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# A BILL FOR AN ACT

RELATING TO PUBLIC HEALTH.

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

1           SECTION 1. The legislature finds that the Red Hill bulk  
2 fuel storage facility is an important symbol of Hawaii's  
3 integral role in United States military operations. The  
4 facility is under the sole control of the United States Navy and  
5 has held fuel for the United States Navy since the 1940s.  
6 Recognized as a National Historic Civil Engineering Landmark,  
7 the Red Hill fuel storage facility consists of twenty  
8 underground fuel storage tanks and is capable of holding more  
9 than 250,000,000 gallons of fuel.

10           The legislature further finds that the facility has a  
11 history of fuel being released through leaks from the storage  
12 tanks. These releases of fuel can affect the nearby groundwater  
13 and the health of the population in the area.

14           The legislature further finds that in response to releases  
15 from the facility, the United States Navy, the United States  
16 Defense Logistics Agency, the United States Environmental  
17 Protection Agency, and the department of health began



1 negotiating an enforceable agreement. After a period of public  
2 comment, the final version of this agreement, Administrative  
3 Order on Consent, EPA Docket No. RCRA 7003-R9-2015-01, DOH  
4 Docket No. 15-UST-EA-01, became effective on September 28, 2015.  
5 The Administrative Order on Consent establishes a timeframe for  
6 the United States Navy and the United States Defense Logistics  
7 Agency to evaluate and remediate existing contamination to the  
8 extent practicable in the vicinity of the Red Hill bulk fuel  
9 storage facility, as well as to evaluate and implement measures  
10 to prevent future releases.

11 The legislature further finds that the primary goal of the  
12 Administrative Order on Consent is to ensure the long-term  
13 protection of groundwater resources in the vicinity of the Red  
14 Hill bulk fuel storage facility. The initial phases of the  
15 Administrative Order on Consent focus on accomplishing the  
16 extremely complex and critical work of evaluating, designing,  
17 and selecting cleanup specifics and upgrade technologies for the  
18 massive, uniquely engineered tanks, which are believed to be the  
19 largest underground fuel tanks in the world. The work table for  
20 the Administrative Order on Consent, however, does not  
21 explicitly provide a specific due date by which all leaks to the



1 fuel tanks shall be repaired. Rather, the work table  
2 establishes deadlines relative to other unspecified deadlines  
3 for approvals and meetings.

4 The legislature further finds that due to the lack of  
5 certainty inherent in the Administrative Order on Consent's  
6 schedule of work, the State has an urgent public health interest  
7 in monitoring the United States Navy and the United States  
8 Defense Logistics Agency's compliance with the Administrative  
9 Order on Consent.

10 The purpose of this Act is to protect public health by:

11 (1) Appropriating funds to the department of health to:

12 (A) Establish full-time positions (FTE); and

13 (B) Contract with consultants with expertise in  
14 hydrology, geology, underground storage tanks, or  
15 other areas relevant to the storage of fuel,  
16 public health, or environmental health, as  
17 necessary,

18 to monitor the United States Navy and the United  
19 States Defense Logistics Agency's compliance with the  
20 Administrative Order on Consent;



- 1           (2)    Requiring the department of health to seek
- 2                    reimbursement from the United States Navy and the
- 3                    United States Defense Logistics Agency for the
- 4                    foregoing appropriated moneys;
- 5           (3)    Appropriating funds for the siting and installation of
- 6                    two monitor wells to test the condition of the
- 7                    groundwater aquifer under and surrounding the Red Hill
- 8                    bulk fuel storage facility; and
- 9           (4)    Requiring the department of health to submit annual
- 10                   reports to the legislature regarding the United States
- 11                   Navy and the United States Defense Logistics Agency's
- 12                   compliance with the Administrative Order on Consent.

13           SECTION 2. There is appropriated out of the general

14 revenues of the State of Hawaii the sum of \$            or so much

15 thereof as may be necessary for fiscal year 2016-2017 for the

16 department of health to hire            full-time equivalent

17 geologist I employees (            FTE) to monitor the United States

18 Navy's and the United States Defense Logistics Agency's

19 compliance with Administrative Order on Consent, EPA Docket No.

20 RCRA 7003-R9-2015-01, DOH Docket No. 15-UST-EA-01.



1 The sum appropriated shall be expended by the department of  
2 health for the purposes of this Act; provided that the  
3 department of health shall seek reimbursement from the United  
4 States Navy and the United States Defense Logistics Agency for  
5 this expenditure.

6 SECTION 3. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ or so much  
8 thereof as may be necessary for fiscal year 2016-2017 for the  
9 department of health to hire full-time equivalent engineer  
10 IV employees ( FTE) to monitor the United States Navy's and  
11 the United States Defense Logistics Agency's compliance with  
12 Administrative Order on Consent, EPA Docket No. RCRA 7003-R9-  
13 2015-01, DOH Docket No. 15-UST-EA-01.

14 The sum appropriated shall be expended by the department of  
15 health for the purposes of this Act; provided that the  
16 department of health shall seek reimbursement from the United  
17 States Navy and the United States Defense Logistics Agency for  
18 this expenditure.

19 SECTION 4. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$ or so much  
21 thereof as may be necessary for fiscal year 2016-2017 for the



1 department of health to hire full-time equivalent  
 2 environmental health specialist IV employees ( FTE) to  
 3 monitor the United States Navy's and the United States Defense  
 4 Logistics Agency's compliance with Administrative Order on  
 5 Consent, EPA Docket No. RCRA 7003-R9-2015-01, DOH Docket No. 15-  
 6 UST-EA-01.

7 The sum appropriated shall be expended by the department of  
 8 health for the purposes of this Act; provided that the  
 9 department of health shall seek reimbursement from the United  
 10 States Navy and the United States Defense Logistics Agency for  
 11 this expenditure.

12 SECTION 5. There is appropriated out of the general  
 13 revenues of the State of Hawaii the sum of \$ or so much  
 14 thereof as may be necessary for fiscal year 2016-2017 for the  
 15 department of health to contract with consultants with expertise  
 16 in hydrology, geology, underground storage tanks, or other areas  
 17 relevant to the storage of fuel, public health, or environmental  
 18 health to monitor the United States Navy's and the United States  
 19 Defense Logistics Agency's compliance with Administrative Order  
 20 on Consent, EPA Docket No. RCRA 7003-R9-2015-01, DOH Docket No.  
 21 15-UST-EA-01.



1 The sum appropriated shall be expended by the department of  
2 health for the purposes of this Act; provided that the  
3 department of health shall seek reimbursement from the United  
4 States Navy and the United States Defense Logistics Agency for  
5 this expenditure.

6 SECTION 6. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ or so much  
8 thereof as may be necessary for fiscal year 2016-2017 for the  
9 siting and installation of two monitor wells to test the  
10 condition of the groundwater aquifer underneath and surrounding  
11 the Red Hill bulk fuel storage facility.

12 The sum appropriated shall be expended by the department of  
13 health for the purposes of this Act.

14 SECTION 7. The department of health, at least twenty days  
15 before the convening of each regular session, beginning with the  
16 regular session of 2017, shall report annually to the  
17 legislature on the status of the United States Navy's and the  
18 United States Defense Logistics Agency's compliance with  
19 Administrative Order on Consent, EPA Docket No. RCRA 7003-R9-  
20 2015-01, DOH Docket No. 15-UST-EA-01, until the United States  
21 Navy and the United States Defense Logistics Agency have



1 fulfilled all of their obligations under the Administrative  
2 Order on Consent.

3 SECTION 8. This Act shall take effect on July 1, 2016.





**Report Title:**

Department of Health; Red Hill Fuel Storage Facility;  
Appropriation

**Description:**

Makes appropriations to the Department of Health to hire employees and consultants and to install monitor wells to monitor the Navy and Defense Logistic's Agency's compliance with the Administrative Order on Consent to evaluate and remediate environmental damage from fuel leaks at the Red Hill Fuel Storage Facility. (HB2165 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

