

Hawaii UST Program Field Citation list

A field citation is an offer to settle an allegation of noncompliance with this chapter 11-280.1, Hawaii Administrative Rules (HAR). The selection of one enforcement mechanism over, or in conjunction with, another is within the discretion of the Director of Health [§11-280.1-422, HAR].

Citation HAR §11-280.1-	Alleged violation	Proposed settlement amount
20(b)	Failure to properly design, construct, install, and protect from corrosion any portion of the tank that is underground and that routinely contains product	\$400
20(c)	Failure to properly design, construct, install, and protect from corrosion any piping that is in contact with the ground and that routinely contains product	\$400
20(d)(1)(A)	Spill prevention equipment will not prevent release of product to environment when transfer hose is detached from fill pipe	\$300
20(d)(1)(B)	Overfill prevention equipment does not meet performance standards	\$300
20(d)(3)	Improper use of flow restrictor in vent line (overfill prevention installed or replaced after July 15, 2018)	\$300
20(d)(4)	Failure to have overfill alarm(s) clearly labeled "overfill alarm" and located where the delivery person can see and hear the alarm	\$300
25(a)	Failure to provide dispenser system installed on or after August 9, 2013 with under dispenser containment (UST systems other than those with field-constructed tanks and airport hydrant systems)	\$300
25(b)	Failure to provide dispenser system installed on or after July 15, 2018 with under dispenser containment (UST systems with field-constructed tanks and airport hydrant systems)	\$300
30(a)	Failure to prevent overfills or spills during the transfer of product	\$400
31(1)	Failure to operate or maintain corrosion protection system continuously	\$400
31(2)	Failure to perform inspection or testing of cathodic protection system using proper criteria and a qualified tester within specified time frames	\$400
31(3)	Failure to inspect operability of the impressed current cathodic protection systems every 60 days	\$200
31(4)	Failure to maintain required records of cathodic protection operation, inspections and testing on site or at approved alternate location	\$100
32(a)	Failure to ensure that the UST system is made of or lined with materials compatible with substance stored	\$400

* new citation added

** amended the reference to the HAR

*** amended the language of the alleged violation

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32(b)	Failure to notify the department at least 30 day prior to switching to a regulated substance with greater than 10 percent ethanol or 20 percent biodiesel or any other regulated substance identified by the department	\$200
32(c)	Failure to maintain records demonstrating compatibility	\$100
33(a)(1)	Failure to repair UST system in accordance with accepted codes and standards	\$400
33(a)(2)	Failure to repair fiberglass-reinforced UST by the manufacturer's authorized representative, or in accordance with accepted codes and standards	\$400
33(a)(3)	Failure to replace metal pipe sections or fittings that have released product as a result of corrosion	\$400
33(a)(3)	Failure to repair non-corrodible pipes and fittings in accordance with the manufacturer's specifications	\$400
33(a)(4)	Failure to perform tank tightness test on repaired tank prior to return to service	\$400
33(a)(5)	Failure to perform line tightness test on repaired piping prior to return to service	\$400
33(a)(6)	Failure to integrity test containment sumps used for interstitial monitoring of piping and containment walls after repairs to secondary containment areas prior to return to service	\$400
33(a)(7)	Failure to test cathodic protection system within six months of repair of any cathodically protected UST or tank system	\$200
33(a)(8)	Failure to test or inspect repaired spill prevention equipment prior to return to service	\$200
33(a)(8)	Failure to test or inspect repaired overfill prevention equipment prior to return to service	\$200
33(b)	Failure to generate and maintain accurate documentation of repairs to the UST system for the life of the equipment	\$200
34(a)	Failure to notify the department of changes in information relating to the UST or tank system	\$200
34(b) *	(see §71 for citations relating to notification for closure or change-in-service)	
34(c) **	Failure to submit notification to the department within specified time frame	\$100
34(f)(1) **	Failure to maintain records on site or at an alternative location approved by the department	\$100
34(f)(2) **	Failure to make records immediately available for inspection by the department at the UST site	\$100
35(a)(1)	Failure to conduct annual tightness test on spill prevention equipment, or to have double-walled spill prevention equipment and monitor the integrity of both walls monthly	\$200
35(a)(2)	Failure to perform integrity testing of containment sumps used for interstitial monitoring of piping using vacuum, pressure, or liquid testing at least once every three years, or have double-walled containment sumps used for interstitial monitoring of piping and monitor the integrity of both walls annually	\$200
35(a)(3)	Failure to inspect overfill prevention equipment at least once every three years	\$200

* new citation added

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35(b)(1)	Failure to maintain records of periodic testing of spill prevention equipment for three years	\$100
35(b)(1)	Failure to maintain records of periodic testing of containment sumps used for interstitial monitoring of piping equipment for three years	\$100
35(b)(1)	Failure to maintain records of period inspection of overfill prevention equipment for three years	\$100
35(b)(2)	Failure to maintain documentation showing that spill prevention equipment is double-walled and the integrity of both walls is monitored as required	\$100
35(b)(2)	Failure to maintain documentation showing that containment sumps used for interstitial monitoring of piping equipment are double-walled and the integrity of both walls is monitored as required	\$100
36(a)(1) *	Failure to conduct periodic operation and maintenance walkthrough inspection – spill prevention equipment and release detection equipment (every 31 days)	\$400
36(a)(1)(A) ***	Failure to conduct periodic operation and maintenance walkthrough inspection – spill prevention equipment (every 31 days or prior to delivery if receiving delivery less frequently)	\$200
36(a)(1)(B) ***	Failure to conduct periodic operation and maintenance walkthrough inspection – release detection equipment (every 31 days)	\$200
36(a)(2)(A) ***	Failure to conduct periodic operation and maintenance walkthrough inspection – containment sumps (annually)	\$200
36(a)(2)(B) ***	Failure to conduct periodic operation and maintenance walkthrough inspection – handheld release detection equipment (annually)	\$200
36(a)(4) ***	Failure to conduct periodic operation and maintenance walkthrough inspection – hydrant pits and hydrant piping vaults (every 31 days if confined space entry is not required, or annually if confined space entry is required)	\$200
36(b)	Failure to maintain sufficient records of operation and walkthrough inspections for three years	\$100
37(a) *	Failure to inspect under-dispenser containment for damage and remove any liquid or debris (every 31 days)	\$400
37(b)(1) **	Failure to operate and maintain under-dispenser containment sensor in accordance with the manufacturer's instructions or a code of practice developed by a nationally recognized association or independent testing laboratory	\$400
37(b)(2) **	Failure to test under-dispenser containment sensor for proper operation (annually)	\$400
37(c) **	Failure to maintain under-dispenser containment sensor or visual inspection records for three years	\$100

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40(a)(1)	Failure to provide release detection method that can detect a release from any portion of the tank and the connected underground piping that routinely contains product	\$400
40(a)(3)	Failure to properly operate release detection equipment	\$400
40(a)(4)	Failure to annually test proper operation of release detection equipment	\$400
40(a)(4)	Failure to properly service or maintain release detection equipment in the time frame specified, or to have service and maintenance of release detection equipment conducted by a technician with current certification or training appropriate to the equipment serviced	\$400
40(a)(5)	Failure of the release detection method used to meet the requirements of section 41 or 42 to meet the performance requirements specified for that method in section 43 or 44, including the leak rate or quantity if applicable	\$400
41(a)	Failure to provide an allowed method of release detection for tanks	\$400
41(a)(1)(A)	[Non-AHS/FCT; tank installed before 8/9/13; using ATG, vapor monitoring, groundwater monitoring, interstitial monitoring, or statistical inventory reconciliation; expires 7/15/28] Failure to monitor tank for a release at least every thirty-one days	\$400
41(a)(1)(A)(i)	[Non-AHS/FTC; tank installed before 8/9/13; less than ten years old and meets monthly inventory requirements; expires 8/9/2023] Failure to monitor tank for a release every five years	\$400
41(a)(1)(A)(ii)	[Non-AHS/FCT; tank installed before 8/9/13; capacity <1,000 gallons; using manual tank gauging; expires 7/15/28] Failure to monitor tank for a release weekly	\$400
41(a)(1)(C)	[Non-AHS/FCT; tank installed on/after 8/9/13; required to use interstitial monitoring] Failure to monitor tank for a release at least every thirty-one days	\$400
41(a)(2)(A)	[AHS/FCT; tank capacity <50,000 gal; installed before 7/15/18; using vapor monitoring, groundwater monitoring, interstitial monitoring, or statistical inventory reconciliation] Failure to monitor tank for a release at least every thirty-one days	\$400
41(a)(2)(B)	[AHS/FCT; tank capacity <50,000 gal; installed on/after 7/15/18; required to use interstitial monitoring] Failure to monitor tank for a release at least every thirty-one days	\$400
41(a)(3)(B)	[AHS/FCT; tank capacity >50,000 gal; installed on/after 7/15/18; required to use interstitial monitoring] Failure to monitor tank for a release at least every thirty-one days	\$400
41(b)	Failure to provide an allowed method of release detection for piping	\$400
41(b)(1)	[Non-AHS/FCT; piping installed before 8/9/13; expires 7/15/28] Failure to monitor piping for release on required schedule	\$400

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41(b)(1)(A)(i) *	For pressurized piping, failure to be equipped with automatic line leak detector or to test automatic line leak detector (annually)	\$400
41(b)(3) ** [41(b)(2)(A)(i) or 41(b)(2)(B)(i)]	[Non-AHS/FCT; piping installed on/after 8/9/13; required to use interstitial monitoring] Failure to monitor piping for release at least every thirty-one days	\$400
41(b)(3) ** [41(b)(2)(A)(ii)]	[Non-AHS/FCT; piping installed on/after 8/9/13; required to use interstitial monitoring] For pressurized piping, failure to be equipped with automatic line leak detector or to test automatic line leak detector (annually)	\$400
41(b)(4)(A)	[AHS/FCT; tank capacity <50,000 gal; piping installed before 7/15/18; expires 7/15/38] Failure to monitor piping for release on required schedule	\$400
41(b)(4)(C)	[AHS/FCT; tank capacity <50,000 gal; piping installed on/after 7/15/18; required to use interstitial monitoring] Failure to monitor piping for release at least every thirty-one days	\$400
41(b)(5)	[AHS/FCT; tank capacity >50,000 gal] Failure to monitor piping for release on required schedule	\$400
42	Failure to provide monthly interstitial monitoring for tanks and piping, or automatic line leak detector for pressurized piping, for hazardous substance UST systems	\$400
45(1)	Failure to maintain written performance claims pertaining to release detection system used and the manner in which these claims have been justified or tested by the equipment manufacturer or installer	\$100
45(1)	Failure to maintain records of site assessments for vapor monitoring or groundwater monitoring as long as these methods are used to meet the requirements of section 41	\$100
45(1)	Failure of site assessment records developed after July 15, 2018 to be signed by a professional engineer, professional geologist, or equivalent licensed professional with experience in environmental engineering, hydrogeology, or other relevant technical discipline	\$100
45(2)	Failure to maintain release detection records applicable for the release detection method(s) used to meet the requirements of section 41 or 42 for three years	\$100
45(2)(A)	Failure to maintain adequate records of annual operation tests required in §11-280.1-40(a)(4), including whether each component tested meets criteria or needs to have action taken and a description of any action taken to correct an issue	\$100
45(2)(B)	Failure to maintain results of tank tightness testing conducted in accordance with §11-280.1-43(3) used to meet the requirements of section 41 until the next test is conducted	\$100
45(2)(C)	Failure to maintain results of tank tightness testing, line tightness testing, and vapor monitoring using a tracer compound conducted in accordance with §11-280.1-43(10) or 11-280.1-44(4) used to meet the requirements of section 41 until the next test is conducted	\$100

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45(3)	Failure to maintain all records that the equipment being used to monitor or maintain the UST systems is designed to produce for three years	\$100
45(4)	Failure to maintain written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on site for three years	\$100
45(4)	Failure to maintain schedules of required calibration and maintenance provided by the release detection equipment manufacturer for five years from the date of installation	\$100
50	Failure to notify the department within 24 hours of evidence of a suspected release	\$400
52	Failure to properly investigate a suspected release within seven days following discovery	\$400
52(c)	Failure to submit investigation report to the department within thirty days following suspected release if it is determined that a release has not occurred	\$200
53(a)	Failure to properly contain and immediately clean up spill or overfill	\$400
53(b)	Failure to notify the department within 24 hours and begin release response action, for a spill or overfill of more than 25 gallons of petroleum, or causing a petroleum sheen on surface water, or more than the reportable quantity of a hazardous substance	\$400
53(c)	Failure to notify the department within 24 hours of a spill or overfill of less than 25 gallons of petroleum or less than the reportable quantity of a hazardous substance if cleanup cannot be completed within 24 hours	\$200
70(a)	Failure to continue operation and/or maintenance of corrosion protection system in a temporarily closed tank system	\$400
70(a)	Failure to continue operation and/or maintenance of release detection in a temporarily closed tank that is not empty	\$400
70(b)(1)	Failure to leave vent lines open and functioning for a tank system that is temporarily closed for 90 or more days	\$200
70(b)(2)	Failure to cap and secure all other lines, pumps, manways, and ancillary equipment for a tank system that is temporarily closed for 90 or more days	\$200
70(c)	Failure to permanently close a tank system that does not meet applicable standards in subchapter 2 and has been temporarily closed for more than one year and has not received an extension for the one year temporary closure period	\$400
71(a)	Failure to notify the department, in writing, at least 30 days before beginning permanent closure or change-in-service	\$400
71(b)	Failure to notify the department at least 7 days before permanent closure or change-in-service work	\$200

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71(c)	Failure to properly close UST system	\$400
71(d)	Failure to properly conduct change-in-service of UST system	\$400
71(e)	Failure to notify the department within thirty days after completing a permanent closure or change-in-service	\$200
74	Failure to properly maintain closure or change-in-service records	\$400
93(a)	Failure to meet the financial responsibility requirement for per-occurrence coverage amount	\$400
93(b)	Failure to meet the financial responsibility requirement for annual aggregate coverage amount	\$400
94	Failure to use an approved mechanism or combination of mechanisms to demonstrate financial responsibility	\$400
95(g) [110(a)(3)]	Failure to notify the director within ten days of owner/operator failure to obtain alternate financial assurance within 150 days of finding he/she no longer meets the requirements of the financial test of self-insurance based on year-end financial statements or failure to obtain alternate financial assurance within 30 days of notification by the director that he/she no longer meets that requirements of the financial test	\$400
109(b) [110(a)(3)]	Failure to notify the director within sixty days if a provider of a financial assurance mechanism cancels or fails to renew for reasons other than incapacity of the provider and the owner/operator is unable to obtain alternate coverage within the sixty days after receipt of the notice of termination	\$400
110(a)(1)	Failure to submit evidence of financial responsibility to the director within 30 days of detecting a known or suspected release	\$200
110(a)(2)	Failure to submit evidence of financial responsibility to the director if the provider becomes incapable of providing assurance and the owner or operator is unable to obtain alternate coverage within 30 days	\$400
110(b) **	Failure to certify compliance with financial responsibility requirements on the notification form, permit application, or certification of installation form	\$100
111	Failure to maintain records of proof of current financial assurance mechanism used to demonstrate financial responsibility	\$100
241(a)(1)	Failure to designate at least one Class A Operator and one Class B Operator	\$400
241(a)(2)	Failure to designate all individuals meeting the definition of Class C Operator as Class C Operators	\$400
241(c)	Failure to notify the department of Class A and Class B operator designation and information	\$200
242(4)	Failure to obtain operator training from a program approved or administered by the department	\$200
243	Failure to have an individual trained for the operator class which he or she is designated within the applicable time frame	\$400

* new citation added

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244(a)	Failure to retrain Class A or Class B Operator every five years, or Class C Operator every 365 days	\$200
244(c)	Failure to retrain Class A and Class B Operators within 30 days after an associated UST system was determined to be out of compliance	\$400
245	Failure to maintain a list of designated Class A, Class B, and Class C Operators and records verifying training and retraining have been completed, as applicable	\$100
325(c)	Failure to inform the department at least 7 days prior to installation	\$400
325(d)	Failure to submit tank notification and installation certification within 30 days after installation	\$200
326(c)	Failure to submit proper documents for a permit renewal within the specified time frame	\$200
329	Failure to properly apply for the modification of a permit within the specified time frame	\$400
331(c)	Failure to apply to transfer permit to new owner or operator within the specified time frame	\$300
334(a)	Failure to maintain permit or variance records, including application, at the location of the UST or tank system	\$100
334(a)	Failure to make permit or variance records, including application, immediately available for inspection upon request	\$100

* new citation added

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