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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 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  
18 negotiating an enforceable agreement. After a period of public



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

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



1 establishes deadlines relative to other unspecified deadlines  
2 for approvals and meetings.

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

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

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

11                 (A) Establish full-time positions; and

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

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

20         (2) Requiring the department of health to seek

21 reimbursement from the United States Navy and the



1 United States Defense Logistics Agency for the  
 2 foregoing appropriated moneys; and  
 3 (3) Requiring the department of health to submit annual  
 4 reports to the legislature regarding the United States  
 5 Navy and the United States Defense Logistics Agency's  
 6 compliance with the Administrative Order on Consent.

7 SECTION 2. There is appropriated out of the general  
 8 revenues of the State of Hawaii the sum of \$ or so much  
 9 thereof as may be necessary for fiscal year 2016-2017 for the  
 10 department of health to hire full-time equivalent  
 11 geologist I employees ( FTE) to monitor the United States  
 12 Navy's and the United States Defense Logistics Agency's  
 13 compliance with Administrative Order on Consent, EPA Docket No.  
 14 RCRA 7003-R9-2015-01, DOH Docket No. 15-UST-EA-01.

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

20 SECTION 3. There is appropriated out of the general  
 21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2016-2017 for  
 2 the department of health to hire full-time equivalent  
 3 engineer IV employees ( FTE) to monitor the United States  
 4 Navy's and the United States Defense Logistics Agency's  
 5 compliance with Administrative Order on Consent, EPA Docket No.  
 6 RCRA 7003-R9-2015-01, DOH Docket No. 15-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 4. There is appropriated out of the general  
 13 revenues of the State of Hawaii the sum of \$ or so  
 14 much thereof as may be necessary for fiscal year 2016-2017 for  
 15 the department of health to hire full-time equivalent  
 16 environmental health specialist IV employees ( FTE) to  
 17 monitor the United States Navy's and the United States Defense  
 18 Logistics Agency's compliance with Administrative Order on  
 19 Consent, EPA Docket No. RCRA 7003-R9-2015-01, DOH Docket No.  
 20 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 5. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ or so  
8 much thereof as may be necessary for fiscal year 2016-2017 for  
9 the department of health to contract with consultants with  
10 expertise in hydrology, geology, underground storage tanks, or  
11 other areas relevant to the storage of fuel, public health, or  
12 environmental health to monitor the United States Navy's and the  
13 United States Defense Logistics Agency's compliance with  
14 Administrative Order on Consent, EPA Docket No. RCRA 7003-R9-  
15 2015-01, DOH Docket No. 15-UST-EA-01.

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



1           SECTION 6. The department of health, at least twenty days  
2 before the convening of each regular session, beginning with the  
3 regular session of 2017, shall report annually to the  
4 legislature on the status of the United States Navy's and the  
5 United States Defense Logistics Agency's compliance with  
6 Administrative Order on Consent, EPA Docket No. RCRA 7003-R9-  
7 2015-01, DOH Docket No. 15-UST-EA-01, until the United States  
8 Navy and the United States Defense Logistics Agency have  
9 fulfilled all of their obligations under the Administrative  
10 Order on Consent.

11           SECTION 7. This Act shall take effect on July 1, 2050.

12



**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 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. Takes effect 7/1/2050. (SD1)

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