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# 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 Hawaii has been  
2 blessed with some of the purest water (wai) on Earth. The  
3 islands' age, location in the Pacific, geography, geology, and  
4 native ecosystems provide groundwater that has been given purity  
5 index scores of over nine hundred.

6           The legislature also finds that the State's freshwater  
7 resources have also been appropriately recognized as sacred and  
8 essential to all life, and the protection and careful  
9 stewardship of Hawaii's wai has been a priority of kanaka oiwi  
10 culture and governance since time immemorial.

11           The legislature further finds that the contamination of  
12 local groundwater and drinking water sources with jet fuel from  
13 underground storage tanks must not be tolerated. As emphasized  
14 by state and county agency officials and elected leaders on Red  
15 Hill, and the Water Alliance Initiative, any contamination must  
16 be fully remediated; there should be no acceptable level of jet  
17 fuel in the State's precious and otherwise pure wai.



1           The purpose of this Act is to fully restore the  
2 environment, including drinking water and groundwater, after any  
3 release of jet fuel from an underground storage tank or tank  
4 system.

5           SECTION 2. Section 342L-35, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "**§342L-35 Response to suspected or confirmed releases.**

8           (a) The department, pursuant to chapter 91, shall adopt  
9 requirements for investigating a suspected release and taking  
10 action in response to a confirmed release from an underground  
11 storage tank or tank system, which shall include at least the  
12 following:

- 13           . (1) Requirement that when a release is found, the  
14 substances in the tank or tank system be emptied if  
15 emptying the substances does not present a greater  
16 danger to human health or the environment;
- 17           (2) Requirement for proper closure of the tank or tank  
18 system, following the requirements established under  
19 section 342L-37, or repair and testing of the tank or  
20 tank system before placing it back into operation;



1 (3) Requirement that the owner and operator of the  
2 underground storage tank or tank system that had a  
3 release restore the environment to a condition and  
4 quality acceptable to the department[+], subject to  
5 subsection (b); and

6 (4) Requirement to notify those members of the public  
7 directly affected by the release and the proposed  
8 response to the release.

9 (b) Restoration of the environment shall require the  
10 cleanup and removal of jet fuel, including jet fuel additives  
11 and compounds resulting from the degradation of jet fuel or jet  
12 fuel additives, or the reaction of jet fuel or jet fuel  
13 additives with water or other chemicals, as soon as practicable,  
14 with the goal of complete removal.

15 (c) It shall be a rebuttable presumption that the  
16 detection of any amount of jet fuel, jet fuel additives, or  
17 compounds derived from jet fuel or jet fuel additives in the  
18 environment or groundwater in the vicinity of an underground  
19 storage tank or tank system, after a confirmed release from an  
20 underground storage tank or tank system, is the result of the  
21 confirmed release."



1           SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 4. This Act shall take effect on December 31,  
4 2050.



**Report Title:**

Department of Health; Water Quality; Underground Storage Tanks and Tank Systems; Confirmed Release; Environmental Restoration; Jet Fuel; Rules

**Description:**

Clarifies the level of environmental restoration that owners and operators of underground storage tanks or tank systems must satisfy in the event of a confirmed release of jet fuel from an underground storage tank or tank system. Establishes that the environmental restoration shall require the cleanup and removal of jet fuel, including jet fuel additives and compounds resulting from the degradation of jet fuel or jet fuel additives, or the reaction of jet fuel or jet fuel additives with water or other chemicals, as soon as practicable, with the goal of complete removal. Establishes a rebuttable presumption that any detection of these contaminants in the vicinity of an underground storage tank or a tank system after a confirmed release is a result of the confirmed release. Effective 12/31/2050. (SD1)

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