



# University of Hawai'i at Mānoa

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## **SB 2998** **RELATING TO ENVIRONMENTAL PROTECTION**

**Senate Committee on**  
**Ecology and Environmental Protection**

**Public Hearing - February 6, 1996**  
**1:15 P.M., Room 212, State Capitol**

By  
John T. Harrison, Environmental Center  
Casey Jarman, School of Law  
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SB 2988 would amend Chapter 342B, HRS, to establish definitions for “nuisance source”, “nuisance source pollutants”, and “ongoing emissions”.

Our statement on this measure is compiled from voluntarily submitted opinions of listed academic sources, and as such, does not constitute an institutional position of the University of Hawaii.

### **1. The definition of “nuisance source” is too broad.**

From a purely legal standpoint, this definition creates problems, because it's impossible to enforce. What one person thinks is a nuisance may be perfectly acceptable to another. In order to regulate an emission, some measurable quality standards are essential. Thus, although well-meaning, the bill is too vague.

### **2. Counties, rather than the state, should manage public nuisances.**

§46-17 HRS already authorizes the counties to regulate nuisances, including “noise, smoke, dust, vibration, or odors...” Since many nuisances are neighborhood matters, counties are better suited to deal with them. Because of individual differences in what is felt to be a nuisance, working at the community level to resolve problems is more effective than requiring a state agency such as the DOH to become involved.

**3. If an emission is a known health hazard, it should be regulated.**

Some emissions, such as wood smoke, are known to contain harmful substances, such as carbon monoxide, oxides of nitrogen, and various forms of dioxin. Research in cold-climate areas on the mainland has produced both good data useful for regulating these emissions and appropriate technology to control emissions. This information should be used to draft statewide regulations to manage wood stove emissions.