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## HOUSE RESOLUTION

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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

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28           WHEREAS, to be properly maintained, septic systems often  
29 require pumping at costs as great as \$800 for a single pumping  
30 on Hawaii Island; and



1           WHEREAS, the great additional cost of installing a septic  
2 system into a new home would cause undue hardship on residents  
3 of our State, especially our poorest residents, working in  
4 opposition to our efforts to address an affordable housing  
5 shortage; and  
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7           WHEREAS, cesspools are uniquely able to function in our  
8 State in comparison to our mainland counterparts, as Hawaii has  
9 no extreme winter temperatures nor frozen solid ground, which  
10 act as a barrier to effluents draining or evaporating; and  
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12           WHEREAS, because of the climatic and geologic differences,  
13 our soils generally provide for gas exchange allowing ingress of  
14 oxygen and egress of nitrogen, carbon dioxide, and water vapor;  
15 and  
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17           WHEREAS, Hawaii's warm temperatures result in bacterial  
18 decomposition of the waste, resulting in conversion of  
19 nitrogenous waste into nitrogen gas and carbon-containing waste  
20 into carbon dioxide gas; and  
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22           WHEREAS, much of the water entering a cesspool is  
23 vaporized, the nitrogen in the waste largely gasified, and the  
24 phosphorous in the waste tightly bound to the surrounding rocks  
25 allowing for little movement, and, therefore, does not move into  
26 the groundwater; and  
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28           WHEREAS, given the great differences in geographical makeup  
29 throughout our State, there are many areas across our islands  
30 where cesspools have functioned safely and effectively for many  
31 decades without failure; and  
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33           WHEREAS, in many rural areas, especially on our neighbor  
34 islands, homes are not connected to a county water system, and  
35 thus rely on limited catchment water for their personal use,  
36 thereby limiting the amount of water that enters the cesspool  
37 and the environment; and  
38

39           WHEREAS, for homes connected to a sewer system, all  
40 wastewater from the home enters the sewer system; and



1           WHEREAS, in contrast, for homes with individual wastewater  
2 systems, the wastewater can be divided into two classes:

- 3  
4           (1) Blackwater, which is the wastewater from toilets,  
5           kitchen sinks and dishwashers, and  
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7           (2) Graywater, which is all other wastewater including  
8           water from showers, washing machines and non-kitchen  
9           sinks; and

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11           WHEREAS, in other parts of the United States, jurisdictions  
12 allow the collection and use of this graywater for watering and  
13 other purposes; and

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15           WHEREAS, Hawaii does not provide for the use of graywater  
16 in its current plumbing code, while many areas, particularly  
17 those dependent on catchment, could benefit from the ability to  
18 use graywater; and

19  
20           WHEREAS, it is acknowledged that individual homes and  
21 wastewater systems near the shoreline or other bodies of water  
22 are problematic for the use of either cesspools or septic  
23 systems; and

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25           WHEREAS, cesspools or septic systems designed specifically  
26 for pet waste are also in use in Hawaii, necessitating a need  
27 for the State to resolve how to best manage such systems; and

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29           WHEREAS, the State of Hawaii is currently experiencing a  
30 dengue epidemic with the *Aedes* mosquito being the vector; and

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32           WHEREAS, the Centers for Disease Control and Prevention  
33 warns of the potential role of septic systems, but not  
34 cesspools, as breeding sites for mosquitoes; and

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36           WHEREAS, these areas in particular are just one of many  
37 special cases in which the use of cesspools, septic systems, and  
38 graywater systems should be further scrutinized; and

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40           WHEREAS, it would be beneficial to obtain a statewide  
41 analysis to better understand and determine what specific areas



1 throughout the State are suitable for the use of cesspools,  
2 septic systems, and graywater systems; now, therefore,  
3

4 BE IT RESOLVED by the House of Representatives of the  
5 Twenty-eighth Legislature of the State of Hawaii, Regular  
6 Session of 2016, that the Director of Health is requested to  
7 convene a task force to determine which counties and specific  
8 geographic areas within the State are suitable for cesspools,  
9 septic systems, and graywater systems, for both human and pet  
10 waste; and  
11

12 BE IT FURTHER RESOLVED that this task force is requested to  
13 include, but not be limited to:  
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- 15 (1) Two members of the House of Representatives, with at  
16 least one of these members having a cesspool at their  
17 residence to be appointed by the Speaker of the House;  
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- 19 (2) Two members of the Senate, with at least one of these  
20 members having a cesspool at their residence, to be  
21 appointed by the Senate President;  
22
- 23 (3) At least one representative from each of the four  
24 counties, to be appointed by the respective Mayor; and  
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26 BE IT FURTHER RESOLVED that the task force is asked to  
27 examine and advise on the potential benefit of placing the  
28 responsibility of determining where and when cesspools should be  
29 allowed upon the counties instead of the State; and  
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31 BE IT FURTHER RESOLVED that the task force is requested to  
32 submit a written report of its findings and recommendations,  
33 including any proposed legislation, to the Legislature no later  
34 than 20 days prior to the convening of the Regular Session of  
35 2017; and  
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37 BE IT FURTHER RESOLVED that the Governor of the State of  
38 Hawaii is requested to refrain from approving proposed changes  
39 to Hawaii Administrative Rules, Title 11, Chapter 62, until the  
40 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 Resolution be transmitted to the Governor, the Director of  
6 Health, and the Mayors of the City and County of Honolulu and  
7 the Counties of Hawaii, Kauai, and Maui.

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OFFERED BY:

  
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MAR 11 2016

