
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 total removal of all jet fuel, including jet fuel
11 additives and all compounds resulting from the degradation of
12 jet fuel or jet fuel additives, or the reaction of jet fuel or
13 jet fuel additives with water or other chemicals.

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

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INTRODUCED BY:

Twish LaChica

JAN 22 2025



H.B. NO. 1230

Report Title:

DOH; 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. Specifies 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. 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.

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