

JAN 26 2009

A BILL FOR AN ACT

RELATING TO UNDERGROUND STORAGE TANKS.

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

1 SECTION 1. The purpose of this act is to comply with the
2 federal Energy Policy Act of 2005, title 42 United States Code
3 section 15801, to ensure department eligibility for federal
4 grants.

5 SECTION 2. Chapter 342L, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§342L- Delivery prohibition. No person shall deliver
9 to, deposit into, or accept a regulated substance into an
10 underground storage tank regulated under this chapter at a
11 facility that has been identified by the department to be
12 ineligible for such delivery, deposit, or acceptance. The
13 delivery prohibition may go into effect at a facility before a
14 hearing is conducted by the director."

15 SECTION 3. New statutory material is underscored.
16
17

S.B. NO. 942

1 SECTION 4. This Act shall take effect upon its approval.

2

3

INTRODUCED BY:

4

BY REQUEST

S.B. NO. 942

Report Title:

Underground Storage Tanks

Description:

Ensure compliance with the federal Energy Policy Act of 2005,
42 U.S.C. § 15801.

SB 942

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS.

PURPOSE: To amend the underground storage tank laws to provide for a petroleum delivery prohibition as required by the Energy Policy Act of 2005.

MEANS: Add a new section to chapter 342L, Hawaii Revised Statutes.

JUSTIFICATION: On August 8, 2005, President Bush signed the Energy Policy Act of 2005. Title XV, Subtitle B of this act (titled the Underground Storage Tank Compliance Act of 2005) contains amendments to Subtitle I of the Solid Waste Disposal Act, the original legislation that created the underground storage tank (UST) program. The UST provisions of the Energy Policy Act focus on reducing UST releases to our environment and require significant changes to the states' UST programs, in particular the petroleum delivery prohibition.

The petroleum delivery prohibition created by this bill allows the department to prohibit petroleum product delivery to USTs that are not in compliance with the UST statutes and rule (chapter 342L, Hawaii Revised Statutes, and chapter 11-281, Hawaii Administrative Rules). Specifically, the department will affix a red tag to USTs to physically identify USTs that are ineligible to receive product based upon violation of the UST laws.

Impact on the public: This bill will further reduce UST releases into the environment and thereby protect both human health and the environment from the

contamination resultant from petroleum releases.

Impact on the department and other agencies:

The department's Underground Storage Tank and Leaking Underground Storage Tank programs receive funding from the United States Environmental Protection Agency to regulate USTs in Hawaii. The department is required to implement the changes to the UST laws required by the Energy Policy Act or risk the loss of these federal funds.

GENERAL FUND: None.

OTHER FUNDS: If the legal provisions required by the Energy Policy Act, namely the petroleum delivery prohibition, are not enacted by the State, the department will lose approximately \$450,000 in federal funding to regulate USTs in Hawaii.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.