
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 continued use of
2 cesspools poses a risk to the health and safety of the public.
3 Hawaii is the only state that permits the installation of new
4 cesspools. There are approximately eighty-seven thousand
5 cesspools throughout the State that pose a risk to water
6 resources. Of those, approximately six thousand seven hundred
7 cesspools are located within two hundred feet of a perennial
8 stream channel.

9 The legislature also finds that cesspools pose unacceptable
10 sanitation and environmental risks, including the potential for
11 raw sewage to contaminate oceans, streams, and ground water.
12 Cesspools in Hawaii release approximately fifty-five million
13 gallons of untreated sewage, 23,700 pounds of nitrogen, and
14 nearly six thousand pounds of phosphorus into the ground each
15 day.

16 The purpose of this Act is to prohibit the installation of
17 new cesspools and the connection of new buildings to existing
18 cesspools.



1 SECTION 2. 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- Cesspools prohibited. (a) No approval for the
5 new installation of a cesspool or new construction of a
6 structure, building, or residence to be served by a cesspool
7 shall be issued after December 31, 2016.

8 (b) The department may adopt rules pursuant to chapter 91
9 that establish standards and criteria for exceptions to this
10 section.

11 (c) As used in this section, "cesspool" means an
12 individual wastewater system consisting of an excavation in the
13 ground the depth of which is greater than its widest surface
14 dimension, which receives untreated wastewater and retains or is
15 designed to retain the organic matter and solids discharging
16 therein, but permits the liquid to seep through its bottom or
17 sides to gain access to the underground geologic formation."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Cesspool; Prohibition; Department of Health

Description:

Prohibits new installation of a cesspool and new construction served by a cesspool after December 31, 2016. Authorizes the department of health to develop rules for exceptions. (SD1)

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