
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 187,000,000 gallons of fuel
14 per day, has a total capacity of 250,000,000 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 and tank systems that conform with
20 2015 revisions to federal regulations and include an additional
21 requirement no less stringent than any regulation established



1 pursuant to federal law for certain field-constructed
2 underground storage tanks.

3 SECTION 2. Section 342L-32, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Underground storage tank and tank system standards
6 shall include, but are not limited to the following
7 specifications:

- 8 (1) The tank and tank system shall be designed,
9 constructed, installed, upgraded, maintained,
10 repaired, and operated to prevent releases of the
11 stored regulated substances for the operational life
12 of the tank or tank system;
- 13 (2) The material used in the construction or lining of the
14 tank or tank system is compatible with the substance
15 to be stored; and
- 16 (3) ~~[Existing underground storage tanks or existing tank~~
17 ~~systems shall be replaced or upgraded not later than~~
18 ~~December 22, 1998, to prevent releases for their~~
19 ~~operating life.] On or before October 13, 2018, the
20 department of health shall, pursuant to chapter 91,
21 adopt rules related to the standards for the design,~~



1 construction, installation, upgrading, repair,
2 maintenance, and operation of underground storage
3 tanks and tank systems, including necessary revisions
4 to existing rules, that generally conform with, and
5 are no less stringent than, the federal underground
6 storage tank regulations effective as of July 15, 2015
7 and codified under title 40 Code of Federal
8 Regulations part 280; provided that all field-
9 constructed underground storage tanks with storage
10 capacities greater than fifty thousand gallons shall
11 be required to upgrade with secondary containment."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Requires the Department of Health to adopt rules on or before 10/13/2018 for underground storage tanks and tank systems that conform with, and are no less stringent than, the federal underground storage tank regulations effective as of 7/15/2015; provided that all field-constructed underground storage tanks with storage capacities greater than 50,000 gallons shall be required to upgrade with secondary containment. (SB2930 HD1)

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