
A BILL FOR AN ACT

RELATING TO AIR POLLUTION CONTROL.

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

1 SECTION 1. Chapter 342B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§342B- Agricultural burning of sugarcane prohibited.

5 (a) No person or entity shall allow or cause the agricultural
6 burning of sugarcane, with or without a permit.

7 (b) For purposes of this section:

8 "Agricultural burning" means the use of open burning in an
9 agricultural operation.

10 "Agricultural operation" means an agricultural activity for
11 the purpose of making a profit by cultivating, planting, or
12 harvesting sugarcane. Agricultural operation includes
13 activities conducted by non-profit agricultural research
14 organizations and by educational institutions for the purpose of
15 providing agricultural instruction.



1 "Open burning" means the burning of any matter in such a
2 manner that the products of combustion resulting from the
3 burning are emitted directly into the ambient air."

4 SECTION 2. Section 342B-12, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§342B-12 Specific powers of the director.** The director
7 may:

- 8 (1) Establish ambient air quality standards for the State
9 as a whole or for any part thereof;
- 10 (2) Establish and administer any permit program;
- 11 (3) Establish by rule the control of open burning,
12 fugitive dust, and visible emissions; provided that
13 beginning on January 1, 2017, the open burning of
14 sugarcane and issuance of permits for the agricultural
15 burning of sugarcane shall be prohibited;
- 16 (4) Establish by rule the control of vehicular smoke
17 emission and require the installation, use, and proper
18 operation and maintenance of air pollution control
19 equipment for motor vehicles;
- 20 (5) Establish and administer a program of inspection and
21 testing of all modes of transportation except



1 aircraft, to enforce compliance with applicable
2 emission limitations when necessary and practicable,
3 and to control or limit the operation of motor
4 vehicular and other modes of transportation when the
5 director finds pursuant to standards established by
6 rules such modes of transportation are producing or
7 pose an immediate danger of producing unacceptable
8 levels of air pollution or when such control is
9 necessary to meet applicable ambient air quality
10 standards;

11 (6) Establish by rule other specific areas for control of
12 air pollution, thereby allowing for varying
13 conditions;

14 (7) Establish standards of performance or rules for
15 existing, new, or modified stationary sources or adopt
16 standards of performance for existing, new, or
17 modified stationary sources as promulgated by the
18 administrator;

19 (8) Establish maximum achievable control technology
20 standards or rules for the control of hazardous air
21 pollutants from existing, new, or modified sources or



S.B. NO. 2468

Report Title:

Air Pollution; Sugarcane Burning

Description:

Prohibits the agricultural burning of sugarcane and issuance of permits for the agricultural burning of sugarcane beginning on January 1, 2017.

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