
A BILL FOR AN ACT

RELATING TO AIR POLLUTION CONTROL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that bunker fuel is a
2 particularly noxious petroleum product that is used to power
3 some marine vessels. Bunker fuel is a heavy petroleum product
4 that commonly contains relatively high amounts of sulfur.
5 Bunker fuel is the fuel oil that was spread in harbor waters in
6 the 2007 massive oil spills in the Black Sea and San Francisco
7 Bay. Concerned citizens note that bunker fuel literally comes
8 from the bottom of the oil barrel as an "asphalt-like gunk" left
9 behind after crude oil is refined into gasoline and diesel.

10 Adverse health effects from inhaling fumes from the burning
11 of bunker fuel oil (according to the Material Safety Data Sheet,
12 United States Oil and Refining Company) include eye irritation,
13 skin irritation, nausea, vomiting, diarrhea, and restlessness.
14 Furthermore, similar materials contain a like chemical
15 ingredient that has been associated with causing skin cancer on
16 test animals. According to a recent study published in the
17 *Journal of the American Chemical Society*, air pollution from



1 cargo ship bunker-fuel exhaust has been linked to the premature
2 death of 60,000 people worldwide in 2002. Most of those deaths
3 resulted from heart and lung ailments.

4 Recognizing these concerns, a bill is currently pending in
5 the United States Congress (S. 1499) that would regulate
6 emissions to reduce air pollution from marine vessel fuels
7 containing high amounts of sulfur.

8 Cruise ships generate large amounts of emissions, operating
9 24 hours per day and seven days a week, as they provide power
10 for air conditioning and electricity to thousands of guest
11 rooms. In effect, a cruise ship is a virtual floating power
12 plant.

13 The legislature further finds that the health of residents
14 in communities surrounding Nawiliwili harbor on the island of
15 Kauai is particularly at risk from the burning of bunker fuel by
16 vessels because of prevailing wind patterns, nearby mountains,
17 and the proximity of the surrounding communities to bunker fuel-
18 burning vessels docked while in port at Nawiliwili harbor, whose
19 main and auxiliary engines continue to operate.

20 The purpose of this Act is to prohibit the burning of
21 bunker fuel containing a specified amount of sulfur by cruise
22 ships while berthed in Nawiliwili harbor.



1 SECTION 2. Chapter 342B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§342B- Nawiliwili harbor; bunker fuel emission
5 regulation; alternatives. (a) Beginning December 31, 2008,
6 emissions from a cruise ship resulting directly or indirectly
7 from the burning of bunker fuel oil containing more than five
8 thousand parts per million of sulfur in its main and auxiliary
9 engines shall be prohibited while berthed at Nawiliwili harbor.

10 (b) Notwithstanding subsection (a), the director may
11 provide for an alternative mechanism of compliance with this
12 section for any cruise ship if the director determines that the
13 cruise ship employs a control technology that reduces its air
14 emissions of sulfur dioxides and particulate matter equal to or
15 less than the air emissions generated from the burning of bunker
16 fuel oil containing more than five thousand parts per million of
17 sulfur in its main and auxiliary engines.

18 (c) Emission reductions under this section shall be in
19 addition to any reductions required by any other applicable
20 engine emission standards as provided by law.

21 (d) The department may adopt rules pursuant to chapter 91
22 necessary for the purposes of this section."



1 SECTION 3. Section 342B-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding two new definitions to be appropriately
4 inserted and to read:

5 "Bunker fuel oil" means oil that is burned in a furnace or
6 boiler to generate heat or used in an engine to generate power,
7 including but not limited to diesel oil. Bunker fuel oil
8 usually is the heaviest fuel that can be derived from crude oil.
9 Sometimes referred to as furnace fuel oil, its high viscosity
10 requires heating before use.

11 "Cruise ship" means a commercial passenger vessel that
12 carries passengers for hire, not including a commercial
13 passenger vessel:

14 (1) Authorized to carry fewer than fifty passengers; or

15 (2) That does not provide overnight accommodations for at
16 least fifty passengers for hire, determined with
17 reference to the number of lower berths on an average
18 of two persons per cabin."

19 2. By amending the definitions of "air pollutant" and
20 "source" to read:

21 "Air pollutant" has the same meaning as in the Clean Air
22 Act, 42 United States Code [~~section~~] Section 7602 (g), bunker



1 fuel oil emissions as provided in section 342B- , and any
2 substance designated as such by rules adopted under chapter 91.

3 "Source" means any property, real or personal, [~~which~~] or
4 any cruise ship or commercial passenger vessel as provided in
5 section 342B- , that emits or may emit any air pollutant."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Air Pollution; Bunker Fuel; Nawiliwili Harbor; Cruise Ships

Description:

Establishes that emissions from a cruise ship resulting directly or indirectly from the burning of bunker fuel oil containing more than five thousand parts per million of sulfur in its main and auxiliary engines shall be prohibited while berthed at Nawiliwili harbor. (HB2919 HD1)

