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# A BILL FOR AN ACT

RELATING TO UNDERGROUND STORAGE TANKS.

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

SECTION 1. Section 342L-4, Hawaii Revised Statutes, is amended to read as follows:

"§342L-4 Permits; procedures for. (a) An application for any permit required under this chapter shall be in a form prescribed by the department.

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

(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)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

