

STAND. COM. REP. NO. 401

Honolulu, Hawaii

**FEB 12 2025**

RE: S.B. No. 639  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committees on Health and Human Services and Agriculture and Environment, to which was referred S.B. No. 639 entitled:

"A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify 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;
- (2) Specify that the restoration condition and quality acceptable by the Department of Health shall include the complete removal of all jet fuel, including jet fuel additives and all 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; and
- (3) Establish 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.



Your Committees received testimony in support of this measure from the Honolulu Board of Water Supply, Sierra Club of Hawai'i, Democratic Party of Hawai'i, Hawai'i Food+ Policy, Malama Makua, 350Hawaii.org, Kupuna for the Moopuna, Green Party of Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, Church of the Crossroads, and thirty-three individuals.

Your Committees received comments on this measure from the Department of Health.

Your Committees find that the contamination of local groundwater and drinking water sources with jet fuel from underground storage tanks must not be tolerated. Your Committees further find that as emphasized by state and county agency officials and elected leaders of the Red Hill Water Alliance Initiative, any contamination must be fully remediated--there should be no acceptable level of jet fuel in the State's precious and otherwise pure wai. This measure establishes essential steps towards implementing the necessary remediation efforts of the State's waters and safeguarding the health and well-being of current and future generations.

Your Committees acknowledge the testimony of the Department of Health requesting clarification of the standard for environmental restoration, stating that language in the measure requiring the cleanup and total removal of "all" jet fuel, including jet fuel additives and "all" compounds resulting from the degradation of jet fuel or jet fuel additives, is ambiguous. Therefore, amendments to this measure are necessary to address this concern.

Accordingly, your Committees have amended this measure by:

- (1) Clarifying that the restoration of the environment 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; and
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion.



As affirmed by the records of votes of the members of your Committees on Health and Human Services and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 639, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 639, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committees on Health and Human Services and Agriculture and Environment,



MIKE GABBARD, Chair



JOY A. SAN BUENAVENTURA, Chair

The Senate  
 Thirty-Third Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Health and Human Services**  
**HHS**

Bill / Resolution No.:* <b>SB 639</b>	Committee Referral: <b>HHS/AEN, JDC</b>	Date: <b>1/31/25</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
HASHIMOTO, Troy N.	✓			
KEOHOKALOLE, Jarrett				✓
FEVELLA, Kurt				✓
<b>TOTAL</b>	<b>3</b>			<b>2</b>

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature:

Distribution:    
 Original     Yellow     Pink     Goldenrod  
 File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy

\*Only one measure per Record of Votes

The Senate  
 Thirty-Third Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 639	HHS/AEN, JDC	1/31/25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
RICHARDS, III, Herbert M. "Tim" (VC)				✓
DECOITE, Lynn	✓			
RHOADS, Karl	✓			
AWA, Brenton				✓
<b>TOTAL</b>	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office              Drafting Agency              Committee File Copy				

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