

STAND. COM. REP. NO.

1050

Honolulu, Hawaii

FEB 28, 2025

RE: H.B. No. 256

H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 256, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to require an owner or operator of a waste-to-energy facility to comply with certain United States Environmental Protection Agency regulations as they existed on December 31, 2024, unless emission limitations are made more stringent.

Your Committee received testimony in support of this measure from the Environmental Caucus of the Democratic Party of Hawai'i; Reworld; and two individuals. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Department of Health; Kaua'i Climate Action Coalition; Energy Justice Network; Climate Protectors Hawai'i; and three individuals.

Your Committee finds that, while waste-to-energy facilities are responsible for diverting solid waste from municipal landfills and converting the waste to energy, those facilities are also responsible for producing a significant amount of harmful emissions. Your Committee further finds that the existing political landscape on the federal level casts uncertainty over

2025-2084 HB256 HD2 HSCR HMSO



the regulation of emissions by the United States Environmental Protection Agency. Specifically, there is a concern that regulations on emissions may either be relaxed or eliminated in their entirety. This measure is intended to prevent any backsliding on existing emission limits by requiring waste-to-energy facilities to comply with United States Environmental Protection Agency regulations as they existed on December 31, 2024, unless the emission limits are made more stringent.

However, your Committee recognizes that waste-to-energy facilities are, in some respects, subject to more stringent emission limits under the State's Air Pollution Control Permit issued by the Department of Health. As such, there is some concern that this measure may be construed to inadvertently relax the requirements by which a waste-to-energy facility must abide by allowing the facility to ignore the more stringent state requirements and simply be in compliance with the federal requirements.

Lastly, your Committee notes that some written testimony suggested that this measure be amended to adopt the United States Environmental Protection Agency's draft regulations as proposed in January 2024. The United States Environmental Protection Agency reopened the comment period on these draft regulations with an end date of July 16, 2025. The comment period provides the public an opportunity to participate in the rulemaking process. During a comment period, significant issues may be identified by the public. Consequently, your Committee notes that there are significant concerns that the adoption of draft regulations before any potential issues are identified in the comment period may subject the State to liability.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that waste-to-energy facilities are to comply with the more stringent emission limitations, whether under federal regulations or the state Air Pollution Control Permit issued by the Department of Health; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to



this report, your Committee is in accord with the intent and purpose of H.B. No. 256, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 256, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



SCOT Z. MATAYOSHI, Chair



