

JAN 19 2023

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that people of color have
2 borne the heavy burden of environmental racism and have been
3 systemically excluded from decision-making matters impacting
4 their environment. The legislature further finds that people of
5 color are unequally protected against environmental hazards
6 stemming from projects that are deliberately located in certain
7 communities. This unequal treatment results in disproportionate
8 exposure to toxic chemicals and hazardous waste in communities
9 on the west side of Oahu, such as Ewa, Kapolei, Nanakuli,
10 Makaha, Maili, and Waianae; Kahuku; Laie; and Waimanalo.

11 The legislature finds the environmental concerns of these
12 communities are not being adequately heard. Accordingly, the
13 legislature believes that future projects that have an
14 environmental impact, such as landfills, industrial energy
15 projects, and projects that affect access to clean water, should
16 be subject to public hearings in communities that will be
17 directly affected by those projects.



1 Accordingly, the purpose of this Act is to require for each
2 draft environmental assessment and draft environmental impact
3 statement a public hearing in any community that will be
4 directly affected by the underlying proposed action.

5 SECTION 2. Chapter 343, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§343- Public hearings; affected communities. (a)

9 Each draft environmental assessment and draft environmental
10 impact statement that is subject to a public review and comment
11 period pursuant to section 343-5 shall also be subject to a
12 public hearing, to be conducted by the office on the last day of
13 the public review and comment period, within any community that
14 shall be directly affected by the proposed action.

15 (b) The office shall adopt rules, pursuant to chapter 91,
16 necessary for the purposes of this section, including rules to:

17 (1) Determine a community directly affected by a proposed
18 action; and

19 (2) Establish procedures for giving timely notice to the
20 public of each public hearing."



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

4 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY: *Kurt Fevella*



S.B. NO. 245

Report Title:

Proposed Actions; Environmental Impact Statements; Hearings

Description:

Requires for each draft environmental assessment and draft environmental impact statement a public hearing in the community directly affected by the underlying proposed action.

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