

Honolulu, Hawaii

FEB 16 , 2022

RE: H.B. No. 2274  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committees on Health, Human Services, & Homelessness and Energy & Environmental Protection, to which was referred H.B. No. 2274 entitled:

"A BILL FOR AN ACT RELATING TO UNDERGROUND FUEL STORAGE TANKS,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit the Department of Health from issuing new permits for underground fuel storage tanks within one-half mile of an aquifer;
- (2) Prohibit the renewal of permits for underground fuel storage tanks within one-half mile of an aquifer beginning January 1, 2050; and
- (3) Create a new definition for "underground fuel storage tanks", to include tanks with a capacity at or greater than one hundred gallons.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Honolulu Board of Water Supply, Sierra Club of Hawai'i, Surfrider Foundation Hawai'i Region, Hawaii Children's Action Network Speaks!,



Environmental Caucus of the Democratic Party of Hawai'i, Hawai'i Public Health Institute, Faith Action for Community Equity Environmental Justice Task Force, 'Ahahui o na Kauka - Association of Native Hawaiian Physicians, 350Hawaii.org, Americans for Democratic Action, Hawai'i Alliance for Progressive Action, Hawai'i Alliance for Community-Based Economic Development, Wai Ola Alliance, Ko'olau Waialua Alliance, Council for Native Hawaiian Advancement, and numerous individuals. Your Committees received comments on this measure from the Department of Health, Department of Transportation, Office of Planning and Sustainable Development, Hawaii Petroleum Marketers Association, Hawaii Military Affairs Council, and two individuals.

Your Committees find that the purity and safety of the State's fresh water is in jeopardy of contamination from fuel leaking from underground fuel storage tanks. Your Committees further find that prohibiting the installation or continuance of large capacity underground fuel storage tanks near aquifers will mitigate the risk of leaked fuel contaminating the State's freshwater resources.

Your Committees have heard the concerns raised in testimony that this measure, as written, would have unintended consequences, including forcing the shutdown of every gas station in the State and impacting the fuel storage for emergency generators at hospitals and other critical locations. Amendments to this measure are therefore necessary to address these concerns, while still ensuring that the State's drinking water resources are protected.

Your Committees have amended this measure by:

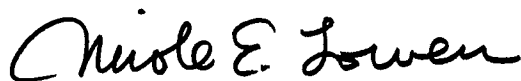
- (1) Prohibiting the Department of Health from issuing permits for new large capacity underground storage tank systems located mauka of the applicable underground injection control line, except where the permit is to repair or replace an existing underground storage tank;
- (2) Prohibiting the operation of and renewal of permits for all large capacity underground storage tank systems located mauka of the applicable underground injection control line after January 1, 2045;



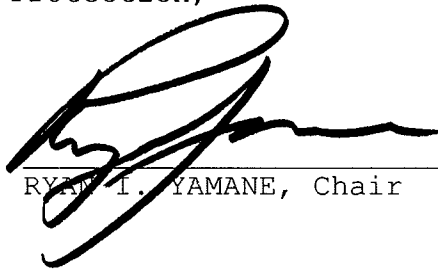
- (3) Inserting definitions for "large capacity underground storage tank system", "mauka", and "underground injection control line";
- (4) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Health, Human Services, & Homelessness and Energy & Environmental Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2274, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2274, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on  
behalf of the members of the  
Committees on Health, Human  
Services, & Homelessness and  
Energy & Environmental  
Protection,



NICOLE E. LOWEN, Chair



RYAN I. YAMANE, Chair





