

STAND. COM. REP. NO. 2254

Honolulu, Hawaii

**FEB 13 2026**

RE: S.B. No. 2046  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Sir:

Your Committees on Health and Human Services and Agriculture and Environment, to which was referred S.B. No. 2046 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) Require 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; and
- (2) Establish a rebuttable presumption that any detection of certain 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 Board of Water Supply of the City and County of Honolulu, Sierra Club of Hawai'i, Free Access Coalition, 350Hawaii.org, Malama Makua, Nation of Hawai'i, 'Ahahui o Hawai'i, 'Ahahui o nā Kauka, Environmental Caucus of the Democratic Party of Hawai'i, Kupuna for the Moopuna, Ke One O Kākuhihewa, Red Hill Community Representation Initiative, and sixty-four individuals.



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

Your Committees find that the release of jet fuel and fire suppressant chemicals from the Red Hill bulk fuel facility in 2021 resulted in detection of chemical contaminants in local groundwater and drinking water sources. Your Committees further find that state and county agency officials and elected leaders who participated in the Red Hill Water Alliance Initiative have emphasized that any contamination must be fully remediated and there should be no acceptable level of jet fuel in the State's precious and otherwise pure water. This measure addresses the persistent threat posed by underground storage tank (UST) releases, particularly of jet fuel and other contaminants, into the State's water systems.

Your Committees acknowledge the concerns raised by the Department of Health that the use of detection limits as regulatory cleanup levels would be difficult to implement and enforce, and could result in inconsistent regulation. Your Committees also note the Department of Health's testimony that the rebuttable presumption relating to the source of confirmed releases established by this measure is unnecessary and may cause confusion, as investigations of suspected releases from UST systems required under existing rules are designed to determine not only the nature and extent of contamination caused by a release from a UST system, but also any other potential sources of contamination, and that establishing a rebuttable presumption specific to UST systems could result in differing cleanup levels for releases from different sources. Therefore, amendments to this measure are necessary to address these concerns.

Accordingly, your Committees have amended this measure by:

- (1) Replacing language that would have required 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, to levels below the detection limits of the best and most sensitive technology and methods available, with the goal of complete



remediation", with language that requires the cleanup and removal to be done "as much as practicable";

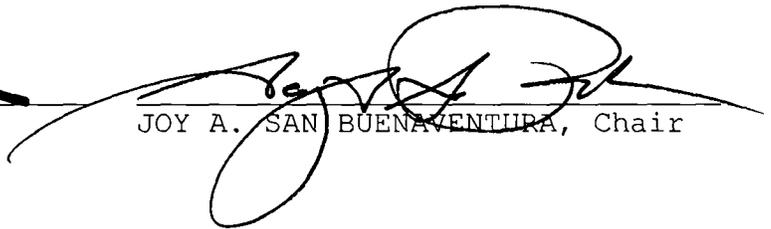
- (2) Deleting language that would have established a rebuttable presumption that any detection of any amount of jet fuel, jet fuel additives, or compounds derived from jet fuel or jet fuel additives in the vicinity of an underground storage tank or a tank system after a confirmed release is a result of the confirmed release;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2046, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2046, 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





