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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 public health and  
2 the quality of Hawaii's drinking water, streams, ground waters,  
3 nearshore marine areas, and ocean are being harmed by water  
4 pollution from cesspools. Hawaii has eighty-eight thousand  
5 cesspools that deposit approximately fifty-three million gallons  
6 of raw sewage directly into the groundwater every day. Drinking  
7 water, public recreation, and the precious coral reefs, on which  
8 Hawaii's economy, shoreline, recreation, fisheries, and native  
9 species depend, are or may be harmed by such pollution.

10           The purpose of this Act is to:

- 11           (1) Establish a cesspool conversion working group to  
12           develop a long-range, comprehensive plan for cesspool  
13           conversion statewide of all cesspools by 2050; and  
14           (2) Commission a statewide study of sewage contamination  
15           in nearshore marine areas to further supplement the  
16           studies and reports conducted by the department of  
17           health related to cesspools.



1 SECTION 2. (a) The cesspool conversion working group is  
2 established within the department of health for administrative  
3 purposes. The working group shall have the following  
4 objectives:

5 (1) Develop a long-range, comprehensive plan for cesspool  
6 conversion statewide of all cesspools by 2050, to be  
7 known as the cesspool conversion plan;

8 (2) Consider and recommend means by which the department  
9 of health can ensure that cesspools are converted to  
10 more environmentally-responsible waste treatment  
11 systems or connected to sewer systems within fifteen  
12 years;

13 (3) Identify areas where data is insufficient to determine  
14 a priority classification of cesspools for conversion  
15 and determine methods and resources needed to collect  
16 that data and conduct analysis of those areas;

17 (4) Modify, amend, and develop definitions and criteria  
18 for priority upgrade areas, as identified in the  
19 Department's report conducted pursuant to Act 125,  
20 Session Laws of Hawaii 2017 and acceptable waste



- 1 treatment systems or connections for these priority  
2 areas;
- 3 (5) Identify physical, practical, and financial  
4 impediments that may be encountered by land owners who  
5 are required to connect pre-existing cesspools to a  
6 sewer system or convert cesspools to an individual  
7 waste treatment system and recommend solutions to  
8 those impediments;
- 9 (6) Consider best policies, practices, and laws from other  
10 jurisdictions related to cesspool conversions,  
11 including but not limited to Rhode Island and New  
12 Jersey that have undertaken large efforts to phase-out  
13 cesspools in their jurisdictions;
- 14 (7) Examine financing issues and the feasibility of  
15 various mechanisms, including grants, loans, tax  
16 credits, fees, special assessment districts,  
17 requirements for conversion at point of sale, and any  
18 other appropriate mechanisms for accomplishing and  
19 funding cesspool conversion, or any combination of  
20 these mechanisms;



- 1           (8) Consider owners' ability to pay for cesspool  
2           conversions, and, especially how assistance can be  
3           provided for lower-income homeowners;
- 4           (9) Consider the most cost-effective approach to cesspool  
5           conversion;
- 6           (10) Include feedback from each county's community members,  
7           wastewater divisions, and boards of water supply;
- 8           (11) Consider alternative wastewater equipment and  
9           technologies appropriate to the various areas where  
10          cesspools are located that may better protect the  
11          environment at lower cost and how the equipment or  
12          technologies can be incorporated as part of the long-  
13          term solution to wastewater treatment issues. These  
14          alternatives may include, without limitation,  
15          graywater systems, constructed wetlands, and other  
16          available technologies;
- 17          (12) Research and recommend measures to encourage and  
18          stimulate research and innovation for new wastewater  
19          technologies, including systems that treat waste not  
20          only for bacteria but also to remove nutrients and  
21          contaminants that impact the environment;



- 1       (13) Evaluate mandatory versus voluntary participation in
- 2           the cesspool conversion plan;
- 3       (14) Consider whether exemptions should be granted for some
- 4           mandatory conversions based upon geology, topography,
- 5           soil type, availability of land, or other relevant
- 6           factors and make recommendations to the department
- 7           relating to establishing those exemptions; and
- 8       (15) Consider any other information deemed necessary or
- 9           appropriate by the department, the cesspool conversion
- 10          working group, or any third-party consultants.
- 11       (b) The cesspool conversion working group shall consist of
- 12   the following:
- 13       (1) The director of health or the director's designee, who
- 14           shall serve as chairperson;
- 15       (2) The branch chief of the clean water branch of the
- 16           department of health or the branch chief's designee;
- 17       (3) The branch chief of the wastewater branch of the
- 18           department of health or the branch chief's designee;
- 19       (4) The branch chief of the safe drinking water branch of
- 20           the department of health or the branch chief's
- 21           designee;



- 1           (5) The administrator of the division of aquatic resources
- 2                   of the department of land and natural resources or the
- 3                   administrator's designee;
- 4           (6) Four members representing the appropriate wastewater
- 5                   agency from each county appointed by the mayor of the
- 6                   county in which the agency is located;
- 7           (7) A member representing the wastewater industry,
- 8                   appointed by the president of the senate;
- 9           (8) A member representing the financial and banking
- 10                  sectors, appointed by the speaker of the house of
- 11                  representatives;
- 12           (9) A member of the University of Hawaii, Hawaii institute
- 13                  of marine biology appointed by the director of the
- 14                  Hawaii institute of marine biology;
- 15           (10) A member of the University of Hawaii water resources
- 16                  research center appointed by the director of the water
- 17                  resources research center;
- 18           (11) A county director of planning appointed by the Hawaii
- 19                  council of mayors;
- 20           (12) A county director of finance appointed by the Hawaii
- 21                  council of mayors;



- 1           (13) A member of the Hawaii Association of REALTORS  
2                   appointed by the governor;
- 3           (14) A member of the Sierra Club of Hawaii appointed by the  
4                   president of the senate;
- 5           (15) A member of the Hawaii Reef and Ocean Coalition  
6                   appointed by the speaker of the house of  
7                   representatives;
- 8           (16) One representative appointed by the speaker of the  
9                   house of representatives; and
- 10          (17) One senator appointed by the president of the senate.
- 11 Task force members may recommend additional members with  
12 appropriate specialized expertise to the task force, for  
13 approval by the chairperson.
- 14          (c) Members of the task force shall serve without  
15 compensation, but shall be reimbursed for reasonable expenses  
16 incurred, including travel expenses. No member of the task  
17 force shall be made subject to chapter 84, Hawaii Revised  
18 Statutes, solely because of that members' participation as a  
19 member of the task force.
- 20          (d) The cesspool conversion working group shall submit an  
21 interim report of its preliminary findings and recommendations,



1 including proposed legislation, to the legislature no later than  
2 December 31, 2019, and shall submit a final report, including  
3 findings, recommendations, and any proposed legislation, to the  
4 legislature no later than twenty days prior to the convening of  
5 the regular session of 2021.

6 (e) The department of health shall provide administrative  
7 and clerical support required by the working group.

8 (f) The working group shall be dissolved on January 14,  
9 2021.

10 SECTION 3. (a) The university of Hawaii water resources  
11 research center, in cooperation and consultation with the  
12 department of health, shall conduct a comprehensive statewide  
13 study of sewage contamination in nearshore marine areas, in  
14 supplementation to studies and reports conducted by the  
15 department of health related to cesspools.

16 (b) The university of Hawaii water resources research  
17 center and the department of health shall submit a report of  
18 their findings and recommendations, including any proposed  
19 legislation, to the cesspool conversion working group and the  
20 legislature no later than October 1, 2019.





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 for the  
 4 university of Hawaii water resources research center, in  
 5 cooperation and consultation with the department of health, to  
 6 conduct a comprehensive statewide study of sewage contamination  
 7 in nearshore marine areas.

8 The sum appropriated shall be expended by the university of  
 9 Hawaii for the purposes of this Act.

10 SECTION 5. There is appropriated out of the general  
 11 revenues of the State of Hawaii the sum of \$ or so much  
 12 thereof as may be necessary for fiscal year 2018-2019 for the  
 13 department of health, to conduct research or gather technical  
 14 assistance on other issues as identified by the cesspool  
 15 conversion working group in completing its comprehensive  
 16 cesspool conversion plan.

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

19 SECTION 6. This Act shall take effect on December 31,  
 20 2050.



**Report Title:**

Cesspool Conversion Working Group; Statewide Study Of Sewage Contamination In Nearshore Marine Areas; Appropriations

**Description:**

Establishes a Cesspool Conversion Working Group within the Department of Health to develop a comprehensive plan for the conversion of all statewide cesspools by 2050. Requires the University of Hawaii to conduct a comprehensive statewide study of sewage contamination in nearshore marine areas. Appropriates funding to the Department of Health for the Cesspool Conversion Working Group and to the University of Hawaii for the study of sewage contamination in nearshore marine areas. (SB2567 HD1)

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

