

JAN 21 2022

# A BILL FOR AN ACT

RELATING TO UNDERGROUND STORAGE TANKS.

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

SECTION 1. Chapter 342L, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

"§342L- Permits near a potable water aquifer prohibited; exceptions (a) The department shall not issue a permit for a new underground fuel storage tank located above or within feet of a potable water aquifer; provided that a permit may be issued by the department for purposes of repairing an existing underground fuel storage tank.

(b) Permits issued for an existing underground fuel storage tank located above or within feet of a potable water aquifer shall not be extended or renewed beginning January 1, 2023.

(c) Beginning January 1, 2030, the department shall not authorize any variances pursuant to section 342L-5, for an underground fuel storage tank located above or within feet of a potable water aquifer."



1           SECTION 2. Section 342L-4.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3           "(c) Beginning January 1, [~~2045~~<sub>7</sub>] 2030, no person shall  
4 operate an underground fuel storage tank within one hundred  
5 yards of the shoreline, and no permit for an underground fuel  
6 storage tank within one hundred yards of the shoreline shall be  
7 renewed."

8           SECTION 3. Section 342L-5, Hawaii Revised Statutes, is  
9 amended to read as follows:

10          "**§342L-5 Variances allowed.** Provisions under this chapter  
11 deemed more stringent than the federal rules established under  
12 Subtitle I of the federal Resource Conservation and Recovery  
13 Act, as added by the federal Hazardous and Solid Waste  
14 Amendments of 1984, may be varied by the department, when the  
15 variance results in an equivalent degree of human health and  
16 environmental protection and does not present a greater danger  
17 to human health or the environment[-]; provided that beginning  
18 January 1, 2030, the department shall not authorize any  
19 variances for an underground fuel storage tank located above or  
20 within           feet of a potable water aquifer."



SECTION 4. Section 342L-32, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Underground storage tank and tank system standards shall include, but are not limited to the following specifications:

(1) The tank and tank system shall be designed, constructed, installed, upgraded, maintained, repaired, and operated to prevent releases of the stored regulated substances for the operational life of the tank or tank system;

(2) The material used in the construction or lining of the tank or tank system is compatible with the substance to be stored; ~~and~~

(3) Existing underground storage tanks or existing tank systems shall be replaced or upgraded not later than December 22, 1998, to prevent releases for their operating life~~[-]~~; and

(4) No underground storage tank or tank system shall be operated or installed above a sole source aquifer as defined by title 40 Code of Federal Regulations section 149.2."

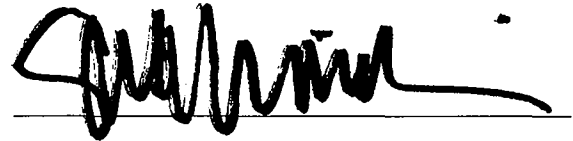


1       SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "S. M. ...", is written over a horizontal line.

**Report Title:**

Underground Storage Tanks; Regulations; Permits; Variances;  
Potable Water Aquifer; Sole Source Aquifers

**Description:**

Prohibits the issuance of permits located above or within  
feet of a potable water aquifer; provided that a permit  
may be issued for purposes of repairing or replacing an existing  
underground fuel storage tank. Prohibits extensions or renewals  
of permits issued for such underground fuel storage tanks  
beginning January 1, 2023. Prohibits the authorization of  
variances for such underground fuel storage tanks beginning  
January 1, 2023. Accelerates the start date of the prohibition  
against the operation of an underground fuel storage tank within  
one hundred yards of the shoreline and the renewal of permits  
therefor from January 1, 2045, to January 1, 2030. Prohibits  
the operation or installation of an underground storage tank  
above a sole source aquifer.

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

