



# University of Hawaii at Manoa

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RL:0554

## HB 2005 RELATING TO APPLICATION PROCEDURES FOR ENVIRONMENTAL PERMITS

Statement for  
House Committee on  
Planning, Energy and Environmental Protection  
Public Hearing, February 6, 1986

By  
Doak C. Cox, Environmental Center  
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HB 2005 proposes an amendment to HRS 342-6, a section dealing with permits for activities resulting in environmental pollution, and specifically to subsection d of that section which provides for the automatic grant of such a permit if the Director of Health does not act on the permit application within 180 days of application for the permit. This statement on the bill does not reflect an institutional position of the University.

The amendment proposed seems intended to exempt, from the automatic grant provision, permits issued by the Director of Health through authority delegated to him under a federal permit program. As now worded, however, the amendment suggests either the exemption of the "federally delegated permit programs" themselves from a non-existent requirement for applications for such programs, or the exemption of applications for permits granted under such programs from the 180-day time limit without providing an alternative time limit.

The appropriateness of an amendment with revised wording depends upon the authority actually delegated to the State under federal permit programs. If the authority under any one of these programs does not allow for the automatic grant of a permit in the case of failure to act on application for the permit, HRS 342-6(d) must be amended to exempt the permits in that program from the automatic grant provision. If the authority under any one of these provisions were to allow for automatic grant only with the lapse of a longer period than 180-days, HRS 342-6(d) must be amended to substitute the longer period for the 180-day period in the case of the permits in that program. However, if the authority under all such federal programs is not inconsistent with the present provisions of HRS 342-6(d), we see no reason why an exception should be made to those provisions in the case of permits issued under federal authority.

The simplest amendment of HRS 342-6(d), that would cover all possibilities, if amendment is needed, would be to add, at the end of the subsection, a sentence worded more or less as follows:

Failure of the Director to act on an application shall, however, not result in automatic grant of the permit or permit modification in the case of a permit granted under federal authority not providing for such an automatic grant.



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**RL:0554A**

**SB 1666-86**  
**RELATING TO APPLICATION PROCEDURES**  
**FOR ENVIRONMENTAL PERMITS**

**Statement for**  
**Senate Committee on**  
**Health**  
**Public Hearing - February 15, 1986**

The attached statement on HB 2005 is equally applicable to the companion bill, SB 1666-86.