



GOV. MSG. NO. 1353

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 12, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 12, 2016, the following bill was signed into law:

HB2646 HD2 SD2 CD1

RELATING TO ENVIRONMENTAL PROTECTION
ACT 244 (16)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that protecting the
2 environment and underground sources of drinking water is in the
3 best interest of public health and safety and required under
4 article XI, section 7, of the state constitution.

5 The legislature also finds that since 2005, petroleum
6 chemical contaminants have been detected in the groundwater and
7 rocks beneath the United States Department of the Navy's Red
8 Hill Bulk Fuel Storage Facility fuel tanks. In January 2014,
9 the facility's tank number five released twenty-seven thousand
10 gallons of fuel into underground rocks and groundwater. The
11 current location of the released fuel is unknown.

12 The Red Hill Bulk Fuel Storage Facility fuel tanks have
13 been corroding for more than seventy years. The corrosion has
14 caused significant thinning of the steel tank walls and, in some
15 cases, has fully penetrated the steel. The ongoing corrosion
16 damages the steel walls of the fuel tanks, as well as the steel
17 reinforcement in the surrounding concrete, and can lead to more



1 frequent and larger fuel releases than have occurred in the
2 past.

3 The legislature further finds that the installation of
4 monitor wells is crucial to test groundwater underneath and
5 surrounding the Red Hill Bulk Fuel Storage Facility to protect
6 Oahu's fresh water supply. While it should be the duty of the
7 United States Navy to fund efforts to monitor and remediate fuel
8 leaking from the Red Hill Bulk Fuel Storage Facility, the
9 protection of Oahu's drinking water supply is of such critical
10 importance to the health and safety of the people of Hawaii that
11 as a first step, the local board of water supply is funding the
12 installation of two test wells in the area. The State is also
13 funding two test wells in the area, and the people of Hawaii are
14 waiting for the United States Navy to provide funding for at
15 least four additional wells.

16 The purpose of this Act is to protect public health by
17 establishing a permanent fuel tank advisory committee.

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



1 "PART . FUEL TANK ADVISORY COMMITTEE

2 §342L- Fuel tank advisory committee; established;

3 composition. (a) There is established in the department of

4 health the fuel tank advisory committee, which shall consist of

5 up to fourteen ex officio members and at least two public

6 members.

7 (b) The ex officio members of the committee shall be:

- 8 (1) The director of health, who shall serve as the
- 9 committee's chair;
- 10 (2) The four members of Hawaii's congressional delegation,
- 11 or their designees;
- 12 (3) The president of the Hawaii senate, or a senator
- 13 appointed by the president of the senate;
- 14 (4) The speaker of the Hawaii house of representatives, or
- 15 a representative appointed by the speaker of the
- 16 house;
- 17 (5) The chairperson of the board of land and natural
- 18 resources, or the chairperson's designee;
- 19 (6) The chairperson of the board of water supply of a
- 20 county with a population of five hundred thousand or
- 21 more, or the chairperson's designee; and



1 (7) The chairperson of the commission on water resource
2 management, or the chairperson's designee.

3 (c) The following persons shall be invited to participate
4 on the advisory committee as ex officio members:

5 (1) The Commanding General of the United States Army,
6 Pacific, or the Commanding General's designee;

7 (2) The Commander of the Pacific Fleet of the United
8 States Navy, or the Commander's designee;

9 (3) The Commander of the Pacific Air Forces, or the
10 Commander's designee; and

11 (4) A representative from the United States Environmental
12 Protection Agency, or the representative's designee.

13 (d) The governor shall appoint at least two public members
14 from the community at large in accordance with section 26-34;
15 provided that the advice and consent of the senate shall not be
16 necessary.

17 (e) The public members of the advisory committee shall
18 receive no salary, but shall be entitled to reimbursement for
19 necessary expenses, including travel expenses.

20 §342L- Duties. (a) The advisory committee shall study
21 issues related to leaks of field-constructed underground fuel



1 storage tanks at the Red Hill Bulk Fuel Storage Facility, Kuahua
2 Peninsula, Pacific Missile Range Facility Barking Sands, Hickam
3 Pol Annex, and Schofield Barracks Military Reservation. The
4 advisory committee shall consider:

- 5 (1) The short- and long-term effects of leaks of the fuel
6 tanks, including effects relating to the health of
7 residents, safe drinking water, and the environment;
- 8 (2) Response strategies to mitigate the effects of leaks
9 from fuel tanks;
- 10 (3) Methods to improve communication between the United
11 States Navy, Air Force, and Army; the State; any local
12 board of water supply; and the public in the event of
13 a leak of any fuel tank;
- 14 (4) Groundwater test results in relation to the
15 surrounding areas of fuel tank facilities, with a
16 particular emphasis on the groundwater near the Red
17 Hill Bulk Fuel Storage Facility;
- 18 (5) The implications of shutting down any fuel tank
19 facility; and



1 (6) Updates on progress toward meeting goals of agreement
2 between the State, the affected county, and the
3 federal government.

4 (b) No later than twenty days before the convening of each
5 regular session, the advisory committee shall submit a report of
6 its findings, including groundwater test results, and
7 recommendations, including any proposed legislation, to the
8 legislature."

9 SECTION 3. (a) All rights, powers, functions, and duties
10 of the task force to study fuel tank leaks initially created
11 pursuant to senate concurrent resolution no. 73, H.D. 1, regular
12 session of 2014, and expanded by senate concurrent resolution
13 no. 57, H.D. 1, regular session of 2015, are transferred to the
14 fuel tank advisory committee established pursuant to this Act.

15 (b) All records, equipment, machines, files, supplies,
16 contracts, books, papers, documents, maps, and other personal
17 property heretofore made, used, acquired, or held by the task
18 force to study fuel tank leaks relating to the functions
19 transferred to the fuel tank advisory committee established



1 pursuant to this Act shall be transferred with the functions to
2 which they relate.

3 SECTION 4. This Act shall take effect on July 1, 2016.

APPROVED this 12 day of JUL , 2016



GOVERNOR OF THE STATE OF HAWAII

