
HOUSE RESOLUTION

URGING THE DEPARTMENT OF HEALTH TO ADOPT RULES FOR UNDERGROUND STORAGE TANKS AND TANK SYSTEMS THAT CONFORM WITH RECENT REVISIONS TO FEDERAL REGULATIONS AND INCLUDE ADDITIONAL REQUIREMENTS FOR CERTAIN FIELD-CONSTRUCTED UNDERGROUND STORAGE TANKS.

1 WHEREAS, underground storage tank and tank system
2 regulations are intended to protect the environment by
3 preventing the release of petroleum and hazardous substances
4 into the environment; and
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6 WHEREAS, according to the Environmental Protection Agency,
7 underground storage tank systems pose a substantial threat to
8 human health and the environment; and
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10 WHEREAS, the lands and waters of Hawaii are unique and
11 delicately balanced resources, the protection of which is vital
12 to the economy of the State, and the protection of groundwater
13 is an urgent matter of the highest priority; and
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15 WHEREAS, as the primary source of potable water in Hawaii,
16 groundwater must be preserved in as close to pristine condition
17 as possible and accommodate the needs of multiple public and
18 private users; and
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20 WHEREAS, the storage, transportation, and disposal of
21 petroleum products, pollutants, and hazardous substances in
22 underground storage tanks and tank systems within the
23 jurisdiction of the State and in state waters are a hazardous
24 undertaking, and that spills, discharges, and releases of the
25 substances that occur as a result of private and governmental
26 actions involving the storage, transportation, and disposal of
27 these products pose serious threats to the environment of the
28 State, to citizens of the State, and to other interests deriving
29 livelihood from the State; and
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31 WHEREAS, these hazards have occurred in the past and are
32 occurring now, and present future threats of potentially
33 catastrophic proportions, all of which are expressly declared to



1 be inimical to the paramount interests of the State, outweigh
2 any economic burdens imposed by the State upon those engaged in
3 storing, transporting, or disposing of petroleum products,
4 pollutants, and hazardous substances and related activities; and
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6 WHEREAS, the Red Hill bulk fuel storage facility, the State's
7 largest field-constructed underground storage tank system, stores up
8 to 187 million gallons of fuel per day, has a total capacity of 250
9 million gallons, which is the most fuel stored in a single location
10 in Hawaii, and is located only one hundred feet above a federally
11 designated sole-source aquifer drinking water source; and
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13 WHEREAS, core samples from nineteen of the twenty tanks at
14 Red Hill have existing contamination, and a release of nearly
15 forty thousand gallons of petroleum products in 2014 further
16 endangered Hawaii's groundwater resources; and
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18 WHEREAS, chapter 11-281, Hawaii Administrative Rules,
19 exempts field-constructed underground storage tanks and tank
20 systems, including the Red Hill bulk fuel storage facility, from
21 the requirements that must be met by owners and operators of
22 other underground storage tanks or tank systems; and
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24 WHEREAS, providing the State's largest field-constructed
25 underground storage tank facility with an exemption from
26 regulatory requirements that must be met by other underground
27 storage tank and tank system owners is extremely detrimental to
28 human health and the environment; now, therefore,
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30 BE IT RESOLVED by the House of Representatives of the
31 Twenty-ninth Legislature of the State of Hawaii, Regular Session
32 of 2017, that the Department of Health is urged to adopt rules
33 on or before September 1, 2018, and pursuant to chapter 91,
34 Hawaii Revised Statutes, including necessary revisions, to
35 conform Hawaii's underground storage tank and tank system rules
36 with the July 15, 2015, revisions to the United States
37 Environmental Protection Agency underground storage tank
38 regulations codified in title 40 Code of Federal Regulations
39 part 280; and
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41 BE IT FURTHER RESOLVED that the Department of Health is
42 urged to additionally require through rules that:



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- (1) Field-constructed underground storage tanks with storage capacities greater than fifty thousand gallons that were installed before July 15, 2015:
- (A) Be subject to the upgrade requirements specified in title 40 Code of Federal Regulations section 280.21;
 - (B) Be required to upgrade with secondary containment;
 - (C) Be subject to the permitting requirements specified in chapter 11-281, Hawaii Administrative Rules, or successor rules;
 - (D) Prior to upgrading with secondary containment, be subject to the release detection rules specified in title 40 Code of Federal Regulations part 280, subpart D, and:
 - (i) Be monitored using release detection methods authorized in chapter 11-281, Hawaii Administrative Rules, or successor rules; or
 - (ii) Use a release detection method that can detect a 0.5 gallon per hour leak rate with a probability of detection of 0.95 and a probability of false alarm of 0.05;
 - (E) Without secondary containment, be required to install a release detection system meeting the requirements of paragraph (D) by July 1, 2019; and
 - (F) Except for the exemption from secondary containment and release detection, be subject to title 40 Code of Federal Regulations part 280, subpart K;
- (2) Field-constructed underground storage tank systems first installed or replaced on or after July 15, 2015:



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- (A) Be secondarily contained; and
- (B) Have interstitial monitoring in accordance with title 40 Code of Federal Regulations part 280, subpart D, using either vacuum, pressure, hydrostatic, electronic sensors, or monthly visual methods of release detection that can detect a 0.2 gallon per hour leak rate with a probability of detection of 0.95 and a probability of false alarm of 0.05;

(3) Owners and operators of field-constructed underground storage tanks that fail to comply with rules adopted by the Department of Health, be required to empty the storage tank system, take the system out-of-service, and permanently close the tank, in accordance with chapter 11-281, Hawaii Administrative Rules, or successor rules;

(4) Any owners and operators of field-constructed underground storage tanks that fail to comply with rules adopted by the Department of Health for upgrading with secondary containment have their permits revoked; and

(5) Field-constructed underground storage tanks not be installed on or after July 1, 2017, unless the storage tank and piping have secondary containment and comply with all requirements specified in chapter 11-281, Hawaii Administrative Rules, or successor rules; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Director of Health.

OFFERED BY: *James J. ...*
Gaithi Hoelen
 MAR 10 2017

