
A BILL FOR AN ACT

RELATING TO PERMITS.

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

1 SECTION 1. Chapter 181, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending its title to read:

4 "CHAPTER 181

5 "STRIP MINING AND QUARRIES"

6 2. By designating sections 181-1 through 181-10 as:

7 "PART I. STRIP MINING"

8 3. By amending section 181-1 to read:

9 "§181-1 **Definitions.** Whenever used in this [~~chapter~~]
10 part, unless a different meaning is plainly required by the
11 context:

12 "Board" means the board of land and natural resources.

13 "Mineral" or "minerals" means any or all of the oil, gas,
14 coal, phosphate, sodium, sulphur, iron, titanium, gold, silver,
15 bauxite, bauxitic clay, diaspore, boehmite, laterite, gibbsite,
16 alumina, all ores of aluminum and, without limitation thereon,
17 all other mineral substances and ore deposits whether solid,
18 gaseous, or liquid, in, on, or under any land[~~but~~]. "Mineral"



1 or "minerals" does not include sand, rock, gravel, and other
2 materials suitable for use and used in road construction.

3 "Operator" means an individual, firm, or corporation
4 engaged in strip mining operations.

5 "Pit" means a tract of land of which the surface soil has
6 been removed [øæ], is being removed, or is proposed to be
7 removed for mining.

8 "Strip mining" means mining of mineral by uncovering
9 therefrom the surface soil above mineral deposits and mining
10 directly from the mineral exposed for the purpose of carrying on
11 a business of mining or selling mineral removed by the process.

12 Definitions and rules of construction stated in chapter 1
13 apply."

14 4. By adding a new part, to be appropriately designated
15 and to read:

16 **"PART . QUARRIES**

17 **§181- Definitions.** As used in this part, unless the
18 context clearly requires otherwise:

19 "Agency" means any department, board, commission, or
20 officer of the State or any of its political subdivisions.

21 "Mineral" or "minerals" means any or all of the oil, gas,
22 coal, phosphate, sodium, sulphur, iron, titanium, gold, silver,



1 bauxite, bauxitic clay, diaspore, boehmite, laterite, gibbsite,
2 alumina, all ores of aluminum and, without limitation thereon,
3 all other mineral substances and ore deposits whether solid,
4 gaseous, or liquid, in, on, or under any land and including
5 sand, rock, gravel, aggregate, and other materials suitable for
6 use and used in road construction.

7 "Quarry" means any open-pit dig site used to extract
8 minerals for commercial use whether by strip mining or other
9 means.

10 **§181- Public hearings.** Any agency that grants a permit
11 for a quarry shall require that a public hearing be held upon
12 any application for a modification to an existing permit. The
13 public hearing shall be held in the geographical region in which
14 the quarry for which a permit modification is being requested is
15 located.

16 **§181- Notice of public hearing.** (a) Any agency that
17 grants a permit for a quarry shall provide written notice in
18 advance of each public hearing for a permit modification. The
19 notice shall be mailed to all persons who have made a timely
20 written request to the agency for advance notice of permit-
21 modification hearings. The notice shall also be posted on the
22 agency's website.



1 (b) The notice shall include:

2 (1) The name of the quarry for which a permit modification
3 is being requested;

4 (2) A summary of the proposed permit modification; and

5 (3) The date, time, and place of the public hearing at
6 which interested persons may be heard on the proposed
7 permit modification.

8 **§181- Public hearing procedures.** (a) Every hearing for
9 permit modification for a quarry shall be open to the public,
10 and all persons shall be permitted to attend any hearing unless
11 otherwise provided in the constitution or pursuant to sections
12 92-4 and 92-5; provided that the removal of any person who
13 disrupts a hearing shall not be prohibited.

14 (b) Any agency that grants a permit for a quarry shall
15 afford all interested persons an opportunity to submit data,
16 views, or arguments, in writing, on any agenda item. All
17 interested persons shall also be afforded an opportunity to
18 present oral testimony on any agenda item. The agency shall
19 fully consider all written and oral submissions relating to the
20 proposed modification.

21 (c) The agency may make its decision at the public hearing
22 or announce then the date when it intends to make its decision."



1 SECTION 2. Section 342H-54, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[§342H-54] **Public participation.** (a) The director may
4 adopt rules providing for public participation in the process of
5 reviewing applications for permits, permit renewals, [~~permit~~
6 ~~modifications,~~] selection of corrective action remedies, and
7 related matters. Such rules may require applicants and
8 permittees to be responsible for the publication of notices,
9 making documents and relevant information available to the
10 public for public review and comment and conducting public
11 hearings. The rules may also include public participation
12 provisions similar to any promulgated by the United States
13 Environmental Protection Agency for municipal solid waste
14 landfill permit programs. Public notices shall be given of the
15 director's final determination on permit applications, renewals,
16 [~~modifications,~~] and selection of corrective action remedies. A
17 public hearing may be held before the director rules on a permit
18 application, renewal, [~~modification,~~] or selection of corrective
19 action remedies if the director determines that a public hearing
20 would be in the public interest.

21 (b) The director shall adopt rules pursuant to chapter 91
22 requiring a public hearing upon any application for a permit



1 modification for an existing permit. The public hearing shall
2 be held in the geographical area of the proposed modification
3 and shall adhere to public hearing procedures under chapters 91
4 and 92."

5 SECTION 4. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 5. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval.

11

INTRODUCED BY:

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JAN 25 2011



Report Title:

Landfill; Quarry

Description:

Requires public hearings upon an application for a permit modification for landfills and quarries.

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