
A BILL FOR AN ACT

RELATING TO ENERGY.

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

1 SECTION 1. Section 343-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "power-generating
3 facility" to read as follows:

4 "Power-generating facility" means:

- 5 (1) A new, [~~fossil-fueled,~~] electricity-generating
6 facility, where the electrical output rating of the
7 new equipment exceeds 5.0 megawatts; or
8 (2) An expansion in generating capacity of an existing,
9 [~~fossil-fueled,~~] electricity-generating facility,
10 where the incremental electrical output rating of the
11 new equipment exceeds 5.0 megawatts."

12 SECTION 2. Section 343-5, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Except as otherwise provided, an environmental
15 assessment shall be required for actions that:

- 16 (1) Propose the use of state or county lands or the use of
17 state or county funds, other than funds to be used for



1 feasibility or planning studies for possible future
2 programs or projects that the agency has not approved,
3 adopted, or funded, or funds to be used for the
4 acquisition of unimproved real property; provided that
5 the agency shall consider environmental factors and
6 available alternatives in its feasibility or planning
7 studies; provided further that an environmental
8 assessment for proposed uses under section 205-
9 2(d)(11) or 205-4.5(a)(13) shall only be required
10 pursuant to section 205-5(b);

11 (2) Propose any use within any land classified as a
12 conservation district by the state land use commission
13 under chapter 205;

14 (3) Propose any use within a shoreline area as defined in
15 section 205A-41;

16 (4) Propose any use within any historic site as designated
17 in the National Register or Hawaii Register, as
18 provided for in the Historic Preservation Act of 1966,
19 Public Law 89-665, or chapter 6E;

20 (5) Propose any use within the Waikiki area of Oahu, the
21 boundaries of which are delineated in the land use



- 1 ordinance as amended, establishing the "Waikiki
2 Special District";
- 3 (6) Propose any amendments to existing county general
4 plans where the amendment would result in designations
5 other than agriculture, conservation, or preservation,
6 except actions proposing any new county general plan
7 or amendments to any existing county general plan
8 initiated by a county;
- 9 (7) Propose any reclassification of any land classified as
10 a conservation district by the state land use
11 commission under chapter 205;
- 12 (8) Propose the construction of new or the expansion or
13 modification of existing helicopter facilities within
14 the State, that by way of their activities, may
15 affect:
- 16 (A) Any land classified as a conservation district by
17 the state land use commission under chapter 205;
- 18 (B) A shoreline area as defined in section 205A-41;
19 or
- 20 (C) Any historic site as designated in the National
21 Register or Hawaii Register, as provided for in



1 the Historic Preservation Act of 1966, Public Law
2 89-665, or chapter 6E; or until the statewide
3 historic places inventory is completed, any
4 historic site that is found by a field
5 reconnaissance of the area affected by the
6 helicopter facility and is under consideration
7 for placement on the National Register or the
8 Hawaii Register of Historic Places; and

9 (9) Propose any:

10 (A) Wastewater treatment unit, except an individual
11 wastewater system or a wastewater treatment unit
12 serving fewer than fifty single-family dwellings
13 or the equivalent;

14 (B) Waste-to-energy facility;

15 (C) Landfill;

16 (D) Oil refinery; or

17 (E) Power-generating facility~~(-)~~ that sells
18 electricity to a utility through a power purchase
19 contract."

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



1 SECTION 4. This Act shall take effect upon its approval.

2

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H.B. NO. 1549

Report Title:

Electricity; Power-generating Facility; Power Purchase Contract

Description:

Requires an environmental assessment for any new or expanded proposed power-generating facility that sells electricity to a utility through a power purchase contract regardless of whether the facility is fueled by fossil fuels.

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