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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 the State's streams,  
2 groundwater, and ocean are being harmed by nonpoint  
3 contamination sources that flow directly off the land, rather  
4 than through pipes or ditches. Cesspools are a nonpoint  
5 contamination source of great concern. These substandard  
6 systems are essentially holes in the ground that do not treat  
7 wastewater but merely dispose of it.

8           The legislature further finds that there are approximately  
9 eighty-eight thousand cesspools in the State, with approximately  
10 fifty thousand on Hawaii island, fourteen thousand on Kauai,  
11 twelve thousand on Maui, eleven thousand on Oahu, and one  
12 thousand four hundred on Molokai. Collectively, the State's  
13 cesspools release more than fifty-three million gallons of  
14 untreated sewage into the ground each day. Hawaii relies on  
15 groundwater for ninety per cent of its drinking water.

16           The legislature finds that in 2017, legislation was enacted  
17 requiring all cesspools not excluded by the director of health



1 to be upgraded or converted to septic systems or aerobic  
2 treatment unit systems, or connected to sewage systems by  
3 January 1, 2050. While this mandate may encourage some  
4 landowners to act now to reduce water contamination, there is  
5 little sense of urgency, and these changes will impose  
6 substantial costs on private landowners.

7 The purpose of this Act is to establish a low interest loan  
8 program to offer financial assistance to cesspool owners who  
9 upgrade or convert their cesspools to septic systems or aerobic  
10 treatment unit systems, or who connect their systems to existing  
11 sewer systems or any other wastewater treatment systems approved  
12 by the department of health.

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

16 "§342D- Cesspool remediation and conversion loan  
17 program. There is established the cesspool remediation and  
18 conversion loan program to be administered by the department in  
19 coordination with each county water and sewage department. The  
20 program may provide low interest loans to:

21 (1) Upgrade or convert a cesspool to:



- 1            (A) A septic system; or
- 2            (B) An aerobic treatment unit system, as defined in
- 3            section 342D-72 and approved by the department;
- 4            or
- 5            (2) Connect a cesspool to:
- 6            (A) An existing sewer system; or
- 7            (B) Any wastewater treatment system approved by the
- 8            department."

9            SECTION 3. Section 342D-83, Hawaii Revised Statutes, is  
 10 amended by amending subsection (b) to read as follows:

11            "(b) The purpose of the revolving fund is to provide  
 12 financial assistance to eligible parties for projects or  
 13 activities to:

14            (1) Enable counties and state agencies to plan, design,  
 15 and construct publicly owned wastewater treatment  
 16 works in accordance with title 33 United States Code  
 17 sections 1381 to 1387;

18            (2) Enable eligible parties to implement management  
 19 programs established under title 33 United States Code  
 20 section 1329;



- 1           (3)   Enable eligible parties to implement conservation and  
2                   management plans established under title 33 United  
3                   States Code section 1330;
- 4           (4)   Enable eligible parties to construct, repair, or  
5                   replace a privately owned decentralized wastewater  
6                   treatment system and individual wastewater system that  
7                   treats municipal wastewater or domestic sewage under  
8                   title 33 United States Code section 1383;
- 9           (5)   Enable eligible nonprofit entities to provide  
10                   assistance to small and medium sized publicly owned  
11                   treatment works for training activities, planning,  
12                   design, and associated preconstruction activities  
13                   under title 33 United States Code section 1383;
- 14          (6)   Enable eligible parties to manage, reduce, treat, or  
15                   recapture stormwater or subsurface drainage water  
16                   under title 33 United States Code section 1383;
- 17          (7)   Enable eligible parties to develop and implement  
18                   watershed projects meeting the criteria under title 33  
19                   United States Code section 1274;
- 20          (8)   Enable counties and state agencies to reduce the  
21                   demand for publicly owned treatment works capacity



1 through water conservation, efficiency, or reuse under  
2 title 33 United States Code section 1383;  
3 (9) Enable counties and state agencies to reduce the  
4 energy consumption needs for publicly owned treatment  
5 works under title 33 United States Code section 1383;  
6 (10) Enable eligible parties to reuse or recycle  
7 wastewater, stormwater, or subsurface drainage water  
8 under title 33 United States Code section 1383; ~~and~~  
9 (11) Enable eligible parties to increase the security of  
10 publicly owned treatment works under title 33 United  
11 States Code section 1383 ~~[-]~~; and  
12 (12) Enable the department to coordinate with each county  
13 agency responsible for wastewater to establish a low  
14 interest loan program to upgrade or convert cesspools  
15 to septic systems or aerobic treatment unit systems,  
16 or to connect cesspools to existing sewer systems or  
17 any other wastewater treatment systems approved by the  
18 department."

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on July 1, 2019.



**Report Title:**

Cesspools; Upgrade and Conversion; Low Interest Loan Program;  
DOH

**Description:**

Authorizes the Department of Health to coordinate with each county wastewater agency to establish a low interest loan program to upgrade or convert cesspools to septic systems or aerobic treatment unit systems, or to connect cesspools to existing sewer systems or other wastewater treatment systems approved by the department. (SD1)

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

