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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 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 oiwi  
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 require an owner or operator  
4 of an underground storage tank or tank system with a confirmed  
5 release to meet certain standards for the restoration of the  
6 environment.

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

9 **"§342L-35 Response to suspected or confirmed releases.**

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

- 15 (1) Requirement that when a release is found, the  
16 substances in the tank or tank system be emptied if  
17 emptying the substances does not present a greater  
18 danger to human health or the environment;
- 19 (2) Requirement for proper closure of the tank or tank  
20 system, following the requirements established under



1 section 342L-37, or repair and testing of the tank or  
2 tank system before placing it back into operation;

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

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

11 (b) Restoration of the environment, as described in  
12 subsection (a) (3), shall require the cleanup and removal of jet  
13 fuel, including jet fuel additives and compounds resulting from  
14 the degradation of jet fuel or jet fuel additives, or the  
15 reaction of jet fuel or jet fuel additives with water or other  
16 chemicals, as much as practicable."

17 SECTION 3. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

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



S.B. NO. 2046  
S.D. 1

**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. (SD1)

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