

JAN 19 2024

A BILL FOR AN ACT

RELATING TO WATER QUALITY.

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

1 SECTION 1. The legislature finds that Hawaii has been
2 blessed with some of the purest water on earth. The islands'
3 age, location in the Pacific, geography, geology, and native
4 ecosystems provide groundwater that has been given Purdex water
5 purity index scores of over 900 which is described as
6 "exceptional", the best water with no significant regulated
7 containment levels present.

8 The legislature finds that the State's freshwater resources
9 have also been appropriately recognized as sacred and essential
10 to all life, and the protection and careful stewardship of
11 Hawaii's wai has been a priority of Kanaka Oihi culture and
12 governance since time immemorial.

13 The legislature finds that the contamination of groundwater
14 and drinking water sources with jet fuel from underground
15 storage tanks must not be tolerated. As emphasized by state and
16 county agency officials and elected leaders on the Water
17 Alliance Initiative, any contamination must be fully remediated.



1 There should be no acceptable level of jet fuel in precious and
2 otherwise pure wai.

3 The purpose of this Act is to fully restore the
4 environment, including drinking water and groundwater, after any
5 release of jet fuel from an underground storage tank or tank
6 system.

7 SECTION 2. Section 342L-35, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§342L-35 Response to suspected or confirmed releases.**

10 (a) The department, pursuant to chapter 91, shall adopt
11 requirements for investigating a suspected release and taking
12 action in response to a confirmed release from an underground
13 storage tank or tank system, which shall include at least the
14 following:

15 (1) Requirement that when a release is found, the
16 substances in the tank or tank system be emptied if
17 emptying the substances does not present a greater
18 danger to human health or the environment;

19 (2) Requirement for proper closure of the tank or tank
20 system, following the requirements established under



1 section 342L-37, or repair and testing of the tank or
2 tank system before placing it back into operation;

3 (3) Requirement that the owner and operator of the
4 underground storage tank or tank system that had a
5 release restore the environment to a condition and
6 quality acceptable to the department[+], subject to
7 subsection (b); and

8 (4) Requirement to notify those members of the public
9 directly affected by the release and the proposed
10 response to the release.

11 (b) Restoration of the environment shall require the
12 cleanup and removal of all jet fuel, including fuel additives
13 and all compounds resulting from the degradation of jet fuel or
14 jet fuel additives or the reaction of jet fuel or jet fuel
15 additives with water or other chemicals.

16 (c) It shall be a rebuttable presumption that the
17 detection of jet fuel, jet fuel additives, or compounds derived
18 from jet fuel or jet fuel additives in the environment or
19 groundwater in the vicinity of an underground storage tank or
20 tank system after a confirmed release from an underground



1 storage tank or tank system is the result of the confirmed
2 release."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the person introducing the bill.

S.B. NO. 2923

Report Title:

DOH; Water Quality; Underground Storage Tanks and Tank Systems;
Confirmed Release; Environmental Restoration; Zero Jet Fuel;
Rules

Description:

Clarifies the level of environmental restoration owners and operators of underground storage tanks or tank systems that had a confirmed release must satisfy by requiring the removal of all jet fuel, including fuel additives and all compounds resulting from the degradation of jet fuel or jet fuel additives or the reaction of jet fuel or jet fuel additives with water or other chemicals. Establishes a rebuttable presumption that the detection of these contaminants in the vicinity of an underground storage tank or a tank system after a confirmed release is a result of the confirmed release.

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