HB 2284, HD 2
UNDERGROUND STORAGE TANKS

Statement for
Senate Committees on
Health and Transportation
Public Hearing - March 19, 1986

By
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HB 2284, HD 2 proposes to introduce into Hawaii Revised Statutes a new chapter relating to underground storage tanks. This statement on this bill does not reflect an institutional position of the University of Hawaii.

The purpose of the bill, as stated in findings, is "to establish state standards with respect to underground storage tanks that at least meet federal standards." The federal standards are referred to as those provided in Title VI of the Hazardous and Solid Waste Amendments of 1984. The part of those amendments that relate to underground storage tanks are now incorporated in the federal Resource Conservation and Recovery Act (RECRA) as Title I—Regulation of Underground Storage Tanks. Unless it is intended that the standards to be developed meet the federal requirements, it would seem as of 1984 and not as they may be amended in the future, it would seem preferable to refer to RECRA Title I rather than to the 1984 act.

The purpose suggested by the contents of HB 2284, HD 2 is broader than that indicated in the findings, the intent being apparently to establish a State system for regulation of the tanks that will meet federal requirements so that federal regulation authority may be delegated to the State.

RECRA Title I actually requires only that the Governor designate an agency to receive notices concerning the existence of storage tanks from their owners. If, however, a State wishes to be delegated the regulatory authority over the tanks, it must submit not only satisfactory standards, but also a satisfactory plan that has an appropriate statutory base.

HB 2284, HD 2 would provide the Department of Health (DOH) with the needed State regulatory authority. However, we believe that the State should not provide the DOH department or any other department with a responsibility that the department does not have the capability to meet and we believe the Legislature should assure that whatever department is to be provided with the responsibility for regulating underground storage tanks has, or will be provided with, the necessary capability before passing HB 2284, HD 2.

We have not reviewed in detail all provisions of the bill. They seem to be based, for obvious reasons, on language in RECRA Title I, and hence appropriate.

AN EQUAL OPPORTUNITY EMPLOYER
HB 2284, HD 2
UNDERGROUND STORAGE TANKS

Statement for
Senate Committee on
Ways and Means
Public Hearing - March 24, 1986

Attached is an Environmental Center statement on this bill prepared for the Senate Committees on Health and on Transportation.