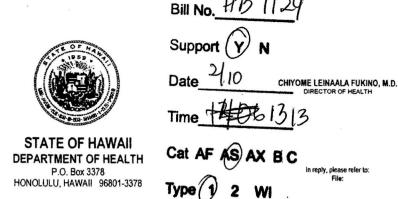
LINDA LINGLE



HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION H.B. 1124, RELATING TO UNDERGROUND STORAGE TANKS

Testimony of Chiyome Leinaala Fukino, M.D. Director of Health February 12, 2009 9:00am

- 1 Department's Position: The department strongly supports this administration measure.
- 2 Fiscal Implications: \$450,000 per year in federal grants.
- 3 Purpose and Justification: This bill seeks compliance with federal law to ensure department eligibility
- 4 for federal grants. Specifically, the bill allows the department, before holding a contested hearing, to
- 5 prohibit the delivery of petroleum products to underground storage tanks that violate the law.
- The key feature of the bill is allowing the Department to stop petroleum product deliveries
- before a contested hearing. The goal is to ensure that underground storage tanks (USTs) comply with
- 8 the UST statutes and rules (chapter 342L, Hawaii Revised Statutes, and chapter 11-281, Hawaii
- 9 Administrative Rules). The Department will specify by rule the conditions for prohibiting product
- delivery and lifting the prohibition. For example, the Department may affix a red tag to USTs to
- physically identify USTs that are ineligible to receive product based on violation of the UST laws.
- Without a change in state law, the Department may well lose about \$450,000 of annual federal
- 13 funds that it now receives from the United States Environmental Protection Agency (EPA) for the
- 14 Department's UST and Leaking Underground Storage Tank programs. The governing federal law is the

Energy Policy Act of 2005, 42 United States Code section 15801, Title XV, Subtitle B (the Underground Storage Tank Compliance Act of 2005). Thank you for the opportunity to testify.