

JAN 25 2017

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 and declares that the
16 storage, transportation, and disposal of petroleum products,
17 pollutants, and hazardous substances in underground storage



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

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



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

15 The purpose of this Act is to protect the State's
16 underground drinking water sources and surrounding environment
17 by requiring the department of health to adopt rules for
18 underground storage tanks and tank systems that conform with
19 recent revisions to federal regulations and include additional
20 requirements for certain field-constructed underground storage



1 tanks including compliance with certain requirements in chapter
2 11-281, Hawaii Administrative Rules, or successor rules.

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

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

14 (A) Be subject to the upgrade requirements specified
15 in title 40 Code of Federal Regulations section
16 280.21;

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

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



1 (D) Prior to upgrading with secondary containment, be
2 subject to the release detection rules specified
3 in title 40 Code of Federal Regulations part 280,
4 subpart D, and:

5 (i) Be monitored using release detection methods
6 authorized in chapter 11-281, Hawaii

7 Administrative Rules, or successor rules; or

8 (ii) Use a release detection method that can
9 detect a 0.5 gallon per hour leak rate with
10 a probability of detection of 0.95 and a
11 probability of false alarm of 0.05;

12 provided further that owners and operators of
13 field-constructed storage tank systems without
14 secondary containment shall install a release
15 detection system meeting the requirements of this
16 paragraph by July 1, 2019; and

17 (E) Except for the exemption from secondary
18 containment and release detection, be subject to
19 title 40 Code of Federal Regulations part 280,
20 subpart K;



- 1 (2) Field-constructed underground storage tank systems
- 2 first installed or replaced on or after July 15, 2015,
- 3 shall:
- 4 (A) Be secondarily contained; and
- 5 (B) Have interstitial monitoring in accordance with
- 6 title 40 Code of Federal Regulations part 280,
- 7 subpart D, using either vacuum, pressure,
- 8 hydrostatic, electronic sensors, or monthly
- 9 visual methods of release detection that can
- 10 detect a 0.2 gallon per hour leak rate with a
- 11 probability of detection of 0.95 and a
- 12 probability of false alarm of 0.05;
- 13 (3) Owners and operators of field-constructed underground
- 14 storage tanks that fail to meet the deadline specified
- 15 in paragraph (1)(B) shall empty the storage tank
- 16 system, take the system out-of-service by July 1,
- 17 2027, and permanently close the tank by July 1, 2030,
- 18 in accordance with chapter 11-281, Hawaii
- 19 Administrative Rules, or successor rules;
- 20 (4) The department of health shall revoke the permits of
- 21 any owners and operators of field-constructed

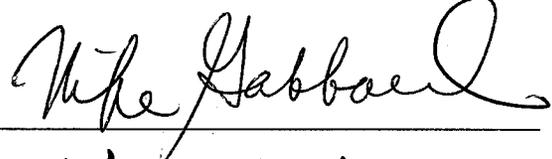
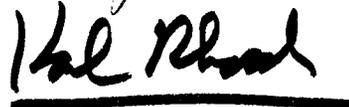
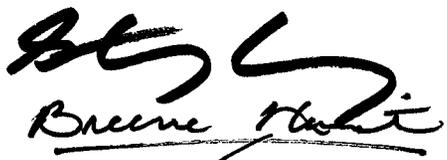
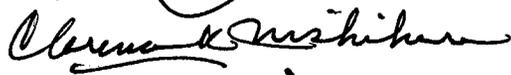


1 underground storage tanks that fail to meet the
 2 deadline specified in paragraph (1)(B) for upgrading
 3 with secondary containment; and
 4 (5) Field-constructed underground storage tanks shall not
 5 be installed on or after July 1, 2017, unless the
 6 storage tank and piping have secondary containment and
 7 comply with all requirements specified in chapter
 8 11-281, Hawaii Administrative Rules, or successor
 9 rules.

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

11

INTRODUCED BY:



S.B. NO. 1259

Report Title:

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

Description:

Requires the department of health to 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.

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

