

JAN 27 2016

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 two hundred and fifty million 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 Hawaii 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 Navy and the Defense Logistics Agency to evaluate and
7 remediate existing contamination to the extent practicable in
8 the vicinity of the Red Hill Bulk Fuel Storage Facility, as well
9 as to evaluate and implement measures to prevent future
10 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 that are relative to other unspecified
3 deadlines 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 Navy and the Defense Logistics Agency's
8 compliance with the Administrative Order on Consent.

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

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

11 (A) Establish five full-time positions (5.0 FTE); 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 Navy and the Defense Logistics Agency's
18 compliance with the Administrative Order on Consent.

19 (2) Requiring the department of health to seek
20 reimbursement from the Navy and the Defense Logistics
21 Agency for the foregoing appropriated moneys; and



1 (3) Requiring the department of health to submit annual
2 reports to the legislature regarding the Navy and the
3 Defense Logistics Agency's compliance with the
4 Administrative Order on Consent.

5 SECTION 2. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$110,472 or so much
7 thereof as may be necessary for fiscal year 2016-2017 for the
8 department of health to hire two full-time equivalent geologist
9 I employees (2.0 FTE) to monitor the United States Navy and the
10 United States Defense Logistics Agency's compliance with
11 Administrative Order on Consent, EPA Docket No. RCRA 7003-R9-
12 2015-01, DOH Docket No. 15-UST-EA-01.

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

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$144,864 or so much
20 thereof as may be necessary for fiscal year 2016-2017 for the
21 department of health to hire two full-time equivalent engineer



1 IV employees (2.0 FTE) to monitor the United States Navy and the
2 United States Defense Logistics Agency's compliance with
3 Administrative Order on Consent, EPA Docket No. RCRA 7003-R9-
4 2015-01, DOH Docket No. 15-UST-EA-01.

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

10 SECTION 4. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$49,056 or so much
12 thereof as may be necessary for fiscal year 2016-2017 for the
13 department of health to hire one full-time equivalent
14 environmental health specialist IV employee (1.0 FTE) to monitor
15 the United States Navy and the United States Defense Logistics
16 Agency's compliance with Administrative Order on Consent, EPA
17 Docket No. RCRA 7003-R9-2015-01, DOH Docket No. 15-UST-EA-01.

18 The sum appropriated shall be expended by the department of
19 health for the purposes of this Act; provided that the
20 department of health shall seek reimbursement from the United



1 States Navy and the United States Defense Logistics Agency for
2 this expenditure.

3 SECTION 5. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$200,000 or so much
5 thereof as may be necessary for fiscal year 2016-2017 for the
6 department of health to contract with consultants with expertise
7 in hydrology, geology, underground storage tanks, or other areas
8 relevant to the storage of fuel, public health, or environmental
9 health to monitor the United States Navy and the United States
10 Defense Logistics Agency's compliance with Administrative Order
11 on Consent, EPA Docket No. RCRA 7003-R9-2015-01, DOH Docket No.
12 15-UST-EA-01.

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

18 SECTION 6. (a) The department of health, at least twenty
19 days before the convening of each regular session, beginning
20 with the 2017 regular session, shall report annually to the
21 legislature on the status of the United States Navy and the





S.B. NO. 3005

1 United States Defense Logistics Agency's compliance with
2 Administrative Order on Consent, EPA Docket No. RCRA 7003-R9-
3 2015-01, DOH Docket No. 15-UST-EA-01, until the United States
4 Navy and the United States Defense Logistics Agency have
5 fulfilled all of their obligations under the Administrative
6 Order on Consent.

7 SECTION 7. This Act shall take effect on July 1, 2016.

8

INTRODUCED BY:



S.B. NO. 3005

Report Title:

United States Navy; United States Defense Logistics Agency;
Department of Health; Red Hill Fuel Storage Facility;
Appropriation

Description:

Appropriates moneys to the department of health to hire five full-time employees (5.0 FTE) and retain consultants to monitor the United States Navy and the United States Defense Logistics Agency's compliance with an Administrative Order on Consent regarding leaks of fuel at the Red Hill Fuel Storage Facility.

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

