

HB2165 HD2

Measure Title: RELATING TO PUBLIC HEALTH.

Report Title: Department of Health; Red Hill Fuel Storage Facility; Appropriation (\$)

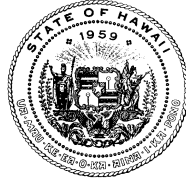
Description: Makes appropriations to the Department of Health to hire employees and consultants and to install monitor wells to monitor the Navy and Defense Logistic's Agency's compliance with the Administrative Order on Consent to evaluate and remediate environmental damage from fuel leaks at the Red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

Companion:

Package: None

Current Referral: CPH/PSM/EET, WAM

Introducer(s): JOHANSON, BELATTI, ICHIYAMA, C. LEE



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of H.B. 2165, H.D. 2
RELATING TO PUBLIC HEALTH

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

SENATOR GLENN WAKAI, CHAIR
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENT,
AND TECHNOLOGY

Hearing Date: March 18, 2016
Time: 9:00am

Room Number: 229

- 1 **Fiscal Implications:** As originally drafted, approximately \$300,000 in general funds for staff,
- 2 and \$800,000 for contracts and services procurement. The Department supports a minimum of
- 3 3.0 FTE as described in the Governor's Supplemental Budget Request.

- 4 **Department Testimony:** The Department supports the intent of H.B. 2165, H.D. 1. The safety
- 5 of Oahu's drinking water supply is a priority for the Department and additional resources are
- 6 required to assure compliance with the Administrative Order of Consent (AOC) over the next 22
- 7 years. A minimum of 3.0 FTE is needed and has been requested through the Governor's
- 8 Supplemental Budget Request: an Engineer, a Geologist and an Environmental Health Specialist.

- 9 The Department concurs to the proposed allocation of funds to contract with consultants who
- 10 have expertise in hydrology, geology and underground storage tanks provided the U.S. Navy and
- 11 U.S. Defense Logistics Agency will reimburse all of the expended amount.

- 12 Section 6 of the bill proposes to allocate funds to the Department to site and install two
- 13 additional monitoring wells at the Red Hill Bulk Fuel Storage Facility. As a responsible party,

1 the U.S. Navy is already committed to installing at least four more monitoring wells. The
2 Department is working within the parameters of the AOC to require the U.S. Navy to install
3 additional monitoring wells as necessary. Therefore, this section is not necessary.

4 It should be emphasized that over the next two years, the U.S. Navy and U.S. Defense Logistics
5 Agency will develop improved tank inspection, repair and maintenance procedures, and identify
6 new release detection systems and tank upgrade alternatives. Once a tank upgrade alternative is
7 approved, the Navy will have until September 28, 2037 to upgrade all tanks they intend to use.

8 The Department further requests that the Committee Report reflect a minimum of 3.0 FTE be
9 approved by the Legislature: an Engineer, a Geologist and an Environmental Health Specialist,
10 as well as a minimum appropriation of \$300,000 for operations. Please note there are identical
11 requests in the Governor's Supplemental Budget Request.

12 Thank you for the opportunity to testify on this measure.

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SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Chair Sen. Rosalyn Baker; Vice Chair Sen. Michelle Kidani

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENT, AND TECHNOLOGY

Chair Sen. Glenn Wakai; Vice-Chair Sen. Sam Slom

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Chair Sen. Clarence Nishihara; Vice-Chair Sen. Will Espero

**Testimony on House Bill 2165 H.D. 2, Relating to Environmental Protection
Hearing on date/time: Friday, March 18, 2016, 9:00pm,
Conference Room 229, State Capitol, 415 South Beretania Street**

Testimony by Navy Region Hawaii

Chairs Baker, Wakai, and Nishihara, Vice-Chairs Kidani, Slom, and Espero, and Senators,

All agencies, including the Board of Water Supply (BWS), agree that Oahu's drinking water is safe. Public water systems that supply drinking water to Oahu residents are required to routinely test drinking water for contaminants. Both Federal and State Safe Drinking Water standards continue to be met. The Environmental Protection Agency (EPA) states "All drinking water supplies in the vicinity of Red Hill continue to meet all federal drinking water standards, known as Maximum Contaminant Levels," March 2016 Status Update, and that "the drinking water is safe for human consumption for both Board of Water Supply customers and military communities." <https://www3.epa.gov/region9/waste/ust/redhill/pdf/red-hill-faq-2015-09-29.pdf>. The State Department of Health also reiterates "Current drinking water monitoring results confirmed compliance with federal and state concentrations for drinking water both before and after the January 2014 release." <http://health.hawaii.gov/shwb/ust-red-hill-project-main/>

The Navy's Red Hill drinking water shaft is down-gradient and closer to the Red Hill fuel facility than any BWS wells. We have tested the water quality from this shaft since 2002, and the results are provided to the State Department of Health. Although over the years we have intermittently detected extremely low levels of fuel constituents (not fuel) immediately adjacent to the Red Hill drinking water shaft, these were at barely detectable levels far below Department of Health Environmental Action Levels (EAL's), and pose no risk to human health. EALs are established by the regulators as standards protective of human health. These intermittent detections were in less than 3% of the thousands of samples we've done. For Navy drinking water (like Red Hill Shaft), water quality reports can be found at <http://go.usa.gov/3E9MR>. BWS water quality reports are available at <http://www.boardofwatersupply.com/cssweb/display.cfm?sid=1081>.

Immediately after the January 2014 release, initial samples revealed higher than normal concentrations of petroleum constituents in the groundwater directly beneath the Red Hill tanks. These levels were so far below the relevant EALs that our EPA-

certified laboratory had to estimate the amounts because the detection levels were too low to accurately quantify. Subsequent samplings over the past 18 months have shown that the concentrations of these same petroleum constituents have returned to concentration levels within historical ranges downstream, closer to drinking water wells.

The January 2014 release from Tank 5 was found to be the result of faulty work by our contractor. This fuel loss was a one-time event. Since then we have improved contractor workmanship and increased government oversight, updated operator procedures and increased training, and instituted rigorous new safeguards, checks, balances and leak alarm procedures. Tank 5 remains empty, and all tanks being presently used are passing industry standard tightness testing.

Immediately after the Tank 5 release, the Navy installed two additional monitoring wells in October 2014. This gives us a total of ten sampling locations to test for water quality presently. Four new groundwater monitoring wells to the north, west and south of the Red Hill facility are planned to be installed beginning in June or July this year. Funding for these four new monitoring wells has been secured. Two of the new well locations are on Navy land, but we will need to obtain real estate agreements for the other two wells from non-Navy landowners. We are negotiating those agreements.

After public notice, hearing, and comment, the governing Administrative Order on Consent/Statement of Work (AOC/SOW) between the U.S. EPA, State Department of Health, and the Navy was signed on September 28, 2015. Our initial joint scoping meetings were held in December, and considered the area's complex geology and aquifer conditions. The parties to the AOC/SOW agreed that data from the four additional monitoring wells would be sufficient for an informative report on the characteristics of subsurface fuel constituents in the area.

A 2007 study of the groundwater flow direction and gradient in the vicinity of the Red Hill facility demonstrated a local flow direction from the tanks toward the Navy's Red Hill Shaft (from northeast to southwest). A 2010 update of the 2007 study suggested a potential additional flow direction of groundwater to the northwest, but also stated that there are geological barriers between the Red Hill tanks and BWS's drinking water sources which would prevent any potential contamination from reaching the BWS drinking water shafts.

For these reasons, the Navy wishes to clarify the bill's existing language in the second paragraph of section 1 that "the facility has a history of fuel being released through leaks from the storage tanks. These releases of fuel can affect the nearby groundwater and the health of the population in the area." The record does not indicate any effect on the health of the population in the area, this language is not essential to the bill, and so the Navy asks that this reference to "the health of the population" be deleted.

Thank you for the opportunity to comment on this bill.

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843




March 18, 2016

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ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer 

The Honorable Rosalyn H. Baker, Chair
and Members
Committee on Commerce, Consumer Protection, and Health

and

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety, Intergovernmental, and Military Affairs

and

The Honorable Glenn Wakai, Chair
and Members
Committee on Economic Development, Environment, and Technology
State Senate
Hawaii State Capitol, Room 229
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Baker, Nishihara, Wakai and Members:

Subject: House Bill 2165 HD 2 Relating to Public Health

We strongly support House Bill 2165 HD 2. This bill will help protect our drinking water by providing the Department of Health (DOH) with resources to install monitor wells and hire employees and consultants to monitor the Navy and the Defense Logistics Agency (DLA) compliance with the Red Hill Fuel Facility Administrative Order on Consent (AOC). It also requires DOH to seek reimbursement for these costs from the Navy and DLA and submit an annual report on AOC progress to the Legislature.

The AOC agreement was created to ensure the long-term protection of groundwater in the area of the Red Hill Bulk Fuel Storage Facility. However the timetable under the AOC, as the Bill's preamble correctly states, does not explicitly provide specific due dates by which all leaks to the fuel tanks shall be repaired. Instead, the AOC establishes deadlines that are relative to other unspecified deadlines for approvals and meetings

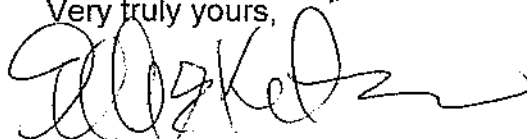
Chairs Baker, Nishihara, Wakai and Members
March 18, 2016
Page 2

and gives the Navy 22-27 years to fix the facility. This unspecified timeframe is not in the best interest of public health.

The Board of Water Supply is very concerned about the threats of leaking underground fuel tank releases on Oahu's irreplaceable groundwater aquifer. Studies of the Red Hill Fuel Storage Facility indicate past fuel releases have already contaminated the groundwater and soil underneath the Facility with petroleum hydrocarbons. Providing the state with resources to ensure the AOC provisions are implemented immediately, monitor the groundwater and report AOC progress are all in the best interest of our state to save our most precious resource – the groundwater aquifer – now and into the future.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read 'E. Y. W. Lau', with a long horizontal flourish extending to the right.

for ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the Senate Committee on Commerce, Consumer Protection, and Health,
Committee on Public Safety, Intergovernmental, and Military Affairs,
And Committee on Economic Development, Environment, and Technology

Hearing: Friday, March 18, 2016 9 am
Conference Room 229

In Support of HB 2165 HD 2 Relating to Public Health

Chair Baker, Chair Nishihara, Chair Wakai, Vice Chair Kidani, Vice Chair Espero, Vice Chair Slom, and Members of the Committee.

Aloha. Conservation Council for Hawai'i supports HB 2165 HD 2, which 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.

However, the Navy should be paying the full cost of monitoring and mitigating the effects of the fuel storage facility by independent objective parties. We question why the State did not include such funding requirements in the Administrative Order on Consent in 2015.

Furthermore, the State and the EPA gave the Navy 20 years to fix the leaking fuel storage tanks, so this will be an ongoing and enormous cost to the citizens of Hawai'i. The Navy clearly has the funding to monitor and mitigate the effects of its fuel storage tanks and replace the tanks using the best technology available, but it refuses to do so. Something is not right here.

The Navy cannot be trusted to ensure its operations do not harm our land, waters, and natural resources. The Navy has a terrible stewardship record in Hawai'i, including Kaho'olawe (it never paid for its contamination of the island and thorough clean-up), wildlife interactions and conflicts at the Pacific Missile Range Facility on Kaua'i, its continued strafing of Ka'ula Islet to the southwest of Ni'ihau, and its failure to protect seabirds, monk seals, and other native wildlife on Ka'ula, including predator control of rodents. The failure to prevent contamination of our groundwater by leaking fuel at Red Hill is just the most recent example of the Navy's poor stewardship and failure its failure to protect the environment.

Please support HB 2165 HD 2 and keep our groundwater resources safe.

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

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From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: maukalani78@hotmail.com
Subject: Submitted testimony for HB2165 on Mar 18, 2016 09:00AM
Date: Friday, March 11, 2016 6:29:00 PM

HB2165

Submitted on: 3/11/2016

Testimony for CPH/PSM/EET on Mar 18, 2016 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments: The Pacific Aviation Museum notified its volunteers that although the Navy considers the water safe, it is at the volunteers' own discretion whether they choose to drink it or not. This is the reason I support this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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