

Honolulu, Hawaii
Feb 15, 2008

RE: H.B. No. 2919
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 2919 entitled:

"A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL,"

begs leave to report as follows:

The purpose of this bill is to protect the health and welfare of the Kauai community in the area of Nawiliwili Harbor from sulfur dioxide emissions by prohibiting emissions within a five-mile radius of the harbor from cruise ships that use bunker fuel oil that contains more than one thousand parts per million of sulfur in its main or auxiliary engines. This bill also authorizes the Director of Health (Director) to provide for an alternative mechanism of compliance for cruise ships that would result in the same degree of compliance as the prohibition.

The Department of Health (DOH), Department of Transportation, and NCL American, Inc., commented on this bill.

Upon further consideration, your Committee has amended this measure by:

- (1) Specifying that the prohibition on bunker fuel oil emissions from cruise ships applies to cruise ships, berthed at Nawiliwili Harbor instead of within a five-mile radius of the harbor, whose bunker fuel oil contains more than five thousand parts per million of



sulfur, instead of one thousand parts per million of sulfur, in the cruise ship's main and auxiliary engines;

- (2) Clarifying that the Director may provide for an alternative mechanism of compliance for cruise ships if the Director determines that the cruise ship employs a control technology that reduces its air emissions of sulfur dioxides and particulate matter equal to or less than the air emissions generated from the burning of bunker fuel oil containing more than five thousand parts per million of sulfur in its main and auxiliary engines;
- (3) Authorizing, instead of requiring, DOH to adopt rules as necessary for the purposes of the bunker fuel emissions regulation contained in this bill; and
- (4) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2919, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2919, H.D. 1, and be referred to the Committees on Transportation and Tourism & Culture.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



HERMINA MORITA, Chair



