

MAR 10 2017

SENATE 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

5
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

9
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

14
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

30
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
5

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
12

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
17

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
23

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,
29

30 BE IT RESOLVED by the Senate of the Twenty-ninth
31 Legislature of the State of Hawaii, Regular Session of 2017,
32 that the Department of Health is urged to adopt rules on or
33 before September 1, 2018, and pursuant to chapter 91, Hawaii
34 Revised Statutes, including necessary revisions, to conform
35 Hawaii's underground storage tank and tank system rules with the
36 July 15, 2015, revisions to the United States Environmental
37 Protection Agency underground storage tank regulations codified
38 in title 40 Code of Federal Regulations part 280; and
39

40 BE IT FURTHER RESOLVED that the Department of Health is
41 urged to additionally require through rules that:
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- 1 (1) Field-constructed underground storage tanks with
2 storage capacities greater than fifty thousand gallons
3 that were installed before July 15, 2015:
4
- 5 (A) Be subject to the upgrade requirements specified
6 in title 40 Code of Federal Regulations section
7 280.21;
8
- 9 (B) Be required to upgrade with secondary
10 containment;
11
- 12 (C) Be subject to the permitting requirements
13 specified in chapter 11-281, Hawaii
14 Administrative Rules, or successor rules;
15
- 16 (D) Prior to upgrading with secondary containment, be
17 subject to the release detection rules specified
18 in title 40 Code of Federal Regulations part 280,
19 subpart D, and:
20
- 21 (i) Be monitored using release detection methods
22 authorized in chapter 11-281, Hawaii
23 Administrative Rules, or successor rules; or
24
- 25 (ii) Use a release detection method that can
26 detect a 0.5 gallon per hour leak rate with
27 a probability of detection of 0.95 and a
28 probability of false alarm of 0.05;
29
- 30 (E) Without secondary containment, be required to
31 install a release detection system meeting the
32 requirements of paragraph (D) by July 1, 2019;
33 and
34
- 35 (F) Except for the exemption from secondary
36 containment and release detection, be subject to
37 title 40 Code of Federal Regulations part 280,
38 subpart K;
39
- 40 (2) Field-constructed underground storage tank systems
41 first installed or replaced on or after July 15, 2015:
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1 (A) Be secondarily contained; and

2
3 (B) Have interstitial monitoring in accordance with
4 title 40 Code of Federal Regulations part 280,
5 subpart D, using either vacuum, pressure,
6 hydrostatic, electronic sensors, or monthly
7 visual methods of release detection that can
8 detect a 0.2 gallon per hour leak rate with a
9 probability of detection of 0.95 and a
10 probability of false alarm of 0.05;

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

19
20 (4) Any owners and operators of field-constructed
21 underground storage tanks that fail to comply with
22 rules adopted by the Department of Health for
23 upgrading with secondary containment have their
24 permits revoked; and

25
26 (5) Field-constructed underground storage tanks not be
27 installed on or after July 1, 2017, unless the storage
28 tank and piping have secondary containment and comply
29 with all requirements specified in chapter 11-281,
30 Hawaii Administrative Rules, or successor rules; and
31

32 BE IT FURTHER RESOLVED that a certified copy of this
33 Resolution be transmitted to the Director of Health.
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OFFERED BY:


