

JAN 25 2023

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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 there are  
2 approximately eighty-three thousand cesspools across the State,  
3 with 48,596 on Hawaii island, fourteen thousand three hundred on  
4 Kauai, eleven thousand thirty-eight on Maui, 7,491 on Oahu, and  
5 one thousand four hundred on Molokai. Pursuant to Act 125,  
6 Session Laws of Hawaii 2017, every cesspool in the State,  
7 excluding cesspools granted exemptions by the director of  
8 health, must be upgraded or converted to a director of health-  
9 approved wastewater system or connected to a sewerage system by  
10 January 1, 2050.

11           Additionally, the legislature also finds that because many  
12 cesspools will need to be converted each year, planning and  
13 coordination need to occur between state and county agencies,  
14 communities and residents affected, and those involved in the  
15 replacement of cesspools to ensure an adequate supply of  
16 materials, workers, and equipment as demand to convert  
17 increases.



1           The legislature further finds that the counties are  
2 responsible for wastewater management and are in the best  
3 position to identify priority neighborhoods that are conducive  
4 to connection to an existing or proposed wastewater treatment  
5 system; conduct necessary public outreach to communicate to  
6 affected residents; conduct appropriate feasibility studies;  
7 plan, design, and construct wastewater connections and  
8 improvements; and implement user connection and monthly billing  
9 fees.

10           As such, the legislature additionally finds that creating a  
11 pilot program that provides upfront planning funds might  
12 encourage the counties to identify the most feasible  
13 neighborhoods to connect to an existing or future wastewater  
14 treatment plant, engage communities in the discussion, conduct  
15 preliminary engineering, and estimate upfront and ongoing costs.  
16 A successful pilot program could provide the necessary data and  
17 plans to assist the counties to implement wastewater connections  
18 and scale future programs to ensure cesspools are converted by  
19 2050.

20           Therefore, the purpose of this Act is to:



- 1           (1) Establish a pilot program within the environmental  
2           management division of the department of health to  
3           work with each county to identify a priority area to  
4           expand the county sewage system or other centralized  
5           treatment system to connect individual properties in  
6           the priority area and reduce or eliminate cesspools in  
7           the identified area; and
- 8           (2) Appropriate funds to the department of health to  
9           provide planning grants to each county for a pilot  
10          cesspool conversion project.

11          SECTION 2. (a) There is established a pilot program  
12          within the environmental management division of the department  
13          of health to work with the four counties to:

- 14          (1) Identify a priority area in each county in which a  
15          pilot project could be implemented to expand the  
16          county sewage system or other centralized treatment  
17          system to connect individual properties in the  
18          priority area and reduce or eliminate cesspools in the  
19          identified area;



1 (2) Meet with appropriate community stakeholders and  
2 homeowners to gather input regarding plans for the  
3 pilot project;

4 (3) Conduct planning and design;

5 (4) Estimate capital and ongoing maintenance costs; and

6 (5) Equitably allocate the funds available to each county  
7 to carry out the pilot project.

8 (b) Each county shall submit a report on the progress made  
9 on priority areas to convert or upgrade cesspools to a director  
10 of health approved wastewater system to the legislature no later  
11 than twenty days prior to the convening of the regular sessions  
12 of 2024, 2025, and 2026. The report shall include:

13 (1) The location, costs of the cesspool conversion  
14 project, and number of homes or units assisted;

15 (2) Outreach efforts conducted with community stakeholders  
16 and homeowners on the pilot project;

17 (3) Status of planning and design;

18 (4) Estimated capital and maintenance expenses and  
19 potential sources of revenues to construct projects;

20 and



1 (5) Recommendations for future priority areas suitable for  
2 municipal sewer connections to further eliminate  
3 cesspools in their counties.

4 (c) The pilot program shall cease to exist on June 30,  
5 2026.

6 (d) As used in this section, "cesspool" has the same  
7 meaning as in section 342D-72, Hawaii Revised Statutes.

8 SECTION 3. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$10,000,000 or so  
10 much thereof as may be necessary for fiscal year 2023-2024 and  
11 the same sum or so much thereof as may be necessary for fiscal  
12 year 2024-2025 for the establishment of a pilot program within  
13 the environmental management division of the department of  
14 health to work with each county to identify a priority area to  
15 expand the county sewage system or other centralized treatment  
16 system to connect individual properties in the priority area and  
17 reduce or eliminate cesspools in the identified area.

18 The sums appropriated shall be expended by the department  
19 of health for the purposes of this Act.

20 SECTION 4. This Act shall take effect on July 1, 2023.

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# S.B. NO. 1466

**Report Title:**

Cesspools; Pilot Program; Counties; Priority Area; Appropriation

**Description:**

Establishes and appropriates funds for a pilot program within the environmental management division of the department of health to work with each county to identify a priority area to expand the county sewage system or other centralized treatment system to connect individual properties in the priority area and reduce or eliminate cesspools in the identified area.

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