

JAN 25 2017

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# A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

1           SECTION 1. Section 235-16.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (i) to read as follows:

3           "(i) 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 of health  
8 relating to 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           "Qualified cesspool" means a cesspool that is certified by  
17 the department of health as being:



1 (1) Located within:

2 (A) Two hundred feet of a shoreline, perennial  
3 stream, or wetland; or

4 (B) A source water assessment program area (two year  
5 time of travel from a cesspool to a public  
6 drinking water source); or

7 (2) A residential large capacity cesspool.

8 "Qualified expenses" means costs that are necessary and  
9 directly incurred by the taxpayer for upgrading or converting a  
10 qualified cesspool into a septic system [or], an aerobic  
11 treatment unit system, or a wastewater system that includes a  
12 composting toilet, or connecting a qualified cesspool to a sewer  
13 system, and that are certified as such by the appropriate  
14 government agency.

15 "Residential large capacity cesspool" means a cesspool that  
16 is connected to more than one residential dwelling.

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



1 "Sewer system" means a system of piping, with  
 2 appurtenances, for collecting and conveying wastewater from  
 3 source to discharge following treatment.

4 "Wastewater" means any liquid waste, whether or not treated  
 5 and whether animal, mineral, or vegetable, including  
 6 agricultural, industrial, and thermal wastes."

7 SECTION 2. Statutory material to be repealed is bracketed  
 8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.

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# S.B. NO. 1261

**Report Title:**

Income Tax Credit; Cesspool Upgrade, Conversion, or Connection

**Description:**

Allows the tax credit for cesspool upgrade, conversion, or connection for taxpayers who upgrade a qualified cesspool to a wastewater system that includes a composting toilet.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

