

---

---

# 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 Act 125, Session  
2 Laws of Hawai'i 2017, requires the upgrade, conversion, or  
3 connection of all cesspools statewide by 2050. Act 120, Session  
4 Laws of Hawai'i 2022, subsequently established priority  
5 classifications and accelerated timelines for Priority 1 and  
6 Priority 2 cesspools.

7           The legislature further finds that counties and homeowners  
8 face substantial financial, workforce, and infrastructure  
9 limitations that make the current accelerated deadlines  
10 unattainable. A revised, phased timeline will allow the State  
11 and counties to address the highest-risk cesspools first while  
12 allowing adequate time for planning and funding of long-term  
13 wastewater solutions.

14           The purpose of this Act is to amend the deadlines for  
15 cesspool priority classes, extending the Priority 1 deadline to  
16 2050, and phasing Priority 2 and Priority 3 conversions in later  
17 years.

1           SECTION 2. Section 342D-72, Hawaii Revised Statutes, is  
2 amended to read as follows:

3   "**§342D-72 Cesspools; mandatory upgrade, conversion, or**  
4 **connection.** (a) [~~Before January 1, 2050~~]In accordance with the  
5 phased schedule established in this section, 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 director-approved  
9           wastewater 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  
13 cesspools that apply for an exemption and present  
14 documentation showing a legitimate reason that makes it  
15 infeasible to upgrade, convert, or connect the cesspools.  
16 For the purposes of this subsection, a legitimate reason  
17 shall include but not be limited to:

18           (1) Small lot size;

19           (2) Steep topography;

20           (3) Poor soils; or

21           (4) Accessibility issues.

22           (b) As used in this section, "cesspool" means an

23 individual wastewater system consisting of an excavation in the

.B.NO.          

1 ground whose depth is greater than its widest surface dimension,  
2 that receives untreated wastewater, and retains or is designed  
3 to retain the organic matter and solids discharged into it, but  
4 permits the liquid to seep through its bottom or sides to gain  
5 access to the underground geographic formation.

6 (d) The director of health, in consultation with the  
7 counties, shall classify all cesspools in the State  
8 into one of the following priority classifications:

9 (1) Priority 1 cesspools shall include cesspools located  
10 within the Special Management Area established by the  
11 counties pursuant to chapter 205A, Hawai'i Revised  
12 Statutes.

13 (2) Priority 2 cesspools shall include those cesspools  
14 located in drinking water recharge areas, sensitive  
15 aquifer zones, and areas affecting public water  
16 systems.

17 (3) Priority 3 cesspools shall include cesspools located  
18 outside the Special Management Area but within one-  
19 quarter mile of the inland boundary of the Special  
20 Management Area.

21 (4) Priority 4 cesspools shall include all cesspools that  
22 do not fall into any of the preceding categories.

23 (e) The phased schedule is as follows:

.B. NO.           

1       (1) Priority 1 cesspools, no later than December 31, 2050.

2       (2) Priority 2 cesspools, no later than December 31, 2060.

3       (3) Priority 3 cesspools, no later than December 31, 2070.

4       (4) Priority 4 cesspools, no later than December 31, 2080.

5       (f) Rulemaking. The department of health shall adopt  
6             rules to:

7       (1) Define geographic boundaries for priority  
8             classifications.

9       (2) Maintain and update the cesspool priority  
10            classification list.

11       (g) Financial assistance. The department shall develop  
12            and administer expanded grants, tax credits, and low-  
13            interest loan programs to support homeowners, with  
14            priority given to lower-income households and Priority  
15            1 areas. The department shall coordinate with  
16            counties to align wastewater infrastructure  
17            investments with the phased schedule.

18       (h) Reporting. The department shall submit an annual  
19            report to the Hawai'i State Legislature no later than  
20            twenty days prior to the convening of each regular  
21            session, detailing progress, funding needs,  
22            challenges, and any recommended amendments."

\_\_\_\_.B.NO.\_\_\_\_

1 SECTION 3. Statutory material to be repealed is bracketed

2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2026.