
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 coal, as a source of
2 energy, is not part of a long-term clean or sustainable energy
3 future for Hawaii. All of the coal consumed in the State is
4 imported, siphoning millions of dollars out of our local
5 economy.

6 Coal-fired power plants are currently responsible for
7 approximately seventy per cent of our nation's mercury
8 emissions. In Hawaii, coal emissions release mercury into the
9 air, which falls into Hawaii's soil and water where it
10 contaminates agricultural fields, crops, and especially fish.
11 As a result, Hawaii already has a fish consumption advisory for
12 unsafe levels of mercury.

13 Mercury from coal-fired power plants is responsible for
14 thousands of premature deaths, heart attacks, and serious
15 respiratory illnesses every year. Mercury is especially
16 threatening to pregnant women and young children. As many as
17 one in six American women have enough mercury in their bodies to
18 put a baby at risk. Mercury is one of the leading causes of



1 preventable birth defects, including brain damage and cerebral
2 palsy.

3 Further, coal is the most carbon intense of any fossil fuel
4 and releases more greenhouse gas emissions per unit of
5 electricity produced than any other fuel source. If greenhouse
6 gas emissions continue to proceed unabated, current scientific
7 studies predict that Hawaii's future lifestyle and environment
8 will be drastically different from what residents and visitors
9 enjoy today. The Pacific Ocean may inundate most of Waikiki,
10 the business district in Honolulu, and the coastal resort areas
11 on neighboring islands. As a result, the State's aquifers may
12 become increasingly contaminated with the intrusion of salt
13 water. More frequent and severe storms and hurricanes may
14 strike the islands, droughts may be prolonged, and subtle shifts
15 in microclimates may rapidly increase the extinction of
16 endangered plants and animals. Thus, the legislature further
17 finds that it is vital for the State to contribute to the
18 reduction of global warming by decreasing the usage of coal to
19 meet Hawaii's energy needs.

20 Recognizing that coal was not in the interest of the people
21 of Hawaii, the participating parties to the Hawaii clean energy
22 initiative energy agreement, including the State of Hawaii and



1 the United States Department of Energy, expressly agreed to
2 oppose any attempts to add new coal-based generation to Hawaii
3 and planned to replace this fossil fuel with renewable energy
4 sources in the future.

5 The purpose of this Act is to prohibit the issuance or
6 renewal of any new power purchase agreement or department of
7 health permit to any facilities that burn or consume coal.

8 SECTION 2. Chapter 269, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§269- No coal power purchase agreements. (a) After
12 December 31, 2014, the public utilities commission shall not
13 approve any new, modified, or renewed power purchase agreement
14 that proposes to burn or consume coal to generate more than
15 fifty megawatts of energy.

16 (b) For the purposes of this section, "power purchase
17 agreement" means an agreement between an energy facility owner
18 and a public utility on the sale of electricity produced by the
19 facility to the public utility."

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



1 "§342B- Permits for coal burning covered sources. (a)

2 After December 31, 2014, the department shall not issue any
3 permit for any term to an owner or operator to construct a
4 covered source to burn or consume coal to generate energy.

5 (b) The department shall not issue any permit for any term
6 to an owner or operator of an existing covered source who
7 intends to expand, relocate, or modify the covered source, which
8 will result in an increase in the burning or consumption of coal
9 for energy."

10 SECTION 4. New statutory material is underscored.

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

12

INTRODUCED BY: 

JAN 24 2013



H.B. NO. 1404

Report Title:

Air Pollution; Department of Health; Public Utilities
Commission; Coal

Description:

Prohibits the issuance or renewal of any new power purchase agreement or department of health permit to any facilities that burn or consume coal.

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