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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. The legislature finds that public health and  
2 the quality of Hawaii's drinking water, streams, ground waters,  
3 and ocean are being harmed by water pollution from cesspools.  
4 Hawaii has eighty-eight thousand cesspools that deposit  
5 approximately fifty-three million gallons of raw sewage directly  
6 into the groundwater every day. Drinking water, public  
7 recreation, and the precious coral reefs, on which Hawaii's  
8 economy, shoreline, recreation, fisheries, and native species  
9 depend, are or may be harmed by such pollution.

10       Upgrading cesspools can be expensive for homeowners,  
11 averaging \$20,000, which presents a financial barrier to  
12 improving water quality. When a property with a cesspool or  
13 cesspools is being sold, property sellers or buyers typically  
14 have sales proceeds that may be used to pay for upgrading the  
15 cesspool or cesspools. Buyers and sellers can negotiate the  
16 payment of the upgrade costs as part of the sale.



1       The purpose of this Act is to improve the State's ability  
2 to control and reduce water pollution from cesspools by  
3 requiring property owners to upgrade cesspools by connecting to  
4 a sewer system or installing an individual wastewater system  
5 that complies with department of health rules, within one  
6 hundred eighty days after the sale of the property, a time when  
7 homeowners generally have an ability to pay for the upgrades.

8       SECTION 2. Chapter 342D, Hawaii Revised Statutes, is  
9 amended by adding two new sections to part IV to be  
10 appropriately designated and to read as follows:

11       "§342D-    Cesspool upgrades after sale of property.   (a)

12 Any owner of property containing a cesspool or cesspools located  
13 within a priority upgrade area and identified as priority level  
14 1, 2, or 3, as determined by the department, shall, within one  
15 hundred eighty days after the sale of the property, upgrade the  
16 cesspool or cesspools by connecting to a sewer system or  
17 installing an individual wastewater system or systems that  
18 comply with department rules.

19       (b) The director may grant exemptions from the  
20 requirements of subsection (a) to property owners of cesspools  
21 that apply for an exemption and present documentation showing a



1 legitimate reason that makes it infeasible to upgrade, convert,  
2 or connect the cesspool. For the purposes of this subsection, a  
3 legitimate reason shall include but not be limited to:

4 (1) Small lot size;

5 (2) Steep topography;

6 (3) Poor soils; or

7 (4) Accessibility issues.

8 (c) Any property containing a cesspool located in  
9 additional priority upgrade areas and identified as priority  
10 level 4, as determined by the department, shall be subject to  
11 subsection (a) upon determination by the director.

12 §342D- Cesspool outreach and assistance. The director  
13 shall establish an outreach program to provide cesspool owners  
14 with information on cesspool upgrades, including connections to  
15 sewer systems and installation of individual wastewater systems,  
16 and on opportunities for financial assistance for cesspool  
17 upgrades."

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

21 SECTION 4. New statutory material is underscored.



1           SECTION 5. This Act shall take effect on December 31,  
2   2018.  
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**Report Title:**

Cesspool Upgrades; Sale of Property

**Description:**

Requires cesspools located in priority upgrade areas and identified as priority level 1, 2, or 3 to be upgraded within 180 days of the sale of the property on which the cesspool is located. Allows the Director of Health to issue exemptions. Allows cesspools located in additional priority upgrade areas and identified as priority level 4 to be required to be upgraded within 180 days of the sale of the property on which the cesspool is located, upon determination of the Director of Health. Takes effect on 12/31/2018. (SD1)

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