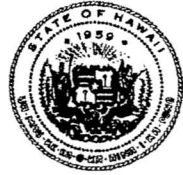


LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
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In reply, please refer to:  
File:

## HOUSE COMMITTEE ON JUDICIARY

### S.B. 942, S.D. 1, RELATING TO UNDERGROUND STORAGE TANKS

Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health

March 27, 2009  
2:00pm

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.

6 The key feature of the bill is allowing the Department to stop petroleum product deliveries  
7 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  
10 delivery and lifting the prohibition. For example, the Department may affix a red tag to USTs to  
11 physically identify USTs that are ineligible to receive product based on violation of the UST laws.

12 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

1 Energy Policy Act of 2005, 42 United States Code section 15801, Title XV, Subtitle B (the  
2 Underground Storage Tank Compliance Act of 2005).

3 Thank you for the opportunity to testify.

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