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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. (a) The department of health shall hire a  
2 third-party consultant to conduct a study on issues relating to  
3 the upgrade or conversion of cesspools to department-approved  
4 wastewater treatment systems or the connection of cesspools to a  
5 sewerage system statewide, to be referred to collectively as  
6 "cesspool conversion", as required by Act 125, Session Laws of  
7 Hawaii 2017. The study shall be conducted in collaboration with  
8 the cesspool conversion working group established under section  
9 two of this Act.

10           (b) At a minimum, the study shall:

11           (1) Develop a long-range, comprehensive plan for cesspool  
12 conversion statewide of all cesspools by 2050, and of  
13 all priority 1, 2, and 3 cesspools, as identified in  
14 the Department's report conducted pursuant to Act 125,  
15 Session Laws of Hawaii 2017, within twenty years, to  
16 be known as the cesspool conversion plan;



- 1           (2) Identify areas in the State where data is insufficient  
2           to determine a priority classification of cesspools  
3           for conversion and determine methods and resources  
4           needed to collect that data and conduct analysis of  
5           those areas;
- 6           (3) Examine financing issues and the feasibility of  
7           various mechanisms, including grants, loans, tax  
8           credits, fees, special assessment districts,  
9           requirements for conversion at point of sale, and any  
10          other appropriate mechanisms for accomplishing and  
11          funding cesspool conversion, or any combination of  
12          these mechanisms;
- 13          (4) Consider owners' ability to pay for cesspool  
14          conversions, especially how assistance can be provided  
15          for lower-income homeowners;
- 16          (5) Consider the most cost-effective approach to cesspool  
17          conversion;
- 18          (6) Include feedback from community members in each county  
19          and from each county's wastewater division;
- 20          (7) Consider best practices in other jurisdictions;



- 1 (8) Consider alternative wastewater equipment and  
2 technologies appropriate to the various areas where  
3 cesspools are located that may better protect the  
4 environment at lower cost and how the equipment or  
5 technologies can be incorporated as part of the long-  
6 term solution to wastewater treatment issues. These  
7 alternatives may include without limitation graywater  
8 systems, constructed wetlands, and other available  
9 technologies;
- 10 (9) Research and recommend measures to encourage and  
11 stimulate research and innovation for new wastewater  
12 technologies, including systems that treat waste not  
13 only for bacteria but also to remove nutrients and  
14 contaminants that impact the environment;
- 15 (10) Evaluate mandatory versus voluntary participation in  
16 the cesspool conversion plan;
- 17 (11) Consider whether exemptions should be granted for some  
18 mandatory conversions based upon geology, topography,  
19 soil type, availability of land, or other relevant  
20 factors and make recommendations to the department  
21 relating to establishing those exemptions; and



1 (12) Consider any other information deemed necessary or  
2 appropriate by the department, the cesspool conversion  
3 working group, or the third-party consultant.

4 (c) The department of health shall submit the study to the  
5 legislature by December 31, 2019.

6 SECTION 2. (a) There is established a cesspool conversion  
7 working group within the department of health for administrative  
8 purposes. The working group shall consist of the following  
9 members:

- 10 (1) The director of health, or the director's designee,  
11 who shall serve as the chair of the working group;
- 12 (2) The branch chief of the clean water branch of the  
13 department of health, or the branch chief's designee;
- 14 (3) The branch chief of the wastewater branch of the  
15 department of health, or the branch chief's designee;
- 16 (4) The branch chief of the safe drinking water branch of  
17 the department of health, or the branch chief's  
18 designee;
- 19 (5) The administrator of the division of aquatic resources  
20 of the department of land and natural resources, or  
21 the administrator's designee;



- 1 (6) Four members representing the appropriate wastewater  
2 agency from each county, appointed by the mayor of the  
3 county in which the agency is located;
  - 4 (7) A county director of finance, appointed by the Hawaii  
5 council of mayors;
  - 6 (8) A member representing the wastewater industry,  
7 appointed by the president of the senate;
  - 8 (9) A member representing the financial and banking  
9 sectors, appointed by the speaker of the house;
  - 10 (10) A member of the University of Hawaii, institute of  
11 marine biology, appointed by the director of the  
12 institute of biology;
  - 13 (11) A member of the University of Hawaii, water resources  
14 research center, appointed by the director of the  
15 water resources research center; and
  - 16 (12) A county director of planning, to be appointed by the  
17 Hawaii council of mayors.
- 18 (b) The cesspool conversion working group shall work in  
19 collaboration with the third-party consultant hired by the  
20 department of health to conduct the study pursuant to section 1  
21 of this Act.



1 (c) Members of the cesspool conversion working group shall  
2 be exempt from section 26-34, Hawaii Revised Statutes, and shall  
3 serve without compensation but shall be reimbursed for  
4 reasonable expenses necessary for the performance of their  
5 duties, including travel expenses, to attend meetings of the  
6 working group and in the discharge of duties of the working  
7 group;

8 (d) No member of the cesspool conversion working group  
9 shall be made subject to section 84-17, Hawaii Revised Statutes,  
10 solely because of that member's participation as a member of the  
11 working group.

12 (e) The cesspool conversion working group shall cease to  
13 exist on July 1, 2020.

14 SECTION 3. The director of health, in consultation with  
15 the cesspool conversion working group, shall submit interim  
16 reports, including findings and recommendations, to the  
17 legislature no later than December 31, 2019, and shall submit a  
18 final report, including findings, recommendations, and any  
19 proposed legislation, to the legislature no later than twenty  
20 days prior to the convening of the regular session of 2020.



1 SECTION 4. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so much  
3 thereof as may be necessary for fiscal year 2018-2019 to conduct  
4 a study on the upgrade, conversion, or connection of cesspools  
5 statewide, including financing issues, and financing mechanisms.

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

8 SECTION 5. This Act shall take effect on July 1, 2118, and  
9 shall be repealed on July 1, 2020.



**Report Title:**

Cesspools; Working Group; Study; Appropriation

**Description:**

Requires the Department of Health to hire a third-party consultant to conduct a study on the issues relating to the upgrade or conversion of cesspools. Establishes the cesspool conversion working group to assist the third-party consultant on the study. (HB2626 HD1)

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

