

MAR 10 2017

SENATE CONCURRENT 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

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



1
2 BE IT FURTHER RESOLVED that the Department of Health is
3 urged to additionally require through rules that:
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5 (1) Field-constructed underground storage tanks with
6 storage capacities greater than fifty thousand gallons
7 that were installed before July 15, 2015:
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9 (A) Be subject to the upgrade requirements specified
10 in title 40 Code of Federal Regulations section
11 280.21;
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13 (B) Be required to upgrade with secondary
14 containment;
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16 (C) Be subject to the permitting requirements
17 specified in chapter 11-281, Hawaii
18 Administrative Rules, or successor rules;
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20 (D) Prior to upgrading with secondary containment, be
21 subject to the release detection rules specified
22 in title 40 Code of Federal Regulations part 280,
23 subpart D, and:
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25 (i) Be monitored using release detection methods
26 authorized in chapter 11-281, Hawaii
27 Administrative Rules, or successor rules; or
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29 (ii) Use a release detection method that can
30 detect a 0.5 gallon per hour leak rate with
31 a probability of detection of 0.95 and a
32 probability of false alarm of 0.05;
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34 (E) Without secondary containment, be required to
35 install a release detection system meeting the
36 requirements of paragraph (D) by July 1, 2019;
37 and
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39 (F) Except for the exemption from secondary
40 containment and release detection, be subject to
41 title 40 Code of Federal Regulations part 280,
42 subpart K;



- (2) Field-constructed underground storage tank systems first installed or replaced on or after July 15, 2015:
 - (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 Concurrent Resolution be transmitted to the Director of Health.

OFFERED BY:

 

