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# A BILL FOR AN ACT

RELATING TO WASTEWATER SYSTEMS.

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

1           SECTION 1. The legislature finds that cesspools are  
2     contaminating the State's ground water, streams, drinking water,  
3     and coastal ecosystems. Maintaining the cleanliness of the  
4     State's waters is a matter of statewide concern that falls under  
5     the legislature's obligation to enact laws pursuant to article  
6     XI, section 7, of the Hawaii State Constitution. To address the  
7     State's cesspool pollution, Act 125, Session Laws of Hawaii  
8     2017, required all cesspools to be upgraded or converted to a  
9     septic system or aerobic treatment unit system, or connected to  
10    a sewerage system before January 1, 2050, and directed the  
11    department of health to investigate the number, scope, and  
12    location of cesspools that required upgrade, conversion, or  
13    connection based on their impact on public health.  
14    Additionally, Act 132, Session Laws of Hawaii 2018, established  
15    the cesspool conversion working group to develop a long-range,  
16    comprehensive plan for conversion of cesspools statewide by 2050  
17    and commissioned a statewide study of sewage contamination in



1 nearshore marine areas to further supplement studies and reports  
2 conducted by the department of health on cesspools. The  
3 cesspool conversion working group's 2021 Hawaii cesspool hazard  
4 assessment and prioritization tool report identified three  
5 prioritization categories: priority levels 1, 2, and 3.  
6 Priority level 1 includes areas in the State where cesspools  
7 pose the greatest contamination hazard; priority level 2  
8 includes areas where cesspools pose a significant contamination  
9 hazard; and priority level 3 includes areas where cesspools have  
10 a pronounced contamination hazard.

11 The 2021 Hawaii cesspool hazard assessment and  
12 prioritization tool report also noted that the geographic  
13 coverage of their evaluation only extended across the four main  
14 Hawaiian Islands. It further noted that even though the islands  
15 of Molokai, Lanai, and Niihau were also impacted by cesspool  
16 concerns, these islands were not included in several key  
17 datasets necessary to its analysis. Thus, the authors of the  
18 2021 Hawaii cesspool hazard assessment and prioritization tool  
19 report recommended that a ranking system for these islands also  
20 be established.



1           The legislature further finds that the following  
2 communities were labeled as priority level 1 areas by the 2021  
3 Hawaii cesspool hazard assessment and prioritization tool  
4 report: Haleiwa, Waimanalo Beach-Homesteads, Hauula-Kaaawa,  
5 Makua Valley, Judd Hillside-Lowery Avenue, Waimea-Kahuku, Laie,  
6 Kawaiiloa, Campbell High School, Kaena Point, Kalaheo Avenue,  
7 Waianae Kai, and Nanakuli on Oahu; Halama, Kamaole, Kahoma,  
8 Keawakapu, Kapalua, Launiupoko, and Spreckelsville on Maui;  
9 Holualoa, Kailua, and Kawaihae-Waikoloa on Hawaii island; and  
10 Haena-Hanalei, Kekaha-Waimea, and Wailua Homesteads on Kauai.  
11 In these areas where homes are not connected to wastewater  
12 systems or are too remote to be connected to existing  
13 infrastructure, new wastewater technologies and solutions are  
14 necessary to transition away from environmentally hazardous  
15 cesspools.

16           The legislature additionally finds that, according to  
17 recent shoreline erosion management plans, south Molokai has the  
18 highest concentration of Hawaiian homestead residential lots  
19 located directly on the coast, with approximately fifty lots  
20 within two and a half miles of discontinuous shoreline. For  
21 Molokai as a whole, the Molokai Health Center reports that forty



1 per cent of the population relies on subsistence farming,  
2 hunting, and fishing, which means that having a clean and  
3 healthy reef and nearshore environment is crucial for the health  
4 of the community, especially the Native Hawaiian community. The  
5 coastal plain of south Molokai is underlain by underground  
6 rivers of fresh water flowing mauka to makai that affect the  
7 fringing reef, an important food source for Molokai Native  
8 Hawaiians. A United States Geological Survey report concluded  
9 that further inquiry into the range of nutrient sources to  
10 groundwater and nutrient concentrations reaching the coast in  
11 groundwater discharge will aid in future planning and resource  
12 management. Molokai coastal homesteaders will be financially  
13 challenged to convert from cesspools to more modern individual  
14 wastewater systems, as the median annual household income  
15 averaged over the three department of Hawaiian home lands  
16 coastal communities was \$42,396 in 2019, according to the  
17 American Community Survey of 2019.

18 The legislature additionally finds that new wastewater  
19 management solutions could greatly improve public health.  
20 Technologies that are reaching a commercial scale for the first  
21 time include solutions for individual homes, as well as



1 multi-unit dwellings, apartment buildings, and entire  
2 communities. Large wastewater management systems can remove  
3 sewage from multi-unit dwellings and apartment buildings. At  
4 the municipal scale, these technologies can effectively treat  
5 sewage from entire communities for a small fraction of the cost  
6 of existing technology now employed in Hawaii. Self-contained,  
7 self-powered, and self-cleaning toilets can be used in homes  
8 that do not have the capacity to connect to the existing sewer  
9 infrastructure. For example, the Puu Opae Kuleana Homestead  
10 Settlement Plan, which will offer two hundred fifty homestead  
11 lots in Waimea, Kauai, does not include a centralized wastewater  
12 service or public water system, and the nearest wastewater  
13 treatment plant is over four miles away and thus could benefit  
14 from new wastewater solutions. The Anahola Kuleana Homestead  
15 Settlement Plan, which will offer one hundred fifteen homestead  
16 lots in Kawaihau, Kauai, will similarly benefit from new  
17 wastewater solutions.

18 The legislature further finds that on an annual basis,  
19 approximately one thousand individual wastewater system  
20 applications are processed and reviewed. There are  
21 approximately eighty-two thousand cesspools that will be



1 required to be upgraded or converted to an approved wastewater  
2 system or connected to a sewer system by 2050 pursuant to  
3 section 342D-72, Hawaii Revised Statutes. It is projected that  
4 individual wastewater system applications may increase up to an  
5 additional three thousand to five thousand applications per year  
6 to meet this mandate.

7 Accordingly, the purpose of this Act is to:

- 8 (1) Create a new cesspool conversion section within the  
9 department of health's wastewater branch that is  
10 dedicated to facilitating the conversion of cesspools  
11 within the State;
- 12 (2) Establish and appropriate funds for three new full-  
13 time equivalent permanent positions within the new  
14 cesspool conversion section in fiscal years 2023-2024  
15 and 2024-2025 and three additional full-time  
16 equivalent positions in fiscal year 2024-2025; and
- 17 (3) Establish and appropriate funds to implement a  
18 three-year new wastewater system demonstration pilot  
19 program within the University of Hawaii water  
20 resources research center to review, examine, and  
21 demonstrate new wastewater technology systems;



1 implement those technologies in wastewater system  
2 demonstration projects; and establish a ranking system  
3 similar to the Hawaii cesspool prioritization tool for  
4 the islands of Molokai, Lanai, and Niihau.

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

8 **"§342D- Wastewater branch; cesspool conversion section.**

9 There is established a cesspool conversion section within the  
10 wastewater branch of the department, which shall:

- 11 (1) Support approval of individual wastewater systems
- 12 applications;
- 13 (2) Manage and facilitate various state financing options
- 14 for the conversion of cesspools in the State;
- 15 (3) Develop a comprehensive public outreach and education
- 16 strategy to educate homeowners about cesspool
- 17 conversion requirements and resources, and to inform
- 18 cesspool owners of available financing options and
- 19 assistance for compliant conversions of cesspools;
- 20 (4) Manage any federal, state, or other available grants
- 21 to assist with the conversion of cesspools;



- 1        (5) Secure available federal funding that may be used to
- 2             assist in the conversion of cesspools; and
- 3        (6) Facilitate partnerships with counties, non-
- 4             governmental organizations, and the private sector
- 5             relating to the department's responsibilities under
- 6             this section."

7             SECTION 3. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$             or so  
9 much thereof as may be necessary for fiscal year 2023-2024 and  
10 the same sum or so much thereof as may be necessary for fiscal  
11 year 2024-2025 to establish three full-time equivalent (3.0 FTE)  
12 permanent positions, a program specialist VI, a planner IV, and  
13 an engineer IV, within the cesspool conversion section.

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

16            SECTION 4. There is appropriated out of the water  
17 pollution control revolving fund the sum of \$             or so  
18 much thereof as may be necessary for fiscal year 2024-2025 to  
19 establish three full-time equivalent (3.0 FTE) permanent  
20 positions, a program specialist V, a contracts specialist, and  
21 an engineer, within the cesspool conversion section.





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

3           SECTION 5. (a) There is established a three-year new  
4 wastewater system demonstration pilot program within the  
5 University of Hawaii water resources research center.

6           (b) The University of Hawaii water resources research  
7 center shall:

8           (1) Examine and demonstrate new wastewater technology  
9 systems, ranging from individual toilets to  
10 significantly larger multi-unit systems and options  
11 for community scale solutions as appropriate, as well  
12 as review and evaluate the affordability, feasibility,  
13 and efficiency of the treatment technologies;

14           (2) Administer no less than four wastewater system  
15 demonstration projects implementing new toilet and  
16 sewage treatment technologies; provided that:

17           (A) Each project shall include a cesspool in an area  
18 designated as priority level 1 by the cesspool  
19 conversion working group's Hawaii cesspool hazard  
20 assessment and prioritization tool report;



1 (B) There shall be no less than one project in each  
2 county; and

3 (C) There shall be no less than one project on the  
4 island of Molokai;

5 (3) Document, validate, and summarize the various tests,  
6 research, and outcomes of each wastewater system  
7 demonstration project; and

8 (4) Establish a ranking system similar to the Hawaii  
9 cesspool prioritization tool for the islands of  
10 Molokai, Lanai, and Niihau.

11 (c) The University of Hawaii water resources research  
12 center shall submit an annual report to the legislature no later  
13 than twenty days prior to the convening of each regular session  
14 for the duration of the pilot program. Each report shall  
15 include:

16 (1) Information on the new wastewater technology systems  
17 reviewed and implemented;

18 (2) The number of cesspools converted pursuant to the  
19 pilot program;

20 (3) The costs incurred to convert each cesspool;



1 (4) Recommendations on how to improve the efficiency of  
2 the pilot program;

3 (5) Comments on whether the pilot program should be made  
4 permanent; and

5 (6) Any other recommendations the University of Hawaii  
6 water resources research center deems appropriate.

7 (d) The pilot program shall cease to exist on June 30,  
8 2026.

9 SECTION 6. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$ or so  
11 much thereof as may be necessary for fiscal year 2023-2024 for  
12 the University of Hawaii water resources research center, in  
13 cooperation and consultation with the department of health,  
14 department of Hawaiian home lands, and University of Hawaii  
15 college of engineering, to implement the new wastewater system  
16 demonstration pilot program established pursuant to this Act.

17 The appropriation made by this section shall not lapse at  
18 the end of the fiscal year for which the appropriation is made;  
19 provided that all moneys from the appropriation unencumbered as  
20 of June 30, 2026, shall lapse as of that date.



1           The sum appropriated shall be expended by the University of  
2 Hawaii for the purposes of this Act.

3           SECTION 7.   New statutory material is underscored.

4           SECTION 8.   This Act shall take effect on June 30, 3000.



**Report Title:**

Department of Health; Wastewater Branch; Cesspool Conversion Section; Cesspools; New Wastewater System Demonstration Pilot Project; Report; Appropriation

**Description:**

Creates within the Department of Health's wastewater branch a cesspool conversion section, which will be responsible for facilitating the conversion of cesspools within the State. Establishes and appropriates funds for three full-time equivalent positions within the cesspool conversion section in fiscal years 2023-2024 and 2024-2025 and three additional full-time equivalent positions within the section in fiscal year 2024-2025. Establishes a three-year New Wastewater System Demonstration Pilot Program within the University of Hawaii Water Resources Research Center to examine and demonstrate new wastewater technology systems; implement those technologies in demonstration projects in areas across the State that are identified as Priority Level 1; and establish a similar ranking system for prioritization levels for the islands of Molokai, Lanai, and Niihau. Requires the University of Hawaii Water Resources Research Center to submit reports to the Legislature. Appropriates funds for the pilot program. Effective 6/30/3000. (HD2)

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