

JAN 19 2024

A BILL FOR AN ACT

RELATING TO ENERGY.

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

1 SECTION 1. The legislature finds that chapter 343, Hawaii
2 Revised Statutes, requires environmental assessments for certain
3 types of projects. In 2004, the legislature passed Act 55,
4 Session Laws of Hawaii 2004, to "[c]lose loopholes in the
5 environmental review process" by including certain types of
6 projects, including any "power-generating facility" of a certain
7 minimum output, to have an environmental assessment pursuant to
8 chapter 343, Hawaii Revised Statutes. The legislation limited
9 "power-generating facility" to those that generate electricity
10 using fossil fuel.

11 Since then, considerable research has been performed on the
12 combustion of all types of fuels. It has been determined that
13 the combustion of any type of fuel creates air pollution that
14 harms the environment, as well as human health.

15 Accordingly, the purpose of this Act is to update the law
16 requiring environmental assessments for power-generating



1 facilities by redefining "power-generating facilities" to
2 include those that rely on the combustion of any fuel source.

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

6 "Power-generating facility" means:

- 7 (1) A new~~[, fossil-fueled,]~~ combustion electricity-
8 generating facility, where the electrical output
9 rating of the new equipment exceeds 5.0 megawatts~~[,]~~ ,
10 including facilities not in commercial operation as of
11 January 1, 2024, which plan to operate commercially
12 after January 1, 2024; [ø]
- 13 (2) An expansion in generating capacity of an existing~~[,]~~
14 ~~fossil-fueled,~~ combustion electricity-generating
15 facility, where the incremental electrical output
16 rating of the new equipment exceeds 5.0 megawatts~~[,]~~ ;
17 or
- 18 (3) A conversion of an electricity-generating facility
19 from one source of energy to another source, where the
20 new source requires combustion, and where the



1 electrical output rating of the converted facility
2 exceeds 5.0 megawatts."

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 Statutory material to be repealed is bracketed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

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

6

INTRODUCED BY: 



S.B. NO. 2372

Report Title:

Energy; Pollution; Environmental Assessment; Power-Generating Facility; Fuel Source

Description:

Redefines power-generating facility to include those that rely on the combustion of any fuel source which exceeds 5.0 megawatts.

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