
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 further 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 oiw
10 culture and governance since time immemorial.

11 The legislature also finds that the contamination of local
12 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 who
15 participated in the Red Hill Water Alliance Initiative, any
16 contamination must be fully remediated; there should be no



1 acceptable level of jet fuel in the State's precious and
2 otherwise pure wai.

3 The purpose of this Act is to:

- 4 (1) Require an owner or operator of an underground storage
5 tank or tank system with a confirmed release to meet
6 certain standards for the restoration of the
7 environment; and
- 8 (2) Establish a rebuttable presumption that the detection
9 of any amount of jet fuel, jet fuel additives, or
10 compounds in the vicinity of an underground storage
11 tank or tank system after a confirmed release is the
12 result of the confirmed release.

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

15 **"§342L-35 Response to suspected or confirmed releases.**

16 (a) The department, pursuant to chapter 91, shall adopt
17 requirements for investigating a suspected release and taking
18 action in response to a confirmed release from an underground
19 storage tank or tank system, which shall include at least the
20 following:



- 1 (1) Requirement that when a release is found, the
2 substances in the tank or tank system be emptied if
3 emptying the substances does not present a greater
4 danger to human health or the environment;
- 5 (2) Requirement for proper closure of the tank or tank
6 system, following the requirements established under
7 section 342L-37, or repair and testing of the tank or
8 tank system before placing it back into operation;
- 9 (3) Requirement that the owner and operator of the
10 underground storage tank or tank system that had a
11 release restore the environment to a condition and
12 quality acceptable to the department~~[+]~~, subject to
13 subsection (b); and
- 14 (4) Requirement to notify those members of the public
15 directly affected by the release and the proposed
16 response to the release.

17 (b) Restoration of the environment, as described in
18 subsection (a)(3), shall require the cleanup and removal of jet
19 fuel, including jet fuel additives and compounds resulting from
20 the degradation of jet fuel or jet fuel additives, or the
21 reaction of jet fuel or jet fuel additives with water or other



1 chemicals, as soon as practicable, to levels below the detection
2 limits of the best and most sensitive technology and methods
3 available, with the goal of complete remediation.

4 (c) It shall be a rebuttable presumption that the
5 detection of any amount of jet fuel, jet fuel additives, or
6 compounds derived from jet fuel or jet fuel additives in the
7 environment or groundwater in the vicinity of an underground
8 storage tank or tank system, after a confirmed release from an
9 underground storage tank or tank system, is the result of the
10 confirmed release."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

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

Description:

Requires an owner or operator of an underground storage tank or tank system with a confirmed release to meet certain standards for the restoration of the environment. 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 7/1/3000. (HD1)

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