A BILL FOR AN ACT

RELATING TO UNDERGROUND STORAGE TANKS.

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

1   SECTION 1. Section 342L-4, Hawaii Revised Statutes, is

2 amended to read as follows:

3   "§342L-4 **Permits; procedures for.** (a) An application for

4 any permit required under this chapter shall be in a form

5 prescribed by the department.

6   (b) The department may require that applications for such

7 permits shall be accompanied by plans, specifications, and such

8 other information as it deems necessary in order for it to

9 determine whether the proposed installation, alteration, or use

10 will be in accord with applicable rules and standards [÷];

11 provided that an application for any permit required under this

12 chapter shall include a specific response plan including

13 protocols and procedures to respond to a worst case scenario.

14 The specific response plan shall include provisions for:

15   (1) The immediate notification and containment of spills;

16   (2) The removal of tank contents to an alternative

17   location;

1   (3)   Identification of available funds for public health

2   care costs and environmental remediation; and

3   (4)   Other requirements deemed appropriate by the director.

4   (c)   The director shall issue a permit for any term, not

5 exceeding five years, if the director determines this to be

6 protective of human health and the environment; provided that

7 the director shall not approve an application for the issuance

8 or renewal of a permit without the department first holding a

9 public hearing in the county affected by the approved permit;

10 provided further that the permit may be subject to conditions as

11 the director may prescribe. The director, on application, shall

12 renew a permit from time to time for a term not to exceed five

13 years if the director determines this to be protective of human

14 health and the environment. The director shall not deny an

15 application for the issuance or renewal of a permit without

16 affording the applicant an opportunity for a hearing in

17 accordance with chapter 91.

18   The director, on the director's own motion or the

19 application of any person, may modify, suspend, or revoke any

20 permit if, after affording the permittee an opportunity for a

1 hearing in accordance with chapter 91, the director determines

2 that:

3   (1) There is a violation of any condition of the permit;

4   (2) The permit was obtained by misrepresentation, or

5   failure to disclose fully all relevant facts; or

6   (3) There is a release or threatened release of regulated

7   substances that the department deems to pose an

8   imminent and substantial risk to human health or the

9   environment.

10   (d) The director shall not issue a permit to any applicant

11 who is not in good standing. For the purposes of this section,

12 "good standing" means the applicant is in compliance with all:

13   (1) Contractual obligations to the State;

14   (2) State and federal laws regarding environmental

15   remediation and disaster management planning;

16   (3) Government-issued permits; and

17   (4) Financial obligations.

18   [(d)] (e) No applicant for a modification or renewal of a

19 permit shall be held in violation of the requirement to obtain a

20 permit during the pendency of the applicant's application so

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1 long as the applicant acts in compliance with the permit

2 previously granted."

3   SECTION 2. Statutory material to be repealed is bracketed

4 and stricken. New statutory material is underscored.

5   SECTION 3 This Act shall take effect upon its approval.

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INTRODUCED BY: _____

Report Title:
Underground Fuel Storage Tank; Permit; Good Standing

Description:
Requires permit applicants to submit contingency plans for worst case scenarios. Requires a public hearing to be held to permit approval. Requires an applicant to be in good standing before receiving a permit approval.

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