findings and recommendations, including any proposed legislation and recommended administrative action, to the legislature no later than twenty days prior to the convening of the regular session of 2018.

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2017.

(Approved July 10, 2017.)

Note

1. Edited pursuant to HRS §23G-16.5.