

ACT 150

H.B. NO. 2530

A Bill for an Act Relating to Air Pollution Control Public Notification.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that section 342B-13, Hawaii Revised Statutes, regarding public notification, is confusing and inconsistent with the notice requirements of Act 2, Session Laws of Hawaii 1998, and creates an unnecessary expense for the department of health. To provide a more streamlined, consistent, and cost-effective means of public notice, Act 2, among other things, made widespread changes to the Hawaii Revised Statutes and inadvertently revised section 342B-13 to require public notification for air permits to be given twice weekly. No federal regulation requires notices to be published twice weekly. Furthermore, the existing language is ambiguous because it does not identify the duration for the twice weekly notices.

This Act furthers the purposes of Act 2, eliminates the requirement that notices be published twice weekly, and provides that public notification be given once in the county affected by the proposed action. This Act also requires posting of the notice on the department web site.

SECTION 2. Section 342B-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as provided in subsections (b) and (c), where public participation is deemed appropriate by the director or is required, the director shall provide for notice and opportunity for public comment as follows:

- (1) The director shall make available for public inspection in at least one location in the county affected by the proposed action, or in which the source is or would be located:
 - (A) Information on the subject matter;
 - (B) All information submitted by the applicant, except for that deemed confidential;
 - (C) The department’s analysis and proposed action; and
 - (D) Other information and documents deemed appropriate by the department[;].
- (2) The director shall notify the public of the availability of information listed in paragraph (1). Public notification shall be given [at least twice weekly] once in the county affected by the proposed action, or in which the source is or would be located[;]. The director shall also post this notice on the department’s web site in an easily-located manner;
- (3) Public notice shall be mailed to any person, group, or agency upon request;
- (4) The director shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit written comments on the subject matter, application, department’s analysis and proposed actions, and other appropriate considerations. The period for comment may be extended at the discretion of the director; and
- (5) The director, at the director’s sole discretion, may hold a public hearing if the public hearing would aid in the director’s decision. Any person may request a public hearing. The request shall be in writing and shall be filed within the thirty-day comment period prescribed in paragraph (4) and shall indicate the interest of the party filing the request and the reasons why a hearing is warranted. The director shall give the public

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notice for a hearing in accordance with paragraph (2) at least thirty days in advance of the hearing date and shall conduct the hearing in the county which would be affected by the proposed action, or in which the source is or would be located.’’

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

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

(Approved May 30, 2000.)