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## A BILL FOR AN ACT

RELATING TO INDIVIDUAL WASTEWATER SYSTEMS.

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

1           SECTION 1. The legislature finds that the department of  
2 health and department of business, economic development, and  
3 tourism receives approximately \$1,100,000 in annual federal  
4 grants through the Coastal Zone Act Reauthorization Amendments.  
5 The legislature further finds that this funding is contingent on  
6 the State taking measures to address and minimize polluted  
7 runoff, including runoff from on-site sewage facilities.

8           Accordingly, the purpose of this Act is to minimize the  
9 polluted runoff created by failing individual wastewater systems  
10 in the State by establishing a program to oversee their  
11 inspection and repair of individual wastewater systems at the  
12 time of an attached property's transfer or sale.

13           SECTION 2. Chapter 342D, Hawaii Revised Statutes, is  
14 amended by adding a new section to part IV to be appropriately  
15 designated and to read as follows:

16           "§342D-           Time of transfer individual wastewater system  
17 inspection program. (a) There is established within the



1 department the time of transfer individual wastewater system  
2 inspection program to oversee the inspection and repair of any  
3 individual wastewater system at the time of sale or transfer of  
4 ownership of a property that is attached to the individual  
5 wastewater system.

6 (b) This section shall not apply to:

7 (1) A transfer between joint tenants or tenants in common;

8 (2) A transfer made to a spouse, child, or parent; or

9 (3) A transfer made between spouses resulting from a

10 decree of dissolution of marriage, a decree of legal

11 separation, or a property settlement agreement that is

12 incidental to the decree.

13 (c) Following an inspection, the inspection form and any

14 related reports shall be provided to the department.

15 (d) If an individual wastewater system fails inspection,

16 the system shall be renovated within one year either by the

17 current property owner or by the prospective property owner with

18 written agreement, to meet current construction standards as

19 adopted by the department.

20 (e) The department of health shall adopt rules pursuant to

21 chapter 91 to implement this section.



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1           (f) As used in this section, "individual wastewater  
 2 systems" means facilities, such as septic systems, aerobic  
 3 treatment units, and cesspools, that are not connected to a  
 4 sewer and are used and designed to dispose of:

- 5           (1) No more than one thousand gallons per day of domestic  
 6 wastewater; or
- 7           (2) Greater than one thousand gallons per day of domestic  
 8 wastewater from buildings having highly variable  
 9 flows."

10           SECTION 3. New statutory material is underscored.

11           SECTION 4. This Act shall take effect upon its approval.

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# H.B. NO. 1853

**Report Title:**

Environmental Management Division of Department of Health; Time of Transfer Individual Wastewater System Inspection Program

**Description:**

Establishes the time of transfer individual wastewater system inspection program to oversee the inspection and repair of any individual wastewater system at the time of the property's sale or transfer. Excludes certain sales or transfers.

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