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# A BILL FOR AN ACT

RELATING TO UNDERGROUND STORAGE TANKS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that underground storage  
2 tank and tank system regulations are intended to protect the  
3 environment by preventing the release of petroleum and hazardous  
4 substances into the environment. According to the Environmental  
5 Protection Agency, underground storage tank systems pose a  
6 substantial threat to human health and the environment.

7           The legislature also finds that the lands and waters of  
8 Hawaii are unique and delicately balanced resources, the  
9 protection of which is vital to the economy of the State, and  
10 the protection of groundwater is a matter of the highest  
11 priority. As the primary source of potable water in Hawaii,  
12 groundwater must be preserved in as close to pristine condition  
13 as possible and accommodate the needs of multiple public and  
14 private users.

15           The legislature further finds that the storage of petroleum  
16 products and hazardous substances in underground storage tank  
17 systems within the jurisdiction of the State is a hazardous



1 undertaking, and that spills, discharges, and releases of the  
2 substances that may occur as a result of private and  
3 governmental actions involving the storage of these products can  
4 pose serious threats to the environment of the State, to  
5 citizens of the State, and to other interests deriving  
6 livelihood from the State. These hazards have occurred in the  
7 past and future potentially catastrophic threats must be  
8 addressed and mitigated.

9 The legislature further finds that the Red Hill bulk fuel  
10 storage facility, the State's largest field-constructed  
11 underground storage tank system, stores more fuel in a single  
12 location than any other underground storage tank system in  
13 Hawaii. The facility stores up to 187 million gallons of fuel  
14 per day, has a total capacity of 250 million gallons, and is  
15 located only one hundred feet above a federally designated sole-  
16 source aquifer drinking water source. Previous core samples  
17 from nineteen of the twenty tanks at Red Hill have evidence of  
18 weathered contamination from past releases, and a release of  
19 approximately twenty-seven thousand gallons of petroleum  
20 products in 2014 further endangered Hawaii's groundwater  
21 resources. However, chapter 11-281, Hawaii Administrative



1 Rules, exempts field-constructed underground storage tanks, tank  
2 systems, and related piping, including the Red Hill bulk fuel  
3 storage facility, from some of the requirements that must be met  
4 by owners and operators of other underground storage tanks or  
5 tank systems. Field constructed tanks, including the tanks at  
6 Red Hill, are governed by parts of chapter 11-281, Hawaii  
7 Administrative Rules, including subchapter 6 (release reporting,  
8 investigation, and confirmation), subchapter 7 (release response  
9 action), subchapter 8 (closure and change-in-service), section  
10 11-281-12 (tank requirements), and section 11-281-13 (piping  
11 requirements). Providing the State's largest field-constructed  
12 underground storage tank facility with an exemption from other  
13 regulatory requirements that must be met by other underground  
14 storage tank and tank system owners is extremely detrimental to  
15 human health and the environment.

16 The purpose of this Act is to protect the State's  
17 underground drinking water sources and surrounding environment  
18 by requiring the department of health to adopt rules for  
19 underground storage tanks, tank systems, and related piping that  
20 conform with 2015 revisions to federal regulations and include  
21 additional requirements no less stringent than any regulation



1 established pursuant to federal law for certain field-  
2 constructed underground storage tanks, including compliance with  
3 certain requirements in chapter 11-281, Hawaii Administrative  
4 Rules, or successor rules.

5 SECTION 2. On or before October 13, 2018, the department  
6 of health shall adopt rules pursuant to chapter 91, Hawaii  
7 Revised Statutes, including necessary revisions, to conform  
8 Hawaii's underground storage tank and tank system rules with the  
9 July 15, 2015, revisions to the United States Environmental  
10 Protection Agency underground storage tank regulations codified  
11 in title 40 Code of Federal Regulations part 280; provided that  
12 the department shall additionally require through rules that:

13 (1) All field-constructed underground storage tanks with  
14 storage capacities greater than fifty thousand gallons  
15 shall:

16 (A) Be required to upgrade with secondary containment  
17 with interstitial monitoring by July 1, ; and

18 (B) Be subject to the permitting requirements  
19 specified in chapter 11-281, Hawaii  
20 Administrative Rules, or successor rules;



1           (2) All onsite integral piping connected to any field-  
2           constructed underground storage tanks with storage  
3           capacities greater than fifty thousand gallons shall:  
4           (A) Be required to upgrade with secondary containment  
5           with interstitial monitoring by July 1,           , if  
6           the piping is in contact with the soil, concrete,  
7           or cannot be visually inspected; and  
8           (B) Be subject to the permitting requirements  
9           specified in chapter 11-281, Hawaii  
10           Administrative Rules, or successor rules;  
11           provided that "onsite integral piping" means on-site  
12           piping, originating or terminating at the regulated  
13           storage tank or tanks, that conveys regulated  
14           substances. Vapor, or other recovery lines, pipeline  
15           facilities, and vent lines, are not considered  
16           integral piping. Integral piping includes all valves,  
17           elbows, joints, flanges, pumps, and flexible  
18           connectors associated with the pipe originating at the  
19           storage tank up to the union of the integral piping  
20           with the dispensing system, the fill valve, the  
21           forwarding pump used for transferring regulated



1 substances to a flow-through process tank or an  
2 industrial production or manufacturing point of use,  
3 the first flange or connection within a loading rack  
4 containment area, or the first shoreside valve after  
5 the marine transfer area for on-site piping at  
6 regulated underground storage tank facilities;

7 (3) Owners and operators of field-constructed underground  
8 storage tanks that fail to meet the deadline specified  
9 in paragraphs (1) (A) and (2) (A) shall empty the  
10 storage tank system, take the system out of service by  
11 July 1, , and permanently close the tank by  
12 July 1, , in accordance with chapter 11-281,  
13 Hawaii Administrative Rules, or successor rules; and

14 (4) The department of health shall revoke the permits of  
15 any owners and operators of field-constructed  
16 underground storage tanks that fail to meet the  
17 deadline specified in paragraphs (1) (A) and (2) (A) for  
18 upgrading with secondary containment.

19 SECTION 3. This Act shall take effect on July 1, 2050.

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S.B. NO. 2930  
S.D. 2

**Report Title:**

Underground Storage Tanks and Systems; Environmental Protection;  
Department of Health

**Description:**

Requires, on or before 10/13/2018, that the department of health adopt rules for underground storage tanks and tank systems to conform with certain federal regulations and that include additional requirements for field-constructed underground storage tanks and tank systems. Effective 07/01/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

