

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 2600  
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. 2600 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 that any permittee remain in compliance with all state and federal laws and has not been cited for any violation of the federal Water Pollution Control Act or chapter 342D, Hawaii Revised Statutes; and
- (2) Require the Director of Health to modify, suspend, or revoke any permit if the permittee does not meet certain conditions.

Your Committees received testimony in support of this measure from the City and County of Honolulu Board of Water Supply, Hawaii's Thousand Friends, Hawai'i Nurses' Association, Livable Hawaii Kai Hui, Hawai'i Alliance for Progressive Action, and six 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 Honolulu's water supply. This measure requires that any underground storage tank permit holder be in compliance with state and federal laws and requires the Director of Health to act on the holder's permit if the permit holder does not meet certain conditions.

Your Committees further find that this measure and Senate Bill No. 2172, Senate Draft 1, Regular Session of 2022 (S.B. No. 2712, S.D. 1), have the consistent goal of protecting Hawaii's drinking water from the danger of leaking underground storage tanks. However, S.B. No. 2172, S.D. 1, has a narrow bill title and requires a definition of "underground fuel storage tank" that is not applicable to the rest of chapter 342L, Hawaii Revised Statutes, which regulates all underground storage tanks, not just those containing fuel. Your Committees find that the goal of S.B. No. 2172, S.D. 1, would be better served if its contents were part of a bill with a broader title, such as this measure.

Therefore, your Committees have amended this measure by:

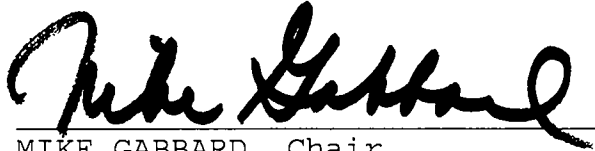
- (1) Replacing the contents of this measure with the contents of S.B. No. 2172, S.D. 1;
- (2) Deleting the definition of "underground fuel storage tank" and references to underground fuel storage tanks;
- (3) Correcting a citation to reference chapter 340E, Hawaii Revised Statutes; and
- (4) Making 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. 2600, as amended herein, and recommend that it pass Second Reading in the form attached hereto

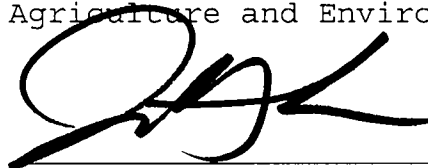


as S.B. No. 2600, S.D. 1, and be referred to your Committees on  
Judiciary and Ways and Means.

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



MIKE GABBARD, Chair

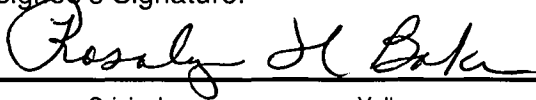


JARRETT KEOHOKALOOLE, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <b>SB 2600</b>	Committee Referral: <b>HTH/AEN, JDC/WAM</b>	Date: <b>2-11-2022</b>		
<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
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
MORIWAKI, Sharon Y.	✓			<del>NA</del>
SAN BUENAVENTURA, Joy A.				✓
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>	—	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes

