

ACT 203

S.B. NO. 2180

A Bill for an Act Relating to Underground Storage Tanks.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to require the department of health to develop a process to ensure the prompt issuance of "no further action" letters from the date of first filing of clear and complete release response action reports detailing site remediation that is protective of human health and the environment. The legislature finds that action must be taken to ensure the issuance of these letters in a more timely manner. This Act also requires the department of health to convene a work group to review, evaluate, and make recommendations regarding issues related to the leaking underground storage tank program and report back to the department of health with recommendations.

SECTION 2. The department of health shall develop processes and procedures to issue underground storage tank "no further action" letters on a regular and timely basis, after a reasonable period of time from the date of filing of an acceptable environmental release response report with the department. After a "no further action" letter has been issued, no further clean-up can be required unless additional evidence indicates that residual contamination may still pose a risk to public health or the environment that is related to the underground storage tank that is the subject of the release response action report.

SECTION 3. The department of health shall establish a work group composed of members of the affected industries, including real estate sales, developers, members of the petroleum industry, financial institutions, environmental groups, and retailers. The group shall convene no later than September 1, 1994 and shall meet for the purpose of identifying concerns associated with the implementation of the leaking underground storage tank program, including issues related to real estate transactions and financial hardship related to the clean-up requirements of underground storage tanks, and shall make recommendations to the department of health as to how to resolve those concerns, including but not limited to educational materials, seminars, and other public outreach activities.

SECTION 4. The department of health shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 1995 on its findings and recommendations on processes and procedures for the issuance of "no further action" letters.

SECTION 5. If any provision of this Act conflicts with any federal or existing state law, the provisions of the federal law or existing state law shall prevail.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 21, 1994.)