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

4           "§342D-A Cesspools; mandatory upgrade, conversion, or  
5 connection. (a) Prior to January 1, 2050, every cesspool in  
6 the State, excluding cesspools granted exemptions by the  
7 director of health pursuant to subsection (b), shall be:

8           (1) Upgraded or converted to a septic system or aerobic  
9           treatment unit system; or

10          (2) Connected to a sewerage system.

11          (b) The director of health may grant exemptions from the  
12 requirements of subsection (a) to property owners of cesspools  
13 that apply for an exemption and present documentation showing a  
14 legitimate reason that makes it infeasible to upgrade, convert,  
15 or connect the cesspools. For the purposes of this subsection,  
16 a legitimate reason shall include but not be limited to:

17          (1) Small lot size;



1       (2) Steep topography;

2       (3) Poor soils; or

3       (4) Accessibility issues.

4       (c) As used in this section:

5       "Aerobic treatment unit system" means an individual  
6 wastewater system that consists of an aerobic treatment unit  
7 tank, aeration device, piping, and a discharge method that is in  
8 accordance with rules adopted by the department relating to  
9 household aerobic units.

10       "Cesspool" means an individual wastewater system consisting  
11 of an excavation in the ground whose depth is greater than its  
12 widest surface dimension, which receives untreated wastewater,  
13 and retains or is designed to retain the organic matter and  
14 solids discharged into it, but permits the liquid to seep  
15 through its bottom or sides to gain access to the underground  
16 geographic formation.

17       "Septic system" means an individual wastewater system that  
18 typically consists of a septic tank, piping, and a drainage  
19 field where there is natural biological decontamination as  
20 wastewater discharged into the system is filtered through soil.



1       §342D-B Cesspool compliance grant program. (a) There is  
2 established in the department the cesspool compliance grant  
3 program to assist homeowners in meeting the costs of:

4       (1) Upgrading or converting a cesspool to a septic system  
5       or aerobic treatment unit system; or

6       (2) Connecting a cesspool to a sewerage system,  
7 in compliance with section 342D-A.

8       (b) No grant under this section shall be awarded to a  
9 homeowner who is:

10       (1) A taxpayer filing a single return or a married person  
11       filing separately with a federal adjusted gross income  
12       of \$ \_\_\_\_\_ or more;

13       (2) A taxpayer filing as a head of household with a  
14       federal adjusted gross income of \$ \_\_\_\_\_ or more;  
15       or

16       (3) A taxpayer filing a joint return or as a surviving  
17       spouse with a federal adjusted gross income of  
18       \$ \_\_\_\_\_ or more.

19       (c) The department shall adopt rules to carry out the  
20 purposes of the grant program. Rules adopted pursuant to this  
21 section shall include a method of calculating a sliding scale



1 grant amount based on the federal adjusted gross income of the  
2 homeowner."

3 SECTION 2. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so  
5 much thereof as may be necessary for fiscal year 2017-2018 for  
6 deposit into the water pollution control revolving fund.

7 SECTION 3. There is appropriated out of the water  
8 pollution control revolving fund the sum of \$ or so  
9 much thereof as may be necessary for fiscal year 2017-2018 to  
10 implement the cesspool compliance grant program.

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

13 SECTION 4. In codifying the new sections added by section  
14 1 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

17 SECTION 5. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 6. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

Cesspools; Upgrade, Conversion, or Connection; Grant;  
Appropriation

**Description:**

Requires upgrade, conversion, or connection to the sewer system of all cesspools in the State before 2050 unless exempted by the director of health. Establishes a grant program to mitigate costs. Appropriates funds for the grant program. Effective 7/1/2050. (SD2)

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

