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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 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.



1           The purpose of this Act is to prohibit the installation of  
2 new cesspools and the connection of new buildings to existing  
3 cesspools.

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

7           "§342D- Cesspools prohibited. (a) No approval for the  
8 new installation of a cesspool or new construction of a  
9 structure, building, or residence to be served by a cesspool  
10 shall be issued after December 31, 2016.

11           (b) The department may adopt rules pursuant to chapter 91  
12 that establish standards and criteria for exceptions to this  
13 section.

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



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

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2030.



**Report Title:**

Cesspool; Prohibition

**Description:**

Prohibits new installation of a cesspool and new construction served by a cesspool after December 31, 2016. Authorizes DOH to develop rules for exceptions. (HB1141 HD2)

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

