

ACT 179

H.B. NO. 2626

A Bill for an Act Relating to Underground Storage Tanks.

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

SECTION 1. The legislature finds that climate change is real and that sea level rise poses a threat to our quality of life. Preparation for sea level rise now will protect our natural resources and save money in the long term. Inundation of underground fuel storage tanks poses risks to our aquifers, coastal water quality, and marine ecosystems.

The purpose of this Act is to:

- (1) Prohibit the issuance of permits for new underground fuel storage tanks within one hundred yards of the shoreline;
- (2) Allow for permits for existing underground fuel storage tanks for purposes of repair or replacement of the existing underground fuel storage tank; and
- (3) Beginning January 1, 2045, prohibit operation of and renewal of a permit for an underground fuel storage tank within one hundred yards of the shoreline.

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

“§342L- Permits near shoreline prohibited; exception. (a) The department shall not issue a permit for a new underground fuel storage tank within one hundred yards of the shoreline; provided that a permit may be issued by the department for purposes of repairing or replacing an existing underground fuel storage tank.

(b) Except as otherwise provided in subsection (c), the holder of a permit for an existing underground fuel storage tank within one hundred yards of the shoreline may renew the permit.

(c) Beginning January 1, 2045, no person shall operate an underground fuel storage tank within one hundred yards of the shoreline, and no permit for an underground fuel storage tank within one hundred yards of the shoreline shall be renewed.”

SECTION 3. Section 342L-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Shoreline” means the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves.”

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2016.

(Approved July 1, 2016.)

Note

1. Edited pursuant to HRS §23G-16.5.