

Appendix Y: Legal Authority

**Hawaii Regional Haze State Implementation Plan
for Second Planning Period
Legal Authority – CAA Section 169A(b)(2)
Complete Copies of Hawaii's Statutory and Regulatory Authority Can be Found at:
http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0342B/**

Section 169A(b)(2): Emission Limits and Other Control Measures

“require each applicable implementation plan for a State in which any area listed by the administrator under subsection (a)(2) of this section is located (or a State the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area) to contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress towards meeting the national goal specified in subsection (a) of this section – including a long-term (ten to fifteen years) strategy for making reasonable progress toward meeting the national goal specified in subsection (a) of this section”

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Statutory provisions that provide the authority to establish rules for imposing emissions limitations and control measures:

HRS §91-3 Procedure for adoption, amendment, or repeal of rules.

HRS §342B-3 General functions, duties, and powers of the director¹.

Grants the director the function, duty and power to:

- (a) prevent, control, and abate air pollution and the emission of air pollutants in the state;
- (b) adopt, amend, and repeal state rules controlling and prohibiting air pollution and the release of air pollutants or as otherwise necessary for the purposes of this chapter.

HRS §342B-11 Prohibition

This states that no person shall engage in any activity which causes air pollution or causes or allows the emission of any regulated air pollutant² without first securing approval in writing from the director.

HRS §342B-12 Specific powers of the director

HRS §342B-21 Specific functions, duties, and powers of the director

Hawaii Revised Statutes §91-3, 342B-3, 342B-11, 342B-12, and 342B-21 give the department³ the authority and duty to establish rules to prevent, control, and abate air pollution and the emission of air pollutants in the State. The director may:

1. Establish ambient air quality standards for the State;
2. Establish and administer any permit program;
3. Establish by rule the control of open burning, fugitive dust, and visible emissions;

¹ As defined in HRS §342B-1, the “director” means the director of health

² The statutory definition of “air pollutant” has the same meaning as in the Clean Air Act, 42 U.S.C. §7602(g)

³ As defined in HRS §342B-1, the “department” means the department of health

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4. Establish by rule the control of vehicular smoke emission and require the installation, use, and proper operation and maintenance of air pollution control equipment for motor vehicles;
5. Establish and administer a program of inspection and testing of all modes of transportation except aircraft, to enforce compliance with applicable emission limitations when necessary and practicable, and to control or limit the operation of motor vehicular and other modes of transportation when the director finds pursuant to standards established by rules such modes of transportation are producing or pose an immediate danger of producing unacceptable levels of air pollution or when such control is necessary to meet applicable ambient air quality standards;
6. Establish by rule other specific areas for control of air pollution, thereby allowing for varying conditions.

Statutory provisions that provide the authority to enforce emissions limitations and control measures:

HRS §342B-15 Complaints; hearings; appointment of masters

Allows for the receipt or initiation, investigation, and legal proceedings of complaints on air pollution. HRS §342B-41 Inspection of premises

In accordance with the law, provides for the inspection or investigation of actual or suspected sources of air pollution to ascertain compliance or noncompliance with any rule, standard or permit.

HRS §342B-42 Enforcement

Specifies the enforcement procedures on any person in violation of this chapter, rule or any issued permit or variance. HRS §342B-43 Emergency powers; procedures

Provides emergency powers to the governor or director in the event there is an imminent peril to public health and safety due to the release of any air pollutant or combination of air pollutants that requires immediate action.

HRS §342B-44 Injunctive and other relief

Allows the director to impose and collect civil and administrative penalties or obtain other relief. HRS §342B-45 Citation

Any person who violates the vehicular smoke emission and open burning control rules may be issued a summons or citation for the violation. This statute provides the authority for police officers to issue citations for violations of the vehicular smoke emission (HAR §11-60.1-34) and open burning control rules.

HRS §342B-46 Appeal

Provides for the appeal process for an enforcement decision.

HRS §342B-47 Civil penalties

Sets fines for violations of the vehicular smoke emission rule, open burning control rule, and any other rule or condition of an issued permit.

HRS §342B-48 Administrative penalties

HRS §342B-49 Criminal penalties

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HRS §342B-50 Disposition of collected fines and penalties

Requires that all fines and penalties collected under this chapter be deposited into the environmental response revolving fund.

HRS §342B-51 Enforcement by state and county authorities

Provides for all state and county health authorities and the police to enforce the provisions of this chapter as well as the rules, orders, and permits of the department.

HRS §342B-52 Nonliability of department personnel

HRS §342B-53 Other action not barred

HRS §342B-54 Priority in courts

HRS §342B-55 Consent orders; settlement agreements

Regulatory provision for the implementation of these statutory authorities:

HAR §11-60.1-19 Penalties and remedies

States that any person who violates any provision of this chapter or any term or condition of a permit shall be subject to the penalties and remedies provided in §342B sections 42, 44, 47, and 48.

Regulatory rules that establish the emission limitations and control measures:

HAR §11-60.1-1 Definitions

HAR §11-60.1-2 Prohibition of air pollution

This rule specifies that no person shall engage in any activity which causes air pollution or causes or allows the emission of any regulated or hazardous air pollutant without first securing approval in writing from the director.

HAR §11-60.1-8 Reporting discontinuance

This requires written notifications within thirty days of permanent discontinuance of the construction, modification, relocation, or operation.

HAR §11-60.1-10(a)(2) and (a)(3) - Permit termination, suspension, reopening, and amendment

These actions are required to assure compliance with the requirements of the CAA §169A(g)(1).

HAR §11-60.1-15 Reporting of equipment shutdown

This provision requires prior notification of the intent to shutdown air pollution control equipment but does not exempt sources from enforcement action if emissions occur as a result of a planned shutdown.

HAR §11-60.1-16 Prompt reporting of deviations

This requires sources to submit prompt notification if excess emissions occur as a result of the breakdown or malfunction of any emission unit, air pollution control equipment or related equipment but does not exempt sources from enforcement action if such excess emissions occur.

HAR §11-60.1-31 Applicability (This is the initial submission of HAR §11-60.1-31 for incorporation into Hawaii's SIP.)

HAR §11-60.1-32 Visible Emissions

This sets visible emission limitations on stationary sources.

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HAR §11-60.1-33

This sets visible emission limitations on the generation of fugitive dust.

HAR §11-60.1-34 Motor vehicle

Restricts the emission of visible smoke from gasoline or diesel-powered motor vehicles, the amount of time and location an engine may idle, and prohibits the dismantling or failure to maintain or operate any equipment or feature of a motor vehicle air pollution control system or mechanism that is required by the provisions of the Clean Air Act.

HAR §11-60.1-40 Volatile organic compound water separation

Requires vapor loss control device installation and operation on single or multiple compartment volatile organic compound water separators.

HAR §11-60.1-41 Pump and compressor requirements

Requires seal installation on pumps and compressors handling volatile organic compounds.

HAR §11-60.1-42 Waste gas disposal

Prohibits volatile organic gas stream emissions without use of an appropriate control device.

HAR §11-60.1-51 [Open Burning] Definitions (Amended January 13, 2012)

HAR §11-60.1-53 Agricultural burning: permit applicability (Amended January 13, 2012)

Requires that any person engaged in any agricultural operation, forest management, or range improvement first obtain an agricultural burning permit prior to conducting an agricultural burn. Any person failing to comply with the terms and conditions of the permit, or this chapter is subject to penalties and remedies provided for in sections §342B-42, §342B-44, §342B-47, and §342B-48.

HAR §11-60.1-54 Agricultural burning permit application (Amended January 13, 2012)

HAR §11-60.1-55

This sets restriction for agricultural burning and conditionally approve open burning.

HAR §11-60.1-56 Agricultural burning: recordkeeping and monitoring

Requires permittees to monitor and maintain records of each agricultural burn conducted in accordance with the permit.

HAR §11-60.1-90 Permit

Requires that all covered source permits consider and incorporate emission limitations and standards, including operational requirements and limitations to assure compliance with all applicable requirements at the time of permit issuance;

- Requires the installation of devices for the measurement or analysis of source emissions;
- Requires source emissions tests to determine compliance with terms and conditions of the covered source permit and applicable requirements;
- Requires recordkeeping and reporting requirements to assure compliance with all terms and conditions of the permit.

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Statutory provisions that provide the authority for this element:

HRS §342B-21 Specific functions, duties, and powers of the director

HRS §342B-22 Permit and permit renewal requirements

Requires that the owner or operator of a covered source obtain a permit from the department.

HRS §342B-23 Application for permit

HRS §342B-24 Action on a permit application

HRS §342B-25 Approval of permit

HRS §342B-26 General and temporary permits; single permit

HRS §342B-27 Other permit action

Provides the conditions under which the director may terminate, modify, suspend, or revoke and reissue any permit.

HRS §342B-28 Recordkeeping and monitoring requirements

HRS §342B-29 Fees

HRS §342B-30 Judicial review

HRS §342B-31 Government records; confidential information

HRS §342B-32 Clean air special fund

HRS §342B-33 Minimum permit conditions

HRS §342B-34 Exceptions

Regulatory provisions for the implementation of the statutory authorities include:

HAR §11-60.1-1 Definitions

HAR §11-60.1-2 Prohibition of air pollution

HAR §11-60.1-3 General conditions for considering applications

HAR §11-60.1-5 Permit conditions

Allows the director to impose more restrictive conditions in a permit to further limit the air pollutants and operation of the source.

HAR §11-60.1-7 Transfer of permit

Except for temporary permits issued pursuant to this chapter, this rule prohibits the transfer of a permit from one person to another or from one location to another without approval from the director.

HAR §11-60.1-11 Sampling, testing, and reporting methods HAR §11-60.1-12 Air quality models

HAR §11-60.1-14 Public access to information

HAR §11-60.1-58 Agricultural burning: permit content

HAR §11-60.1-81 [Covered Sources] Definitions

Includes definitions used for the covered source program.

HAR §11-60.1-82 [Covered Sources] Applicability

HAR §11-60.1-83 Initial covered source permit application

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HAR §11-60.1-84 [Covered Sources] Duty to supplement or correct permit applications

HAR §11-60.1-90 Permit content

Lists elements to be considered and incorporated into all covered source permits as applicable, including (but not limited to): Emission limitations and standards, including operational requirements;
Requirements for the installation of measurement devices for source emissions or ambient concentrations of air pollutants;
Requirement for source emissions tests or alternative testing methodologies; and
Monitoring and recordkeeping requirements.

HAR §11-60.1-91 Temporary covered source permits

Requires owners or operators of a temporary covered source to certify its intention to operate at various locations with the same equipment and similar operational methods.

HAR §11-60.1-92 Covered source general permits

Governs the issuance of general permits for similar nonmajor covered sources.

HAR §11-60.1-93 Federally enforceable permit terms and conditions

States that terms and conditions in a covered source permit are federally enforceable.

HAR §11-60.1-99 Public participation

HAR §11-60.1-103 Applications for minor modifications

Every application for a minor modification to a covered source is required to submit sufficient information to enable the director to make a decision on the application. Some of the information required include:

A clear description of all changes;

A statement of why the modification is determined to be minor; Maximum emission rates; and

The identification of any new applicable requirements that will apply if the minor modification occurs.

HAR §11-60.1-104 Applications for significant modifications

This rule states that every application for a significant modification to a covered source is subject to the same requirements as for an initial covered source permit application pursuant to 11-60.1-83 as it pertains to the proposed significant modification.

Discussions

EPA determined that Hawaii's SIP did not include approvable procedures for preventing significant deterioration of air quality. Therefore, EPA incorporated the provisions of 40 CFR §52.21 (except paragraph (a)(1)) into the applicable Hawaii plan, see 40 CFR 52.632(b). DOH has been delegated the authority to implement the provisions of 40 CFR 52.21 since 1983.

The department has the authority to revise the Hawaii SIP as necessary to account for revisions (e.g., permitting, reasonable progress goal revisions, etc.) or the availability of improved or more expeditious methods of attaining such standard or whenever the Administrator finds that the state's plan is substantially inadequate to attain the reasonable progress goals or does not comply with requirements established under the CAA.

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The department will continue to update and revise the SIPs as necessary and will submit all SIP revisions whenever the Administrator finds that the plan is substantially inadequate to attain the reasonable progress goals or does not comply with requirements established under the CAA.

Statutory provisions that provide adequacy of personnel, funding, and the legal authority for implementation:

HRS §342B-2: Administration

Specifies that the department shall administer this chapter through the director who may delegate to any person the power and authority vested in the director by this chapter as the director deems reasonable and proper for the effective administration of this chapter, except the power to make rules.

HRS §342B-3 General functions, duties, and powers of the director Provides the director the authority to:

- (a) prevent, control, and abate air pollution and the emission of air pollutants in the state;
- (b) adopt, amend, and repeal state rules controlling and prohibiting air pollution and the release of air pollutants or as otherwise necessary for the purposes of this chapter; and,
- (c) appoint hearings officers to conduct contested case hearings and public participation activities, including public hearings and public informational meetings.

HRS §342B-12 Specific powers of the director

Identifies additional specific powers of the director to administer and manage the air program.

HRS §84 Standards of Conduct.

Prescribes a code of ethics for elected officers and public employees of the state and is administered by the State Ethics Commission. Standards of conduct and conflict of interest provisions included in this chapter are as follows:

HRS §84-1 Construction

This chapter shall be liberally construed to promote high standards of ethical conduct in state government.

HRS §84-2 Applicability

This chapter applies to every nominated, appointed, or elected officer, employee, and candidate to elected office of the State.

HRS §84-3 Definitions

HRS §84-11 Gifts

HRS §84-11.5 Reporting of gifts

HRS §84-12 Confidential information

HRS §84-14 Conflicts of interests

This rule prohibits an employee from taking any official action directly affecting: 1) a business or other undertaking in which there is a substantial financial interest or, 2) a private undertaking in which the employee serves as legal counsel, advisor, consultant, representative, or other capacity. This rule also prohibits an employee from acting or assisting on behalf of any person or business for a fee or other compensation if the employee is involved in any official capacity.

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HRS §84-17 Requirements of disclosure

HRS §84-18 Restrictions on post-employment

Prohibits state employees within 12 months after separation of service from representing any person or business for a fee or other consideration, on matters in which the former employee participated in an official capacity.

Discussion

The entire air program is administered and managed at the state level by the Department of Health, Environmental Health Administration, Environmental Management Division, Clean Air Branch with support services provided by the State laboratories Division, Air Surveillance and Analysis Section.

The majority of the program’s funding is obtained through the collection of fees from the regulated community and placed into a special fund with the sole purpose of developing and administering the air program. State matching and U.S. EPA grant monies provide the remainder of funding support. Funding is reviewed annually to ensure adequacy for program operations. The state does not rely on any local or regional government agency or entity for the implementation of any SIP provision.

Hawaii’s title V program, including the fee program, has been fully approved. See 40 CFR part 70, Appendix A; 66 FR 62945 (December 4, 2001); and 72 FR 19804 (April 20, 2007). Therefore, Hawaii’s SIP is not required to include fee provisions under this section.

Statutory provision for recordkeeping and monitoring requirements:

HRS §342B-28

Provides the director with the authority to require an owner or operator of any source on a continuous, periodic, or one-time basis to:

- (1) Establish, maintain, and submit records;
- (2) Draft reports;
- (3) Install, use, and maintain monitoring equipment, and use audit procedures or methods;
- (4) Sample emissions in accordance with such procedures or methods, at locations, intervals, during periods, and in the manner prescribed by the director;
- (5) Keep records on the source and the control equipment parameters, production variables, or other indirect data when direct monitoring is impractical;
- (6) Sample and analyze the composition of the fuel, waste, or other products being burned or incinerated;
- (7) Submit compliance certifications; and,
- (8) Provide other information as the department may require.

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Regulatory provisions for sampling, testing, and reporting methods:

HAR §11-60.1-11 Sampling, testing, and reporting methods

This rule specifies that:

- (a) all sampling and testing be made and results calculated in accordance with EPA reference methods or as approved by the director;
- (b) the department may conduct emission tests of air pollutants or require the source to conduct tests at the owner or operator's expense;
- (c) the director may require the source to maintain files on process information, nature, amount, and time periods or durations of emissions or any other information deemed necessary to determine compliance with applicable limits, national or state ambient air quality standards, or other provisions of this chapter;
- (d) the information be summarized and reported to the director as specified in the permit;
- (e) the reports be retained for a specified time period; and
- (f) the owners or operators correlate applicable emission limits and other requirements in the report.

HAR §11-60.1-90 Permit content

The following conditions within this provision require covered source permits to include:

- (5) a requirement for the installation of devices for the measurement or analysis of source emissions or ambient concentrations of air pollutants;
- (6) a condition for source emissions tests or alternative methodology to determine compliance with permit conditions and applicable requirements;
- (7)(A) all reporting, emissions monitoring and analysis procedures or test methods;
- (7)(B) monitoring and related recordkeeping and reporting requirements to assure compliance with terms and conditions of the permit;
- (7)(D) a requirement to install, use, and maintain monitoring equipment.
- (7)(F) specifics of sampling or measurements such as place, date, time, entity that performed the analyses, analytical techniques or methods used, results and operating conditions during testing or sampling;
- (7)(G) other records including support information, such as calibration and maintenance records, original strip chart recordings or computer printouts for continuous monitoring instrumentation;
- (7)(H) retention period for all required monitoring data and support information;
- (7)(I) time period for submission of reports;
- (7)(J) prompt reporting of permit deviations.

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Statutory provision for annual reports:

HRS §342B-7

§342B-7(2) requires the department to compile, among other things, an annual report summarizing criteria pollutant emissions and §342B-7(4) requires an annual report for all completed or issued enforcement actions.

HRS §342B-31 Government records; confidential information

This rule requires the department to make all records pursuant to this chapter open to public inspection unless access is restricted or closed by law. The following permit program documents are deemed to be government records:

- (1) Permit applications and all supporting information;
- (2) Compliance plans (including schedules of compliance);
- (3) Emissions or compliance monitoring reports;
- (4) Certifications;
- (5) Permits, and
- (6) Any other information submitted to the department pursuant to the permit program.

Regarding confidentiality, the rule states: “upon a showing satisfactory to the director by any person that records, reports, or information, or particular part thereof (other than emission data), to which the director has access pursuant to this chapter, contain information of a confidential nature concerning secret processes or methods of manufacture, these records, reports, or information shall be kept confidential except that such record, report, or information may be disclosed to other officers or employees of the department and EPA concerned with carrying out this chapter or when relevant in any proceeding pursuant to this chapter.”

Therefore, emissions data is not considered confidential information under this rule.

HRS §342B-41 Inspection of premises.

Provides that the director, in accordance with the law, be allowed to enter and inspect any building or place to investigate an actual or suspected source of air pollution, ascertain compliance or noncompliance with this chapter or any rule, standard, permit or approval granted by the department, and make reasonable tests in connection therewith.

Regulatory provisions applicable to public access to information include:

HAR §11-60.1-14

Requires that the following information be made available for public inspection:

- (1) All permit applications;
- (2) All supporting information for permit applications;
- (3) Compliance plans and schedules;
- (4) Reports and results associated with performance tests and continuous emission monitors;
- (5) Ambient air monitoring data and emissions inventory data;
- (6) Certifications;
- (7) Any other information submitted to the department pursuant to the noncovered and covered source permit program;

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- (8) Permits; and
- (9) Public comments or testimonies received during any public comment period or public hearing. Exceptions are provided for materials to which “access is restricted or closed by law” or which contain information of a confidential nature. The procedures for determining confidential information are established by HAR §11-60.1-14(b)-(f).

Discussion

Regarding public access to information, the department provides near real-time data and the current air quality index for public viewing on its website in addition to EPA’s AirNow Hawaii page. Administrative rules as well as proposed rule revisions are also posted on the department’s webpage. Public notices are placed in the newspapers of each applicable county as well as on its webpage for all new or renewed covered source permits, exceptional events documentation, annual air monitoring network plan, annual air monitoring book, and any other event or report requiring public notice.

Statutory provision on emergency powers; procedures:

HRS §342B-43

- (a) Provides that if the governor or the director determines that an imminent peril to the public health and safety is or will be caused by the release of any air pollutant or combination of air pollutants that requires immediate action, they can, without a public hearing, order any person causing or contributing to the release of the air pollutant to immediately reduce or stop the release and may take any and all other actions as necessary.
- (b) States that: “Nothing in this section shall be construed to limit any power which the governor or any other officer may have to declare an emergency and act on the basis of such a declaration, if such power is conferred by statute or constitutional provision, or inheres in the office.”

Regulatory provision on emergency procedures:

HAR §11-60.1-17 Prevention of air pollution emergency episodes

Designed to prevent excessive buildup of air contaminants during air pollution episodes and set conditions for the proclamation of an air pollution alert, warning or emergency.

Discussion

Section VIII of Hawaii’s initial SIP, approved by EPA on May 31, 1972, addresses the Prevention of Emergency Episodes.

Hawaii is classified as Priority III for O3 and NO2 therefore, no contingency plans are required under 40 CFR §51.152(c). Current local conditions for O3 are posted on EPA’s AIRNow Hawaii page and all monitored pollutants, including O3 and NO2 are posted “real-time” on the department’s website.

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Statutory provisions on consultation with government officials and public notification:

HRS §342B-13 Public participation

This statute requires that the director provide public notice and opportunity for comment. This statute also describes the department’s general procedures for public participation including the requirement to hold a public hearing when revising the state implementation plan as required by the amendments and regulations of the CAA.

HRS §342B-16(3) Research, educational, and training programs

Provides the director with the authority to conduct and supervise statewide educational and training programs on air pollution prevention, control, and abatement, including preparing and distributing information relating to air pollution.

HAR §11-60.1-99 Public participation

The director shall provide for public notice, including the method by which a public hearing can be requested, and an opportunity for public comment on all draft covered source permits for initial issuance, for permit renewal, or for the significant modification of a covered source.

Discussion

Hawaii implements the PSD program according to 40 CFR 52.21, including the relevant consultation requirements. Hawaii’s PSD delegation agreement with EPA (January 5, 1989) includes joint oversight and approval of the pre-construction review for major stationary sources. In that delegation agreement, the department “must consult with the appropriate Federal, State, and local land use agencies prior to issuance of preliminary determinations on PSD permits.”

Discussion

In developing rules or engaging in other actions that may affect other local agencies, the department, as a matter of practice, solicits input, consultation, review and guidance from the affected agencies. Some of the agencies include but are not limited to: county law enforcement and fire departments; state and county civil defense agencies; county Mayor offices; county water boards; state Department of Land and Natural Resources; and state and county transportation departments.

EPA has determined that the Hawaii SIP does not meet the requirements of sections 160 through 165 of the CAA, therefore the provisions of 40 CFR §52.21 (except paragraph (a)(1)) has been incorporated into the applicable Hawaii plan (see 40 CFR 52.632(b)). DOH has been delegated authority to implement the provisions of 40 CFR 52.21 since 1983.

Statutory provisions for air quality modeling:

HRS §342B-17 Air quality modelers

Provides the authority to establish air modeler positions for the purpose of assessing the impact of air releases.

Regulatory provisions pertaining to modeling include:

HAR §11-60.1-12 Air quality models

Requires that appropriate air modeling assessments be conducted for new and modified covered sources as specified in 40 CFR Part 51 Appendix W.

Section 169A(b)(2): Emission Limits and Other Control Measures

“require each applicable implementation plan for a State in which any area listed by the administrator under subsection (a)(2) of this section is located (or a State the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area) to contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress towards meeting the national goal specified in subsection (a) of this section – including a long-term (ten to fifteen years) strategy for making reasonable progress toward meeting the national goal specified in subsection (a) of this section”

Hawaii Program

HAR §11-60.1-83(a)(11), (12), (13), and (14) Initial covered source permit application

For initial covered source permit applications, sources are required to conduct an assessment of the ambient air quality impact and perform a comparison with the NAAQS as well as conduct a risk assessment if requested by the director.

HAR §11-60.1-104(a)(12), (13), and (14) Applications for significant modification

For significant modifications to covered source permits, sources are required to conduct an assessment of the ambient air quality impact and perform a comparison with the NAAQS as well as conduct a risk assessment if requested by the director.

HRS §342B-31 Government records; confidential information

Information, including modeling, that is submitted as part of the permit program is considered government records available for public inspection. Upon request, the department will submit current and future data relating to such air quality modeling to EPA.

Discussion

DOH is also required to submit all proposed and final covered source applications to EPA and can require the owner or operator to simultaneously submit a copy of the covered source application, including applications for renewal and amendments for modification. The submittals include the applicable modeling assessment (per HAR §11-60.1-94).

ATTORNEY GENERAL STATEMENT
Regional Haze State Implementation Plan for the Second Planning Period

I hereby certify, pursuant to the authority of the Attorney General of Hawaii and in accordance with the Clean Air Act §169A, that in my opinion the statutes and rules of the State of Hawaii (as summarized in Appendix Y of Hawaii's Regional Haze State Implementation Plan submitted by the State of Hawaii, Department of Health) have been duly adopted and are enforceable to carry out the program. The specific authorities provided are contained in statutes or regulations that are lawfully adopted and are fully effective at this time.

Furthermore, I certify that the State of Hawaii has not enacted any environmental audit privilege and/or immunity laws.



HOLLY T. SHIKADA

Attorney General State of Hawaii

8-2-2022
Date