

JAN 18 2013

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that oil spills are a
2 serious environmental threat to Hawaii. Not only does oil
3 pollution threaten Hawaii's delicate ecosystem, but a major oil
4 spill can affect the beaches and environment that the State
5 relies on for tourism.

6 To prevent oil spills, several states, most notably
7 Washington, have prebooming requirements. Prebooming involves
8 surrounding fuel barges with containment devices before and
9 during fuel transfer in case of an accident. Recently, in Port
10 Angeles, Washington, prebooming of a fuel barge before fueling
11 began helped contain the spill of bunker fuel that spilled into
12 the bay. Since 2007, Washington state law has required
13 companies to circle vessels with protective boom every time they
14 refuel.

15 The purpose of this Act is to prevent oil spills from
16 polluting Hawaii harbors by requiring all fuel barges to be
17 surrounded by oil spill protective boom during loading
18 operations.



1 SECTION 2. Chapter 266, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§266- Marine transfer facilities; transfer of hazardous
5 substances. (a) These standards apply to all hazardous
6 substance transfers from fuel barges to marine transfer
7 facilities in state harbors.

8 (b) If hazardous substances are transferred at a marine
9 transfer facility, there shall be kept available a length of
10 flotation boom or other containment device sufficient to totally
11 enclose a vessel while engaged in the transfer of hazardous
12 substances from a vessel to the facility, from the facility to a
13 vessel, or between vessels. When transferring hazardous
14 substances between vessels, the containment device shall be
15 capable of encircling both vessels.

16 (c) A containment device shall be deployed by the boom
17 boat crew prior to commencing the transfer of any hazardous
18 substance when current and wind conditions permit the effective
19 use of such devices and the device can be safely deployed
20 without endangering any personnel, any vessel, or obstructing
21 any shipping channel.



1 (d) When conditions including the presence or imminent
2 occurrence of high surf, flooding, tsunami, or hurricane prevent
3 the immediate deployment of a containment device, such
4 containment device shall be maintained by the boom boat crew on
5 a standby basis during the transfer for rapid deployment in the
6 event of a discharge.

7 (e) When transferring hazardous substances to or from a
8 vessel that is moored to a dock, the containment device is to
9 encircle the entire vessel except for the area of the dock the
10 vessel sits adjacent to, if the dock is capable of acting as an
11 effective barrier.

12 (f) The containment device shall be deployed not less than
13 fifteen feet from the vessel prior to commencement of the
14 transfer operation, except in the case where a dock may act as
15 part of the containment, and shall be maintained in a manner
16 that minimizes the potential for any discharged hazardous
17 substance from leaving the contained area.

18 (g) Prior to the removal of a deployed containment device,
19 all discharged hazardous substances contained by the device
20 shall be properly cleaned up and removed.

21 (h) Any containment device deployed shall be retrieved and
22 properly secured by the boom boat crew upon completion of the



1 transfer, or at such time as it is no longer needed to prevent
2 the spread of or to divert a discharge. If the containment
3 device is contaminated, it shall be properly cleaned or disposed
4 of.

5 (i) The boom boat crew shall be able to quickly disconnect
6 the containment device in the event of an emergency.

7 (j) Containment devices and associated equipment,
8 including the equipment used to deploy the containment device,
9 shall be of the appropriate size and design for the
10 environmental conditions encountered in the transfer area based
11 on the manufacturer's specifications.

12 (k) To meet the requirements of this section, the owner or
13 operator of the marine transfer facility shall have a boom boat
14 crew trained in the proper use and maintenance of containment
15 devices and recovery equipment and record the beginning and
16 ending times of containment device deployment.

17 (l) For purposes of this section:

18 "Boom boat crew" means individuals employed by or under
19 contract with a marine transfer facility who are trained in and
20 responsible for deploying and maintaining containment devices.

21 "Containment device" means a flotation boom or other
22 effective barrier containment material suitable for containment



1 of hazardous substances discharged onto the surface of the
2 water.
3 "Fuel barge" means any vessel that carries oil or a
4 hazardous substance in bulk as cargo or in residue.
5 "Hazardous substance" means oil, petroleum, petroleum
6 product, or other non-miscible lighter-than-water substance.
7 "Marine transfer facility" means a facility or harbor that
8 receives hazardous substances from fuel barges."

9 SECTION 3. New statutory material is underscored.
10 SECTION 4. This Act shall take effect on January 1, 2014.

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INTRODUCED BY: Gilbert Kalchauer
Mike Hubbard

Report Title:

Oil; Loading; Oil Booms; Harbors; Containment Device; Petroleum

Description:

Requires that all loading operations of oil petroleum, petroleum products, and other non-miscible lighter-than-water substances in any state harbor must be surrounded by containment devices.

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