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# 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 a 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, nearly all reefs are estimated to be threatened, with  
11 seventy-five per cent facing high, very high, or critical threat  
12 levels. In West Hawaii, coral cover declined by fifty per cent  
13 after coral bleaching in 2014 and 2015, and since then only a  
14 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."



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PART III

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

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

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

The purpose of this part is to commission a comprehensive statewide outreach program by the University of Hawaii sea grant college program, in cooperation and consultation with the department of health, that provides science-based information and understanding of sewage contamination sources in nearshore

1 marine areas; increases understanding of sewage capacity needs;  
2 and informs all stakeholders, including the department of  
3 health, of appropriate solutions that support converting all  
4 cesspools in the State by 2050.

5 SECTION 5. (a) The University of Hawaii sea grant college  
6 program, in cooperation and consultation with the department of  
7 health, shall develop and conduct a two-year comprehensive  
8 statewide outreach program that provides science-based  
9 information and understanding of sewage contamination sources in  
10 nearshore marine areas; increases understanding of sewage  
11 capacity needs; and informs all stakeholders, including the  
12 department of health, of appropriate solutions that support  
13 converting all cesspools by 2050.

14 (b) The comprehensive statewide outreach program shall  
15 have the following objectives:

16 (1) Provide outreach and engagement for residents  
17 regarding:

18 (A) The responsible maintenance of individual  
19 wastewater disposal systems; and



- 1 (B) The options available for onsite sewage disposal  
2 system upgrades to reduce nutrient and bacteria  
3 flux to groundwater and nearshore waters;
- 4 (2) Develop a plan for conducting a two-year, statewide,  
5 systematic outreach plan focused on providing  
6 education and communication about sewage contamination  
7 and the need for statewide conversion of cesspools to  
8 protect the coastal and nearshore environment; and
- 9 (3) Conduct a stakeholder needs assessment to identify  
10 physical, practical, and financial impediments that  
11 may be encountered by land owners who are required to  
12 connect pre-existing cesspools to a sewer system or  
13 convert cesspools to an individual waste treatment  
14 system and recommend solutions to inform the cesspool  
15 conversion working group and its finance, technology,  
16 and research subgroups about the gaps and sewage  
17 capacity needs for the conversion of all cesspools by  
18 2050.
- 19 (c) The University of Hawaii sea grant college program  
20 shall submit a report of its findings and recommendations,  
21 including any proposed legislation, to the cesspool conversion





1 working group established pursuant to Act 132, Session Laws of  
2 Hawaii 2018, and the legislature by October 1 of every year,  
3 with a final report due no later than October 1, 2022.

4 SECTION 6. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$ or so  
6 much thereof as may be necessary for fiscal year 2020-2021 for  
7 the University of Hawaii sea grant college program, in  
8 cooperation and consultation with the department of health, to  
9 carry out the purposes of this part.

10 The sum appropriated shall be expended by the University of  
11 Hawaii for the purposes of this part.

12 PART IV

13 SECTION 7. The purpose of this part is to appropriate  
14 funds for the University of Hawaii water resources research  
15 center, in collaboration with the department of health, to  
16 conduct research on the most cost-effective way to upgrade  
17 cesspools in the State.

18 SECTION 8. (a) The University of Hawaii water resources  
19 research center, in collaboration with the department of health,  
20 shall conduct research on wastewater system technologies to  
21 determine the most cost-effective way to upgrade cesspools in



1 the State and reduce the impact of cesspools on drinking water  
2 and groundwater.

3 (b) The University of Hawaii water resources research  
4 center shall submit a report of its findings and  
5 recommendations, including any proposed legislation, to the  
6 legislature no later than twenty days prior to the convening of  
7 the regular session of 2021.

8 SECTION 9. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ or so  
10 much thereof as may be necessary for fiscal year 2020-2021 for  
11 the University of Hawaii water resources research center to  
12 conduct research pursuant to section 8.

13 The sum appropriated shall be expended by the University of  
14 Hawaii for the purposes of this part.

15 PART V

16 SECTION 10. The legislature finds that the State does not  
17 maintain updated records of onsite sewage disposal systems  
18 statewide. Understanding the cesspool problem, prioritization  
19 of cesspool conversion, and enforcement of the state cesspool  
20 ban are reliant upon accurate data regarding the status of  
21 cesspools statewide.



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

3 (1) Compile an updated database of onsite sewage disposal  
4 systems statewide; and

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

7 SECTION 11. The cesspool conversion working group  
8 established by Act 132, Session Laws of Hawaii 2018, shall  
9 compile an updated database of onsite sewage disposal systems  
10 statewide:

11 (1) Using records from the department of health, onsite  
12 sewage disposal system servicers, and the counties;  
13 and

14 (2) By conducting homeowner outreach.

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

20 SECTION 13. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2020-2021 for  
2 the cesspool conversion working group to compile an updated  
3 database of onsite sewage disposal systems statewide and submit  
4 a report to the department of health and legislature.

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

7 PART VI

8 SECTION 14. This Act does not affect rights and duties  
9 that matured, penalties that were incurred, and proceedings that  
10 were begun before its effective date.

11 SECTION 15. If any provision of this Act, or the  
12 application thereof to any person or circumstance, is held  
13 invalid, the invalidity does not affect other provisions or  
14 applications of the Act that can be given effect without the  
15 invalid provision or application, and to this end the provisions  
16 of this Act are severable.

17 SECTION 16. New statutory material is underscored.

18 SECTION 17. This Act shall take effect on July 1, 2050.



**Report Title:**

Water Quality; Onsite Sewage Disposal Systems; DOH; UH Water Resources Research Center; UH Sea Grant College Program; Appropriations

**Description:**

Establishes reporting requirements for onsite sewage disposal system (OSDS) servicers. Appropriates funds for UH sea grant college program, in collaboration with DOH, to conduct community outreach regarding OSDS. Appropriates funds for UH water resources research center, in collaboration with DOH, to research the most cost-effective way to upgrade or convert cesspools. Requires and appropriates funds for the cesspool conversion working group to compile an updated database of OSDS statewide. Effective 7/1/2050. (HD1)

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

