

ACT 190

S.B. NO. 1361

A Bill for an Act Relating to Petroleum-Contaminated Soil.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that recent events surrounding the exportation and disposal of petroleum-contaminated soil have drawn the attention and interest of the community, various government agencies, and elected officials. The legislature further finds that state laws governing solid waste management should evolve as we learn more about the need for regulation of various substances, and thus certain materials which were not initially included in the law may now need to be included to protect the public health and our environment.

The purpose of this Act is to regulate the disposal of petroleum-contaminated soils by including them under the laws governing solid waste management and solid waste pollution, and to provide resources for the effective enforcement of such regulation.

SECTION 2. Chapter 342H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§342H- Transporting prohibited without permit. No person shall transport any petroleum-contaminated soil, as defined in section 342G-1, without a permit issued under section 342H-4; except that no permit shall be required for the transport of petroleum-contaminated soil to a soil remediation site, as permitted by the department if the transporter provides written notification to the department at least forty-eight hours in advance of any proposed transportation of petroleum-contaminated soil and abides by any transportation guidelines set by the department.”

SECTION 3. Section 342G-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a definition of “petroleum” to read:

““Petroleum” means any petroleum, including crude oil or any fraction thereof, that is liquid at standard temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).”

2. By adding a definition of “petroleum-contaminated soil” to read:

““Petroleum-contaminated soil” means soil that has been contaminated by a release of petroleum to a degree that exceeds levels determined to be acceptable by the director.”

3. By amending the definition of “special waste” to read:

““Special waste” means any solid waste which, because of its source or physical, chemical, or biological characteristics, requires special consideration for its proper processing or disposal, or both. This term includes, but is not limited to, asbestos, used oil, petroleum-contaminated soil, lead acid batteries, municipal waste combustion ash, sewage sludge that is not hazardous waste, agricultural and farm-generated wastes that are normally placed in landfills, medical wastes, tires, white goods, and derelict vehicles.”

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SECTION 4. Section 342G-26, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The special waste component shall describe the existing waste handling and disposal practices for special wastes, including, but not limited to, asbestos, used oil, petroleum-contaminated soil, lead acid batteries, municipal waste combustion ash, sewage sludge that is not hazardous waste, agricultural and farm-generated wastes, medical wastes, tires, white goods, and derelict vehicles. The component shall identify current and proposed programs to ensure the proper handling, reuse, and long-term disposal of special wastes.”

SECTION 5. Section 342H-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a definition of “petroleum” to read:

““Petroleum” means any petroleum, including crude oil or any fraction thereof, that is liquid at standard temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).”

2. By adding a definition of “petroleum-contaminated soil” to read:

““Petroleum-contaminated soil” means soil that has been contaminated by a release of petroleum to a degree that exceeds levels determined to be acceptable by the director.”

SECTION 6. Section 342H-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The department may require that applications for [such] permits [shall] be accompanied by plans, specifications, and [such] any other information [as] it deems necessary in order for it to determine whether the proposed installation, alteration, disposal, or use will be in accord with applicable rules and standards.”

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 8. This Act shall take effect upon its approval.

(Approved June 9, 1993.)

Note

1. Edited pursuant to HRS §23G-16.5.