

Honolulu, Hawaii

FEB 07 , 2024

RE: H.B. No. 2123
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 2123 entitled:

"A BILL FOR AN ACT RELATING TO AIR POLLUTION,"

begs leave to report as follows:

The purpose of this measure is to require the Department of Health to conduct continuous air quality testing for certain chemicals at waste management facilities.

Your Committee received testimony in support of this measure from the Energy Justice Network; Zero Waste Kauai; Lahaina Strong; Chamber of Sustainable Commerce; Climate Protectors Hawaii; Environmental Caucus of the Democratic Party of Hawai'i; Kokua na Aina; Greenpeace Hawaii; and numerous individuals. Your Committee received comments on this measure from the Department of Health and three individuals.

Your Committee finds that the continuous testing of air quality for certain chemicals at waste management facilities is essential to determining community exposure to health hazards from toxic emissions. However, establishing a requirement for the Department of Health to conduct continuous testing of air quality at waste management facilities places a significant financial and staffing burden on the Department. Your Committee therefore finds that amendments are necessary to alleviate some of these concerns.



Your Committee has amended this measure by:

- (1) Changing the requirement that the Department of Health conduct continuous air quality testing for certain chemicals at waste management facilities to a requirement that the owner or operator of any waste combustion facility or municipal solid waste landfill develop a plan to continuously monitor or sample emissions of certain contaminants;
- (2) Expanding the list of chemicals to be monitored or sampled;
- (3) Requiring the Department of Health to establish a separate list of contaminants that are applicable to municipal solid waste landfills and for which a plan for continuous monitoring or emissions sampling shall be developed;
- (4) Specifying certain contents of the plans regarding types of monitoring systems to be used, how monitoring and sampling will be conducted;
- (5) Specifying how emissions data should be reported; maintained; made accessible to the Department of Health and to the public, including at what frequency and in what form; and displayed, and how gaps in data should be reported;
- (6) Establishing deadlines for plans to be submitted to the Department of Health and for approved plans to be implemented;
- (7) Establishing a deadline for the Department of Health to adopt rules to enforce permit limits and specifying how continuous monitoring and sampling data will be determined to be reliable enough to be used for enforcement purposes;
- (8) Adding definitions for various terms;
- (9) Adding a requirement for the Department of Health to report to the Legislature;



- (10) Amending the preamble to reflect its amended purpose;
- (11) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2123, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2123, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



NICOLE E. LOWEN, Chair



