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



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

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



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

16 The purpose of this Act is to protect the State's
17 underground drinking water sources and surrounding environment
18 by requiring the department of health to adopt rules for
19 underground storage tanks, tank systems, and related piping that
20 conform with 2015 revisions to federal regulations and include
21 additional requirements no less stringent than any regulation



1 established pursuant to federal law for certain field-
2 constructed underground storage tanks, including compliance with
3 certain requirements in chapter 11-281, Hawaii Administrative
4 Rules, or successor rules.

5 SECTION 2. On or before October 13, 2018, the department
6 of health shall adopt rules pursuant to chapter 91, Hawaii
7 Revised Statutes, including necessary revisions, to conform
8 Hawaii's underground storage tank and tank system rules with the
9 July 15, 2015, revisions to the United States Environmental
10 Protection Agency underground storage tank regulations codified
11 in title 40 Code of Federal Regulations part 280; provided that
12 the department shall additionally require through rules that:

13 (1) All field-constructed underground storage tanks with
14 storage capacities greater than fifty thousand gallons
15 shall:

16 (A) Be required to upgrade with secondary containment
17 with interstitial monitoring by July 1, ; and

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



1 (2) All onsite integral piping connected to any field-
2 constructed underground storage tanks with storage
3 capacities greater than fifty thousand gallons shall:
4 (A) Be required to upgrade with secondary containment
5 with interstitial monitoring by July 1, , if
6 the piping is in contact with the soil, concrete,
7 or cannot be visually inspected; and
8 (B) Be subject to the permitting requirements
9 specified in chapter 11-281, Hawaii
10 Administrative Rules, or successor rules;
11 provided that "onsite integral piping" means on-site
12 piping, originating or terminating at the regulated
13 storage tank or tanks, that conveys regulated
14 substances. Vapor, or other recovery lines, pipeline
15 facilities, and vent lines, are not considered
16 integral piping. Integral piping includes all valves,
17 elbows, joints, flanges, pumps, and flexible
18 connectors associated with the pipe originating at the
19 storage tank up to the union of the integral piping
20 with the dispensing system, the fill valve, the
21 forwarding pump used for transferring regulated



1 substances to a flow-through process tank or an
2 industrial production or manufacturing point of use,
3 the first flange or connection within a loading rack
4 containment area, or the first shoreside valve after
5 the marine transfer area for on-site piping at
6 regulated underground storage tank facilities;

7 (3) Owners and operators of field-constructed underground
8 storage tanks that fail to meet the deadline specified
9 in paragraphs (1)(A) and (2)(A) shall empty the
10 storage tank system, take the system out-of-service by
11 July 1, 2028, and permanently close the tank by
12 July 1, 2030, in accordance with chapter 11-281,
13 Hawaii Administrative Rules, or successor rules; and

14 (4) The department of health shall revoke the permits of
15 any owners and operators of field-constructed
16 underground storage tanks that fail to meet the
17 deadline specified in paragraphs (1)(A) and (2)(A) for
18 upgrading with secondary containment.

19 SECTION 3. This Act shall take effect on July 1, 2018.
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S.B. NO. 2930 S.D. 1

Report Title:

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

Description:

Requires, on or before 10/13/2018, that the department of health 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. (SD1)

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