

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 the protection of
2 the State's natural environment is of paramount importance.
3 Act 246, Session Laws of Hawaii 1974, established environmental
4 impact assessment requirements for certain types of projects.
5 Subsequently, the legislature passed Act 55, Session Laws of
6 Hawaii 2004 (Act 55), which clarified existing law regarding
7 environmental impact assessment requirements to include power-
8 generating facilities. However, Act 55 limited affected power-
9 generating facilities to those that generate electricity using
10 fossil fuel. Since the passage of Act 55, further research
11 determined that the combustion of any type of fuel creates air
12 pollution that harms the natural environment and human health.
13 Therefore, addressing all types of fuel combustion, rather than
14 solely fossil fuel combustion, will continue protection of the
15 State's natural resources and overall public health.



1 Accordingly, the purpose of this Act is to require
2 environmental impact assessments for certain power-generating
3 facilities that rely on combustion of any type of fuel.

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

7 ""Power-generating facility" means:

- 8 (1) A new~~[, fossil-fueled,]~~ combustion electricity-
9 generating facility, where the electrical output
10 rating of the new equipment exceeds 5.0 megawatts,
11 including facilities not in commercial operation as of
12 January 1, 2024, that plan to operate commercially
13 after January 1, 2024; [or]
- 14 (2) An expansion in generating capacity of an existing~~[, 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
21 new source requires combustion and where the



S.B. NO. 2367

Report Title:

Environmental Impact Assessments; Power-Generating Facilities;
Combustion; Electricity

Description:

Clarifies the definition of "power-generating facility" for the purposes of environmental impact assessments to include new combustion electricity-generating facilities operating beginning January 1, 2024, that were not previously operational. Includes power-generating facilities that are converting from one source of energy to another source, where the new source requires combustion and the electrical output rating of the converted facility exceeds 5.0 megawatts.

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