

**BRIEF SUMMARY OF PROPOSED CHANGES TO
HAWAII ADMINISTRATIVE RULES
TITLE 11, CHAPTER 281
(rev 6/2013)**

Secondary Containment (Hawaii Administrative Rules (HAR) 11-281-17, and HAR 11-281-51(e))

All USTs or UST systems installed on or after the effective date of the rules must be provided with secondary containment (i.e. be double walled) AND use interstitial monitoring for release detection on the tank(s) and piping.

If a portion of single walled piping is replaced, the replaced portion must be provided with secondary containment and interstitial monitoring.

Operator Training (HAR 11-281-46)

There must be at least one class A operator, class B operator, and class C operator, trained and designated for each facility. Owners and operators will decide and appoint their own class A, B, and C operators. Operator classes and basic training requirements are described below.

Class A: This individual is expected to be someone with overall responsibility for the UST system, someone who manages resources to ensure proper operation, maintenance and compliance of the UST system. Training should provide a general knowledge of the UST system, and give an overview of general requirements for operation, maintenance and compliance of the UST system.

Class B: This individual is expected to be responsible for implementing the day-to-day operation, maintenance and compliance requirements for the UST system. Training should provide a general knowledge of these areas.

Class C: This individual is expected to be responsible for initially responding to alarms and emergency conditions. Training should cover proper responses to these conditions.

One person may be designated for all three operator classes provided they complete the training for all three classes. One person may be designated for multiple facilities. The designated person(s) does not necessarily have to be an employee of the facility.

Training programs must be approved by the Department of Health (DOH) and most will be available online, provided by private vendors, for all three classes of operators. A list of approved vendors will be posted on the DOH website.

Owners and operators will have 120 days after the effective date of the rules to designate a class A, class B and a class C operator. These operators must be trained and certified. Once the class A and class B operator assume responsibilities, the owner and operator shall submit a written notice to the

department identifying the class A and class B operator. The notification must include the name of each operator, the date training was completed, the name and address of each facility where the USTs or tank systems for which the operator has been designated is located and written verification from an approved training and certification program that the class A and class B operator has successfully completed the operator training and is certified.

Subsequently, if there are any changes with class A or class B operator, you will need to submit class A and B operator designee names to DOH no later than 30 days after they assume responsibility. The notification must include the name of each operator, the date training was completed, the name and address of each facility where the USTs or tank systems for which the operator has been designated is located and written verification from an approved training and certification program that the class A and class B operator has successfully completed the operator training and is certified.

A form called "Statement of Training for Underground Storage Tank Operator A and B" can be found on the DOH website and may be used if desired. Class C operator designee information does not need to be submitted to DOH.

Owners and operators must maintain current copies of all operator training certifications for each UST or tank system's designated class A, class B and class C operator.

Retraining for class C operators will be required annually. Retraining for class A and B operators will be required every 5 years. If DOH determines that an UST or tank system is out of compliance, the class A and class B operator must be retrained and recertified within ninety days. An UST or tank system is out of compliance if the system:

- (1) Meets any of the delivery prohibition criteria; or
- (2) Is not in significant compliance with other requirements, such as temporary or permanent closure, tank registration or financial responsibility as determined by the director.

Permits (HAR 11-281-23(a), HAR 11-281-24, and HAR 11-281-25), Modifications (HAR 11-281-29)

All owners/operators will be required to have a permit for their UST systems. Owners/operators of existing UST systems that previously had not been required to obtain a permit will need to submit an application for a permit to operate on the form labeled "Application for an Underground Storage Tank Permit," along with a \$150 fee (the "Certification of Installation" form does not need to be submitted). Existing UST owners/operators will have three years from the effective date of the rules to obtain an operational permit. The permit is good for five years and requires renewal.

New installations still require a permit to install and operate prior to installation, followed by submission of the "Certification of Underground Storage Tank Installation" form within 30 days after the installation.

A modification to the permit is required when an UST is added or removed from an UST system, and for any change that would place the existing UST or UST system out of compliance. An application for modification ("Application for an Underground Storage Tank Permit") must be submitted no later than 60 days prior to the occurrence of the event that prompts the application.

Emergency Generators (HAR 11-281 01(c), HAR 11-281-17, HAR 11-281-41, and HAR 11-281-46)

Upon the effective date of the rules, new installations will need to be provided with secondary containment and interstitial monitoring for release detection. New installations are subject to release detection requirements in subchapter 5.

Spill buckets are subject to annual testing as described in the sections below.

UST systems for emergency generators are subject to class A, B, and C operator requirements.

Spill Prevention Equipment, Containment Sumps and Under Dispenser Containment (HAR 11-281-19, and HAR 11-281-41(c))

Dispensers installed on or after the effective date of the rules must be provided with under dispenser containment (UDC). The UDC must be monitored for leaks with a sensing device that signals the operator if a leak is detected.

Spill prevention equipment (spill buckets) must pass a test annually to ensure that they are liquid tight. The method for testing needs to be one that is developed by the manufacturer, a nationally recognized organization, an independent testing laboratory, or other method approved by DOH. The Petroleum Equipment Institute (PEI) has published procedures for this kind of testing in their publication RP1200, Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, available through PEI.

Spill prevention equipment, UDCs and containment sumps must be maintained free of regulated substance, water and debris at all times.

Overfill Prevention and Maintenance (HAR 11-281-14(c))

Overfill prevention methods that rely on the use of alarms must have the alarms clearly labeled and located where the delivery person can clearly see AND hear the alarm in order to immediately stop delivery of the product.

Release Detection Equipment Maintenance (HAR 11-281-51(c))

Annual maintenance or service checks on release detection equipment must be done by a technician trained or certified for the equipment they are servicing.

Repairs to Tanks and Piping (HAR 11-281-44(b)(3))

Prior to returning USTs to service, repaired walls of USTs that routinely contain product must pass a **precision** tightness test that is third party certified, and meets the requirements of tank tightness testing in HAR 11-281-52(3). (Note that the 0.1 ATG test will not be accepted for a precision test as it does not require the determination of groundwater depth.) Repaired piping that routinely contains product, must be followed by a line tightness test that utilizes a 0.1 gph leak rate at one and one-half times the operating pressure, prior to returning the piping back to service. Repaired tank and piping containment walls (secondary containment) must pass an integrity test using vacuum, pressure or liquid, prior to returning the equipment to service.

Records (HAR 11-281-45(b), and HAR 11-281-46)

If a release detection monitoring system is capable of producing a written (printout) or electronic record of testing results, DOH will require the written or electronic record to satisfy recordkeeping requirements for monitoring release detection. In that case, a handwritten log will no longer be an acceptable form of documenting compliance with release detection monitoring. If the monitoring system in place is not capable of producing a written or electronic record, a handwritten log may be used.

Release detection records and maintenance records must be kept for at least three years after the record is generated.

Please ensure that your service provider documents testing the spill buckets.

Submit class A and B operator designee names with associated facilities to DOH no later than 30 days after the operator assumes responsibility, and keep training and certification information for operators A, B, and C on site.

Notification Requirements (HAR 11-281-21.5(a), and HAR 11-281-46(a)(3))

DOH must be notified of dispensers installed on or after the effective date of the rules.

DOH needs to be notified of your designated class A and B operators for each UST or tank system in use or temporarily out of use no later than 30 days after an operator assumes the operator's responsibilities.

The completion of the "Notification of Underground Storage Tanks" form needs to be completed when changes to the UST or tank system occurs. Refer to 11-281-21.5(a) for a list of these changes. The form shall be submitted to DOH within 30 days following the change.

Delivery Prohibition (HAR 11-281-129)

The DOH has the authority to tag a delivery fill tube with a notice prohibiting delivery, deposit or acceptance of regulated substance into an UST or tank system. This would be done for violations that could have a significant impact on

human health or the environment, such as lack of functioning release detection, lack of proper spill, overfill or corrosion protection, etc. The decision to tag a fill tube may be contested at a hearing within 48 hours upon the department's receipt of a written request by the owner or operator.

After the violation has been corrected and DOH has confirmed compliance, DOH will remove the tag, or provide the owner and operator with notice that the tag may be removed.

Field Citation Penalty Amounts (HAR 11-281-131, Appendix VIII)

New citations have been added to reflect proposed changes to the rules.

Tier 1 Screening Levels (HAR 11-281-78)

Action levels for soil and groundwater have been updated to reflect more recent science and are now referred to as Tier 1 Screening Levels.

Applicability (HAR 11-281-01(b))

Owners and operators of the following types of underground storage tanks or tank systems will be subject to the requirements of subchapters 6, 7, 8 and the requirements of section 11-281-12 and section 11-281-13:

- (1) Airport hydrant fuel distribution USTs and tank systems directly connected to underground hydrant piping used to fuel aircraft.
- (2) Field-constructed underground storage tanks and tank systems located on military installations owned and operated by the United States Department of Defense.

Suspected Release (11-281-61 and 11-281-63)

Owners and operators need to notify DOH within 24 hours upon discovery of an unexplained presence of liquid in the interstice and follow the procedures for confirmation of a suspected release.

