

JAN 20 2023

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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 power to enact laws pursuant to article X,  
6     section 6, 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 develop a system to prioritize their  
12    upgrade, conversion, or connection based on their impact on  
13    public health. Additionally, Act 132, Session Laws of Hawaii  
14    2018, established the cesspool conversion working group to  
15    develop a long-range, comprehensive plan for conversion of  
16    cesspools statewide by 2050 and commissioned a statewide study  
17    of sewage contamination in nearshore marine areas to further



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

10 The legislature further finds that the following  
11 communities were labeled as priority level 1 areas by the 2021  
12 Hawaii cesspool hazard assessment and prioritization tool  
13 report: Haleiwa, Waimanalo Beach-Homesteads, Hauula-Kaaawa,  
14 Makua Valley, Judd Hillside-Lowery Avenue, Waimea-Kahuku, Laie,  
15 Kawaiiloa, Campbell High School, Kaena Point, Kalaheo Avenue,  
16 Waianae Kai, and Nanakuli on Oahu; Halama, Kamaole, Kahoma,  
17 Keawakapu, Kapalua, Launiupoko, and Spreckelsville on Maui;  
18 Holualoa, Kailua, and Kawaihae-Waikoloa on Hawaii; and Haena-  
19 Hanalei, Kekaha-Waimea, and Wailua Homesteads on Kauai. In  
20 these areas where homes are not connected to waste management  
21 systems or are too remote to be connected to existing



1 infrastructure, new waste management technologies and solutions  
2 are necessary to transition away from environmentally hazardous  
3 cesspools.

4 The Legislature also finds that on an annual basis,  
5 approximately one thousand individual wastewater system  
6 applications are processed and reviewed. There are  
7 approximately eighty-two thousand cesspools that will be  
8 required to be upgraded or converted to an approved wastewater  
9 system or connected to a sewer system by 2050 pursuant to Act  
10 125, Session Laws of Hawaii 2017. It is projected that  
11 individual wastewater system applications may increase up to an  
12 additional three thousand to five thousand applications per year  
13 to meet this mandate.

14 Accordingly, the purpose of this Act is to appropriate  
15 funds out of the water pollution control revolving fund for two  
16 full-time equivalent (2.0 FTE) positions within the department  
17 of health's wastewater branch.

18 SECTION 2. There is appropriated out of the water  
19 pollution control revolving fund the sum of:

20 (1) \$56,304 or so much thereof as may be necessary for  
21 fiscal year 2023-2024 and the same sum or so much



1           thereof as may be necessary for fiscal year 2024-2025  
2           to fund one full-time equivalent (1.0 FTE) engineer  
3           position within the department of health's wastewater  
4           branch; and

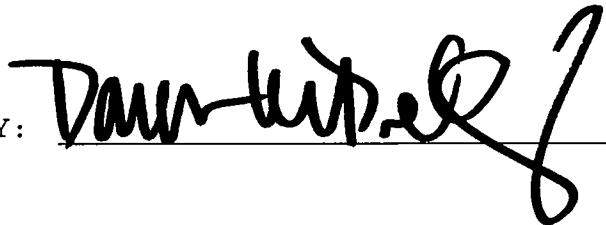
5           (2) \$52,044 or so much thereof as may be necessary for  
6           fiscal year 2023-2024 and the same sum or so much  
7           thereof as may be necessary for fiscal year 2024-2025  
8           to fund one full-time equivalent (1.0 FTE) planner  
9           position within the department of health's wastewater  
10          branch.

11          The sums appropriated shall be expended by the department  
12 of health to support the processing of individual wastewater  
13 systems applications.

14          SECTION 3. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:



# S.B. NO. 386

**Report Title:**

Wastewater Systems; Appropriation

**Description:**

Appropriates funds for one full-time equivalent (1.0 FTE) engineer position and one full-time equivalent (1.0 FTE) planner position within the Department of Health's Wastewater Branch to support processing of individual wastewater systems applications.

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