
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 part IV to be appropriately
3 designated and to read as follows:

4 "§342D- Cesspools; mandatory upgrade, conversion, or
5 connection. (a) Prior to January 1, 2050, every cesspool in
6 the State, excluding cesspools granted exemptions by the
7 director of health pursuant to subsection (b), shall be:

8 (1) Upgraded or converted to a septic system or aerobic
9 treatment unit system; or

10 (2) Connected to a sewerage system.

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

17 (1) Small lot size;

18 (2) Steep topography;



1 (3) Poor soils; or

2 (4) Accessibility issues.

3 (c) As used in this section:

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

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

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



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

4 "Qualified cesspool" means a cesspool that is ~~[certified]~~:

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

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

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

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

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

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

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

20 SECTION 3. The department of health shall investigate the
21 number, scope, location, and priority of cesspools statewide



1 that require upgrade, conversion, or connection based on each
2 cesspool's impact on public health. The department of health
3 shall also work in collaboration with the department of taxation
4 to assess the feasibility of a grant program to assist low-
5 income property owners with cesspool upgrade, conversion, or
6 connection. The department of health shall submit a report of
7 its findings and recommendations, including any proposed
8 legislation and recommended administrative action, to the
9 legislature no later than twenty days prior to the convening of
10 the regular session of 2018.

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

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

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



Report Title:

Cesspools; Upgrade, Conversion, or Connection; Tax Credit

Description:

Requires upgrade, conversion, or sewer connection of all cesspools in the State before 2050 unless exempted. Broadens eligibility criteria for tax credit to offset costs. Requires the Department of Health to investigate existing cesspools, assess incentive programs, and report to the Legislature.
(HB1244 CD1)

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