
A BILL FOR AN ACT

RELATING TO WATER QUALITY.

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

1 PART I

2 SECTION 1. The legislature finds that Hawaii's coastal
3 waters and coral reefs sustain our way of life by providing
4 fisheries, coastal protection from storms and waves, sustainable
5 ecotourism, recreation, and culture. The people of Hawaii have
6 a responsibility, and the State a public trust duty, to take
7 care of these coastal waters and ecosystems.

8 The legislature further finds that the coral reefs of the
9 world are under mortal stress from anthropogenic climate change.
10 By 2050, estimates predict that nearly all reefs will be
11 threatened, with seventy-five per cent facing high, very high,
12 or critical threat levels. In West Hawaii, coral cover declined
13 by fifty per cent after coral bleaching in 2014 and 2015, and
14 since then only a fraction of the coral has recovered.

15 Nutrient pollution, sedimentation, and the perturbation of
16 fish and marine invertebrate populations are local stressors



1 which exacerbate the effects of climate change on coral reef
2 communities.

3 Protecting Hawaii's nearshore waters and reefs in this time
4 of change requires action on multiple fronts, including reducing
5 greenhouse gas emissions to zero, sequestering carbon in
6 restored soils and forests, protecting watersheds from erosion,
7 controlling invasive species, and preventing additional
8 non-native species introductions.

9 Untreated or inadequately treated human wastewater is a
10 source of nutrients to nearshore waters, which can be locally
11 controlled to reduce stress on coral reefs. Responsible
12 wastewater management is also critical for the protection of
13 human health and the safe enjoyment of nearshore waters.

14 The legislature finds that wastewater injection wells and
15 onsite sewage disposal systems, especially cesspools, in coastal
16 areas directly affect our nearshore waters and coral reefs.
17 Research conducted pursuant to Act 125, Session Laws of Hawaii
18 2017, has shown that nitrogen from human wastewater directly
19 impacts nearshore water quality and is used by invasive algae
20 growing in these waters.



1 Decreasing nutrient flow to groundwater and nearshore
2 waters via individual wastewater onsite sewage disposal systems
3 and municipal sewer-connected wastewater disposal systems can be
4 achieved by encouraging and incentivizing management, education,
5 innovation, and nature-based solutions.

6 The purpose of this Act is to protect groundwater and
7 nearshore water quality and coral reefs by reducing nutrient
8 pollution from wastewater disposal.

9 PART II

10 SECTION 2. The legislature finds that maintenance of
11 individual wastewater treatment systems is the responsibility of
12 individual homeowners. Irresponsible maintenance practices lead
13 to increased nutrient and bacteria flux to groundwater and
14 nearshore waters.

15 The purpose of this part is to require onsite sewage
16 disposal system servicers to report to the department of health:

17 (1) Any onsite sewage disposal system that receives
18 multiple pump services within a year; and

19 (2) The servicer's service records.



1 SECTION 3. 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- Onsite sewage disposal system servicers;
5 reporting requirements. (a) Every onsite sewage disposal
6 system servicer that provides pump services to an onsite sewage
7 disposal system two or more times within one year shall submit a
8 report to the department with the tax map key number of the
9 onsite sewage disposal system.

10 (b) Every onsite sewage disposal system servicer shall
11 annually submit to the department the servicer's service
12 records, which shall include the following information:

- 13 (1) The dates the services were provided;
- 14 (2) The types of services provided; and
- 15 (3) The tax map key numbers of the onsite sewage disposal
16 systems.

17 (c) For the purposes of this section:

18 "Aerobic treatment unit system" means an individual
19 wastewater system that consists of an aerobic treatment unit
20 tank, aeration device, piping, and a discharge method that is in



1 accordance with rules adopted by the department relating to
2 household aerobic units.

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

10 "Onsite sewage disposal system" means any onsite system for
11 the treatment and disposal of domestic sewage, including
12 cesspools, septic systems, and aerobic treatment unit systems.

13 "Onsite sewage disposal system servicer" means any
14 individual, corporation, company, or any other entity or
15 organization that provides services for onsite sewage disposal
16 systems.

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 PART III

2 SECTION 4. Pursuant to section 342D-72, Hawaii Revised
3 Statutes, before January 1, 2050, every cesspool in the State,
4 excluding cesspools granted exceptions by the director of
5 health, must be:

- 6 (1) Upgraded or converted to a septic system or aerobic
7 treatment unit system; or
- 8 (2) Connected to a sewerage system.

9 Successful transition will require early planning for
10 individuals and communities regarding the need and options for
11 cesspool conversions. Additionally, where onsite sewage
12 disposal systems are lawful and appropriate, conducting regular
13 maintenance is critical to reduction of nutrient and bacterial
14 seepage to groundwater and nearshore waters. The legislature
15 finds that the State lacks a residential outreach and engagement
16 effort for affected individuals.

17 The purpose of this part is to appropriate funds for the
18 department of health to conduct outreach and engagement for
19 residents regarding onsite sewage disposal systems.

20 SECTION 5. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$500,000 or so much



1 thereof as may be necessary for fiscal year 2020-2021 for the
2 department of health to conduct outreach and engagement for
3 residents regarding:

4 (1) The responsible maintenance of individual wastewater
5 disposal systems; and

6 (2) The options available for onsite sewage disposal
7 system upgrades to reduce nutrient and bacteria flux
8 to groundwater and nearshore waters.

9 The sum appropriated shall be expended by the department of
10 health for the purposes of this part.

11 PART IV

12 SECTION 6. The legislature finds that the State does not
13 maintain updated records of onsite sewage disposal systems
14 statewide. Understanding the cesspool problem, prioritization
15 of cesspool conversion, and enforcement of the state cesspool
16 ban are reliant upon accurate data regarding the status of
17 cesspools statewide.

18 The purpose of this part is to require and appropriate
19 funds for the cesspool conversion working group to:

20 (1) Compile an updated database of onsite sewage disposal
21 systems statewide; and



1 (2) Submit a report of its findings and recommendations to
2 the department of health and the legislature.

3 SECTION 7. The cesspool conversion working group
4 established by Act 132, Session Laws of Hawaii 2018, shall
5 compile an updated database of onsite sewage disposal systems
6 statewide:

7 (1) Using records from the department of health, onsite
8 sewage disposal system servicers, and the counties;
9 and

10 (2) By conducting homeowner outreach.

11 SECTION 8. The cesspool conversion working group shall
12 submit a report of its findings and recommendations, including
13 any proposed legislation, to the department of health and
14 legislature no later than twenty days prior to the convening of
15 the regular session of 2021.

16 SECTION 9. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$10,000 or so much
18 thereof as may be necessary for fiscal year 2020-2021 for the
19 cesspool conversion working group to compile an updated database
20 of onsite sewage disposal systems statewide and submit a report
21 to the department of health and legislature.



1 The sum appropriated shall be expended by the department of
2 health for the purposes of this part.

3 PART V

4 SECTION 10. This Act does not affect rights and duties
5 that matured, penalties that were incurred, and proceedings that
6 were begun before its effective date.

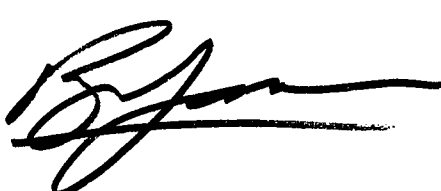
7 SECTION 11. If any provision of this Act, or the
8 application thereof to any person or circumstance, is held
9 invalid, the invalidity does not affect other provisions or
10 applications of the Act that can be given effect without the
11 invalid provision or application, and to this end the provisions
12 of this Act are severable.

13 SECTION 12. New statutory material is underscored.

14 SECTION 13. This Act shall take effect on July 1, 2020.

15

INTRODUCED BY:

 David Carnes
Nicole E. Lowe
Chen Todd
Tim Wilkerson

JAN 21 2020



H.B. NO. 2196

Report Title:

Water Quality; Onsite Sewage Disposal Systems; DOH;
Appropriations

Description:

Establishes reporting requirements for onsite sewage disposal system (OSDS) servicers. Appropriates funds for DOH to conduct outreach regarding OSDS. Requires and appropriates funds for the cesspool conversion working group to compile an updated database of OSDS statewide.

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

