
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 an urgent 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,
16 transportation, and disposal of petroleum products, pollutants,
17 and hazardous substances in underground storage tanks and tank
18 systems within the jurisdiction of the State and in state waters



1 are a hazardous undertaking, and that spills, discharges, and
2 releases of the substances that occur as a result of private and
3 governmental actions involving the storage, transportation, and
4 disposal of these products pose serious threats to the
5 environment of the State, to citizens of the State, and to other
6 interests deriving livelihood from the State. These hazards
7 have occurred in the past and are occurring now, and present
8 future threats of potentially catastrophic proportions, all of
9 which are expressly declared to be inimical to the paramount
10 interests of the State as set forth in this section. Such state
11 interests outweigh any economic burdens imposed by the
12 legislature upon those engaged in storing, transporting, or
13 disposing of petroleum products, pollutants, and hazardous
14 substances and related activities.

15 The legislature further finds that the Red Hill bulk fuel
16 storage facility, the State's largest field-constructed underground
17 storage tank system, stores more fuel in a single location than any
18 other underground storage tank system in Hawaii. The facility stores
19 up to 187 million gallons of fuel per day, has a total capacity of
20 250 million gallons, and is located only one hundred feet above a
21 federally designated sole-source aquifer drinking water source.



1 Core samples from nineteen of the twenty tanks at Red Hill have
2 existing contamination, and a release of nearly forty thousand
3 gallons of petroleum products in 2014 further endangered
4 Hawaii's groundwater resources. However, chapter 11-281, Hawaii
5 Administrative Rules, exempts field-constructed underground
6 storage tanks and tank systems, including the Red Hill bulk fuel
7 storage facility, from the requirements that must be met by
8 owners and operators of other underground storage tanks or tank
9 systems. Providing the State's largest field-constructed
10 underground storage tank facility with an exemption from
11 regulatory requirements that must be met by other underground
12 storage tank and tank system owners is extremely detrimental to
13 human health and the environment.

14 The purpose of this Act is to protect the State's
15 underground drinking water sources and surrounding environment
16 by requiring the department of health to adopt rules for
17 underground storage tanks and tank systems that conform with
18 recent revisions to federal regulations and include additional
19 requirements for certain field-constructed underground storage
20 tanks including compliance with certain requirements in chapter
21 11-281, Hawaii Administrative Rules, or successor rules.



1 SECTION 2. On or before September 1, 2018, the department
2 of health shall adopt rules pursuant to chapter 91, Hawaii
3 Revised Statutes, including necessary revisions, to conform
4 Hawaii's underground storage tank and tank system rules with the
5 July 15, 2015, revisions to the United States Environmental
6 Protection Agency underground storage tank regulations codified
7 in title 40 Code of Federal Regulations part 280; provided that
8 the department shall additionally require through rules that:

9 (1) Field-constructed underground storage tanks with
10 storage capacities greater than fifty thousand gallons
11 that were installed before July 15, 2015, shall:

12 (A) Be subject to the upgrade requirements specified
13 in title 40 Code of Federal Regulations section
14 280.21;

15 (B) Be required to upgrade with secondary containment
16 by July 1, 2027;

17 (C) Be subject to the permitting requirements
18 specified in chapter 11-281, Hawaii
19 Administrative Rules, or successor rules;

20 (D) Prior to upgrading with secondary containment, be
21 subject to the release detection rules specified



1 in title 40 Code of Federal Regulations part 280,
2 subpart D, and:
3 (i) Be monitored using release detection methods
4 authorized in chapter 11-281, Hawaii
5 Administrative Rules, or successor rules; or
6 (ii) Use a release detection method that can
7 detect a 0.5 gallon per hour leak rate with
8 a probability of detection of 0.95 and a
9 probability of false alarm of 0.05;
10 provided further that owners and operators of
11 field-constructed storage tank systems without
12 secondary containment shall install a release
13 detection system meeting the requirements of this
14 paragraph by July 1, 2019; and
15 (E) Except for the exemption from secondary
16 containment and release detection, be subject to
17 title 40 Code of Federal Regulations part 280,
18 subpart K;
19 (2) Field-constructed underground storage tank systems
20 first installed or replaced on or after July 15, 2015,
21 shall:



- 1 (A) Be secondarily contained; and
- 2 (B) Have interstitial monitoring in accordance with
- 3 title 40 Code of Federal Regulations part 280,
- 4 subpart D, using either vacuum, pressure,
- 5 hydrostatic, electronic sensors, or monthly
- 6 visual methods of release detection that can
- 7 detect a 0.2 gallon per hour leak rate with a
- 8 probability of detection of 0.95 and a
- 9 probability of false alarm of 0.05;
- 10 (3) Owners and operators of field-constructed underground
- 11 storage tanks that fail to meet the deadline specified
- 12 in paragraph (1)(B) shall empty the storage tank
- 13 system, take the system out-of-service by July 1,
- 14 2027, and permanently close the tank by July 1, 2030,
- 15 in accordance with chapter 11-281, Hawaii
- 16 Administrative Rules, or successor rules;
- 17 (4) The department of health shall revoke the permits of
- 18 any owners and operators of field-constructed
- 19 underground storage tanks that fail to meet the
- 20 deadline specified in paragraph (1)(B) for upgrading
- 21 with secondary containment; and



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

7 SECTION 3. This Act shall take effect on July 1, 2017.
8



Report Title:

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

Description:

Requires, on or before 9/1/2018, that the department of health adopt rules for underground storage tanks and tank systems to conform with certain federal regulations and that include additional requirements for field-constructed underground storage tanks and tank systems. (SD1)

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