

Honolulu, Hawaii

FEB 18 2022RE: S.B. No. 2407
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Health and Agriculture and Environment, to which was referred S.B. No. 2407 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require underground storage tank permit applicants to submit contingency plans for worst case scenarios;
- (2) Require a public hearing to be held prior to permit approval; and
- (3) Require an applicant to be in good standing before receiving a permit approval.

Your Committees received testimony in support of this measure from the City and County of Honolulu Board of Water Supply, Hawai'i Alliance for Progressive Action, and two individuals. Your Committees received comments on this measure from the Department of Health and Department of Transportation.

Your Committees find that article XI, section 7, of the Hawaii State Constitution requires the State to "protect, control and regulate the use of Hawaii's water resources for the benefit of its people." Aging underground storage tanks threaten to leak



hazardous substances into the ground and contaminate the State's precious supply of drinking water. In November 2021, the State experienced such an occurrence when the United States Navy confirmed that petroleum leaked from its Red Hill Underground Bulk Fuel Storage Facility, contaminating a portion of Oahu's water supply. This measure requires an applicant for an underground storage tank to submit contingency plans for worst case scenarios, attend a public hearing, and be in good standing prior to receiving permit.

Your Committees acknowledge the testimony of the Department of Health, which raised concerns that this measure as drafted would impose a significant burden on the Department of Health due to the number of underground storage tanks in the State. Your Committees agree that this measure should be applicable only to underground storage tanks with a capacity of over one hundred thousand gallons. Your Committees further acknowledge the testimony of the City and County of Honolulu Board of Water Supply, which recommended amendments for clarity.

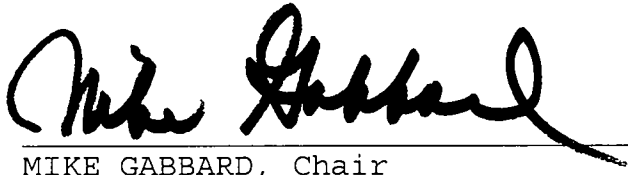
Therefore, your Committees have amended this measure by:

- (1) Limiting this measure to underground storage tanks with a capacity of over one hundred thousand gallons;
- (2) Clarifying that in order to be in "good standing" for the purposes of this measure, an applicant must be in compliance with all financial obligations, including obligations pursuant to section 342L-36, Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2407, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2407, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Health and
Agriculture and Environment,



MIKE GABBARD, Chair



JARRETT KEOHOKALOLE, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

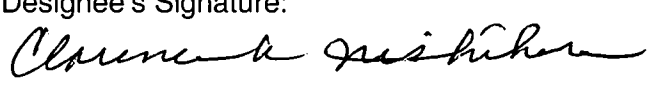
Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2407	HTH / AGN, JDC / NAM	2-11-2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOPE, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
MORIWAKI, Sharon Y.				✓
SAN BUENAVENTURA, Joy A.				✓
FEVELLA, Kurt	✓			
TOTAL	3	—	—	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Rosalyn H Baker</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SB 2407	Committee Referral: HTH / <u>(AEN)</u>, JDC/WAM	Date: 02/11/22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
NISHIHARA, Clarence K. (VC)	/			
ACASIO, Laura	/			
RHOADS, Karl	/			
FEVELLA, Kurt	/			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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