
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 failing cesspools
2 are contaminating the State's ground water, streams, and coastal
3 ecosystems. To address this, Act 125, Session Laws of Hawaii
4 2017, required all cesspools to be upgraded or converted to a
5 septic system or aerobic treatment unit system, or connected to
6 a sewerage system, by 2050 and directed the department of health
7 to develop a system to prioritize their upgrade, conversion, or
8 connection based on their impact on public health. The
9 department of health's December 2017 report to the legislature
10 identified four priority categories: priority level one for
11 areas where cesspools present a significant risk of human
12 impacts, drinking water impacts, or draining to sensitive
13 waters; priority level two for areas where cesspools present a
14 potential to impact drinking water; priority level three for
15 areas where cesspools present a potential impact on sensitive
16 state waters or coastal ecosystems; and priority level four,
17 which includes cesspools where impacts have not yet been



1 assessed. Cesspools categorized under levels one, two, and
2 three include approximately forty-three thousand cesspools in
3 the State.

4 The legislature recognizes that the requirement to upgrade
5 or convert a cesspool imposes a financial burden on low- and
6 moderate-income families.

7 The purpose of this Act is to assist low- and moderate-
8 income property owners with converting their failing cesspools
9 to more environmentally appropriate systems by creating a pilot
10 grant project to assist with conversion costs.

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

14 "§342D- Cesspool compliance pilot grant project. (a)
15 There is established in the department the cesspool compliance
16 pilot grant project to assist property owners with upgrading,
17 converting, or connecting a cesspool that the department has
18 identified as failing. Specifically, the cesspool compliance
19 pilot grant project will assist property owners in meeting the
20 costs of:



H.B. NO. 2195

- 1 (1) Upgrading or converting a failing cesspool to a septic
2 system, aerobic treatment unit system, or other
3 advanced treatment system approved by the department;
4 or
5 (2) Connecting a failing cesspool to a sewerage system.
6 (b) The department shall not grant awards to any owner of
7 real property with a cesspool unless:
8 (1) The department has assigned the cesspool to priority
9 level one, two, or three in the department's December
10 2017 report to the legislature entitled, "Relating to
11 Cesspools and Prioritization for Replacement"; and
12 (2) The owner provides the department with the tax return
13 required by this section.
14 (c) No grant under this section shall be awarded to a
15 property owner of a cesspool who is:
16 (1) A taxpayer filing a single return or a married person
17 filing separately with a federal adjusted gross income
18 of \$ _____ or more;
19 (2) A taxpayer filing as a head of household with a
20 federal adjusted gross income of \$ _____ or more;
21 or



1 (3) A taxpayer filing a joint return or as a surviving
 2 spouse with a federal adjusted gross income of
 3 \$ _____ or more.

4 The owner's income shall be verified using the tax return
 5 of the most recent taxable year that is closed.

6 (d) The department shall adopt rules as necessary to carry
 7 out the cesspool compliance pilot grant project; provided that
 8 the rules shall include a method of calculating a sliding scale
 9 grant amount based upon the federal adjusted gross income of the
 10 owner of the property with a failing cesspool."

11 SECTION 3. There is appropriated out of the general
 12 revenues of the State of Hawaii the sum of \$ _____ or so
 13 much thereof as may be necessary for fiscal year 2022-2023 to
 14 implement the cesspool compliance pilot grant project; provided
 15 that \$ _____ of the appropriation may be used to:

16 (1) Fund one temporary, part-time position in the
 17 department of health for a cesspool compliance pilot
 18 grant project administrator to establish and
 19 administer the project; or

20 (2) Contract for services to establish and administer the
 21 project.



H.B. NO. 2195

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

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect on July 1, 2022.

5

INTRODUCED BY:

Disakitungana

JAN 25 2022



H.B. NO. 2195

Report Title:

Cesspool Compliance Pilot Grant Project; Appropriation

Description:

Establishes a cesspool compliance pilot grant project to assist low- and moderate-income property owners with the costs of upgrading, converting, or connecting a cesspool. Applies to cesspools identified as failing by the Department of Health. Appropriates funds.

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

