
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 PART I

2 SECTION 1. The legislature finds that the lands and waters
3 of Hawaii are unique, delicately balanced resources, and their
4 protection is vital to the economy of the State. Specifically,
5 the protection of the State's groundwater supply is a matter of
6 utmost concern. As the primary source of potable water in the
7 State, Hawaii's groundwater must be preserved in as close to
8 pristine condition as possible while accommodating the needs of
9 multiple public and private users.

10 The legislature finds that the regulation of underground
11 storage tanks and tank systems is intended to protect the
12 environment by preventing the release of petroleum and other
13 hazardous substances into the environment. The storage of
14 petroleum products and hazardous substances in underground
15 storage tank systems is a precarious undertaking, and the
16 spills, discharges, and releases of the substances that may
17 occur as a result of private and governmental actions involving



1 the storage of these products can pose serious threats to the
2 environment, people, and other interests deriving livelihood
3 from the State. These hazards have occurred in the past, and
4 future potentially catastrophic threats must be addressed and
5 mitigated.

6 The purpose of this part is to protect the State's
7 underground drinking water sources and surrounding environment
8 by requiring the administrative rules adopted by the department
9 of health relating to underground storage tanks and tank systems
10 to conform with, and be no less stringent than, federal
11 regulations governing underground storage tank systems.

12 SECTION 2. Section 342L-32, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§342L-32 Standards for underground storage tanks and tank**
15 **systems.** (a) The department shall adopt [~~standards under~~]
16 rules, pursuant to chapter 91 [which shall apply to], that
17 establish standards for underground storage tanks and tank
18 systems[-]; provided that standards shall conform with, and be
19 no less stringent than, the federal regulations relating to
20 underground storage tanks in title 40 Code of Federal
21 Regulations part 280, as amended.



1 (b) Underground storage tank and tank system standards
2 shall include, but are not limited to the following
3 specifications:

4 (1) The tank and tank system shall be designed,
5 constructed, installed, upgraded, maintained,
6 repaired, and operated to prevent releases of the
7 stored regulated substances for the operational life
8 of the tank or tank system; and

9 (2) The material used in the construction or lining of the
10 tank or tank system is compatible with the substance
11 to be stored[; ~~and~~

12 ~~(3) Existing underground storage tanks or existing tank~~
13 ~~systems shall be replaced or upgraded not later than~~
14 ~~December 22, 1998, to prevent releases for their~~
15 ~~operating life]."~~

16 PART II

17 SECTION 3. The legislature finds that the Red Hill bulk
18 fuel storage facility, the State's largest field-constructed
19 underground storage tank system, stores more fuel in a single
20 location than any other underground storage tank system in
21 Hawaii. The facility stores up to 187,000,000 gallons of fuel



1 per day, has a total capacity of 250,000,000 gallons, and is
2 located only one hundred feet above a federally designated sole-
3 source aquifer drinking water source. Petroleum-related
4 compounds have been detected in groundwater monitoring wells at
5 Red Hill on more than one occasion, and a release of
6 approximately twenty-seven thousand gallons of petroleum
7 products in 2014 further endangered Hawaii's groundwater
8 resources.

9 The purpose of this part is to establish the Red Hill task
10 force to ensure that the Red Hill bulk fuel storage facility is
11 in compliance with the administrative order on consent with the
12 department of health, docket no. 15-UST-EA-01, and
13 administrative rules adopted pursuant to section 342L-32, Hawaii
14 Revised Statutes, with the goal of protecting Hawaii's
15 groundwater supply.

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

19 (b) The task force shall be composed of the following
20 members or their designees:

21 (1) The governor;



- 1 (2) The director of health;
- 2 (3) The attorney general;
- 3 (4) The president of the senate;
- 4 (5) The speaker of the house of representatives;
- 5 (6) The mayor of the city and county of Honolulu; and
- 6 (7) The chair of the Honolulu board of water supply;

7 provided that representatives from the following entities shall
8 also be invited to be members:

- 9 (1) The federal Environmental Protection Agency;
- 10 (2) The United States Navy; and
- 11 (3) The Sierra Club of Hawaii.

12 The governor or the governor's designee shall serve as
13 chairperson of the task force.

14 (c) The task force shall be administratively attached to
15 the department of health.

16 (d) The task force shall study and report to the
17 legislature on the implementation of the administrative order on
18 consent with the department of health, docket no. 15-UST-EA-01,
19 and the implementation of the rules pursuant to section 342L-32,
20 Hawaii Revised Statutes. As part of the study, the task force
21 shall consider:



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- 1 (1) Whether the United States Department of the Navy is in
2 compliance with the:
- 3 (A) Terms of the administrative order of consent; and
4 (B) Department of health's administrative rules
5 adopted pursuant to section 342L-32, Hawaii
6 Revised Statutes;
- 7 (2) The feasibility of secondary containment measures to
8 ensure storage tank safety;
- 9 (3) The possibility of the President of the United States
10 issuing an Executive Order that would allow for the
11 use of the Red Hill storage tanks without any
12 additional review or safety precautions or measures;
- 13 (4) The feasibility of:
- 14 (A) Relocating the Red Hill underground storage tank
15 system to another location in the State; and
16 (B) Eliminating the use of the Red Hill underground
17 storage tank system;
- 18 (5) The fiscal impact to the State of having the Red Hill
19 underground storage tank system in Hawaii, including
20 the cost considerations of the various options to



1 keep, maintain, move, or eliminate the Red Hill
2 underground storage tank system; and

3 (6) Whether the Red Hill underground storage tank system
4 is essential to the security of the United States.

5 (e) The task force shall submit an initial report of its
6 findings and recommendations, including any proposed
7 legislation, to the legislature no later than twenty days prior
8 to the convening of the 2020 regular session. The task force
9 shall submit a final report of its findings and recommendations,
10 including any proposed legislation, to the legislature no later
11 than twenty days prior to the convening of the 2021 regular
12 session. The task force shall submit a follow-up report to the
13 legislature each year thereafter until its dissolution.

14 (f) The task force shall have a minimum of two meetings
15 prior to the convening of the 2020 regular session. Beginning
16 January 1, 2020, the task force shall meet a minimum of
17 times a year. Beginning January 1, 2025, the task force shall
18 meet a minimum of times a year.

19 (g) No member of the task force shall be made subject to
20 chapter 84, Hawaii Revised Statutes, solely because of that
21 member's participation as a member of the task force.



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1 (h) The task force shall cease to exist on January 1,
2 2030.

3 PART III

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

6 SECTION 6. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

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Report Title:

Underground Storage Tanks and Systems; DOH; Environmental Protection; Red Hill Task Force

Description:

Requires the Department of Health to adopt rules for underground storage tanks and tank systems that are no less stringent than federal underground storage tank regulations. Establishes the Red Hill Task Force to study the implementation of containment measures at Red Hill and report to the legislature.

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

