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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 PART I

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

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

16 The legislature further finds that the storage of petroleum  
17 products and hazardous substances in underground storage tank



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

10 The legislature further finds that the Red Hill bulk fuel  
11 storage facility, the State's largest field-constructed  
12 underground storage tank system, stores more fuel in a single  
13 location than any other underground storage tank system in  
14 Hawaii. The facility stores up to 187,000,000 gallons of fuel  
15 per day, has a total capacity of 250,000,000 gallons, and is  
16 located only one hundred feet above a federally designated sole-  
17 source aquifer drinking water source. Previous core samples  
18 from nineteen of the twenty tanks at Red Hill have evidence of  
19 weathered contamination from past releases, and a release of  
20 approximately twenty-seven thousand gallons of petroleum  
21 products in 2014 further endangered Hawaii's groundwater



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

17 The legislature further finds that the environment is our  
18 future and that the future is our environment. It is of the  
19 utmost importance that the drinking water of Hawaii be  
20 protected.



1           The purpose of this part is to protect the State's  
2 underground drinking water sources and surrounding environment  
3 by requiring the department of health to adopt rules for  
4 underground storage tanks and tank systems that conform with the  
5 2015 federal regulations and are no less stringent than any  
6 regulation established pursuant to federal law for certain  
7 field-constructed underground storage tanks, and do not conflict  
8 with the administrative order on consent in department of health  
9 docket no. 15-UST-EA-01.

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

12           "(b) Underground storage tank and tank system standards  
13 shall include, but are not limited to the following  
14 specifications:

15           (1) The tank and tank system shall be designed,  
16           constructed, installed, upgraded, maintained,  
17           repaired, and operated to prevent releases of the  
18           stored regulated substances for the operational life  
19           of the tank or tank system [7] pursuant to the rules;



1           (2) The material used in the construction or lining of the  
2           tank or tank system is compatible with the substance  
3           to be stored; and

4           (3) ~~[Existing underground storage tanks or existing tank~~  
5           ~~systems shall be replaced or upgraded not later than~~  
6           ~~December 22, 1998, to prevent releases for their~~  
7           ~~operating life.]~~ On or before October 13, 2018, the  
8           department of health shall, pursuant to chapter 91,  
9           adopt rules related to the standards for the design,  
10           construction, installation, upgrading, repair,  
11           maintenance and operation of underground storage tanks  
12           and tank systems, including necessary revisions to  
13           existing rules, that generally conform with, and are  
14           no less stringent than, the federal underground  
15           storage tank regulations effective as of October 13,  
16           2015 and codified in title 40 Code of Federal  
17           Regulations part 280."

PART II

19           SECTION 3. Pursuant to section 5-7.5, Hawaii Revised  
20 Statutes, the legislature recognizes that the "Aloha Spirit" is  
21 the coordination of mind and heart within each person. It



1 brings each person to the self. Each person must think and  
2 emote good feelings to others. In the contemplation and  
3 presence of the life force, "Aloha", the following unuhi laula  
4 loa may be used:

- 5 (1) "Akahai", meaning kindness to be expressed with  
6 tenderness;
- 7 (2) "Lokahi", meaning unity, to be expressed with harmony;
- 8 (3) "Oluolu", meaning agreeable, to be expressed with  
9 pleasantness;
- 10 (4) "Haahaa", meaning humility, to be expressed with  
11 modesty; and
- 12 (5) "Ahonui", meaning patience, to be expressed with  
13 perseverance.

14 The legislature further recognizes that these are traits of  
15 character that express the charm, warmth and sincerity of  
16 Hawaii's people. It was the working philosophy of native  
17 Hawaiians and was presented as a gift to the people of Hawaii.  
18 "Aloha" is more than a word of greeting or farewell or a  
19 salutation. "Aloha" means mutual regard and affection and  
20 extends warmth in caring with no obligation in return. "Aloha"  
21 is the essence of relationships in which each person is



1 important to every other person for collective existence.  
2 "Aloha" means to hear what is not said, to see what cannot be  
3 seen and to know the unknowable.

4 In exercising their power on behalf of the people and in  
5 fulfillment of their responsibilities, obligations and service  
6 to the people, the legislature, governor, lieutenant governor,  
7 executive officers of each department, the chief justice,  
8 associate justices, and judges of the appellate, circuit, and  
9 district courts may contemplate and reside with the life force  
10 and give consideration to the "Aloha Spirit".

11 The purpose of this part is to establish the red hill task  
12 force to ensure that the red hill bulk fuel storage facility is  
13 in compliance with the administrative order on consent with the  
14 department of health, docket no. 15-UST-EA-01, and  
15 administrative rules established pursuant to subsection 342L-32,  
16 Hawaii Revised Statute, with the goal of protecting Hawaii's  
17 groundwater.

18 SECTION 4. (a) There is established the red hill task  
19 force to study the implementation of the containment of the Red  
20 Hill fuel storage facility and to report to the legislature.



- 1 (b) The red hill task force shall be composed of the  
2 following members:
- 3 (1) The director of health or the director's designee, who  
4 shall serve as chair;
  - 5 (2) The speaker of the house of representatives or the  
6 speaker's designee;
  - 7 (3) The president of the senate or the president's  
8 designee;
  - 9 (4) The governor or the governor's designee;
  - 10 (5) The mayor of the city and county of Honolulu or the  
11 mayor's designee;
  - 12 (6) A representative of the federal Environmental  
13 Protection Agency;
  - 14 (7) The attorney general or the attorney general's  
15 designee;
  - 16 (8) The chair of the board of water supply or the chair's  
17 designee;
  - 18 (9) A representative from the United States Navy; and
  - 19 (10) A representative from the Sierra Club of Hawai'i.
- 20 (c) The red hill task force shall be administratively  
21 attached to the department of health.





1 (d) The red hill task force shall study and report to the  
2 legislature on the implementation of the administrative order on  
3 consent with the department of health, docket no. 15-UST-EA-01,  
4 and the implementation of the rules pursuant to section 442L-32,  
5 Hawaii Revised Statutes. As a part of the study, the task force  
6 shall:

7 (1) Consider if the United States Department of the Navy  
8 is in compliance with the terms of the administrative  
9 order on consent;

10 (2) Consider if the United States Department of the Navy  
11 is in compliance with the department of health's  
12 administrative rules pursuant to section 342L-32,  
13 Hawaii Revised Statutes; and

14 (3) Consider if more efficient or complimentary  
15 remediation methods may be adopted pursuant to the  
16 purposes of this task force;

17 (4) Submit an annual report of its findings and  
18 recommendations, including any proposed legislation,  
19 to the legislature no later than twenty days prior to  
20 the convening of each regular session.



1 (e) No member of the task force shall be made subject to  
2 chapter 84, Hawaii Revised Statutes, solely because of that  
3 member's participation as a member of the task force.

4 (f) The task force shall have a minimum of two meetings  
5 prior to the convening of the 2019 regular session. Beginning  
6 January 1, 2019, the task force shall meet a minimum of  
7 times a year. Beginning January 1, 2024, the task force shall  
8 meet a minimum of times a year.

9 (g) The task force shall be dissolved on January 1, 2029.

10 PART III

11 SECTION 5. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Underground Storage Tanks and Systems; Environmental Protection;  
Department of Health; Red Hill Task Force

**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 10/13/2015. Establishes the Red Hill Task Force to study the implementation of containment measures at Red Hill and report to the legislature. (SB2930 HD2)

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

