A BILL FOR AN ACT

RELATING TO INDIVIDUAL WASTEWATER SYSTEMS.

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

SECTION 1. The legislature finds that the department of health and department of business, economic development, and tourism receives approximately $1,100,000 in annual federal grants through the Coastal Zone Act Reauthorization Amendments. The legislature further finds that this funding is contingent on the State taking measures to address and minimize polluted runoff, including runoff from on-site sewage facilities.

Accordingly, the purpose of this Act is to minimize the polluted runoff created by failing individual wastewater systems in the State by establishing a program to oversee their inspection and repair of individual wastewater systems at the time of an attached property's transfer or sale.

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

"§342D- Time of transfer individual wastewater system inspection program. (a) There is established within the"
department the time of transfer individual wastewater system
inspection program to oversee the inspection and repair of any
individual wastewater system at the time of sale or transfer of
ownership of a property that is attached to the individual
wastewater system.

(b) This section shall not apply to:
(1) A transfer between joint tenants or tenants in common;
(2) A transfer made to a spouse, child, or parent; or
(3) A transfer made between spouses resulting from a
decree of dissolution of marriage, a decree of legal
separation, or a property settlement agreement that is
incidental to the decree.

(c) Following an inspection, the inspection form and any
related reports shall be provided to the department.

(d) If an individual wastewater system fails inspection,
the system shall be renovated within one year either by the
current property owner or by the prospective property owner with
written agreement, to meet current construction standards as
adopted by the department.

(e) The department of health shall adopt rules pursuant to
chapter 91 to implement this section.
(f) As used in this section, "individual wastewater systems" means facilities, such as septic systems, aerobic treatment units, and cesspools, that are not connected to a sewer and are used and designed to dispose of:

(1) No more than one thousand gallons per day of domestic wastewater; or

(2) Greater than one thousand gallons per day of domestic wastewater from buildings having highly variable flows.

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:
Report Title:
Environmental Management Division of Department of Health; Time of Transfer Individual Wastewater System Inspection Program

Description:
Establishes the time of transfer individual wastewater system inspection program to oversee the inspection and repair of any individual wastewater system at the time of the property's sale or transfer. Excludes certain sales or transfers.

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