

Transcript of Department of Health Public Hearing

- **For the proposed amendment of Hawaii Administrative Rules chapter 11-280.1, Underground Storage Tanks**
- **December 30, 2019, 9:00am at the State Lab at 2725 Waimano Home Rd, Pearl City, HI**

Hearings Officer (NK): Okay. Thanks again for coming. Good morning. I'm Noa Klein. I am going to be the Hearings Officer for this hearing. I'm a Planner for the Solid and Hazardous Waste Branch in the Department of Health. Today is December 30th 2019. It's 9:05 and we're recording this. There's going to be a transcript produced. Did everybody get a copy of the handout? It's just one page.

Audience: Yes.

NK: Okay. So, I'm not going to go through too much in terms of what's on the handout and the hearing procedures because I don't think we're going to need to limit people's testimony time. So what I do need to say is if you haven't seen the side of the handout that actually shows the proposed change, it's on the opposite side from the public notice. So the proposed change is just one change for this rulemaking action, and it's to delete two sentences. Those sentences are in section 327(b). And they say:

"The director shall notify the applicant of the director's decision within one hundred eighty days of receipt of a complete application, as defined in subsection (a). Otherwise, a complete application is deemed approved on the one hundred eightieth day after it is received by the department."

So in subsection (a) it defines when an application is complete and you can see it there in the version that's like the Ramseyer markup. So there is also a change proposed to the title of the section. So the title right now is "Action on and timely approval of an application for a permit" and it's proposed to be changed to "Action on complete permit application." And that's the only change that's proposed in this action, so that is what we're receiving public comments about. And also in the public notice it notes that the deadline for public comments on this is January 6th. And you can e-mail them to noa.klein@doh.hawaii.gov or you can hand deliver them or mail them to our office, which is just up the hill. And I think that's it for what I need to say. [pause] So right now we just have Ernie Lau signed up to testify, so Ernie, come on down. [long pause] And watch the cords there.

Ernie Lau: Uh?

NK: Yeah, this one here.

EL: Okay.

NK: Thanks for coming.

EL: Thank you Noa. [pause] Well thank you Noa for also getting the PA system, although today I think we won't be needing it as much. The Board of Water Supply supports the proposed amendment to remove the 180 day automatic approval of a complete permit application if DOH is unable to act within that time that is currently in 11-280.1-327(b). So we thank you. [pause] That's it.

NK: Okay, thanks. [pause] Is there anybody else who wants to provide comments? [pause] Going once. [pause] Going twice. [small laugh] Okay, if there's nobody else who wants to provide comments I'm going to go ahead and close the hearing. I think our staff is going to stay here until at least 9:20 in case anybody shows up late who really wants to provide comments, but if so I can reopen the hearing. So, anybody? [pause] Okay. It is [pause] 9:08 and that concludes our public hearing for today. Thank you for coming.