

Honolulu, Hawaii

MAR 24 2016

RE: H.B. No. 2165  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health, Public Safety, Intergovernmental, and Military Affairs, and Economic Development, Environment, and Technology, to which was referred H.B. No. 2165, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Make appropriations to the Department of Health to hire employees and consultants and to install monitor wells to test the groundwater aquifer underneath and surrounding the Red Hill fuel storage facility; and
- (2) Require the Department of Health to annually report on the Navy and Defense Logistics 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.

Your Committees received testimony in support of this measure from the Department of Health, Board of Water Supply of the City and County of Honolulu, Conservation Council for Hawai'i, Sierra Club of Hawai'i, and one individual. Your Committees received comments on this measure from the Navy Region Hawaii.



Your Committees find that the Red Hill bulk fuel storage facility is an important symbol of Hawaii's integral role in United States military operations. The facility is under the sole control of the United States Navy and has held fuel for the United States Navy since the 1940s. However, the facility has a history of fuel being released through leaks from the storage tanks, which can affect the nearby groundwater in the area.

Your Committees further find that in response to fuel releases from the facility, United States Navy, United States Defense Logistics Agency, United States Environmental Protection Agency, and Department of Health negotiated an enforceable agreement that establishes a timeframe for the United States Navy and United States Defense Logistics Agency to evaluate and remediate existing contamination to the extent practicable in the vicinity of the Red Hill bulk fuel storage facility, as well as to evaluate and implement measures to prevent future releases. However, due to the lack of certainty inherent in the Administrative Order on Consent's schedule of work, the State has an urgent public health interest in monitoring the United States Navy and the United States Defense Logistics Agency's compliance with the Administrative Order on Consent.

Your Committees note that the United States Navy has indicated in its testimony that it has committed to begin installation of four additional monitoring wells to the north, west, and south of the Red Hill fuel storage facility in 2016; therefore, the appropriation in this measure for the siting and installation of two monitor wells to test the condition of the groundwater aquifer underneath and surrounding the Red Hill fuel storage facility is unnecessary.

Your Committees further note that to ensure the safety of Oahu's drinking water supply, the Governor's executive supplemental budget requests a minimum of three full-time equivalent (3.0 FTE) positions, including an engineer, geologist, and environmental health specialist, as well as a minimum appropriation of \$300,000 for operations. While your Committees support all of the appropriations in this measure, your Committees prefer that the appropriations for the three full-time equivalent (3.0 FTE) positions be included in the executive supplemental budget rather than this measure.

Your Committees have amended this measure by:



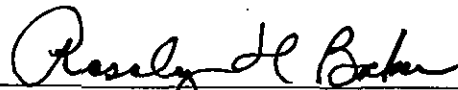
- (1) Clarifying findings that specify that fuel being released through leaks from the storage tanks at the Red Hill fuel storage facility can affect the nearby groundwater in the area;
- (2) Deleting language that would have appropriated funds for the siting and installation of two monitor wells to test the condition of the groundwater aquifer underneath and surrounding the Red Hill bulk fuel storage facility;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health, Public Safety, Intergovernmental, and Military Affairs, and Economic Development, Environment, and Technology that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2165, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2165, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

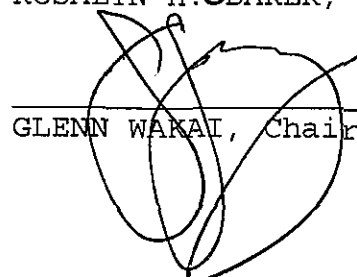
Respectfully submitted on  
behalf of the members of the  
Committees on Commerce,  
Consumer Protection, and  
Health, Public Safety,  
Intergovernmental, and Military  
Affairs, and Economic  
Development, Environment, and  
Technology,



CLARENCE K. NISHIHARA, Chair



ROSALYN H. BAKER, Chair



GLENN WAKAI, Chair

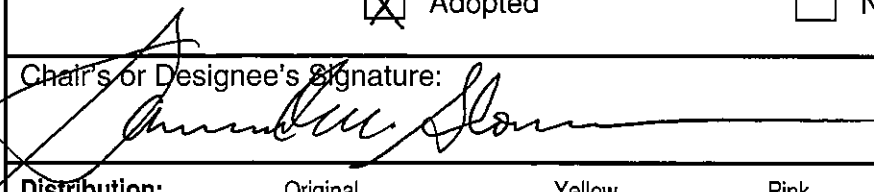






The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Economic Development, Environment, and Technology**  
**EET**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2165 HDZ	CPH/RM/EET, WAM	3/18/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	X			
SLOM, Sam (VC)	X			
BAKER, Rosalyn H.	X			
ESPERO, Will				X
GALUTERIA, Brickwood				X
IHARA, Jr., Les				X
KEITH-AGARAN, Gilbert S.C.				X
RUDERMAN, Russell E.	X			
THIELEN, Laura H.	X			
<b>TOTAL</b>	5	0	0	4
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes