



S.B. NO. 1295

JAN 26 2011

A BILL FOR AN ACT

RELATING TO GREENHOUSE GAS EMISSION RULES.

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

1 SECTION 1. Act 234, Session Laws of Hawaii 2007, in part
2 required that the Director of Health adopt rules, by
3 December 31, 2011, to achieve reductions of greenhouse gas
4 emissions "based upon the recommendations and findings of the
5 work plan created" by the Greenhouse Gas Emission Reduction Task
6 Force that the Act also created. The task force's final report
7 and work plan to the 2010 legislature did not specify a
8 regulatory air pollution control scheme for the Department of
9 Health to adopt and specifically recognized the need to
10 coordinate state efforts with ongoing U.S. Environmental
11 Protection Agency (EPA) developments. The EPA continues to
12 adopt new regulations regarding greenhouse gases, both as to
13 reporting and emission controls.

14 The department needs flexibility to adopt greenhouse gas
15 rules after national requirements become clearer and a
16 regulatory scheme has been developed by the State. This bill
17 will change the mandate of the Act by removing the deadline for
18 specific rules but providing the Department of Health with the

1 flexibility in its efforts to regulate the greenhouse gas
2 emissions and to incorporate a reporting requirement.

3 SECTION 2. Section 342B-72, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§342B-72 Greenhouse gas emissions limits; rules.**

6 (a) [~~Before December 31, 2011, the~~] The director [~~shall~~]
7 may adopt rules pursuant to chapter 91:

8 (1) Establishing greenhouse gas emission limits applicable
9 to sources or categories of sources [~~, to be achieved~~
10 ~~by January 1, 2020,~~] and establishing emission
11 reduction measures to achieve the maximum practically
12 and technically feasible and cost-effective reductions
13 in greenhouse gas emissions in furtherance of
14 achieving the statewide greenhouse gas emissions
15 limit; and

16 (2) Requiring the reporting and verification of statewide
17 greenhouse gas emissions and to monitor and enforce
18 compliance with this part [~~, to become operative~~
19 ~~beginning on January 1, 2012~~].

20 (b) The director, to the extent feasible to achieve the
21 statewide greenhouse gas emissions limit, [~~shall~~] may adopt
22 rules pursuant to chapter 91 and this section based upon the

1 recommendations and findings of the work plan created pursuant
2 to section 6 of Act 234, Session Laws of Hawaii 2007.

3 (c) Any rule adopted by the director pursuant to this
4 section shall ensure all of the following:

5 (1) The greenhouse gas emission reductions achieved are
6 real, permanent, quantifiable, verifiable, and
7 enforceable by the director; and

8 (2) If applicable, the greenhouse gas emission reduction
9 occurs over the same time period and is equivalent in
10 amount to any direct emission reduction required
11 pursuant to this part.

12 (d) The director shall periodically review and update
13 state emission reporting requirements and endeavor to make the
14 requirements consistent with the requirements of international,
15 federal, and other states' greenhouse gas emission reporting
16 programs, as necessary.

17 (e) [~~After January 1, 2012, the~~ The director may revise
18 rules adopted pursuant to this section and adopt additional
19 rules to further this part."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 4. This Act shall take effect on July 1, 2011.

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INTRODUCED BY: Q.B.T.Z.

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By Request

Report Title:

Green House Gas; Emissions

Description:

Remove the requirement that the Department of Health adopt rules by the end of 2011 to implement a Greenhouse Gas reduction plan. The requirement and deadline are no longer relevant and the amendments will allow the department to adopt applicable rules at the proper time.

Pursuing the energy reduction strategy of the HCEI eliminated the need for regulatory requirements and the accompanying compliance costs that would be endured by businesses and passed on to consumers.

Impact on the department and other agencies:
The DOH would avoid dedicating resources to adopt rules that are unnecessary or premature.

GENERAL FUND:

OTHER FUNDS:

PPBS PROGRAM
DESIGNATION:

OTHER AFFECTED
AGENCIES:

EFFECTIVE DATE: July 1, 2011