

ACT 198

H.B. NO. 736

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, groundwater, 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. To protect the public health and environment, 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.

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. In recognition of other possible alternative systems, Act 87, 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 additionally finds it is critical that cesspool conversions be affordable for homeowners and government entities, as traditional individual wastewater systems may not be the best, most affordable solutions, especially where substantial excavation and large absorption beds are required. The costs of such systems generally exceed \$25,000 and can be even more expensive in some locations.

The legislature also finds that new wastewater technologies and management solutions may improve public health and the environment, especially the protection of fragile coral reefs, more affordably than some traditional individual wastewater systems. Technologies that are reaching a commercial scale for the first time include solutions for individual homes, as well as multi-unit dwellings, apartment buildings, and entire communities. At the neighborhood or municipal scale, these technologies could effectively treat sewage from entire communities for lower costs than existing technology now employed in Hawaii.

Therefore, new technologies need to be tested in order to be certified by the department of health for use in Hawaii. The university of Hawaii's water resources research center has experience in such testing, and their guidance and studies could facilitate the department of health's certifications. However, in order to do such work, the university of Hawaii's water resources research center would need funding for a full-time coordinator, administrative efforts, and infrastructure and equipment costs for testing and analyses.

Additionally, maintaining the cleanliness of the State's waters is a matter of statewide concern that falls under the legislature's obligation to enact laws pursuant to article XI, section 7, of the Hawaii State Constitution, and pursuant to the exclusive jurisdiction of the legislature to identify laws of statewide concern, granted under article X, section 6 of the Hawaii State Constitution, the legislature finds that this Act is a matter of statewide concern.

The purpose of this Act is to facilitate the certification of new wastewater and individual wastewater system technologies in Hawaii that could reduce the costs of cesspool conversions by establishing and appropriating funds for a new wastewater system technology testing pilot program within the university of Hawaii water resources research center.

SECTION 2. (a) There is established a three-year new wastewater system and individual wastewater system technology testing pilot program within the university of Hawaii water resources research center.

(b) The university of Hawaii water resources research center, in coordination with the university of Hawaii sea grant college program and college of engineering, department of health, department of Hawaiian home lands, and all appropriate county agencies, shall:

- (1) Test new wastewater technology systems and review and evaluate the affordability, feasibility, and efficiency of the treatment technologies; and
- (2) Document, validate, and summarize the various tests, research, and outcomes of each test of wastewater systems and individual wastewater systems and submit results of the tests to the department of health.

(c) The university of Hawaii water resources research center shall submit an annual interim report to the legislature no later than twenty days prior to the convening of each regular session for the duration of the pilot program and a final report to the legislature no later than twenty days prior to the convening of the regular session of 2028. The reports shall include:

- (1) Information on the new wastewater technologies reviewed and tested and test results;

- (2) Recommendations on how to improve the efficiency of the pilot program;
- (3) Whether the pilot program should be made permanent; and
- (4) Any other recommendations that the university of Hawaii water resources research center deems appropriate.
- (d) The pilot program shall cease to exist on June 30, 2028.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$745,325 or so much thereof as may be necessary for fiscal year 2025-2026 to implement the new wastewater system and individual wastewater system technology testing pilot program established pursuant to this Act.

The sum appropriated shall be expended by the university of Hawaii for the purposes of this Act.

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

(Approved June 6, 2025.)