
A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

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

4 "§342D- Cesspool upgrade, conversion, or connection;
5 rebate; establishment. (a) The department may establish a
6 cesspool upgrade, conversion, or connection rebate program, to
7 offset qualified expenses incurred by low-income households.

8 (b) To qualify for the rebate program, applicants shall
9 comply with requirements and conditions established by the
10 department; provided that the rebate program shall be available
11 only to persons whose federal adjusted gross income for the tax
12 year immediately preceding the year the rebate application is
13 submitted does not exceed:

14 (1) \$ _____ for an applicant who files a return as
15 single or married filing separately;

16 (2) \$ _____ for an applicant who files a return as
17 head of household; or



1 (3) \$ _____ for an applicant who files a return as
2 married filing jointly or as a surviving spouse.

3 (c) Rebate amounts and other program specifications for
4 the rebate program shall be established by the department;
5 provided that the dollar amount of a rebate shall not exceed
6 \$10,000 per cesspool.

7 (d) The applicant shall certify to the department the
8 amount of the applicant's filing status and amount of federal
9 adjusted gross income, under the penalties of perjury, on the
10 form prescribed by the department. In the event that an
11 applicant is ineligible to receive a rebate under this section
12 but provides a false certification in order to be deemed
13 eligible to receive a rebate, the applicant shall repay the
14 amount of the rebate received plus a penalty of _____ percent of
15 the rebate received plus statutory interest at the rate set
16 forth in section 231-39(b)(4). Interest shall be calculated
17 from the date that the rebate was paid until the day that the
18 rebate is repaid by the applicant.

19 (e) Notwithstanding any law to the contrary, the
20 department of taxation may provide information regarding an
21 applicant's tax filing status and federal adjusted gross income



1 to the department for the purpose of verifying rebate program
2 eligibility. Any tax information provided by the department
3 shall be treated with and afforded the same confidentiality
4 provided pursuant to section 235-116.

5 (f) The department shall adopt rules pursuant to chapter
6 91 to effectuate this section.

7 (g) Notwithstanding any law to the contrary, before
8 , any cesspool found to be in noncompliance with chapter
9 321, 322, or 342E, this chapter, or rules adopted pursuant to
10 this chapter, as a result of any inspection or other action
11 conducted by state or county personnel pursuant to a person's
12 applying for a rebate under this section, shall not be subject
13 to any penalty imposed by those chapters or rules.

14 (h) Persons shall not qualify for any other similar credit
15 other than what is provided for in this section.

16 (i) As used in this section:

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



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

8 "Qualified expenses" means costs that are necessary and
9 directly incurred by the applicant for upgrading or converting a
10 cesspool into a septic system or an aerobic treatment unit
11 system, or connecting a cesspool to a sewer system, and that are
12 certified as a septic system, aerobic treatment unit, or
13 cesspool connected to a sewer system by the appropriate
14 government agency.

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

19 "Sewer system" means a system of piping, with
20 appurtenances, for collecting and conveying wastewater from
21 source to discharge following treatment."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval
7 and shall be repealed on December 31, 2020.



Report Title:

Cesspool Upgrade, Conversion, or Connection; Rebate Program

Description:

Authorizes the Department of Health to establish a cesspool upgrade, conversion, or connection rebate program. Disallows the rebate for cesspool upgrade, conversion, or connection for applicants whose federal adjusted gross income exceeds a certain amount. Provides that cesspools found to be illegal, as a result of an inspection conducted due to a person applying for a rebate, are not subject to penalty. Repeals on 12/31/2020.
(SD1)

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