

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER AND LAND**

**February 16, 2016
11:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2646, HOUSE DRAFT 1
RELATING TO ENVIRONMENTAL PROTECTION**

House Bill 2646, House Draft 1 proposes to establish in State Department of Health a permanent fuel tank advisory committee to study issues related to leaks of underground fuel storage tanks at the Red Hill Bulk Fuel Storage Facility, Kuahua Peninsula, Pacific Missile Range Facility Barking Sands, Hickam Pol Annex, and Schofield Barracks Military Reservation. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

Our underground aquifers are the major source of drinking water for the people of Hawaii. We have a public trust obligation to protect and preserve this valuable and irreplaceable resource. We must be proactive and protective to ensure the long-term sustainability of our precious water resources statewide.

With respect to the State's funding of two test wells around the U.S. Navy's Red Hill Bulk Fuel Storage Facility and the funding for an additional four wells from the United States Navy, the Department notes that a representative from the Department's Commission on Water Resource Management (Commission) sat on the Red Hill Task Force and recommended and supported the installation of additional monitor wells in areas around the facility. Further, the Commission itself has recently taken strong positions that more action needs to be done immediately. Although a relatively small step towards resolution of this serious concern, the siting and installation of two additional monitor wells is timely action in the right direction.

With respect to the advisory committee and its duties proposed in this measure, underground tanks are a major threat to the public trust water resources of the State. It is critical that all owners and operators of underground storage tanks regularly monitor for leaks using approved methods,

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

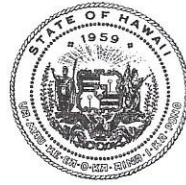
KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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LAND
STATE PARKS

maintain adequate records, and meet corrosion protection, spill, and overfill requirements. These systems are prone to leak over time, as evidenced by the recent case regarding the Red Hill fuel storage tanks. However, the Department defers to the Department of Health regarding the appropriate means of funding, managing, and implementing the responsibilities of this advisory committee.

Lastly, it is unclear what is meant in SECTION 3 (b) that transfers functions and materials between the Red Hill Task Force, created and expanded pursuant to Senate Concurrent Resolutions no 73, H.D 1, Regular Session of 2014, & no. 57 H.D.1, Regular Session of 2015, respectively, and this measure's proposed advisory committee.



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of HB 2646, HD1
RELATING TO ENVIRONMENTAL PROTECTION**

REPRESENTATIVE RYAN I. YAMANE, CHAIR
HOUSE COMMITTEE ON WATER AND LAND

Hearing Date: February 16, 2016 Room Number: 325
Time: 11:00am

1 **Fiscal Implications:** Allocates reimbursement for necessary expenses.

2 **Department Testimony:** The Department supports the intent of HB 2646, HD1 and offers the
3 following comments:

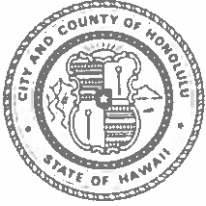
4 1. It is unclear whether HB 2646, HD1 includes the study of all underground storage tanks.
5 The Department believes that the intent is for the study of leaks of field-constructed tanks
6 owned and operated by the U. S. military. Therefore, the Department recommends the
7 word "field-constructed" be inserted in front of underground fuel storage tanks.

8 2. If the committee will focus only on field-constructed tanks, it will not be necessary to
9 include the Commanding General of the United States Army, Pacific or the Commanding
10 General's designee as a member of the task force. The United States Army does not have
11 any field-constructed tanks in Hawaii.

12 3. The Department also recommends to include the director of health or the director's
13 designee on Line 7, page 3 of the bill.

14 We also propose the following language: "§342L- **Duties:** (a) The advisory committee
15 shall study issues related to leaks of field-constructed underground fuel storage tanks at the Red
16 Hill Bulk Fuel Storage Facility, Kuahua Peninsula, Pacific Missile Range Facility Barking
17 Sands, and Hickam POL Annex. The advisory committee shall consider:..."

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



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
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BRANDON ELEFANTE

Councilmember District 8
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Chair, Committee on Business, Economic Development and Tourism
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February 16, 2016

The Honorable Ryan I. Yamane, Chair and Members
Committee on Water and Land
House of Representatives
Hawaii State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Yamane and Members:

Subject: House Bill 2646 HD 1: Relating to Environmental Protection

This testimony is to convey strong support for House Bill 2646 HD 1 to create a permanent fuel tank advisory committee to study and monitor fuel tank leak issues. Establishing a permanent fuel tank advisory committee would help mitigate potential adverse impacts to groundwater resources on the island of Oahu from any past and future leaks or spills at underground fuel storage tanks, including the Red Hill Bulk Fuel Storage Facility (Red Hill facility).

To illustrate the importance of establishing a permanent fuel tank advisory committee to protect public health, my testimony will focus on the Red Hill facility. Containing 20 vertical storage tanks, the Red Hill facility is capable of storing approximately 250,000,000 gallons of fuel. Regrettably, according to the State Department of Health, Navy-commissioned studies have indicated the presence of petroleum chemicals in the groundwater and soil beneath the facility. In January 2014, the Navy confirmed that fuel from the Red Hill facility's Tank 5 leaked 27,000 gallons of JP-8 aviation fuel.

According to the Manager and Chief Engineer of the Board of Water Supply (BWS), the fuel storage facility sits only about 100-feet above the aquifer that serves as a major drinking water resource to both the BWS and the Navy. Moreover, a BWS well located about one mile to the northwest of Red Hill and another to the south contribute over 25 percent of the water pumped daily to the BWS's metropolitan system for the island of Oahu.

Any past or future fuel tank leaks at the Red Hill facility or any other underground fuel storage tanks hold the potential for catastrophic impacts upon the underlying drinking water aquifers, directly affecting our island's residents. The establishment of a permanent fuel tank advisory committee would provide a mechanism for open discussion and transparency of information, thereby protecting our island's most precious resource – the groundwater aquifer – for future generations.

I respectfully request your passage of House Bill 2646 HD 1. Thank you for the opportunity to submit written testimony.

BOARD OF WATER SUPPLY

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



February 16, 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 Ryan I. Yamane, Chair
and Members
Committee on Water and Land
House of Representatives
Hawaii State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Yamane and Members:

Subject: House Bill 2646 HD 1: Relating to Environmental Protection

We strongly support House Bill 2646 HD 1. This bill creates a permanent fuel tank advisory committee to study and oversee fuel tank leak issues.

The establishment of a permanent fuel tank advisory committee ensures the results of on-going and future studies and work to understand and mitigate the impact of fuel leaks, receive immediate and continuous discussion, analysis, follow up attention and action. It also provides a way for open discussion and availability of information, free from mechanisms designed to restrict disclosure. The public has a right to know about the quality of their environment and drinking water aquifers and are entitled to the responsibility and transparency vested in this advisory committee to protect them as declared in article XI, section 7 of the state constitution. This bill is in the best interest of public health protection and our most precious resource – the groundwater aquifer – and we respectfully request your passage of this measure.

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 Water and Land

Hearing: Thursday, February 16, 2016 11 am
Conference Room 325

In Support with Comments on HB 2646 HD 1 - Relating to Environmental Protection

Chair Yamane, Vice Chair Cullen, and Members of the Committee.

Aloha. Conservation Council for Hawai'i supports the intent of HB 2646 HD 1, which creates a permanent fuel tank advisory committee to study and monitor fuel tank leak issues. By all means, establish a fuel tank advisory committee to study and monitor the issues. But at the same, someone needs to actually monitor the leaks and potential leaks, mitigate the damage, and protect public health, our groundwater, other natural resources. This requires funding; where is the funding to do so?

In the Red Hill situation, the U.S. Navy should pay the full cost of monitoring and remediating its leaking fuel. Unfortunately, instead of looking out for the public interest in the Red Hill disaster, the State and the EPA gave away the store. The State and the EPA should also require the Navy to replace its ancient and dilapidated fuel storage tanks in the next 5-10 years, and not 20 years from now as provided in the Administrative Order on Consent. In the meantime, the leaking fuel at Red Hill is in the soil, and it is not going away. It may only be a matter of time before the fuel reaches our groundwater.

The Red Hill situation is an extreme example of what happens without proper environmental stewardship and oversight, and failure on the State's part to negotiate in the public's best interest.

Please support HB 2646 HD 1, but not at the expense of actual monitoring, remediating, and preventing contamination at Red Hill and other hot spots.

Mahalo nui loa for the opportunity to testify.

Sincerely,

Marjorie Ziegler

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

Treasurer: Ryan Belcher | Directors: Rick Barboza | Anne Huggins Walton

Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters



From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 12, 2016 6:03 AM
To: waltestimony
Cc: kauaihale@gmail.com
Subject: *Submitted testimony for HB2646 on Feb 16, 2016 11:00AM*

HB2646

Submitted on: 2/12/2016

Testimony for WAL on Feb 16, 2016 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Louisa Wooton	Individual	Support	No

Comments:

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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SIERRA CLUB OF HAWAI'I
MĀLAMA I KA HONUA. *Cherish the Earth.*

LATE

HOUSE COMMITTEE ON WATER AND LAND

Tuesday February 16, 2016 11AM Room 325

In Support HB2646 Relating to Environmental Protection

Aloha Chair Yamane and Members of the WAL Committee:

On behalf of our 12,000 members and supporters, the Sierra Club of Hawai'i strongly supports HB2646 to expand the scope and make permanent the task force on underground fuel storage facilities originally established in 2014 after the release of 275,000 gallons of jet fuel from the U.S. Navy's storage facility in Red Hill.

This bill was amended to focus solely on the authorization for the task force; the appropriation for additional monitoring wells was moved to HB2165. This bill, HB2646 HD1, seeks to make permanent the task force established by SCR73 (2014) and SCR57 (2015) and expand its scope to include other fuel storage facilities identified in the course of the task force's investigation as a potential risk to public health.

This task force has served a crucial role in the process of re-building public trust in the safety of our natural resources, especially our drinking water, in the wake of revelations that military fuel storage facilities have been leaking. This task force provides an opportunity for the public to find information and engage with decision makers. This role will become even more important in the years to come as decisions are made about how to address the threat obsolete military fuel storage facilities posed to our environment and public health.

We also strongly urge this Committee to consider HB2165 to increase funding to the Department of Health for staff and monitoring wells related to the Red Hill Bulk Fuel Storage Facility. The reality is our DOH is grossly understaffed. To be an effective partner in the future management of the Red Hill facility, and to provide the type of support this task force requires, the DOH needs additional funding.

Thank you for the opportunity to testify on this measure.

Director

LATE

HOUSE COMMITTEE ON WATER & LAND

Rep. Ryan I. Yamane, Chair; Rep. Ty J.K. Cullen, Vice Chair,

Members: Rep. Cindy Evans, Rep. Scott Y. Nishimoto, Rep. Kaniela Ing,
Rep. Calvin K.Y. Say, Rep. Chris Lee, Rep. Feki Pouha,
Rep. Nicole E. Lowen, Rep. Cynthia Thielen

Testimony on House Bill 2646 H.D. 1, Relating to Environmental Protection

**Hearing on Tuesday, February 16, 2016, 11:00 am,
Conference Room 325, State Capitol, 415 South Beretania Street**

**Testimony by Captain Mark Manfredi, USN, Navy Region Hawaii Chief of Staff, or
his designee, on behalf of Navy Region Hawaii, at Joint Base Pearl Harbor-
Hickam**

Chairs, Members,

The Navy supports the intent of this bill and appreciates the interest expressed by House Bill 2646 HD 1 in creating an advisory committee within the Department of Health, State of Hawaii, on fuel tanks and releases from fuel tanks. We would expect that entities in Hawaii beyond those engaged in national defense, such as entities engaged in transportation, utilities and the members of the industry that provides and moves fuel around the State, may also store fuel in tanks in Hawaii and may have experienced releases from their tanks or pipelines. Thus, the proposed advisory committee, to be a fair advisor on the subject of releases of fuel into the environment, would merit far broader participation, if that is the intention of the proposed committee. To do otherwise would seem to specifically target those who store fuel while providing for the national defense.

However, if this committee is not intended to address the topic of release from fuel tanks and pipelines in general, but specifically intends to target former releases from the Navy's Red Hill Bulk Fuel Storage Facility, we would note that this committee duplicates on-going efforts. The topics noted by the proposed legislation are already being addressed by the subject matter experts and regulatory agencies via the United States Environmental Protection Agency, Region IX and Department of Health, State of Hawaii's Order, Administrative Order on Consent, EPA DKT. No. RCRA 7003-R9-2015-01; DOH DKT NO. 15-UST-EA-01, dated September 28, 2015.

Your Department of Health's subject matter experts, as well as those from other branches of State government and the County's Board of Water Supply, are actively engaged in addressing these very topics under the Order. As stated in the Order, its "primary objectives . . . are to take steps to ensure that the groundwater resources in the vicinity of the Facility is protected and to ensure that the Facility is operated and

maintained in an environmentally protective manner." Investigation and Remediation of Releases comprises its own section of the Order. Groundwater Protection and Evaluation forms another. The subject matter experts from the Regulatory Agencies, the United States Environmental Protection Agency, Region IX and the Department of Health, State of Hawaii, who would participate in this committee, if focused primarily on Red Hill, are fully engaged in meeting the Order's requirement.

Given that the purpose of the proposed committee remains ambiguous, we offer the attached amendments to clarify that the committee is focused not solely on past releases from the Navy's Red Hill Bulk Fuel Storage Facility, but on the issue of releases of petroleum into the environment in Hawaii in general. We also note that certain portions of Section 1 contain remnants of the earlier version of the bill when it sought to provide funding for two monitoring wells. Therefore, those paragraphs are no longer needed. Please see the attached Exhibit "A" for suggested changes to the bill.

We thank you for the opportunity to provide our thoughts on this proposal.

Exhibit "A"
To Navy Written Testimony for H.B. 2646 H.D. 1

HOUSE OF REPRESENTATIVES
TWENTY-EIGHTH LEGISLATURE,
2016
STATE OF HAWAII

H.B. NO. 2646
H.D. 1

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that protecting the environment and underground sources of drinking water is in the best interest of public health and safety and required under article XI, section 7, of the state constitution.

The legislature also finds that numerous entities have reported release of fuel into the environment from fuel tanks and pipelines. Most recently, the United States Navy reported to the Department of Health, State of Hawaii, a loss of approximately 27,000 gallons of fuel from its Red Hill Bulk Fuel Storage Facility. ~~since 2005,~~ ~~petroleum chemical contaminants have been detected in the groundwater and rocks beneath the United States Department of Navy's Red Hill Bulk Fuel Storage Facility fuel tanks.~~ ~~In January 2014, the facility's tank number five released twenty seven thousand gallons of fuel into underground rocks and groundwater.~~ ~~The current location of the released fuel is unknown.~~

~~The Red Hill Bulk Fuel Storage Facility fuel tanks have been corroding for more than seventy years. The corrosion has caused~~

Exhibit "A"
To Navy Written Testimony for H.B. 2646 H.D. 1

~~significant thinning of the steel tank walls and, in some cases, has fully penetrated the steel. The ongoing corrosion damages the steel walls of the fuel tanks, as well as the steel reinforcement in the surrounding concrete, and can lead to more frequent and larger fuel releases than have occurred in the past.~~

The legislature further finds that additional information is needed to assess the consequences of these various fuel leaks on Hawaii's environment, including its groundwater, drinking water resources, and in some cases, marine environment.~~the installation of monitor wells is crucial to test groundwater underneath and surrounding the Red Hill Bulk Fuel Storage Facility to protect Oahu's fresh water supply. While it should be the duty of the United States Navy to fund efforts to monitor and remediate fuel leaking from the Red Hill Bulk Fuel Storage Facility, the protection of Oahu's drinking water supply is of such critical importance to the health and safety of the people of Hawaii that as a first step, the local board of water supply is funding the installation of two test wells in the area. The State is also funding two test wells in the area, and the people of Hawaii are waiting for the United States Navy to provide funding for at least four additional wells.~~

The purpose of this Act is to protect public health by establishing a permanent fuel tank advisory committee.

SECTION 2. Chapter 342L, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

Exhibit "A"
To Navy Written Testimony for H.B. 2646 H.D. 1

"PART . FUEL TANK ADVISORY COMMITTEE

§342L- Fuel tank advisory committee; established;

composition. (a) There is established in the department of health the fuel tank advisory committee, which shall consist of thirteen ex officio members and at least ~~two~~four public members.

- (b) The ex officio members of the committee shall be:
- (1) The director of health, who shall serve as the committee's chair;
 - (2) The four members of Hawaii's congressional delegation, or their designees;
 - (3) The Commanding General of the United States Army, Pacific, or the Commanding General's designee;
 - (4) The Commander of the Pacific Fleet of the United States Navy, or the Commander's designee;
 - (5) The Commander of the Pacific Air Forces, or the Commander's designee;
 - (6) A representative from the United States Environmental Protection Agency, or the representative's designee;
 - (7) The president of the senate, or a senator appointed by the senate president;
 - (8) The speaker of the house of representatives, or a representative appointed by the speaker of the house;
 - (9) The chairperson of the board of land and natural resources, or the chairperson's designee; and

Exhibit "A"
To Navy Written Testimony for H.B. 2646 H.D. 1

(10) The chairperson of the board of water supply of a county with a population of five hundred thousand or more, or the chairperson's designee.

(c) The governor shall appoint at least ~~two~~four public members from the community at large who represent the petroleum and transportation industries, and utilities, in accordance with section 26-34; provided that the advice and consent of the senate shall not be necessary.

(d) The public members of the advisory committee shall receive no salary, but shall be entitled to reimbursement for necessary expenses, including travel expenses.

§342L- Duties. (a) The advisory committee shall study issues related to leaks of underground fuel storage tanks throughout the State of Hawaii. ~~at the Red Hill Bulk Fuel Storage Facility, Kuahua Peninsula, Pacific Missile Range Facility Barking Sands, Hickam Pol Annex, and Schofield Barracks Military Reservation.~~ The advisory committee shall consider:

- (1) The short- and long-term effects of leaks of the fuel tanks, including effects relating to the health of residents, safe drinking water, and the environment;
- (2) Response strategies to mitigate the effects of leaks from fuel tanks;
- (3) Methods to improve communication between owners and operators of underground storage tanks, including but

Exhibit "A"
To Navy Written Testimony for H.B. 2646 H.D. 1

not limited to the United States Navy, Air Force, and Army, the petroleum and transportation industries, and utilities; the State; any local board of water supply; and the public in the event of a leak of any fuel tank;

- (4) Groundwater test results in relation to the surrounding areas of fuel tank facilities, ~~with a particular emphasis on the groundwater near the Red Hill Bulk Fuel Storage Facility~~;
- (5) The implications of shutting down any fuel tank facility; and
- (6) Updates on progress toward meeting goals of agreement between the State, the affected county, and the owners and operators of underground storage tanks, including but not limited to the federal government.

(b) No later than twenty days before the convening of each regular session, the advisory committee shall submit a report of its findings, including groundwater test results, and recommendations, including any proposed legislation, to the legislature."

SECTION 3. (a) All rights, powers, functions, and duties of the task force to study fuel tank leaks initially created pursuant to senate concurrent resolution no. 73, H.D. 1, regular session of 2014, and expanded by senate concurrent resolution no. 57, H.D. 1, regular

Exhibit "A"
To Navy Written Testimony for H.B. 2646 H.D. 1

session of 2015, are transferred to the fuel tank advisory committee established pursuant to this Act.

(b) All records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the task force to study fuel tank leaks relating to the functions transferred to the fuel tank advisory committee established pursuant to this Act shall be transferred with the functions to which they relate.

SECTION 4. This Act shall take effect on July 1, 2016.

Report Title:

Red Hill Bulk Fuel Storage Facility; Fuel Tank Advisory Committee; Monitor Wells

Description:

Creates a permanent fuel tank advisory committee to study and monitor fuel tank leak issues. (HB2646 HD1)

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