



# SIERRA CLUB OF HAWAII

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SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AFFAIRS, AND MILITARY AFFAIRS

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENT, AND TECHNOLOGY

Friday March 18, 2016 9AM Room 229

**In Support HB2165, HD2** Relating to Public Health

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Aloha Chairwoman Sen. Baker, Chairman Sen. Nishihara, and Chairman Sen. Gabbard, and members of the Senate CPH, PSM, and EET Committees,

On behalf of our 12,000 members and supporters, the Sierra Club of Hawai'i **strongly supports** HB2165 to improve oversight of the Red Hill Bulk Fuel Storage Tanks by the Hawai'i Department of Health by creating five new positions in the Department.

### **What HB2165 does**

This bill seeks to improve transparency over the management of jet fuel leaks from the Red Hill Bulk Fuel Storage Facility and build public confidence in the long-term safety of our water by:

- appropriating funds to the Department of Health for 5 specific positions,
- appropriating funds for the installation and management of additional monitoring wells,
- requiring the Department of Health to seek reimbursement from federal agencies for these expenditures,
- requiring Department of Health to submit annual reports to the Legislature.

### **Why this is needed: Red Hill Fuel Tanks threaten our water**

The Navy's 70-year-old fuel tanks store thousands of gallons of jet fuel 100-feet above the primary drinking water source for the majority of O'ahu. All of the original 20 tanks installed in the 1940's have evidence of leaking jet fuel. Jet fuel contamination has been detected in the aquifer, though not near to the public drinking water pump station. The amount of jet fuel that has leaked, its location, and the options for remediating the contamination remain unknown.

Additional staff and monitoring wells are essential for ensuring that the full potential of this disaster is avoided through proper attention and oversight at the state level.

### **Department of Health is responsible for protecting Hawai'i's water**

It is clear that the state has an interest and obligation to the protect Hawai'i's drinking water resources. Haw. Const. Art. XI, sec. 7. The Hawai'i Department of Health is the state agency

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responsible for ensuring the safety of our drinking water. Hawai'i Revised Statutes §340 enables the Department to protect our drinking water against contamination and to take legal action against entities that contaminate drinking water supplies. And, the Department is a signatory to the Agreement on Consent which governs remediation of the Red Hill site.

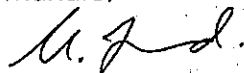
However, the Red Hill situation presents a frustrating challenge because the entity introducing contaminants into the drinking water supply is the federal government. Federal agencies are not subject to state governance. Moreover, the Department's authority to protect state drinking water supplies is based on delegated authority from the federal Environmental Protection Agency.

While the line between federal and state authority might be confusing in this situation, what is clear is the Department is not set up to effectively engage in the oversight required by the AOC. The Department needs additional staff to provide the oversight necessary to ensure the state's interest are fully upheld in this unique tri-agency agreement. Ensuring compliance with the calendar of deliverables outlined in the AOC, as well as interfacing with the public and fellow state agencies like the Water Commission are essential tasks that need specific attention.

By establishing positions, appropriating funds, and clarifying authority, HB2165 improves the Department's ability to provide oversight, ensure transparency, and ultimately build public trust in the remediation of this on-going threat to O'ahu's primary drinking water source.

For these reasons, the Sierra Club urges this Committee to move this measure forward. Thank you for the opportunity to testify on this measure.

Mahalo,



Martha Townsend  
Director