

ACT 201

H.B. NO. 397

A Bill for an Act Relating to Environmental Protection.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 342B-43, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any other law to the contrary, 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 [which] that requires immediate action, the governor or the director, [with the approval of the governor and] without a public hearing, may order any person causing or contributing to the release of the air pollutant to immediately reduce or stop the release, and [the director] may take any and all other actions as may be necessary. [Any such]

The order shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the director.”

SECTION 2. Section 342D-10, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any other law to the contrary, if the governor or the director determines that an imminent peril to the public health and safety is or will be caused by the discharge of waste or any combination of discharges of waste [which] that requires immediate action, the governor or the director, [with the approval of the governor and] without a public hearing, may order any person causing or contributing to the discharge of waste to immediately reduce or stop [such] the discharge [or the director], and may take any and all other actions as may be necessary. [Such] The order shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the director.”

SECTION 3. Section 342H-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any other law to the contrary, if the governor or the director determines that an imminent peril to the public health and safety is or will be caused by [a discharge] the disposal of solid waste or any combination of discharges of other waste[, which] that requires immediate action, the governor or the director, [with the approval of the governor and] without a public hearing, may order any person causing or contributing to the disposal of solid waste or discharge of other waste to immediately reduce or stop [such] the disposal or [the director] discharge, and may take any and all other actions as may be necessary. [Such] The order shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the director.”

SECTION 4. Section 342J-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any other law to the contrary, if the governor or the director determines that the past or present handling, storage, treatment, transportation, or disposal of any hazardous waste or hazardous waste constituent may present an imminent and substantial endangerment to health or the environment, the governor or the director, [with the approval of the governor and] without [public notice and] a public hearing, may secure or order such relief as may be necessary to abate [such] the danger or threat. [Such] The order shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the director. The governor or the director may also institute a civil action in any court of competent jurisdiction to secure such relief as may be necessary to abate [such] the danger or threat.”

SECTION 5. Section 342L-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any other law to the contrary, if the governor or the director determines that an imminent peril to human health and safety or the environment is or will be caused by [a]:

- (1) A release[, or by any];
- (2) Any action taken in response to a release from an underground storage tank or tank system[, or by the]; or

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(3) The installation or operation of an underground storage tank or tank system[, which]; that requires immediate action, the governor or the director, [with the approval of the governor and] without [any] a public hearing, may order any person causing or contributing to the peril to immediately reduce or stop the release or activity [or the director], and may take any and all other actions as may be necessary. The order shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the director.”

SECTION 6. Section 342N-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any other law to the contrary, if the governor or the director determines that an imminent peril to the public health and safety is or will be caused by a discharge of new, used, or recycled oil or any combination of discharges of waste[, which] that requires immediate action, the governor or the director, [with the approval of the governor and] without a public hearing, may order any person causing or contributing to the peril to immediately reduce or stop [such] the discharge [or activity or the director], and may take any and all other actions as may be necessary. [Such] The order shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the director.”

SECTION 7. Section 342P-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any other law to the contrary, if the governor or the director determines that an imminent peril to the public health and safety is or will be caused by an emission of asbestos[,], that requires immediate action, the governor or the director, [with the approval of the governor and] without a public hearing, may order any person causing or contributing to the emission to immediately reduce or stop the emission [or], and may take any and all other actions as may be necessary. The order shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the director.”

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. This Act shall take effect upon its approval.

(Approved June 19, 1995.)