

[CHAPTER 341]
ENVIRONMENTAL QUALITY CONTROL

Section

- 341-1 Findings and purpose
- 341-2 Definitions
- 341-3 Office of environmental quality control;
environmental center; environmental council
- 341-4 Powers and duties of the director
- 341-5 Repealed
- 341-6 Functions of the environmental council

Note

Department of transportation's bridge rehabilitation and replacement program; temporary exemption from certain construction requirements of this chapter through June 30, 2017 or until completion. L 2012, c 218.

" **[§341-1] Findings and purpose.** The legislature finds that the quality of the environment is as important to the welfare of the people of Hawaii as is the economy of the State. The legislature further finds that the determination of an optimum balance between economic development and environmental quality deserves the most thoughtful consideration, and that the maintenance of the optimum quality of the environment deserves the most intensive care.

The purpose of this chapter is to stimulate, expand and coordinate efforts to determine and maintain the optimum quality of the environment of the State. [L 1970, c 132, pt of §1]

" **§341-2 Definitions.** As used in this chapter, unless the context otherwise requires:

"Center" means the University of Hawaii environmental center established in section [304A-1551].

"Council" means the environmental council established in section 341-3(c).

"Director" means the director of environmental quality control.

"Office" means the office of environmental quality control established in section 341-3(a).

"University" means the University of Hawaii. [L 1970, c 132, pt of §1; am L 2006, c 75, §12]

Revision Note

In definition of "center", "environmental center" substituted for "ecology or environmental center".

" **§341-3 Office of environmental quality control; environmental center; environmental council.** (a) There is created an office of environmental quality control that shall be headed by a single executive to be known as the director of environmental quality control who shall be appointed by the governor as provided in section 26-34. This office shall implement this chapter and shall be placed within the department of health for administrative purposes. The office shall perform its duties under chapter 343 and shall serve the governor in an

advisory capacity on all matters relating to environmental quality control.

(b) The environmental center within the University of Hawaii shall be as established under section [304A-1551].

(c) There is created an environmental council not to exceed fifteen members. Except for the director, members of the environmental council shall be appointed by the governor as provided in section 26-34. The council shall be attached to the department of health for administrative purposes. Except for the director, the term of each member shall be four years; provided that, of the members initially appointed, five members shall serve for four years, five members shall serve for three years, and the remaining four members shall serve for two years. Vacancies shall be filled for the remainder of any unexpired term in the same manner as original appointments. The director shall be an ex officio voting member of the council. The council chairperson shall be elected by the council from among the appointed members of the council.

Members shall be appointed to assure a broad and balanced representation of educational, business, and environmentally pertinent disciplines and professions, such as the natural and social sciences, the humanities, architecture, engineering, environmental consulting, public health, and planning; educational and research institutions with environmental competence; agriculture, real estate, visitor industry, construction, media, and voluntary community and environmental groups. The members of the council shall serve without compensation but shall be reimbursed for expenses, including travel expenses, incurred in the discharge of their duties. [L 1970, c 132, pt of §1; am L 1980, c 302, pt of §2; am L 1983, c 140, §1; am L 1987, c 233, §1; am L 2006, c 75, §13]

Law Journals and Reviews

Determining the Expiration Date of an Environmental Impact Statement: When to Supplement a Stale EIS in Hawai'i. 35 UH L. Rev. 249 (2013).

" **§341-4 Powers and duties of the director.** (a) The director shall have such powers delegated by the governor as are necessary to coordinate and, when requested by the governor, to direct pursuant to chapter 91 all state governmental agencies in matters concerning environmental quality.

(b) To further the objective of subsection (a), the director shall:

- (1) Direct the attention of the university community and the residents of the State in general to ecological

and environmental problems through the center and the council, respectively, and through public education programs;

- (2) Conduct research or arrange for the conduct of research through contractual relations with the center, state agencies, or other persons with competence in the field of ecology and environmental quality;
- (3) Encourage public acceptance of proposed legislative and administrative actions concerning ecology and environmental quality, and receive notice of any private or public complaints concerning ecology and environmental quality through the council;
- (4) Recommend programs for long-range implementation of environmental quality control;
- (5) Submit direct to the governor and to the legislature such legislative bills and administrative policies, objectives, and actions, as are necessary to preserve and enhance the environmental quality of the State;
- (6) Conduct public educational programs; and
- (7) Offer advice and assistance to private industry, governmental agencies, or other persons upon request.

(c) The director shall adopt rules pursuant to chapter 91 necessary for the purposes of implementing this chapter. [L 1970, c 132, pt of §1; am L 1978, c 161, §1; am L 1985, c 127, §3; am L 1987, c 185, §1; am L 2001, c 247, §1]

" **§341-5 REPEALED.** L 2006, c 75, §17.

Cross References

For present provision, see §304A-1551.

" **§341-6 Functions of the environmental council.** The council shall serve as a liaison between the director and the general public by soliciting information, opinions, complaints, recommendations, and advice concerning ecology and environmental quality through public hearings or any other means and by publicizing such matters as requested by the director pursuant to section 341-4(b)(3). The council may make recommendations concerning ecology and environmental quality to the director and shall meet at the call of the council chairperson or the director upon notifying the council chairperson. The council shall monitor the progress of state, county, and federal agencies in achieving the State's environmental goals and policies and with the assistance of the director shall make an annual report with recommendations for improvement to the

governor, the legislature, and the public no later than January 31 of each year. All state and county agencies shall cooperate with the council and assist in the preparation of such a report by responding to requests for information made by the council. The council may delegate to any person such power or authority vested in the council as it deems reasonable and proper for the effective administration of this section and chapter 343, except the power to make, amend, or repeal rules. [L 1970, c 132, pt of §1; am L 1974, c 248, §1; am L 1983, c 140, §2]

Revision Note

Section "341-4(b)(3)" substituted for "341-4(b)(4)".

Law Journals and Reviews

Determining the Expiration Date of an Environmental Impact Statement: When to Supplement a State EIS in Hawai'i. 35 UH L. Rev. 249 (2013).