

H.B. NO. 1376

A BILL FOR AN ACT

RELATING TO PETROLEUM-CONTAMINATED SOIL.

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

1 SECTION 1. Section 342H-4.5, Hawaii Revised Statutes, is
2 repealed.

3 ["~~§342H-4.5~~ ~~Transporting prohibited without permit. No~~
4 ~~person shall transport any petroleum contaminated soil, as~~
5 ~~defined in section 342G-1, without a permit issued under section~~
6 ~~342H-4, except that no permit shall be required for the~~
7 ~~transport of petroleum contaminated soil to a soil remediation~~
8 ~~site, as permitted by the department if the transporter provides~~
9 ~~written notification to the department at least forty eight~~
10 ~~hours in advance of any proposed transportation of petroleum-~~
11 ~~contaminated soil and abides by any transportation guidelines~~
12 ~~set by the department.~~"]

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken.

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

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INTRODUCED BY:

Calvin K. Y. Song

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BY REQUEST

JAN 22 2007

JUSTIFICATION SHEET

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DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO PETROLEUM-CONTAMINATED SOIL.

PURPOSE: To reduce an unnecessary permitting burden on remediation contractors and developers of petroleum-contaminated sites.

MEANS: Repeal section 342H-4.5, Hawaii Revised Statutes.

JUSTIFICATION: The Department has seen a significant decrease in the number of releases and cleanups of petroleum-contaminated soil (PCS) and has oversight in the removal and disposal of PCS, so permits are no longer needed.

In 1993, the Legislature passed Act 190, requiring transporters of PCS to obtain a permit from the Department prior to transport. The purpose of the act was to regulate the disposal of PCS. From around 1988, when the new federal underground storage tank (UST) upgrade requirements were promulgated, there were a significant number of UST closures, removals, and upgrades, which involved the excavation, transport and disposal of PCS. The deadline for these upgrades was in 1998. Since 1998, the number of releases and cleanups of PCS, particularly those associated with USTs, has significantly dropped. The Department has also increased oversight on the proper management and disposal of PCS at both the site of generation (UST site, or large release site) and at the site of disposal (permitted landfill). Therefore, the permitting of transportation between these two facilities is not necessary and may at times be redundant.

GENERAL FUND: None.

OTHER FUNDS: None.

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PPBS PROGRAM
DESIGNATION: Not applicable.

OTHER AFFECTED
AGENCIES: Generators and transporters of PCS.

EFFECTIVE DATE: Upon approval.