
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
7 ~~[such]~~ the permits shall be accompanied by plans,
8 specifications, and ~~[such]~~ other information as it deems
9 necessary in order for it to determine whether the proposed
10 installation, alteration, or use will be in accord with
11 applicable rules and standards~~[-]~~; provided that an application
12 for any permit required under this chapter shall include a
13 specific response plan including protocols and procedures to
14 respond to a worst case scenario. The specific response plan
15 shall include provisions for:

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



1 (2) The removal of tank contents to an alternative
2 location;

3 (3) Identification of available funds for public health
4 care costs and environmental remediation; and

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

6 (c) The director shall issue a permit for any term, not
7 exceeding five years, if the director determines this to be
8 protective of human health and the environment; provided that
9 the director shall not approve an application for the issuance
10 or renewal of a permit for an underground storage tank system
11 with a capacity greater than one hundred thousand gallons
12 without the department first holding a public hearing in the
13 county affected by the approved permit; provided further that
14 the permit may be subject to conditions as the director may
15 prescribe. The director, on application, shall renew a permit
16 from time to time for a term not to exceed five years if the
17 director determines this to be protective of human health and
18 the environment. The director shall not deny an application for
19 the issuance or renewal of a permit without affording the
20 applicant an opportunity for a hearing in accordance with
21 chapter 91.



1 The director, on the director's own motion or the
2 application of any person, may modify, suspend, or revoke any
3 permit if, after affording the permittee an opportunity for a
4 hearing in accordance with chapter 91, the director determines
5 that:

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

7 (2) The permit was obtained by misrepresentation, or
8 failure to disclose fully all relevant facts; or

9 (3) There is a release or threatened release of regulated
10 substances that the department deems to pose an
11 imminent and substantial risk to human health or the
12 environment.

13 (d) The director shall not issue a permit for an
14 underground storage tank system with a capacity greater than one
15 hundred thousand gallons to any applicant who is not in good
16 standing. For the purposes of this section, "good standing"
17 means the applicant is in compliance with all:

18 (1) Contractual obligations to the State;

19 (2) State and federal laws regarding environmental
20 remediation and disaster management planning;

21 (3) Government-issued permits; and



1 (4) Financial obligations, including any obligations
2 pursuant to section 342L-36.

3 [~~(d)~~] (e) No applicant for a modification or renewal of a
4 permit shall be held in violation of the requirement to obtain a
5 permit during the pendency of the applicant's application so
6 long as the applicant acts in compliance with the permit
7 previously granted."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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



Report Title:

Underground Fuel Storage Tank; Permit; Good Standing

Description:

Requires underground storage tank permit applicants to submit contingency plans for worst case scenarios. Requires a public hearing to be held prior to permit approval. Requires an applicant to be in good standing before receiving a permit approval. (SD1)

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