

MAR 10 2023

SENATE RESOLUTION

URGING THE DEPARTMENT OF HEALTH TO TAKE CERTAIN ACTIONS
REGARDING FUGITIVE DUST.

1 WHEREAS, many acres of former agricultural land in the
2 State have become vacant for various reasons; and

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4 WHEREAS, in windy conditions, large dust storms arise from
5 these lands; and

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7 WHEREAS, the dust storms deposit precious topsoil into the
8 ocean, thereby damaging the reefs and the marine environment, as
9 well as detrimentally affecting the health of the residents
10 downwind; and

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12 WHEREAS, although the Department of Health's Clean Air
13 Branch regulates the discharge of fugitive dust in the State and
14 imposes penalties for violations, existing rules do not require
15 land owners to have fugitive dust mitigation plans approved by
16 the Director of Health and the existing penalty structure does
17 not consider the scale of the dust emission; and

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19 WHEREAS, there is a disincentive for owners of large areas
20 of vacant undeveloped land to take immediate action to control
21 fugitive dust discharge from their lands to preserve the
22 topsoil, prevent contamination of the marine environment, and
23 protect the health and safety of the nearby communities; now,
24 therefore,

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26 BE IT RESOLVED by the Senate of the Thirty-second
27 Legislature of the State of Hawaii, Regular Session of 2023,
28 that the Department of Health is requested to amend its
29 administrative rules, pursuant to Chapter 91, Hawaii Revised
30 Statutes, to:

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32 (1) Create an updated list of reasonable precautions that
33 a landowner may take to prevent visible fugitive dust
34 from the land from becoming airborne, particularly
35 when the land is vacant and undeveloped;
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1 (2) Specify the best practical operations or treatments an
 2 owner of vacant undeveloped land may take or implement
 3 to prevent visible fugitive dust that originates from
 4 the land from being discharged beyond the land's lot
 5 line;

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 7 (3) Require each owner of vacant, undeveloped land in the
 8 State to submit to the Department a fugitive dust
 9 mitigation plan for the owner's vacant undeveloped
 10 land, which shall be subject to approval by the
 11 Director of Health; and

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 13 (4) Impose appropriate penalties for violations of rules
 14 relating to fugitive dust; and

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 16 BE IT FURTHER RESOLVED that the Department of Health is
 17 requested to monitor fugitive dust across the State; and

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 19 BE IT FURTHER RESOLVED that the Department of Health is
 20 requested to submit to the Legislature no later than twenty days
 21 prior to the convening of the Regular Session of 2024, a report
 22 of its progress and any recommendations, including any proposed
 23 legislation; and

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 25 BE IT FURTHER RESOLVED that certified copies of this
 26 Resolution be transmitted to the Director of Health, Deputy
 27 Director for Environmental Health Administration, and Chief of
 28 the Clean Air Branch of the Department of Health.

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 31 OFFERED BY: 

