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# 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.



**Report Title:**

Red Hill Bulk Fuel Storage Facility; Fuel Tank Advisory  
Committee; Monitor Wells

**Description:**

Creates a permanent fuel tank advisory committee to study,  
monitor, and address fuel tank leak issues. (HB2646 CD1)

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

