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## A BILL FOR AN ACT

RELATING TO AIR POLLUTION.

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

1           SECTION 1. The legislature finds that financial incentives  
2 must be aligned with policies that establish societal and  
3 sustainability goals. The legislature further finds, however,  
4 that a loophole exists in Hawaii's air pollution control laws,  
5 and this inadvertently acts as a disincentive to reducing  
6 pollution from larger pollution sources.

7           Under section 342B-29, Hawaii Revised Statutes, covered  
8 source permit holders must pay fees per ton of pollution emitted  
9 annually. These fees fund the clean air branch of the  
10 department of health and other programs. Covered source permit  
11 holders, however, are not assessed fees for pollution above four  
12 thousand tons. The legislature finds that this feature of the  
13 law is inequitable for covered source permit holders that emit  
14 less than four thousand tons, and it is a disincentive to large  
15 polluters to reduce pollution that exceeds four thousand tons  
16 annually.

17           The purpose of this Act is to eliminate a disincentive to  
18 pollution reduction by removing the cap on fees for emissions.



1 SECTION 2. Section 342B-29, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Fees for covered sources shall be based on the number  
4 of tons of regulated air pollutant, excluding carbon monoxide,  
5 allowed or emitted by the permitted source and shall not be less  
6 than \$25 per ton per year. [~~A covered source shall not be~~  
7 ~~assessed for emissions of a regulated air pollutant in excess of~~  
8 ~~four thousand tons per year.]"~~

9 SECTION 3. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun, before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed  
13 and stricken.

14 SECTION 5. This Act shall take effect upon its approval.  
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**Report Title:**

Air Pollution; Fees

**Description:**

Removes the maximum limitation on fees for air pollution emissions from covered sources.

