

JAN 20 2022

A BILL FOR AN ACT

RELATING TO UNDERGROUND FUEL STORAGE TANKS.

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

1 SECTION 1. The legislature finds that fresh water and
2 streams have been among the most important natural resources to
3 Hawaii's people. Dating back to ancient Hawaii, the sanctity of
4 fresh water, or wai, is reflected in the way water permeates
5 throughout olelo Hawaii, the Hawaiian spoken language. For
6 example, the Hawaiian word for "law" is kanawai, which literally
7 translates to the "equal sharing of water". The Hawaiian word
8 waiwai, water repeated twice, means abundance and prosperity.
9 In Native Hawaiian culture, to have water is to have wealth.

10 The legislature further finds that the purity and safety of
11 the State's fresh water is in jeopardy of contamination. In
12 December 2021, the United States Navy confirmed that the Red
13 Hill bulk fuel storage facility on Oahu leaked petroleum into
14 the Navy's water system, contaminating the drinking water for
15 residents and personnel at Joint-Base Pearl Harbor-Hickam and
16 surrounding neighborhoods. More than ninety-two thousand people



1 were impacted within weeks, with some reporting ill effects from
2 ingesting the fuel-tainted water.

3 Therefore, the purpose of this Act is to:

4 (1) Prohibit the department of health from issuing new
5 permits for underground fuel storage tanks within one-
6 half mile from an aquifer;

7 (2) Prohibit the renewal of permits for underground fuel
8 storage tanks within one-half mile of an aquifer,
9 beginning January 1, 2050; and

10 (3) Create a new definition for "fuel storage tanks" to
11 include tanks with a capacity at or greater than one
12 hundred gallons.

13 SECTION 2. Chapter 342L, Hawaii Revised Statutes, is
14 amended by adding a new section to part I to be appropriately
15 designated and to read as follows:

16 "§342L- Permits near aquifer prohibited. (a) Beginning
17 July 1, 2022, the department shall not issue a permit for a new
18 underground fuel storage tank within one-half mile of the outer
19 edge of an aquifer; provided that a permit may be issued by the
20 department for purposes of repairing or replacing an existing
21 underground fuel storage tank.



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1 (b) Beginning January 1, 2050, no person shall operate an
2 underground fuel storage tank within one-half mile of the outer
3 edge of an aquifer, and no permit for an underground fuel
4 storage tank within one-half mile of the outer edge of an
5 aquifer shall be renewed.

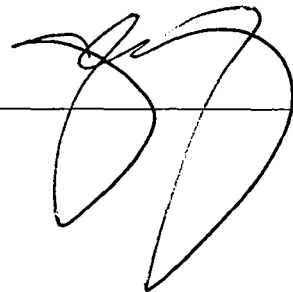
6 (c) As used in this section, "underground fuel storage
7 tank" means any fuel tank with a capacity of one hundred or more
8 gallons installed underground."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY: _____

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S.B. NO. 2172

Report Title:

Underground Fuel Storage Tanks; Aquifers; Permits; Prohibition

Description:

Prohibits issuance of future underground fuel storage tanks within one-half mile of an aquifer beginning July 1, 2022. Prohibits operation of and renewal of underground fuel storage tank permits located within one-half mile from an aquifer beginning January 1, 2050. Defines underground fuel storage tanks as any fuel tank with a capacity of one hundred gallons or more.

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