

JAN 28 2015

A BILL FOR AN ACT

RELATING TO UNDERGROUND STORAGE.

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, field-constructed underground storage tanks
6 and tank systems pose a substantial threat to human health and
7 the environment.

8 The legislature further finds that the Red Hill bulk fuel
9 storage facility, the State's largest field-constructed
10 underground storage tank system, stores more fuel in a single
11 location than any other underground storage tank in Hawaii. The
12 facility stores up to 187,000,000 gallons of fuel per day and is
13 located only one hundred feet above a primary drinking water
14 source. However, chapter 11-281, Hawaii Administrative Rules,
15 exempts field-constructed underground storage tanks and tank
16 systems, including the Red Hill bulk fuel storage facility, from
17 the requirements that must be met by other owners and operators



1 of underground storage tanks or tank systems. Providing the
2 State's largest field-constructed underground storage tank with
3 an exemption from regulatory requirements that must be met by
4 other underground storage tank and tank system owners is
5 extremely detrimental to human health and the environment.

6 The purpose of this Act is to protect the State's
7 underground drinking water sources and surrounding environment
8 by requiring the department of health to establish rules that
9 require field-constructed underground storage tanks or tank
10 systems to meet the same requirements that must be met by all
11 other owners and operators of underground storage tanks or tank
12 systems under chapter 11-281, Hawaii Administrative Rules.

13 SECTION 2. The department of health shall adopt rules
14 pursuant to chapter 91, Hawaii Revised Statutes, to require that
15 all field-constructed underground storage tanks and tank systems
16 currently exempt under chapter 11-281, Hawaii Administrative
17 Rules, meet all the requirements that must be met by all other
18 owners and operators of underground storage tanks and tank
19 systems under chapter 11-281, Hawaii Administrative Rules,
20 including but not limited to the following requirements:



1 (1) Field-constructed underground storage tanks and tank
2 systems with capacity less than or equal to 50,000
3 gallons shall be monitored using release detection
4 methods authorized in chapter 11-281, Hawaii
5 Administrative Rules;

6 (2) Field-constructed underground storage tanks and tank
7 systems with capacity greater than 50,000 gallons
8 shall be monitored using release detection methods
9 authorized in chapter 11-281, Hawaii Administrative
10 Rules, or one of the following release detection
11 alternatives:

12 (A) Daily bulk tank tightness test to detect a 0.5
13 gallon per hour leak rate;

14 (B) If using an automatic tank gauging system to
15 perform release detection, which can detect a
16 leak rate of one gallon per hour or less. At
17 least weekly, this method shall be used in
18 combination with a bulk tank tightness test that
19 can detect a 0.2 gallon per hour leak rate; and

20 (C) If using an automatic tank gauging system to
21 perform release detection, which can detect a



1 leak rate of two gallons per hour or less. At
2 least daily, this method shall be used in
3 combination with a bulk tank tightness test that
4 can detect a 0.2 gallon per hour leak rate;

5 (3) Bulk tank tightness testing shall be capable of
6 detecting at least 95 per cent of leak rates with less
7 than a 5 per cent probability of a false detection;

8 (4) All recordkeeping requirements shall be in accordance
9 with chapter 11-281, Hawaii Administrative Rules;

10 (5) New or replaced field-constructed underground storage
11 tanks or tank systems installed after July 1, 2015,
12 shall be secondarily contained and interstitial
13 monitored in accordance with title 40 Code of Federal
14 Regulations section 280.43(g);

15 (6) Field-constructed underground storage tanks or tank
16 systems shall meet corrosion protection, spill, and
17 overfill requirements of chapter 11-281, Hawaii
18 Administrative Rules;

19 (7) Field-constructed underground storage tanks or tank
20 systems installed on or before July 1, 2015, may be
21 constructed of metal and shall be cathodically



1 protected according to a code of practice developed by
2 a nationally recognized association or independent
3 testing laboratory and shall meet the following
4 criteria:

5 (A) Field-installed cathodic protection systems shall
6 be designed by a corrosion expert to allow for
7 the determination of current operating status for
8 impressed current systems and operated and
9 maintained in accordance with chapter 11-281,
10 Hawaii Administrative Rules;

11 (B) Field-constructed underground storage tanks or
12 tank systems over ten years old without cathodic
13 protection shall be assessed to ensure that the
14 tanks are structurally sound and free of
15 corrosion holes prior to adding cathodic
16 protection. The assessment shall be by an
17 internal inspection or another method determined
18 by a nationally recognized corrosion association;
19 and

20 (C) Field-constructed underground storage tanks or
21 tank systems installed on or before July 1, 2015,



1 that are not cathodically protected or do not
2 meet the release detection requirements shall be
3 secondarily contained and interstitial monitored
4 in accordance with title 40 Code of Federal
5 Regulations section 280.43(g);

6 (8) Field-constructed underground storage tanks or tank
7 systems installed on or before July 1, 2015, shall be
8 upgraded by July 1, 2025, or shall be permanently
9 closed in accordance with chapter 11-281, Hawaii
10 Administrative Rules; and internal linings shall not
11 meet the corrosion protection upgrade requirement; and

12 (9) Vapor monitoring and groundwater monitoring of field-
13 constructed underground storage tanks, tank systems,
14 or piping shall not be used as methods of release
15 detection; and owners and operators of field-
16 constructed underground storage tanks, tank systems
17 using vapor monitoring and groundwater monitoring as
18 methods of release detection prior to July 1, 2015,
19 shall have five years to implement another release
20 detection monitoring method in accordance with title
21 40 Code of Federal Regulations part 280 subpart D.



S.B. NO. 1168

1 SECTION 3. This Act shall take effect on July 1, 2015.

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INTRODUCED BY:

Nick Galbraith

John B.

Russ E. Rubin

[Signature]

J. L. Gil

Freddie R. Snowye

[Signature]



S.B. NO. 1168

Report Title:

Environment; Department of Health; Hazardous Release;
Underground Storage Tanks and Systems

Description:

Requires the department of health to establish rules requiring field-constructed underground storage tanks or tank systems to meet the same requirements that must be met by all other owners and operators of underground storage tanks or systems under chapter 11-281, Hawaii Administrative Rules.

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

