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HB 2005 RELATING TO APPLICATION PROCEDURES FOR ENVIRONMENTAL PERMITS

Statement for
Senate Committee on
Health
Public Hearing, March 5, 1986

By
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HB 2005 proposes an amendment to HRS 342-6, a section dealing with permits for activities resulting in environmental pollution, and specifically to subsection d, which provides for the automatic grant of such a permit if the Director of Health does not act on the permit application within 180 days. This statement on the bill does not reflect an institutional position of the University of Hawaii.

A report on the bill by the House Committee on Planning, Energy and Environmental Protection (Rpt. 335) indicates that the proposed amendment is intended to exempt, from the automatic grant provision, those permits that are issued by the Director of Health through authority delegated to him under a federal permit program. As now worded, however, the amendment suggests exemption of the "federally delegated permit programs" themselves from a non-existent requirement for applications for such programs.

We suggest that the exemption be provided either by:

- 1) substituting the following wording for that proposed for insertion in line 7 and 8 of this bill:

other than an application for issuance, renewal or modification of a permit issued under a federally delegated permit program.

or preferably by:

- 2) replacement of the wording proposed for insertion in lines 7 and 8 by the following wording to be added at the end of the subsection:

Failure of the Director to act on an application shall, however, not result in automatic grant of the permit or permit modification in the case of a permit granted under federally delegated authority.