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HB 2406-86 UNDERGROUND STORAGE TANKS

Statement for
House Committee on
Planning, Energy, Ecology and Environmental Protection
Public Hearing - February 15, 1986

By
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Roy Takekawa, Office of Environmental Health and Safety

SB 2406 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 the Hazardous and Solid Waste Amendments of 1984. This Act is 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 only the present federal requirements, it would seem that the reference should be to RECRA Title I rather than to the 1984 act.

The actual purpose suggested by the contents of this bill 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 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 2406 would provide the Department of Health (DOH) with the needed State regulatory authority. 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 2406.

We have not reviewed in detail all provisions of HB 2406. They seem to be based, for obvious reasons, on language in RECRA Title I.