



STATE OF HAWAII
DEPARTMENT OF HEALTH
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HONOLULU, HI 96801-3378

In reply, please
refer to:

March 21, 2016

To: All Interested Parties

From: State of Hawaii, Environmental Management Division,
Wastewater Branch

Subject: New Amendments to Chapter 62 of Title 11, Hawaii Administrative Rules
(HAR), entitled, "Wastewater Systems"

New Amendments to Chapter 62 of Title 11, HAR will go into effect on
Monday, March 21, 2016. The amendments included the following major changes:

1. Prohibiting the installation of new cesspools in all areas of the State;
2. Adding requirements as the Legislature directed to implement Act 120 of 2015 for the certification of qualified cesspools and qualified expenses. Act 120 provides a temporary income tax credit of up to \$10,000 for the cost of upgrading or converting a qualified cesspool to a septic tank system or an aerobic treatment unit system, or connecting to a sewer system; and
3. Clarifying that when a building modification would change the nature or quantity of the wastewater flowing into an individual wastewater system, DOH may require upgrading the system.

In regards to addressing the prohibition of new cesspool installation, the Department of Health (DOH) will not accept applications for the construction of new cesspools starting **Tuesday, March 22, 2016**. On-line submittals and hard copies of new cesspool applications should be received by the Department on **Monday, March 21, 2016**.

Approvals to construct a new cesspool shall be considered invalid if:

- (1) A county does not issue a building permit for a private building within one year after the approval to the construct a new cesspool is issued by DOH; and
- (2) A county revokes or rescinds a building permit and the building is to be served by a new cesspool.

The DOH will terminate a new cesspool approval to construct if a building permit is not issued within one year after receiving approval.

Information regarding the implementation of the certification of qualified cesspools and qualified expenses is available on our website at:

<http://health.hawaii.gov/wastewater/home/taxcredit/>

Section 11-62-06(m) states that the DOH may require that a wastewater system be upgraded to meet the applicable requirements of chapter 11-62, HAR, whenever a building modification is proposed that may change the nature or quantity of the wastewater flowing to the wastewater system. The modifications may include but not be limited to adding additional bedrooms to a dwelling or adding a restaurant to a shopping complex.

When a building permit is submitted for a dwelling that indicates that a bedroom or bedroom-like room will be added, if the dwelling has an existing cesspool, the owner will be required to upgrade the cesspool to a septic tank system or aerobic treatment unit.

For commercial buildings, when there is a change in the business activity that would involve an increase in wastewater flows or change in the characteristic of the wastewater generated, an upgrade may be required if it is determined that the existing wastewater system is not adequate to properly treat and dispose of the wastewater that will be generated.

Should you have questions, please contact one of our offices located nearest you.

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