

DEPARTMENT OF HEALTH (DOH)
GUIDANCE FOR EXISTING CESSPOOL USE IN RESIDENTIAL KULA, MAUI
Effective October 18, 2024

Continued use of existing cesspools for rebuild of fire impacted homes in residential Kula, Maui area, as defined by the County of Maui, may be allowed while the Governor’s Proclamation Relating to Wildfires (“Emergency Proclamation”) is in effect and with adherence to the following guidance:

1. The existing cesspool’s structural integrity is sound (i.e., structural lining is present and certified by a State of Hawai’i licensed civil engineer as structurally sound), is properly functioning, has not required pumping more than once per year prior to August 8, 2023, and was not compromised by the wildfires. Certification of the existing cesspool by a State of Hawai’i licensed civil engineer shall be submitted to the County of Maui with the associated building permit application. DOH will obtain a copy of the certification of existing cesspool via Maui’s Automated Planning & Permitting System (MAPPS).
2. The plumbing to the existing cesspool shall be inspected by a State of Hawai’i licensed civil engineer or State of Hawai’i licensed plumber to confirm, via letter report or other documentation acceptable to the DOH, that the plumbing is not damaged or obstructed. Certification of the existing plumbing by a State of Hawai’i licensed civil engineer or State of Hawai’i licensed plumber shall be submitted to the County of Maui with the associated building permit application. DOH will obtain certification of existing plumbing via MAPPS.
3. The rebuilt dwelling’s quantity of bedrooms shall not exceed the previous dwelling’s quantity of bedrooms, per the County of Maui building permit record, and shall not exceed five (5) bedrooms.
4. For dwellings where the engineer’s report, or the DOH’s assessment of the engineer’s report, indicates significant risk of spill, contamination, and/or pollution under normal operation of the cesspool, the State of Hawai’i licensed civil engineer or property owner will be required to propose an alternative treatment system to the DOH, who will review for compliance with Hawai’i Administrative Rules, Title 11, for Chapter 62 (HAR 11-62).
5. The property owner of a rebuilt dwelling is responsible for the proper operation and maintenance of their existing cesspool and in the event of a wastewater spill from their existing cesspool, the property owner may be subject to enforcement action by the DOH under HAR 11-62.
6. The U.S. Environmental Protection Agency (EPA) regulates large-capacity cesspools, as defined by <https://www.epa.gov/uic/large-capacity-cesspools>. Property owners of large-capacity cesspools should refer to that U.S. EPA website.
7. If construction of a County of Maui sewer collection system is completed, then the County’s Wastewater Reclamation Division shall send a letter of notification to the property owner. Property owners are advised that they must connect to the County of Maui sewer system within 180 days of the notification date. Please refer to [Maui County Code Section 14.21A.010 – Required connection](#).
8. Pursuant to [Act 125, Session Laws of Hawaii 2017](#), every cesspool throughout the state, excluding cesspools granted exemptions by the Director of Health, must be upgraded or converted to a Director of Health-approved wastewater system or connected to a sewer system by January 1, 2050. Legislation may be enacted to expedite cesspool conversions based a prioritization system that ranks cesspools with the greatest chance of causing harm to people and to the environment, with

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Priority Level 1 systems most likely to cause harm. In accordance with the [University of Hawaii 2022 Hawaii Cesspool Prioritization Tool](#), the cesspools in the Kula, Maui area are Priority Level 3. Property owners are advised they must comply with any newly enacted legislation for cesspool conversion requirements.

9. The County of Maui will review all building permit applications and plans for the rebuilt dwellings in the residential Kula, Maui area. DOH will obtain copies of all required certification(s) via MAPPS and will review for adherence to this Guidance.