
A BILL FOR AN ACT

RELATING TO CESSPOOL CONVERSION.

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

1 SECTION 1. The legislature finds that failing cesspools
2 are contaminating the State's ground water, streams, and coastal
3 ecosystems. To address this, Act 125, Session Laws of Hawaii
4 2017, required the replacement of all cesspools by 2050 and
5 directed the department of health to develop a system to
6 prioritize their replacement. The department of health's
7 December 2017 report to the legislature identified four priority
8 categories: priority level one for "areas where cesspools
9 present a significant risk of human impacts, drinking water
10 impacts, or draining to sensitive waters;" priority level two
11 for "areas where cesspools present a potential to impact
12 drinking water;" priority level three for "areas where cesspools
13 present a potential impact on sensitive waters or coastal
14 ecosystems;" and priority level four, which includes cesspools
15 where impacts have not yet been assessed. Cesspools categorized
16 under levels one, two, and three include approximately forty-
17 three thousand cesspools in the State.



1 The legislature recognizes that the requirement to upgrade
2 or convert a cesspool imposes a financial burden on low- and
3 moderate-income families.

4 The purpose of this Act is to assist low- and moderate-
5 income property owners with converting their failing cesspools
6 to more environmentally appropriate systems by creating a pilot
7 grant project to assist with conversion costs.

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

11 "§342D- Cesspool compliance pilot grant project. (a)

12 There is established in the department the cesspool compliance
13 pilot grant project to assist property owners with upgrading or
14 converting a cesspool that the department has identified as
15 failing. Specifically, the pilot project will assist property
16 owners in meeting the costs of:

- 17 (1) Upgrading or converting a failing cesspool to a septic
18 system, aerobic treatment unit system, or other
19 advanced treatment system approved by the department;
20 or
21 (2) Connecting a failing cesspool to a sewerage system.



1 (b) The department shall not grant awards to any owner of
2 real property with a cesspool unless the department has assigned
3 the cesspool to priority level one, two, or three in the
4 department's December 2017 report to the legislature entitled
5 "Relating to Cesspools and Prioritization for Replacement".

6 (c) No grant under this section shall be awarded to a
7 property owner of a cesspool who is:

8 (1) A taxpayer filing a single return or a married person
9 filing separately with a Hawaii adjusted gross income
10 of \$ _____ or more;

11 (2) A taxpayer filing as a head of household with a Hawaii
12 adjusted gross income of \$ _____ or more; or

13 (3) A taxpayer filing a joint return or as a surviving
14 spouse with a Hawaii adjusted gross income of
15 \$ _____ or more.

16 (d) The department shall adopt rules as necessary to carry
17 out the pilot grant project; provided that the rules shall
18 include a method of calculating a sliding scale grant amount
19 based upon the Hawaii adjusted gross income of the owner of the
20 property with a failing cesspool."

1 SECTION 3. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so
 3 much thereof as may be necessary for fiscal year 2020-2021 to
 4 implement the cesspool compliance pilot grant project; provided
 5 that:

6 (1) No funds shall be released unless a fifty per cent
 7 match is provided by the relevant county; and

8 (2) \$ of the appropriation may be used to:

9 (A) Fund one temporary, part-time position in the
 10 department of health for a cesspool compliance
 11 pilot grant project administrator to establish
 12 and administer the project; or

13 (B) Contract for services to establish and administer
 14 the project.

15 The sum appropriated shall be expended by the department of
 16 health for the purposes of this Act.

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Cesspool Compliance Pilot Grant Project; Appropriation

Description:

Establishes a cesspool compliance pilot grant project to assist low- and moderate-income property owners with the costs of upgrading or converting a cesspool. Applies to cesspools identified as failing by the Department of Health. Appropriates funds. Effective 7/1/2050. (HD1)

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