

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
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**Testimony COMMENTING on H.B. 2165
RELATING TO PUBLIC HEALTH**

REPRESENTATIVE CHRIS LEE, CHAIR
COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Hearing Date: February 4, 2016
Time: 8:00 am

Room Number: 325

1 **Fiscal Implications:** The bill proposes funding to hire five full-time Department of Health
2 employees for one year. Also, it allocates \$200,000 to hire consultants with expertise in
3 hydrology, geology, underground storage tanks or other areas relevant to the storage of fuel,
4 public health or environmental health to monitor the U.S. Navy and the U.S. Defense Logistics
5 Agency's compliance with the Administrative Order on Consent (AOC).

6 **Department Testimony:**

7 The Department appreciates the intent of this bill but defers to the Governor's Executive
8 Budget request for the Department's appropriations and personnel priorities. The Department's
9 proposed budget includes three new positions (an Engineer, a Geologist and an Environmental
10 Health Specialist) to oversee the implementation of the AOC over the next 22 years. The AOC
11 currently provides a reimbursement of up to \$50,000 per year. The Department agrees to the
12 proposed allocation of \$200,000 to contract with consultants who have expertise in hydrology,
13 geology and underground storage tanks provided the Navy and DLA will reimburse all of the
14 expended amount.

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

16

17

BOARD OF WATER SUPPLY

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




February 4, 2016

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

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

The Honorable Chris Lee, Chair
and Members
Committee on Energy and Environmental Protection
House of Representatives
Hawaii State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair and Members:

Subject: House Bill 2165: Relating to Public Health

We strongly support House Bill 2165. This bill will help protect our drinking water by providing the Department of Health resources to monitor the Navy and the Defense Logistics Agency's compliance with the Red Hill Fuel Facility Administrative Order on Consent (AOC). This 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 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 on 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 is 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,


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 House Committee on Energy and Environmental Protection
Hearing: Thursday, February 4, 2016 8 am
Conference Room 325

In Support of HB 2165 Relating to Public Health

Chair Lee, Vice Chair Lowen, and Members of the Committee.

Aloha. Conservation Council for Hawai'i supports HB 2165, 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 and keep our groundwater resources safe.

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

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President: Julie Leialoha | Vice President: Koalani Kaulukukui | Secretary: Wayne Tanaka

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2016 1:49 PM
To: EEPtestimony
Cc: moanaluaValley@gmail.com
Subject: Submitted testimony for HB2165 on Feb 4, 2016 08:00AM

HB2165

Submitted on: 2/2/2016

Testimony for EEP on Feb 4, 2016 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Roddy Akau	Individual	Support	No

Comments: "Protect sacred waiola of Moanalua from Red Hill fuel tanks" by Kahu "Roddy" Kamawaelualani Kawehi Akau Published in the Island Voices Editorial of the Honolulu Star Advertiser, November 18, 2015 As a descendant of the Kamawaelualani/Kahikilaulani ohana of the sacred ahupuaa of Moanalua, its guardians since time immemorial, and as konohiki of Moanalua Valley, it is my kuleana to do all I can to protect it. As such, I am writing to join Congresswoman Tulsi Gabbard's call for an immediate and long-term solution to the risks to the area's water posed by the Red Hill fuel storage facility located at the edge of the original ahupuaa, and to share my mana'o on Moanalua as the home of waiola, the water of life. My great great grand-aunt, Namakahelu, the last chantress of Moanalua, chanted an ancient oli, the core of my family genealogy, and in it she describes how waiola begins at the back of the valley and flows toward the sea, bringing all its life-giving nature throughout. In our culture, we revere waiola as divine and sacred, for it animates us and the land that is our home. Creation myths worldwide talk about God separating the elements of the universe from each other: dark from light, sky from earth, salt water from fresh water that is the basis of all life. The creation myth of Moanalua describes how the goddess Kahikilaulani came across the ocean in a canoe, bearing gifts for her new husband Kamawaelualani, in search of fresh water, the waiola that her homeland Kahiki-ku did not have in abundance. The waiola of this ancient myth is nothing less than a miraculous blessing. As konohiki of the valley, it is my duty to pay attention to all that pertains to it — the clouds, winds, rains, plants and animals, the many wahi pana, and the iwi that rest there. In that spirit, I have also closely followed the information coming from the Honolulu Board of Water Supply indicating that contamination from leaks at the facility have hit the Red Hill aquifer, and that there are continued risks of contamination of the aquifers in Moanalua and Halawa, which provide up to 25 percent of the drinking water for our island. This urgent and potentially catastrophic concern is in addition to other long-term threats to the area's aquifers, such as the continued diversion of water that should be flowing freely in the nine rivers of the valley, and the unmitigated growth of non-native invasive plants like guava and albizia, which reduce the amount of cloud and rain water absorption into the aquifers. In 2008 the state recognized Moanalua Valley's significance ecologically and culturally by saving it from the H-3 freeway and acquiring it

as a preserve. One of the last truly open spaces located just outside of Honolulu, the valley features 3,716-acres with five distinct forest types, which are also a habitat for native plants and animals, including the endangered elepaio bird. At the dedication, representatives from the state, Congress and the military, among others, gathered at the entrance to the valley and stated their intention to both protect and nurture this unique place. In sharing my mana'o, I hope to deepen our shared understanding of the sacred waiola of Moanalua. The health and well-being of our island home depend upon all of us coming together to protect our water. Healing the waiola is going to take people with ike working together toward this common vision, and in doing so they will have the ku aina behind them. This is the perfect example of malama aina — if we take care of the land, it will take care of us and future generations.

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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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 8:09 AM
To: EEPtestimony
Cc: dylanarm@hawaii.edu
Subject: *Submitted testimony for HB2165 on Feb 4, 2016 08:00AM*

HB2165

Submitted on: 2/3/2016

Testimony for EEP on Feb 4, 2016 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Armstrong	Individual	Support	No

Comments:

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SIERRA CLUB OF HAWAII

MĀLAMA I KA HONUA. *Cherish the Earth.*

House COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Thursday February 4, 2016 8AM Room 325

In Support **HB2165** Relating to Public Health

LATE

Aloha Chairman Lee and members of the House EEP Committee,

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.

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.

Department of Health 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 Hawaii Department of Health is the state agency responsible for ensuring the safety of our drinking water. Hawaii 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.

[MORE]

HB2165 Meets the Needs

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,

A handwritten signature in black ink, appearing to read 'M. Townsend', is written over a light grey rectangular background.

Martha Townsend
Director