

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO AIR POLLUTION CONTROL.

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

1           SECTION 1. The legislature finds that bunker fuel is a  
2 particularly noxious petroleum product that is used to power  
3 some marine vessels. Bunker fuel is a heavy petroleum product  
4 that commonly contains relatively high amounts of sulfur.  
5 Bunker fuel is the fuel oil that was spread in harbor waters in  
6 the 2007 massive oil spills in the Black Sea and San Francisco  
7 Bay. Concerned citizens note that bunker fuel literally comes  
8 from the bottom of the oil barrel as an "asphalt-like gunk" left  
9 behind after crude oil is refined into gasoline and diesel.

10           Adverse health effects from inhaling fumes from the burning  
11 of bunker fuel oil (according to the Material Safety Data Sheet,  
12 United States Oil and Refining Company) include eye irritation,  
13 skin irritation, nausea, vomiting, diarrhea, and restlessness.  
14 Furthermore, similar materials contain a like chemical  
15 ingredient that has been associated with causing skin cancer on  
16 test animals. According to a recent study published in the  
17 *Journal of the American Chemical Society*, air pollution from



1 cargo ship exhaust has been linked to the premature death of  
2 sixty thousand people worldwide in 2002. Most of those deaths  
3 resulted from heart and lung ailments.

4 A bill is currently pending in the United States Congress  
5 (S. 1499) that would reduce air pollution from marine vessels,  
6 including marine vessel fuels containing high amounts of sulfur.

7 Cruise ships generate large amounts of air pollution from  
8 continuous burning, twenty-four hours per day and seven days a  
9 week, as they provide power for air conditioning and electricity  
10 to thousands of guest rooms. In effect, a cruise ship is a  
11 virtual floating power plant.

12 The legislature further finds that the health of residents  
13 in communities surrounding Nawiliwili harbor on the island of  
14 Kauai is particularly at risk from the burning of bunker fuel by  
15 vessels because of prevailing wind patterns and the proximity of  
16 the surrounding communities to bunker fuel-burning vessels  
17 operating near or moored at Nawiliwili harbor.

18 The purpose of this Act is to prohibit the burning of  
19 bunker fuel by cruise ships within a five-mile radius of  
20 Nawiliwili harbor.



1 SECTION 2. Chapter 342B, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§342B- Nawiliwili harbor; bunker fuel emission  
5 regulation; alternatives. (a) Beginning December 31, 2008,  
6 emissions from a cruise ship resulting directly or indirectly  
7 from the burning of bunker fuel oil containing more than one  
8 thousand parts per million of sulfur in its main and auxiliary  
9 engines shall be prohibited within a five-mile radius of  
10 Nawiliwili harbor.

11 (b) Notwithstanding subsection (a), the director may  
12 provide for an alternative mechanism of compliance with this  
13 section for any cruise ship if the director determines that it  
14 employs a control technology that reduces its air emissions of  
15 sulfur dioxides and particulate matter to at least the same  
16 degree as the reduction that would be achieved by the vessel  
17 through compliance with the applicable fuel sulfur content under  
18 this section.

19 (c) Emission reductions under this section shall be in  
20 addition to any reductions required by any other applicable  
21 engine emission standards as provided by law.



1        (d) The department shall adopt rules pursuant to chapter  
2 91 necessary for the purposes of this section."

3        SECTION 3. Section 342B-1, Hawaii Revised Statutes, is  
4 amended as follows:

5        1. By adding two new definitions to be appropriately  
6 inserted and to read:

7        "Bunker fuel oil" means oil that is burned in a furnace or  
8 boiler to generate heat or used in an engine to generate power,  
9 including, but not limited to, diesel oil. Bunker fuel oil  
10 usually is the heaviest fuel that can be derived from crude oil.  
11 Sometimes referred to as furnace fuel oil, its high viscosity  
12 requires heating before use.

13        "Cruise ship" means a commercial passenger vessel that  
14 carries passengers for hire, not including a commercial  
15 passenger vessel:

16        (1) Authorized to carry fewer than fifty passengers; or

17        (2) That does not provide overnight accommodations for at  
18 least fifty passengers for hire, determined with  
19 reference to the number of lower berths on an average  
20 of two persons per cabin."

21        2. By amending the definitions of "air pollutant" and  
22 "source" to read:



1            ""Air pollutant" has the same meaning as in the Clean Air  
2 Act, 42 United States Code section 7602 (g), bunker fuel oil  
3 emissions as provided in section 342B- , and any substance  
4 designated as such by rules adopted under chapter 91.

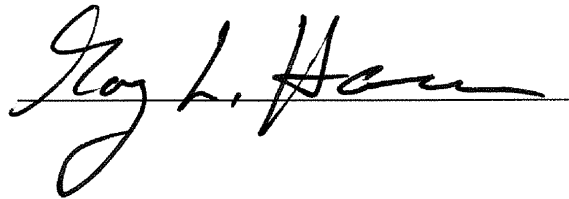
5            "Source" means any property, real or personal, [~~which~~] or  
6 any cruise ship or commercial passenger vessel as provided in  
7 section 342B- , that emits or may emit any air pollutant."

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

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

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INTRODUCED BY:



**Report Title:**

Air Pollution; Bunker Fuel Burning; Nawiliwili Harbor; Cruise Ships

**Description:**

Prohibits cruise ships from burning bunker fuel as an air pollutant within five miles of Nawiliwili harbor; defines bunker fuel oil.

