HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII

H.B. NO. 3213

A BILL FOR AN ACT

RELATING TO AIR POLLUTION.

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

SECTION 1. The legislature finds that financial incentives must be aligned with policies that establish societal and sustainability goals. The legislature further finds, however, that a loophole exists in Hawaii's air pollution control laws, and this inadvertently acts as a disincentive to reducing pollution from larger pollution sources.

Under section 342B-29, Hawaii Revised Statutes, covered source permit holders must pay fees per ton of pollution emitted annually. These fees fund the clean air branch of the department of health and other programs. Covered source permit holders, however, are not assessed fees for pollution above four thousand tons. The legislature finds that this feature of the law is inequitable for covered source permit holders that emit less than four thousand tons, and it is a disincentive to large polluters to reduce pollution that exceeds four thousand tons annually.

The purpose of this Act is to eliminate a disincentive to pollution reduction by removing the cap on fees for emissions.

SECTION 2. Section 342B-29, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Fees for covered sources shall be based on the number of tons of regulated air pollutant, excluding carbon monoxide, allowed or emitted by the permitted source and shall not be less than $25 per ton per year. [~~A covered source shall not be assessed for emissions of a regulated air pollutant in excess of four thousand tons per year.~~]"

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken.

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

INTRODUCED BY:

JAN 22 2008

H.B. NO. 3213

Report Title:
Air Pollution; Fees

Description:
Removes the maximum limitation on fees for air pollution emissions from covered sources.