

STAND. COM. REP. NO. **2560**

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 2598
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. 2598 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 implement a schedule and standards for the inspection and repair of underground storage tanks.

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 testimony in opposition to this measure from the Department of Health. Your Committees received comments on this measure from the 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 Honolulu's water



supply. This measure establishes a schedule and standards for the inspection and repair of underground storage tanks.

Your Committees acknowledge the testimony of the City and County of Honolulu Board of Water Supply, which raised concerns that the measure as drafted only requires inspection of release detection equipment and related process, which is a reactionary means to monitor substances that have already been released from a tank. Your Committees agree that this measure should be preventative and that the inspections should cover the entire underground storage tank system.


Therefore, your Committees have amended this measure by:

- (1) Making the application of the new requirements prospective, beginning July 1, 2022;
- (2) Requiring inspections of underground storage tanks and related systems to determine compliance with section 342L-32, Hawaii Revised Statutes, which requires that tanks and tank systems be designed, constructed, installed, upgraded, maintained, repaired, and operated to prevent releases of the stored regulated substances for the operational life of the tank or tank system;
- (3) Requires annual inspections;
- (4) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (5) 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. 2598, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2598, 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



JARETT KEOHOKALOOLE, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 2518	Committee Referral: HTH/AEN, JDC/WAM	Date: 2-11-2022
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
MORIWAKI, Sharon Y.				✓
SAN BUENAVENTURA, Joy A.				✓
FEVELLA, Kurt	✓			
TOTAL	3	-	-	2

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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*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 2598	Committee Referral: HTH/AEN, JDC/WAM	Date: 02/11/22
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
NISHIHARA, Clarence K. (VC)	/			
ACASIO, Laura	/			
RHOADS, Karl	/			
FEVELLA, Kurt	/			
TOTAL	5			

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:
Clarence K. Nishihara

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