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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE CONVENING OF A TASK FORCE TO DETERMINE WHICH  
COUNTIES AND SPECIFIC GEOGRAPHIC AREAS WITHIN THE STATE ARE  
SUITABLE FOR THE USE OF PRIVATE INDIVIDUAL WASTEWATER  
SYSTEMS INCLUDING CESSPOOLS, SEPTIC SYSTEMS, AND GRAYWATER  
SYSTEMS.

1           WHEREAS, there are approximately 90,000 cesspools  
2 throughout the State, with approximately 50,000 on Hawaii  
3 Island, 14,000 on Kauai, 12,000 on Maui, 11,000 on Oahu, and  
4 1,400 on Molokai; and  
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6           WHEREAS, approximately 800 new cesspools are approved for  
7 construction in Hawaii each year; and  
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9           WHEREAS, proposed amendments to the Hawaii Administrative  
10 Rules, Title 11, Chapter 62, would prohibit the construction of  
11 new cesspools throughout the State; and  
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13           WHEREAS, House Bill No. 1141, H.D. 2, S.D. 1 (2015),  
14 similarly proposed a prohibition on new cesspool construction,  
15 and was ultimately not approved by the Legislature in 2015; and  
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17           WHEREAS, the cost of a septic system can range from \$20,000  
18 to \$30,000, while the cost of a cesspool can range from \$2,000  
19 to \$3,000; and  
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21           WHEREAS, the added benefit to the environment of installing  
22 a septic system instead of a cesspool is debatable, especially  
23 given certain topography; and  
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25           WHEREAS, existing unreliable septic systems may overflow  
26 causing health concerns; and



1           WHEREAS, to be properly maintained, septic systems often  
2 require pumping at costs as great as \$800 for a single pumping  
3 on Hawaii Island; and  
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5           WHEREAS, the great additional cost of installing a septic  
6 system into a new home would cause undue hardship on residents  
7 of our State, especially our poorest residents, working in  
8 opposition to our efforts to address an affordable housing  
9 shortage; and  
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11           WHEREAS, cesspools are uniquely able to function in our  
12 State in comparison to our mainland counterparts, as Hawaii has  
13 no extreme winter temperatures nor frozen solid ground, which  
14 act as a barrier to effluents draining or evaporating; and  
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16           WHEREAS, because of the climatic and geologic differences,  
17 our soils generally provide for gas exchange allowing ingress of  
18 oxygen and egress of nitrogen, carbon dioxide, and water vapor;  
19 and  
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21           WHEREAS, Hawaii's warm temperatures result in bacterial  
22 decomposition of the waste, resulting in conversion of  
23 nitrogenous waste into nitrogen gas and carbon-containing waste  
24 into carbon dioxide gas; and  
25

26           WHEREAS, much of the water entering a cesspool is  
27 vaporized, the nitrogen in the waste largely gasified, and the  
28 phosphorous in the waste tightly bound to the surrounding rocks  
29 allowing for little movement, and, therefore, does not move into  
30 the groundwater; and  
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32           WHEREAS, given the great differences in geographical makeup  
33 throughout our State, there are many areas across our islands  
34 where cesspools have functioned safely and effectively for many  
35 decades without failure; and  
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37           WHEREAS, in many rural areas, especially on our neighbor  
38 islands, homes are not connected to a county water system, and  
39 thus rely on limited catchment water for their personal use,  
40 thereby limiting the amount of water that enters the cesspool  
41 and the environment; and



1 WHEREAS, for homes connected to a sewer system, all  
2 wastewater from the home enters the sewer system; and  
3

4 WHEREAS, in contrast, for homes with individual wastewater  
5 systems, the wastewater can be divided into two classes:  
6

7 (1) Blackwater, which is the wastewater from toilets,  
8 kitchen sinks and dishwashers, and  
9

10 (2) Graywater, which is all other wastewater including  
11 water from showers, washing machines and non-kitchen  
12 sinks; and  
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14 WHEREAS, in other parts of the United States, jurisdictions  
15 allow the collection and use of this graywater for watering and  
16 other purposes; and  
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18 WHEREAS, Hawaii does not provide for the use of graywater  
19 in its current plumbing code, while many areas, particularly  
20 those dependent on catchment, could benefit from the ability to  
21 use graywater; and  
22

23 WHEREAS, it is acknowledged that individual homes and  
24 wastewater systems near the shoreline or other bodies of water  
25 are problematic for the use of either cesspools or septic  
26 systems; and  
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28 WHEREAS, cesspools or septic systems designed specifically  
29 for pet waste are also in use in Hawaii, necessitating a need  
30 for the State to resolve how to best manage such systems; and  
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32 WHEREAS, the State of Hawaii is currently experiencing a  
33 dengue epidemic with the *Aedes* mosquito being the vector; and  
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35 WHEREAS, the Centers for Disease Control and Prevention  
36 warns of the potential role of septic systems, but not  
37 cesspools, as breeding sites for mosquitoes; and  
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39 WHEREAS, these areas in particular are just one of many  
40 special cases in which the use of cesspools, septic systems, and  
41 graywater systems should be further scrutinized; and



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1           WHEREAS, it would be beneficial to obtain a statewide  
2 analysis to better understand and determine what specific areas  
3 throughout the State are suitable for the use of cesspools,  
4 septic systems, and graywater systems; now, therefore,  
5

6           BE IT RESOLVED by the House of Representatives of the  
7 Twenty-eighth Legislature of the State of Hawaii, Regular  
8 Session of 2016, the Senate concurring, that the Director of  
9 Health is requested to convene a task force to determine which  
10 counties and specific geographic areas within the State are  
11 suitable for cesspools, septic systems, and graywater systems,  
12 for both human and pet waste; and  
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14           BE IT FURTHER RESOLVED that this task force is requested to  
15 include, but not be limited to:

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- 17           (1) Two members of the House of Representatives, with at  
18           least one of these members having a cesspool at their  
19           residence to be appointed by the Speaker of the House;  
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  - 21           (2) Two members of the Senate, with at least one of these  
22           members having a cesspool at their residence, to be  
23           appointed by the Senate President;  
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  - 25           (3) At least one representative from each of the four  
26           counties, to be appointed by the respective Mayor; and  
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28           BE IT FURTHER RESOLVED that the task force is asked to  
29 examine and advise on the potential benefit of placing the  
30 responsibility of determining where and when cesspools should be  
31 allowed upon the counties instead of the State; and  
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33           BE IT FURTHER RESOLVED that the task force is requested to  
34 submit a written report of its findings and recommendations,  
35 including any proposed legislation, to the Legislature no later  
36 than 20 days prior to the convening of the Regular Session of  
37 2017; and  
38

39           BE IT FURTHER RESOLVED that the Governor of the State of  
40 Hawaii is requested to refrain from approving proposed changes  
41 to Hawaii Administrative Rules, Title 11, Chapter 62, until the  
42 task force's report is completed; and




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1 BE IT FURTHER RESOLVED that the task force shall cease to  
2 exist by June 30, 2017; and

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4 BE IT FURTHER RESOLVED that certified copies of this  
5 Concurrent Resolution be transmitted to the Governor, the  
6 Director of Health, and the Mayors of the City and County of  
7 Honolulu and the Counties of Hawaii, Kauai, and Maui.

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OFFERED BY: 

MAR 1 1 2016

