



**DEPARTMENT OF THE NAVY**  
COMMANDER NAVY REGION HAWAII  
850 TICONDEROGA ST STE 110  
JBP HH HI 96860-5101

**HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES**  
**Testimony on Senate Bill 2930 S.D. 2, H.D. 1 Related to Underground Storage Tanks**

Hearing Date and Time: Tuesday, March 20, 2018, at 8:30 a.m.

Testimony on behalf of Navy Region Hawaii

Good morning, Chair Mizuno, Vice Chair Kobayashi, and Representatives,

Thank you for the opportunity to testify. I am Rear Admiral Brian Fort, Commander Navy Region Hawaii. With me is Mr. Mark Manfredi, our Red Hill Program Director. We would like to support the intent of this bill to upgrade the Red Hill fuel facility, but can only do so if specific language changes are made so that it does not conflict with an existing upgrade plan, the 2015 Administrative Order on Consent signed with the State Department of Health (DOH) and the U.S. Environmental Protection Agency (EPA).

First, both the Navy's and the Board of Water Supply (BWS)'s independent water quality reports show that Oahu's drinking water is safe. This is not a Flint, Michigan, water main situation and the characterization of Oahu's drinking water as being at "imminent risk" due to the mere presence of Red Hill only serves to unnecessarily promote fear. We've installed six additional monitoring wells, for a total of fourteen monitoring points around the facility, and have plans to install several more to expand the network and collect additional necessary data. Recently acquired geologic data from our wells and seismic survey provides further persuasive evidence suggesting the existence of natural barriers between municipal drinking water wells and Red Hill. Independent tank tightness tests and improved inventory controls confirm the Red Hill tanks are not leaking. Over four years after the 2014 release, Red Hill is not an urgent or catastrophic public health crisis. We are upgrading Red Hill in a thorough and logical way to minimize mistakes. Mistakes caused the 2014 release, not a rusty or old tank.

Improvements to the facility are regulated by the EPA and the DOH under a September 2015 written agreement they negotiated with the Navy called an Administrative Order on Consent (AOC), which is more rigorous and protective than current regulations.

My testimony consists of three points:

1. The AOC process works; it is enforceable, far more comprehensive and thus more protective than a prescriptive secondary containment mandate.
2. Physical constraints affect the rate of construction modernization.
3. Red Hill is vital to national defense.

**1. The AOC process works; it is enforceable, far more comprehensive and thus more protective than a prescriptive secondary containment mandate.**

The AOC requires **all** tanks to be upgraded with a mutually agreed method by 2037, or be taken off-line. The Navy has no incentive to drag its feet in carrying out the AOC, and the 2037 deadline is extremely aggressive. Updating twenty tanks is a huge effort. To improve understanding of the facility and the area surrounding it, the AOC requires evaluation and action in 7 areas: Tank inspection, repair and maintenance; Tank upgrade alternatives; Release detection and tank tightness testing; Corrosion and metal fatigue practices; Investigation and remediation of releases; Groundwater protection and evaluation; and a Risk and vulnerability assessment. These seek the right upgrade alternative the first time, instead of having to redo work. Each section has deadlines the Navy must meet. The DOH and EPA have explicit enforcement authority if the Navy and DoD miss deadlines. The Navy and Defense Logistics Agency have met all deadlines and invested over \$33 million and tens of thousands of hours specifically towards the AOC, with over \$250 million spent improving the facility since 2005. We've installed groundwater and soil vapor monitoring systems, structurally reinforced and renovated the tunnels and passageways, and improved ventilation, tank interiors, oil tight door systems, fire protection systems, pipelines, and Red Hill drinking water shaft security. This is in addition to our normally occurring preventive maintenance, tank testing and inspections. Changing the rules delays our work.

As proposed, this bill requires a specific solution as the tank upgrade alternative, explicitly identifying secondary containment in an undefined timeframe, without the technical evaluation and proper due diligence necessary for this. The previous committee's report specifically defined "secondary containment" in a way that exceeds construction standards for new underground storage tanks anywhere else in the world, including Europe. This definition, meant to address the existing Red Hill tanks, would also impact any new construction. Unique designs often result in unforeseen risk. While this is the most expensive option, it may not be the best or provide the most protection. A mandatory solution that lacks the sound engineering judgment and scrutiny under the AOC process will increase risk. The Navy has demonstrated good faith in complying with the AOC and respectfully suggests a bill supportive of the AOC.

**2. Physical Conditions Constrain Rate of Improvements.**

Improving Red Hill requires bringing in all construction material, personnel, power, and support through tunnels about the width of a car. Adding personnel and equipment to any improvement effort will not improve the rate of construction due to this physical constraint. This is not just a matter of funding. When the AOC upgrade alternative is approved by regulators, and funded by Congress, work can begin. Due to physical, regulatory, real world military requirements and contracting constraints, we cannot complete all tank upgrades before 2037.

### **3. The Red Hill facility is of vital strategic importance to our Nation and US Pacific Command.**

The United States Pacific Command recently reaffirmed Red Hill's strategic importance on March 12th, when Brigadier General Evan Miller wrote:

“The Red Hill facility holds a significant percentage of petroleum war reserves required to defend national security interests in the Pacific region. It supports all US military forces stationed in and transiting through Hawaii via its hardened, underground, cyber-protected, gravity-fed system to Joint Base Pearl Harbor-Hickam. It also supports the Hawaii Army and Air National Guard and is available to support civil authorities, should circumstances dictate. There is no comparable US owned facility anywhere from India to mainland USA.

Admiral Harris highlighted the importance of Red Hill in his testimony to the House Armed Services Committee last month (on February 14), when he stated: ‘Strategic positioning is a key pillar of our logistics posture. Ensuring we have the right fuel, in the right location, at the right time, is vital to USPACOM’s ability to project power throughout the Indo-Pacific under combat conditions.’ Without Red Hill we cannot sustain anticipated combat fuel demands.”

See attached Brigadier General Miller March 12th, 2018 letter.

In summary, your military in Hawaii and throughout the Pacific needs continuous and uninterrupted access to large volume, secure and sustainable fuel storage facilities to support efforts in the Pacific. The Red Hill facility provides fuel to support countless contingency operations, and is essential to safeguard our national interests and support humanitarian missions overseas. The forward presence provided by your military builds international cooperation, maintains regional stability, and ensures maritime security, including the free flow of commerce to Hawaii, the mainland, and throughout the Indo-Asia-Pacific region. Oahu’s drinking water remains safe to drink and Red Hill can continue to operate safely with the process already established in the AOC, which is a legally enforceable process providing a roadmap for the Red Hill facility with enhanced oversight and approval roles for DOH and EPA and expert resources beyond what this bill proposes.

Because there is no public health crisis, physical constraints exist on how quickly facility improvements can be made, and Pacific Command must continue to pursue its strategic mission, the earliest practicable completion date for all active tank upgrades

we can accept in this bill is 2037, as set out in the AOC. Any earlier date is impractical to accomplish, does not accomplish this bill's intent, and is a prescription for failure. For all the above reasons, we respectfully request you modify this bill to ensure that the State Department of Health, the EPA, the Navy, and other stakeholders have sufficient time to complete our ongoing work under the Administrative Order on Consent.

**Specifically**, at the end of the last sentence of Section 1, inserting the phrase “, and do not conflict with the administrative order on consent in department of health docket no. 15-UST-EA-01”

And at section 2, at the end of subsection (b)(3), deleting the phrase “ shall be required to upgrade with secondary containment.” And replacing it with the phrase “be upgraded to minimize the threats of future releases and be protective of human health and the environment or be taken out of service.”

Thank you for the opportunity to testify.



**COMMANDER, U.S. PACIFIC COMMAND  
(USPACOM)  
CAMP H.M. SMITH, HAWAII 96861-4028**

12 March 2018

**HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Testimony on Senate Bill No. 2930, Relating to Underground Storage Tanks**

Chair Representative John Mizuno, Vice-Chair Representative Bertrand Kobayashi,

Good morning and thank you for the opportunity to submit written testimony for Committee review related to Senate Bill 2930.

USPACOM, commanded by Admiral Harry B. Harris, is the highest level DoD headquarters in the Indo-Pacific region. It provides command and control of assigned forces from the Army, Navy, Air Force, and Marines operating in the Indo-Pacific. The Red Hill Fuel Storage Facility is owned and maintained by the U.S. Navy, while the Defense Logistics Agency (DLA) serves as the military's global supply chain manager for fuel.

The purpose of my testimony is to inform the Committee of the vital strategic significance of the Red Hill Fuel Storage Facility, and to communicate USPACOM's resolve and commitment to conduct operations in an environmentally responsible and compliant manner.

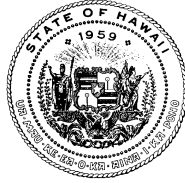
The Red Hill facility holds a significant percentage of petroleum war reserves required to defend national security interests in the Pacific region. It supports all US military forces stationed in and transiting through Hawaii via its hardened, underground, cyber-protected, gravity-fed system to Joint Base Pearl Harbor-Hickam. It also supports the Hawaii Army and Air National Guard and is available to support civil authorities, should circumstances dictate. There is no comparable US owned facility anywhere from India to mainland USA.

Admiral Harris highlighted the importance of Red Hill in his testimony to the House Armed Services Committee last month (on 14 February), when he stated: "Strategic positioning is a key pillar of our logistics posture. Ensuring we have the right fuel, in the right amount, at the right location, at the right time, is vital to USPACOM's ability to project power throughout the Indo-Pacific under combat conditions." Without Red Hill we cannot sustain anticipated combat fuel demands.

USPACOM fully supports the binding Administrative Order on Consent (AOC) which the Navy, DLA, Environmental Protection Agency (EPA), and the Hawaii Department of Health (HDOH) agreed to on September 2015 to address past fuel releases and prevent future releases. There has been significant progress towards meeting the 22 year enforceable agreement requirements and we remain committed to that process. On behalf of USPACOM, thank you for the opportunity to submit testimony on this matter. Should the Committee desire, I consider it a privilege to meet in the near future and provide additional information as necessary.

A handwritten signature in black ink, appearing to read "E. M. Miller", is positioned above the typed name.

EVAN M. MILLER  
Brigadier General, USAF  
Director Logistics, Engineering  
and Security Cooperation



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

**Testimony in SUPPORT of SB2930, S.D. 2, H.D. 1**  
**RELATING TO UNDERGROUND STORAGE TANKS**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR  
HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: March 20, 2018  
8:30 am

Room Number: 329

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health supports SB2930, S.D.2, H.D.1, as the  
3 department requires statutory clarity in its rulemaking responsibilities.

4 The department supports the legislature's amendment of section 342L-32(b), Hawaii Revised  
5 Statutes (HRS), with minor revisions, such as correcting the effective date of the federal  
6 regulations from July 15, 2015 to October 13, 2015, as shown below. The department requires  
7 amendment of section 342L(b), HRS, to clarify the department's rulemaking responsibilities and  
8 protect the department from future litigation. In light of the recent judicial decision, the  
9 department recognizes that the complex history of the specific terms used in this section of the  
10 statute and the mismatch between current statutory and regulatory language leaves room for  
11 ambiguity and confusion, which we believe exposes the department to threat of future litigation.  
12 The department plans to continue and complete our rulemaking process by the federal deadline  
13 of October 13, 2018, maintain the state underground storage tank program's federal approval and  
14 funding, and continue our mission to protect Hawaii's environment.

15 While we understand the legislature's desire to immediately require secondary containment  
16 retrofits for existing large field constructed tanks in the interest of protecting the environment,  
17 there is no current technology or existing industry standard for designing and constructing  
18 secondary containment under the circumstances present at and on the scale necessary for Red

1 Hill. We caution that legislation that conflicts with the Administrative Order on Consent (AOC)  
2 could potentially derail the decision-making process that is currently underway. Because the  
3 AOC is a very detailed, enforceable agreement, the AOC keeps the department and the EPA  
4 closely involved in overseeing the Navy’s research and decision-making processes, an outcome  
5 which is much less likely if the department simply imposes a secondary containment requirement  
6 by rule. To date, the AOC has provided an opportunity for the department to require the Navy to  
7 improve operations and monitoring at the Red Hill facility, and begin a series of studies and  
8 evaluations to further improve overall design and operational strategy above and beyond any  
9 current or proposed regulatory requirement. This evaluation not only includes the “upgrade”  
10 design of the tank, but also associated release detection methods, operation methods and  
11 response actions, and appropriate redundancies. Because technology is constantly advancing,  
12 this evaluation will occur on a periodic basis throughout the duration of the AOC, not just during  
13 a one-time legislative mandate.

14 Finally, we note that HSCR 1188-18 makes reference to a secondary containment definition  
15 that is not consistent with federal and state regulations. The use of this definition in statute  
16 would cause all existing underground storage tanks that have secondary containment, which  
17 includes majority of the neighborhood gas stations, to be in immediate violation of the law, as  
18 these tanks do not have interstitial space “of sufficient width to enable the inspection,  
19 maintenance, testing, and physical repair of the exposed faces of the inner and outer barriers.”  
20 Even if this definition is limited to the tanks at Red Hill, none of the current “tank upgrade”  
21 options, including the tank in the tank and new tank construction options, are fully compliant  
22 with this definition. Thus, if secondary containment must be used in this measure, it should be  
23 in line with current federal and state regulations.

24 Thank you for the opportunity to testify.

25 **Offered Amended Language:**

26 The Department recommends that section 1 of this bill, at page 3 line 16 to page 4 line 2, be  
27 revised as follows:

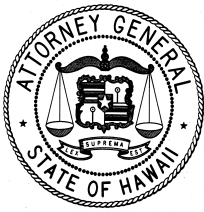
1           “The purpose of this Act is to protect the State's underground drinking water sources and  
2 surrounding environment by requiring the department of health to adopt rules for underground  
3 storage tanks and tank systems that conform with the 2015 [revisions to] federal regulations [and  
4 ~~include an additional requirement]~~ and are no less stringent than any regulation established  
5 pursuant to federal law for certain field-constructed underground storage tanks[-] and do not  
6 conflict with the administrative order on consent in department of health docket no. 15-UST-EA-  
7 01.”

8           The Department recommends that section 2 of this bill, at page 4 line 5 to page 5 line 11, be  
9 replaced as follows:

10           “(b)       Underground storage tank and tank system standards shall include, but are not  
11 limited to, the following specifications:

- 12           (1)       The tank and tank system shall be designed, constructed, installed, upgraded,  
13 maintained, repaired, and operated to prevent releases of the stored regulated  
14 substances for the operational life of the tank or tank system pursuant to the rules;
- 15           (2)       The material used in the construction or lining of the tank or tank system is  
16 compatible with the substance to be stored; and
- 17           (3)       ~~[Existing underground storage tanks or existing tank systems shall be replaced or~~  
18 ~~upgraded not later than December 22, 1998, to prevent releases for their operating~~  
19 ~~life.]~~ On or before October 13, 2018, the department of health shall, pursuant to  
20 chapter 91, adopt rules related to the standards for the design, construction,  
21 installation, upgrading, repair, maintenance and operation of underground storage  
22 tanks and tank systems, including necessary revisions to existing rules, that  
23 generally conform with, and are no less stringent than, the federal underground  
24 storage tank regulations effective as of October 13, 2015 and codified in title 40  
25 Code of Federal Regulations part 280.”





**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2018**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2930, H.D. 1, RELATING TO UNDERGROUND STORAGE TANKS.

**BEFORE THE:**

HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

**DATE:** Tuesday, March 20, 2018

**TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Russell A. Suzuki, Attorney General or  
Wade H. Hargrove III, Deputy Attorney General

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Chair Mizuno and Members of the Committee:

The Department of the Attorney General (Department) strongly supports the intent of this measure and recommends amendments to prevent potential conflict between the underground storage tank (UST) rules of the Department of Health (DOH) and its administrative order on consent in DOH Docket No. 15-UST-EA-01 (AOC). The proposed amendments will require DOH to adopt rules that are no less stringent than those of the United States Environmental Protection Agency (EPA), yet enable DOH to maintain its regulatory authority over upgrades at the Red Hill bulk fuel storage facility (Red Hill) operated by the United States Navy (Navy) to protect human health and the environment.

This bill amends section 342L-32(b), Hawaii Revised Statutes (HRS), to require DOH to adopt, on or before October 13, 2018, rules relating to UST system standards that generally conform with, and are no less stringent than, the current federal rules, but with the additional, more stringent requirement that field-constructed underground storage tanks with storage capacities greater than fifty thousand gallons upgrade with secondary containment.

The current federal rules contain a definition of, and provisions for, the “secondary containment” of new UST systems under certain circumstances. 40 Code of Federal Regulations part 280. However, these rules do not require, nor is there an industry standard applicable to, an “upgrade” to secondary containment of a field-constructed tank capable of storing more than fifty thousand gallons (e.g., the field-

constructed tanks at Red Hill). Without an established standard, DOH, EPA, and the Navy agreed upon the tank upgrade process in the AOC, which involves developing new one-of-a-kind tank design characteristics that are both protective of the environment and capable of construction.

This process was negotiated not only because it allows the parties to specifically address what is needed to best manage the Navy's field constructed tanks but also recognizing the potentially disastrous contingency in the hands of the President of the United States. The President has the authority to exempt Red Hill from both federal and state jurisdiction entirely, thus removing both EPA's and DOH's authority to regulate this facility upon a finding that doing so is in the "paramount interest of the United States". 42 United States Code (U.S.C.) § 6991f(a). Consequently, any rule adopted by DOH that field-constructed tanks such as those at Red Hill be secondarily contained, irrespective of the conclusions reached pursuant to the work being performed under the AOC, could make a presidential exemption of the facility more likely.

To avoid the President invoking this exemption and the catastrophic regulatory breakdown that would result, the Department recommends that the secondary containment requirement be deleted and the Committee replace section 2 of this bill, which amends section 342L-32(b), HRS, with the following wording:

(b) Underground storage tank and tank system standards shall include, but are not limited to, the following specifications:

- (1) The tank and tank system shall be designed, constructed, installed, upgraded, maintained, repaired, and operated to prevent releases of the stored regulated substances for the operational life of the tank or tank system pursuant to the rules;
- (2) The material used in the construction or lining of the tank or tank system is compatible with the substance to be stored; and
- (3) ~~[Existing underground storage tanks or existing tank systems shall be replaced or upgraded not later than December 22, 1998, to prevent releases for their operating life]~~ On or before October 13, 2018, the department of health shall, pursuant to chapter 91, adopt rules related to the standards for the design, construction, installation, upgrading, repair, maintenance and operation of underground storage tanks and tank systems, including necessary revisions to existing rules, that generally conform with, and are no less stringent than, the federal underground

storage tank regulations effective as of October 13, 2015<sup>1</sup> and codified in title 40 Code of Federal Regulations part 280.

Finally, the Department is concerned that there will be further legal challenges based upon the Sierra Club and potentially the court in *Sierra Club v. Department of Health* [Civ. No. 17-1-1350-08 JPC] insisting that DOH's current rules are invalid or must be completed by an earlier and unachievable date, and/or that the Red Hill USTs be secondarily contained and within an impossible deadline. To provide DOH with clear legislative support for the continuation of its work under the AOC, to clarify the basis for the amended rule mandate, and to hopefully thwart further legal challenges to the new UST rules, the Department recommends that section 1, page 3, lines 16-21, and page 4, lines 1-2 be amended as follows:

“The purpose of this Act is to protect the State's underground drinking water sources and surrounding environment by requiring the department of health to adopt rules for underground storage tanks and tank systems that conform with the 2015 [revisions to] federal regulations [and include an additional requirement], and are no less stringent than any regulation established pursuant to federal law for certain field-constructed underground storage tanks[-], and do not conflict with the administrative order on consent in department of health docket no. 15-UST-EA-01.”

We respectfully encourage the Committee to make the Department's proposed amendments to the bill and thank you for the opportunity to provide these suggestions.

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<sup>1</sup> We mistakenly referred to July 15, 2015 as the effective date in our prior testimony. In fact, July 15, 2018 is the date the federal rules were published in the federal register. The correct effective date of these rules is October 13, 2015.

## BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU  
630 SOUTH BERETANIA STREET  
HONOLULU, HI 96843  
www.boardofwatersupply.com



March 20, 2018

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The Honorable John M. Mizuno, Chair  
and Members  
Committee on Health and Human Services  
Hawaii State Capitol, Room 329  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Mizuno and Members:

Subject: SB 2930 SD 2 HD 1: Relating to Underground Storage Tanks

The Honolulu Board of Water Supply (BWS) strongly supports the intent of Senate Bill (SB) 2930 Senate Draft (SD) 2 House Draft (HD) 1. The need to preserve and protect our irreplaceable drinking water resources for present and future generations compels us all to come together and act now to address the considerable risk to Hawaii's drinking water posed by large field-constructed underground storage tank (FCT) systems. As the agency charged with managing Oahu's municipal water resources and providing residents with safe and dependable water service, the BWS recommends the following amendments to this measure to ensure that all FCT systems with storage capacities greater than fifty thousand gallons, including those at the Red Hill Bulk Fuel Storage Facility (Red Hill), are promptly upgraded to secondary containment with interstitial monitoring so that our drinking water remains protected and safe for consumption.

Safeguarding our water supply is not only sensible, it is also constitutionally and statutorily mandated. The Hawaii Constitution requires that, "[f]or the benefit of present and future generations, the State and its political subdivisions shall protect and conserve ... all natural resources, including ... water ... and shall promote the development and utilization of these resources ... in a manner consistent with their conservation" and further declares that "[a]ll public natural resources are held in trust for the benefit of the people." Haw. Const. art. XI, § 1; see also Haw. Const. art. XI, § 7 ("The State has an obligation to protect, control and regulate the use of Hawaii's water resources for the benefit of its people."). The Supreme Court of Hawaii has concluded that this constitutional mandate "encompasses a duty to promote the reasonable and beneficial use of water resources in order to maximize their social and economic benefits to the people of this state" and, moreover, this responsibility is "unlimited by any surface-ground distinction," extending to all water resources, including groundwater. *In re Water Use Permit Applications*, 94 Haw. 97, 133-135, 139 (2000).

State policy for water resources in Hawaii is likewise directed toward achieving the highest water quality consistent with maximum benefit to the people of the state. See H.R.S. § 174C-2(c) (the Hawaii Water Code “shall be liberally interpreted to obtain maximum beneficial use of the waters of the State”). Pertinent here, drinking water is the highest beneficial use of groundwater. State law governing underground storage tanks only serves to bolster these public trust commitments, expressly providing that underground storage tank systems “shall be designed, constructed, installed, upgraded, maintained, repaired, and operated to prevent releases of the stored regulated substances for the operational life of the tank or tank system.” H.R.S. § 342L-32(b)(1).

Red Hill stores nearly 200 million gallons of fuel in colossal World War II vintage FCTs a mere 100 feet above a high quality sole source groundwater aquifer. Numerous leaks from these FCTs have been documented and sampling from under and around Red Hill has demonstrated the existence of petroleum contamination in the very aquifer that sustains Honolulu’s water supply. Given the importance of our drinking water resources, the fuel stored at Red Hill should be moved to another location without the potential to impact Oahu’s groundwater. If Red Hill is to continue storing enormous volumes of fuel directly above our sole source aquifer, however, then the BWS believes that the secondary containment tank-within-a-tank design is the proper way to prevent releases to the environment as required by state law. The groundwater that nourishes our drinking water undoubtedly deserves the utmost protection from potential environmental impacts, and secondary containment is the standard for new or replaced underground storage tanks.

Upgrading the Red Hill FCTs to secondary containment is long overdue. The potential for migration of contaminants already detected in the groundwater to nearby drinking water wells demands that the FCTs at Red Hill be addressed as quickly as possible. The public cannot afford to await the results of a lengthy evaluation of substandard upgrade alternatives in light of this serious threat to our drinking water resources. Moreover, given the immense volume of fuel maintained at Red Hill, the fact that the FCTs are more than 75 years old, the proximity of the Red Hill FCTs to the groundwater table, and the likelihood that an ongoing or catastrophic release may occur, time is of the essence to take action.

Accordingly, the BWS respectfully requests that the legislature act now, consistent with Hawaii’s constitutional and statutory commitment to protect our important drinking water resources, by exercising its authority to require all FCT systems and associated piping to upgrade with secondary containment with interstitial monitoring within ten years. The BWS further recommends that the secondary containment upgrade requirement be codified in state statute to ensure the most protective minimum standard for FCT systems in Hawaii and to provide clarity and a firm deadline for future state administrative rules, by making the following amendments to the measure. Deletions are lined-out and new language underscored.

SECTION 1. The legislature finds that underground storage tank and tank system laws and regulations are intended to protect the environment by preventing the release of petroleum and hazardous substances into the environment. According to the Environmental Protection Agency, underground storage tank systems pose a substantial threat to human health and the environment.

The legislature also finds that the lands and waters of Hāwāii are unique and delicately balanced resources, the protection of which is vital to the economy of the State, and the protection of groundwater is a matter of the highest priority. As the primary source of potable water in Hawaii, groundwater must be preserved in as close to pristine condition as possible and accommodate the needs of multiple public and private users. This is consistent with Hawaii's constitutional mandate that all public natural resources are held in trust for the benefit of the people and that the State protect and conserve all natural resources, including water, for the benefit of present and future generations.

The legislature further finds that the storage of petroleum products and hazardous substances in underground storage tank systems within the jurisdiction of the State is a hazardous undertaking, and that spills, discharges, and releases of the substances that may occur as a result of private and governmental actions involving the storage of these products can pose serious threats to the environment of the State, to citizens of the State, and to other interests deriving livelihood from the State. These hazards have occurred in the past, and future potentially catastrophic threats must be addressed and mitigated.

The legislature further finds that the Red Hill bulk fuel storage facility, the State's largest field-constructed underground storage tank system, stores more fuel in a single location than any other underground storage tank system in Hawaii. The facility stores up to 187,000,000 gallons of fuel per day, has a total capacity of 250,000,000 gallons, and is located only one hundred feet above a federally designated sole-source aquifer drinking water source. Previous core samples from nineteen of the twenty tanks at Red Hill have evidence of weathered contamination from past releases, and a release of approximately twenty-seven thousand gallons of petroleum products in 2014 further endangered Hawaii's groundwater resources. However, chapter 11-281, Hawaii Administrative Rules, exempts field-constructed underground storage tanks, tank systems, and related piping, including the Red Hill bulk fuel storage facility, from some of the requirements that must be met by owners and operators of other underground storage tanks or tank systems. Field constructed tanks, including the tanks at Red Hill, are governed by parts of chapter 11-281, Hawaii Administrative Rules, including subchapter 6 (release reporting, investigation, and confirmation), subchapter 7 (release response action), subchapter 8 (closure and change-in-service), section 11-281-12 (tank requirements), and section 11-281-13 (piping requirements). Providing the State's largest field-constructed underground storage tank facility with an exemption from other regulatory

requirements that must be met by other underground storage tank and tank system owners is extremely detrimental to human health and the environment.

The purpose of this Act is to protect the State's underground drinking water sources and surrounding environment by requiring all field-constructed underground storage tanks with storage capacities greater than fifty thousand gallons and the onsite integral piping connected to such tanks be upgraded with secondary containment with interstitial monitoring by July 1, 2028, and by further requiring the department of health to adopt implementing rules for underground storage tanks and tank systems no less stringent than existing that conform with 2015 revisions to federal regulations and include an additional requirement no less stringent than any regulation established pursuant to federal law for certain field-constructed underground storage tanks.

SECTION 2. HRS 342L is amended to include a new section to be designated HRS 342L-38 to read as follows:

342L-38 Field constructed underground storage tanks. (a) For the purpose of this section:

"Secondary containment" means a release prevention and release detection system for a tank or piping that has an inner and outer barrier separated by an open interstice that allows any liquid that may enter the interstitial space to flow unimpeded under gravity alone, at atmospheric pressure, to the location of interstitial monitors. In the case of a tank, the interstitial space shall be of sufficient width to enable the inspection, maintenance, testing, and physical repair of the exposed faces of the inner and outer barriers. Tanks with filled interstitial spaces incorporating embedded drainage conduits are not considered secondarily contained. Secondary containment includes containment sumps when used for interstitial monitoring of piping.

"Interstitial monitoring" means a system to detect and capture any liquid in a tank or piping interstitial space, including, but not limited to, leaks of product or groundwater.

"Onsite integral piping" means onsite piping, originating or terminating at the regulated storage tank or tanks, that conveys regulated substances. Vapor, or other recovery lines, pipeline facilities, and vent lines, are not considered onsite integral piping. Onsite integral piping includes all valves, elbows, joints, flanges, pumps, and flexible connectors associated with the pipe originating at the storage tank up to the union of the integral piping with the dispensing system, the fill valve, the forwarding pump used for transferring regulated substances to a flow-through process tank or an industrial production or manufacturing point of use, the first flange or connection within a loading rack containment area, or the first shore side valve after the marine transfer area for onsite piping at regulated underground storage tank facilities.

(b) All field-constructed underground storage tanks with storage capacities greater than fifty thousand gallons shall:

- (1) Be upgraded with secondary containment with interstitial monitoring by July 1, 2028; and
- (2) Be subject to the permitting requirements specified in chapter 11-281, Hawaii Administrative Rules, or successor rules;

(c) All onsite integral piping connected to any field-constructed underground storage tanks with storage capacities greater than fifty thousand gallons shall:

- (1) Be upgraded with secondary containment with interstitial monitoring by July 1, 2028, if the piping is in contact with the soil, concrete, or cannot be visually inspected; and
- (2) Be subject to the permitting requirements specified in chapter 11-281, Hawaii Administrative Rules, or successor rules;

(d) Owners and operators of field-constructed underground storage tanks that fail to meet the deadlines specified in subsections (b) and (c) shall empty the storage tank system, take the system out-of-service by July 1, 2028, and permanently close the tank by July 1, 2030, and

(e) The department of health shall revoke the permits of any owners and operators of field constructed underground storage tanks that fail to meet the deadlines specified in subsections (b) and (c) for upgrading with secondary containment with interstitial monitoring.

SECTION 3. Section 342L-32, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Underground storage tank and tank system standards shall include, but are not limited to the following specifications:

- (1) The tank and tank system shall be designed, constructed, installed, upgraded, maintained, repaired, and operated to prevent releases of the stored regulated substances for the operational life of the tank or tank system;
- (2) The material used in the construction or lining of the tank or tank system is compatible with the substance to be stored; and
- (3) ~~[Existing underground storage tanks or existing tank systems shall be replaced or upgraded not later than December 22, 1998, to prevent releases for their operating life.]~~ On or before October 13, 2018, the department of health shall, pursuant to chapter 91, adopt rules related to the standards for the design, construction, installation, upgrading, repair, maintenance, and operation of underground storage tanks and tank systems, including necessary revisions to existing rules, that implement this chapter generally



~~conform with~~, and are no less stringent than, the federal underground storage tank regulations effective as of July 15, 2015 and codified under title 40 Code of Federal Regulations part 280; provided that all field-constructed underground storage tanks with storage capacities greater than fifty thousand gallons and onsite integral piping shall be required to upgrade with secondary containment in accordance with section 342L-38."

SECTION 43. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 54. This Act shall take effect on July 1, 2018~~2050~~.

These proposed amendments ensure a bill that fulfills several important state constitutional and statutory tenets created to protect our drinking water resources and the environment. The need to preserve and protect groundwater quality for future beneficial use outweighs the continued operation of large FCTs without secondary containment, and we respectfully ask for your support of this measure with proposed amendments.

Thank you for the opportunity to testify.

Very truly yours,



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



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
530 SOUTH KING STREET, ROOM 202  
HONOLULU, HAWAII 96813-3065  
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

**CAROL FUKUNAGA**

HONOLULU CITY COUNCIL, DISTRICT 6

PHONE: 768-5006 FAX: 768-1199

EMAIL: cafukunaga@honolulu.gov

**LATE**

March 20, 2018

Representative John Mizuno, Chair  
and Members  
Health and Human Services Committee  
House of Representatives  
415 S. Beretania Street, #439  
Honolulu, HI 96813

RE: Senate Bill 2930, SD2, HD1 – Relating to Underground Storage Tanks  
March 20, 2018 at 8:30 AM, Conference Room 329

Dear Chair Mizuno and Member(s):

Thank you for the opportunity to express my strong support for Senate Bill 2930, SD2, HD1.

I represent Council District 6, which includes Red Hill, Moanalua Valley, Moanalua Gardens and Aiea Heights/Halawa Heights, whose residents are among those most impacted by the Agreement on Consent (AOC) negotiated between the Department of Health (DOH), U.S. Environmental Protection Agency (EPA), and the U.S. Navy and Defense Logistics Agency (DLA).

Since 2015, my City Council colleagues and I have endorsed Honolulu Board of Water Supply's efforts to safeguard the safety of Honolulu's water supply, which is impacted by the proximity of the Red Hill facility to a significant portion of the city's water resources.

Several resolutions have been adopted by the Honolulu City Council in response to this environmental threat. They include:

1. **Resolution 14-110**, adopted on June 4, 2014, urged the Department of Health to take immediate and decisive actions to mitigate potential adverse impacts to groundwater resources from leaks or spills at facility.

2. **Resolution 15-84, FD1**, adopted on April 22, 2015, requested the Board of Water Supply (BWS), Department of Health, U.S. Environmental Protection Agency and U.S. Navy to expeditiously implement the recommendations of the Red Hill Fuel Storage Facility Task Force, and to complete and release the AOC documents for public review and comment.

The Council further urged the U.S. Navy to immediately fortify containment of the twenty tanks at Red Hill and clean up the existing groundwater contamination under the facility to protect Oahu's groundwater, and to consider additional protective measures and tank integrity improvements to reinforce the Facility.

The resolution also urged the Board of Water Supply, Department of Health, U.S. Environmental Protection Agency, and the U.S. Navy to install additional groundwater monitoring wells and to increase the frequency of all monitoring and sampling activities for petroleum detection. Finally, the Resolution urged the parties to finalize a negotiated agreement for the Red Hill Fuel Storage Facility that included: 1) a plan for the Navy's cleanup of Red Hill and protection of drinking water resources, 2) appropriate reporting of future releases of petroleum, 3) a minimization of the threat of future releases, and 4) enforcement measures for non-compliance with the terms of the agreement.

As such, the Honolulu City Council's actions have underscored the need for urgent action to protect Oahu's drinking water supply. I support amendments proposed by the Honolulu Board of Water Supply and the Sierra Club of Hawaii, and urge your favorable consideration of Senate Bill 2930, SD2, HD1.

Thank you for the opportunity to provide written testimony.

Sincerely,

  
Carol Fukunaga

*Chair, Council Committee on Public Works,  
Infrastructure and Sustainability*



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

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**TESTIMONY FOR SENATE BILL 2930, SENATE DRAFT 2, HOUSE DRAFT 1,  
RELATING TO UNDERGROUND STORAGE TANKS**

**House Committee on Health and Human Services**

**Hon. John M. Mizuno, Chair**

**Hon. Bertrand Kobayashi, Vice Chair**

**Tuesday, March 20, 2018, 8:30 AM**

**State Capitol, Conference Room 329**

Honorable Chair Mizuno and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 400 members. On behalf of our members, we offer this testimony in strong support of Senate Bill 2930, SD 2, HD 1, relating to underground storage tanks.

Hawai'i's water resources are under siege. At the same time, enforcement of the State Water Code is spotty, at best. Degradation of the fuel storage system at Red Hill is a prime example of our failure to protect our water supply. For over 70 years, the U.S. Navy has stored 187 million gallons of fuel inside the Red Hill ridge, just 100 feet above O'ahu's main drinking water supply.

In that time, the facility has leaked more than 30 times, with the last known leak occurring in January 2014, when 27,000 gallons of fuel were released from a single tank. That leak resulted in a 20-year agreement between the U.S. Navy, Environmental Protection Agency, Defense Logistics Agency, and the Hawai'i Department of Health to study, monitor, and consider improvements to the storage facility. Those improvements need to happen now. All field-constructed underground storage tanks and tank systems must be upgraded or replaced. Furthermore, all tanks must be provided with secondary containment to prevent any future leaks.

Water is life. Mahalo for the opportunity to testify in support of this bill.

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance



Testimony of the Sierra Club of Hawai'i to the

**HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**SUPPORT AMENDMENT of SB 2930 SD2 HD1** Relating to Underground Storage Tanks

Tuesday, March 20, 2018 8:30AM Conference Room 329

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Aloha Chair Mizuno, Vice Chair Kobayashi and members of the HHS Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i offers testimony in **support of SB 2930 SD2 HD1 with amendments** to better protect our water resources from the threat of the field constructed fuel storage tanks at Red Hill.

**OUR POSITION**

**Amend SB2930 to require secondary containment by a specific date. We previously advocated for 5 years, but even within 10 years is an improvement.**

We oppose any attempt to weaken this bill to remove secondary containment from the bill requirements. Our reasoning is premised on four factors outlined below.

**1. THE NAVY WILL MEET OUR EXPECTATIONS.**

The U.S. Navy can and will do whatever is necessary to fulfill their mission and comply with state and federal law. In a March 7th letter directing the Navy to revise its Tank Upgrade Alternatives decision framework, the EPA said the Navy shall ensure "their tank upgrade proposal meets all applicable federal and state laws and regulations." The 2018 Defense Appropriations Act already includes the "Red Hill Oversight and Environmental Protection Act of 2017," requiring the Navy to program funds necessary to upgrade the Red Hill tanks. The Navy's Red Hill Project Manager confirmed in a statement to the press yesterday that the timeframe for upgrades can be accelerated.

The Navy has demonstrated that it can adapt to our high expectations to protect the environment. From modifying their use of sonar to protect marine mammals to changing training exercises to protect native species and cultural sites, the Navy has a record of meeting our expectations.

Similarly, however, where we fail to set high expectations for the Navy, serious, permanent harm has been done. Kaho'olawe provides a relevant cautionary tale in this situation. Allowed to use this island for targeting practice with little or no limitation, the Navy bombed Kaho'olawe so hard it permanently cracked the caprock and drained the aquifer on that island. After committing only \$44 million to clean up its training site, the Navy walked away from Kaho'olawe leaving the state with a \$2.8 million annual budget for restoration that it cannot afford.

We need to set high expectations for the Navy to ensure the best interests of Hawai'i's people are fully



protected for the long term.

## **2. THE RED HILL FUEL TANKS HAVE CONTAMINATED OUR GROUNDWATER SUPPLY.**

It is unacceptable and undisputed that petroleum products like naphthalene and benzene are detected in the groundwater near the Red Hill fuel tanks. It is undisputed that after the last leak DOH declared “the storage of up to 187 million gallons of fuel, 100 feet above a drinking water resource, is inherently dangerous.” In a February 23rd letter the EPA severely criticized the Navy’s groundwater modeling for not being protective of water resources, lacking crucial data, and “at odds” with other data. The analysis found that the Navy’s modeling fails to account for the more than 200,000 gallons of fuel that has leaked from the tanks since 1943 and has never been cleaned up.

We are confronted with a Flint Michigan type situation. Passing a strong bill today will help to significantly reduce the risk these tanks pose to our water supply by accelerating the timeframe for major upgrades.

## **3. DOH IS ALREADY REQUIRED TO COMPLETE RULES; IT IS THE CONTENT OF THE RULES THAT MATTERS.**

In 2000, the Health Department exempted the Red Hill fuel tanks from the upgrade requirements imposed on all other underground storage tanks in Hawai‘i. The First Circuit Court recently ruled this was improper and struck that exemption from the regulations. The Sierra Club’s complete motion for summary judgement, as well as the undisputed facts, can be read online at: [bit.ly/SCH\\_RHMSJ2018](http://bit.ly/SCH_RHMSJ2018).

Separately, the EPA has required the Health Department to update its underground storage tank regulations by October 2018. The current draft of DOH’s regulations give the Navy even more time and wiggle room to upgrade their tanks.

It is crucial that the Legislature set the minimum parameters for the future of the Navy tanks because have not been able to count on the Department of Health in this regard.

## **4. THE ADMINISTRATIVE ORDER ON CONSENT IS NOT AFFECTED.**

The AOC specifically anticipates new requirements being imposed, as seen in paragraph 8(b)(iii) of the agreement. Passing this bill with the requirement for secondary containment in 10 years does not jeopardize the AOC. Rather, passing this bill gives the Navy the kind of urgent justification needed to secure the necessary funding and expertise from the Department of Defense to either quickly upgrade the existing tanks or, if that is not possible, then begin the process of an orderly relocation of the fuel.

## **PROPOSED AMENDMENTS**

It is simpler – and requires less administrative work – to codify the requirements into the statute, rather than to direct the Department of Health to subsequently adopt rules. The first paragraph in section 2 can be deleted. Similarly, the phrase “be required to upgrade” should be replaced with “be upgraded.”

~~SECTION 2.—On or before October 13, 2018, the department of health shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, including necessary revisions, to conform Hawaii's underground storage tank and tank system rules with the July 15, 2015, revisions to the United States Environmental Protection Agency underground storage tank regulations codified in title 40 Code of Federal Regulations part 280; provided that the department shall additionally~~

require through rules that: HRS 342L is amended to include a new section to be designated HRS 342L-38 to read as follows:

342L-38 Field constructed tanks. (a) ~~(1)~~ All field-constructed underground storage tanks with storage capacities greater than fifty thousand gallons shall:

- (1) Be ~~required to~~ upgraded with secondary containment with interstitial monitoring by July 1, 2023 ; and
- (2) Be subject to the permitting requirements specified in chapter 11-281, Hawaii Administrative Rules, or successor rules;

(b) ~~(2)~~ All onsite integral piping connected to any field-constructed underground storage tanks with storage capacities greater than fifty thousand gallons shall:

- (1) Be ~~required to~~ upgraded with secondary containment with interstitial monitoring by July 1, 2023 , if the piping is in contact with the soil, concrete, or cannot be visually inspected; and
- (2) Be subject to the permitting requirements specified in chapter 11-281, Hawaii Administrative Rules, or successor rules;

provided that "onsite integral piping" means on-site piping, originating or terminating at the regulated storage tank or tanks, that conveys regulated substances. Vapor, or other recovery lines, pipeline facilities, and vent lines, are not considered integral piping. Integral piping includes all valves, elbows, joints, flanges, pumps, and flexible connectors associated with the pipe originating at the storage tank up to the union of the integral piping with the dispensing system, the fill valve, the forwarding pump used for transferring regulated substances to a flow-through process tank or an industrial production or manufacturing point of use, the first flange or connection within a loading rack containment area, or the first shoreside valve after the marine transfer area for on-site piping at regulated underground storage tank facilities.;

(c) ~~(3)~~ Owners and operators of field-constructed underground storage tanks that fail to meet the deadline specified in subsections (a) and (b) ~~paragraphs (1)(A) and (2)(A)~~ shall empty the storage tank system, take the system out-of-service by July 1, 2028, and permanently close the tank by July 1, 2030, in accordance with chapter 11-281, Hawaii Administrative Rules, or successor rules.;

(d) ~~(4)~~ The department of health shall revoke the permits of any owners and operators of field-constructed underground storage tanks that fail to meet the deadline specified in subsections (a) and (b) ~~paragraphs (1)(A) and (2)(A)~~ for upgrading with secondary containment.

Thank you for the opportunity to provide testimony on this extremely important matter.

Sincerely,



Marti Townsend  
Director

Aloha Chair Mizuno and members of the Health and Human Services Committee,

I am writing you today to offer testimony in STRONG SUPPORT with amendments for protecting our groundwater from future contamination by the Red Hill Fuel Tanks. Please AMEND SB 2930 SD2 HD1 to require secondary containment for field constructed tanks, as soon as possible.

I want the Red Hill fuel tanks upgraded with secondary containment that includes interstitial monitoring by 2028. If this cannot be done then the tanks should be emptied by 2033, and retired by 2035. The Navy built these tanks using 1940's technology in three years and should be able to adequately upgrade this leaky, antiquated facility in the next ten years.

I am extremely concerned for the safety of our groundwater. The underground storage tanks at the U.S. Navy's Red Hill storage facility are not sufficiently regulated, despite the fact that they pose the greatest threat to O'ahu's groundwater -- the source of drinking water for all residents and visitors from Halawa to Hawaii Kai.

The Red Hill facility has a long history of leaking fuel into the surrounding environment, leaking over 200,000 gallons since it was constructed in 1943. These tanks should be immediately upgraded with state-of-the-art technology to ensure they never leak into the environment again. If they cannot be immediately upgraded enough to guarantee against leaks, then that fuel should not be stored 100-feet above our groundwater. The people of Hawai'i cannot wait another 20 years for critical upgrades to be installed to these facilities.

Thank you for the opportunity to share my concerns on this extremely important issue.

Emailed to [HHStestimony@capitol.hawaii.gov](mailto:HHStestimony@capitol.hawaii.gov)

Signed by:

Contact Name	Date Submitted	Form Name	Personal Email
Pollack, Sherry	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	davidsher@juno.com
Nokes, Mark	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	manokes@yahoo.com
Maier, Jean	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	jeanemaier@yahoo.com
Fetterly, Doug	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	fett4paz@gmail.com
Weiss, Valerie	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	valerieweiss31@gmail.com
Palma-Glennie, Janice	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	palmtree7@hawaiiantel.net
Nihipali, Michele	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	nihipalim001@hawaii.rr.com
Blair, Patricia	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	patriciablair@msn.com



Contact Name	Date Submitted	Form Name	Personal Email
Geimer, Stephen	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	steve@hotsaucehawaii.com
Harris, Fred	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	fah@phys.hawaii.edu
Okamura, Julie	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	julieokamura@yahoo.com
Adam, Jan	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	janlyons27@gmail.com
Rice, Michael	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	generalikaika@hotmail.com
Ozaki, Kendra	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	kendraroz@gmail.com
Sui, Julia	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	juliasui001@gmail.com
Collins, Susan	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	yogahead1@hotmail.com
Quach, Namphuong	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	namisop35@gmail.com
Titus, Heather	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	hawaiianlotus7@gmail.com
Fyrberg, Jane	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	janefyrberg@yahoo.com
Shaffer, Dana	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	danax204hi@aol.com
Adolewski, Lori	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	loria@hawaii.edu
Skillman, Teri	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	hautree77@aol.com
Bell-Tuttle,Carolynn	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	carolynn.bell@gmail.com
Lorenzo, Anne	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	trjanne@yahoo.com
Staton, Linda	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	writtenword2@mac.com
Minn, Malama	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	mminn811@gmail.com
Dodge, Alyce	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	alyce.dodge@gmail.com

Contact Name	Date Submitted	Form Name	Personal Email
Aranita, Rosita	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	rra8665@yahoo.com
Griffith, Rosemary	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	rgriffith@uwalumni.com
Challenger, Brett	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	brett.a.challenger@gmail.com
Ewan, Marion	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	aloha_m@yahoo.com
Palombo, Stephanie	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	yogini808@gmail.com
Cachola, Ellen	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	ellenraec@gmail.com
Kajihiro, Kyle	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	kyle.kajihiro@gmail.com
Sofio, David	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	dssofio@gmail.com
Thong, Flora	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	thongk001@hawaii.rr.com
Cooke, Don	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	manaulu@hotmail.com
Seifried, Steven	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	seifried@hawaii.edu
George, Barbara	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	barbarageorge40@yahoo.com
Santos, Casey	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	casyry@yahoo.com
Lew, Ron	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	rlew60@yahoo.com
Borbo, Gilmer	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	sanmigilmer@gmail.com
Mershon, Jerry	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	mershonjd@gmail.com
Stephens, John	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	instantkarma90@gmail.com
Hara, Gina	2018-03-20	Support SB 2930 - Red Hill Bill in HHS	ginahara@yahoo.com
Coburn, Lynne	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	llcoburn@gmail.com

Contact Name	Date Submitted	Form Name	Personal Email
Fujita, Sandra	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	yappygr1@aol.com
Pearson, Tia	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	tia.pearson@gmail.com
Batungbacal, Rowena	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	leilanirowena@yahoo.com
Levine, Aaron	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	aaronlevine@mac.com
McDermott, Beth	2018-03-20	Support SB 2930 - Red Hill Bill in HHS	bmcd50@hawaiiantel.net
Nosaka, Barbara	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	barbrick@hawaiiantel.net
Gray, Laura	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	LAURAG@DIVEFISH.COM
Amona, Kaliko	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	kalikoamona@gmail.com
Nishida, Glenn	2018-03-20	Support SB 2930 - Red Hill Bill in HHS	autospecialist@earthlink.net
Wager Cruz, Kylie	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	kwager@earthjustice.org
Lahaela Walter, Philipp	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	p.lahaela.walter@posteo.org
Douglas, Susan	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	sd3@hawaii.rr.com
Gonce, Randy	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	rgonce@my.hpu.edu
Lo, Nanea	2018-03-20	Support SB 2930 - Red Hill Bill in HHS	naneaclo@gmail.com
Yamamoto, Leah	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	leahyy@hawaii.edu
Hayashida, Cullen	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	cullenhaya@gmail.com
Kirock, Michelle	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	michellek303@yahoo.com
Guyer, Chi	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	chiguyer@gmail.com
Cummings, L	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	lesliannec42@yahoo.com

Contact Name	Date Submitted	Form Name	Personal Email
Deluze, Anthony	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	kaonohipoi@gmail.com
Frazer, Neil	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	neilfrazer@icloud.com
Asumen, H.	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	hasumen@hawaii.edu
Cox, Millicent	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	midicox@gmail.com
Toole, Sarah	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	stoole@hawaii.edu
Jenkins, Torey	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	tjenkins@hawaii.edu
[Unknown], Noelani	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	noelanin@hotmail.com
Grounds, Shari	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	sharil5@aol.com
Williams, Dustin	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	coldchill180@yahoo.com
Lum, Bradford	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	kaiwi8081@gmail.com
L, Matt	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	mattscalling@gmail.com
Dubiel-Shanahan, Rexann	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	dubielsdesign@hotmail.com
Nehmad, Robert	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	rnehmad@hawaii.rr.com
[Unknown], William	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	marybaeten@hotmail.com
Noel, Noel	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	noelk@hawaii.edu
Tanigawa-Lau, Ming	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	wildcard6@gmail.com
Anixt, Andrea	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	andreapeatmoss2@gmail.com
Endler, Maria	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	mend.er530@gmail.com
Mick, Marilyn	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	m2@pobox.com

Contact Name	Date Submitted	Form Name	Personal Email
Dos Santos, Jessica A.	2018-03-17	Support SB 2930 - Red Hill Bill in HHS	nrtshrlv@gmail.com
Allen, Judith	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	judyallenpt@aol.com
Pang, Benton	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	launahеле85@gmail.com
Nolan, Jeremiah	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	dennolan@yahoo.com
[Unknown], Karen	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	cookiekayashimizu@gmail.com
Rogers, Crystal	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	crystal.sahali.rogers@gmail.com
[Unknown], Francine K	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	franmargulies@gmail.com
Fischer, Dr. Joel	2018-03-18	Support SB 2930 - Red Hill Bill in HHS	jfischer@hawaii.edu
Stephenson, David	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	davidandrewstephenson@gmail.com
Gil, Eliz	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	betsygilliland@gmail.com
[Unknown], Tania	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	yogabughi@me.com
Moa, Kimberly	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	kimberly.moa@gmail.com
Limkin, Keola	2018-03-19	Support SB 2930 - Red Hill Bill in HHS	keola_8@yahoo.com
Kaimuloa, Lo	2018-03-20	Support SB 2930 - Red Hill Bill in HHS	lokaimuloa@gmail.com
Kaimuloa, Lo	2018-03-20	Support SB 2930 - Red Hill Bill in HHS	lokaimuloa@gmail.com
Kaimuloa, Clyde	2018-03-20	Support SB 2930 - Red Hill Bill in HHS	lokaimuloa@gmail.com
Young, Tambry	2018-03-20	Support SB 2930 - Red Hill Bill in HHS	tambry.young@gmail.com



BEFORE THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hawaii State Legislature  
March 20, 2018

Senate Bill 2930 SD2 HD1  
Relating to Underground Storage Tanks

Aloha Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee,

The Ka Lāhui Hawaii Political Action Committee (KPAC) strongly supports S.B. 2930 SD2 HD1 requiring Red Hill and other large-scale, antiquated field-constructed fuel tanks in Hawai‘i to comply with federal requirements for standard tanks.

Freshwater is Hawai‘i’s most precious resource and it must be protected in the highest regard. The tanks at the Red Hill Bulk Fuel Storage Facility put our water quality at risk and threaten our public health sitting 100 feet above O‘ahu’s primary aquifer that supplies drinking water to over 600,000 residents from Hālawā to Hawai‘i Kai.

Over the decades of US military occupation of Kanaka Maoli (aka Native Hawaiian) lands in the Hawaiian archipelago, the US military has done more damage to our environment, cultural, historic, native religious and natural resources than any other group, corporation or industry. The lives of the Kanaka Maoli are intrinsically tied to both the land and water. The fresh clams of Pu‘uloa (aka Pearl Harbor) are long gone replaced by military toxic waste, once a homestead for ranchers - the island of Kaho‘olawe is now uninhabitable and its water table broken due to decades of being used as military, and the Kanaka Maoli sacred sites on lands occupied by the US military are continually in danger of destruction.

Now with recent leaking of the Red Hill military fuel tanks, the livelihoods of O‘ahu residents including Kanaka Maoli are put in in danger. The State of Hawai‘i must the do what it can protect our environment, cultural, historic, native religious and natural resources from continued destruction by the US military. The one resource that cannot be replaced is water.

Take action now please and pass this bill as a first step reigning in the US military abuses to Hawai‘i.

Pū‘ali kalo i ka wai ‘ole. Taro, for lack of water, grows misshapen.

Respectfully submitted,

M. Healani Sonoda-Pale  
Chair, KPAC

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

TUESDAY, MARCH 20, 2018

8:30 AM

CONFERENCE ROOM 329

STATE CAPITOL

TESTIMONY OF

Benton Kealii Pang, Ph.D., Hawaiian Civic Club of Honolulu

IN SUPPORT OF

SB 2930 SD2 HD1 (HSCR1188-18): RELATING TO UNDERGROUND STORAGE TANKS

As a member of the Hawaiian Civic Club of Honolulu and Ecosystem chair for the Ke One O Kākuhihewa (O'ahu Council for the Association of Hawaiian Civic Clubs) I strongly support SB2930 SD2 HD1.

Since 1992, the Department of Health has failed to enact rules requiring the upgrading of existing underground storage tanks and even exempted the Red Hill underground storage tanks (UST) in HAR 11-281-01(b)(2) where none is authorized. This left the antiquated, leaky UST insufficiently regulated for years. In 2014, the Red Hill Fuell Storage Facility leaked about 27,000 gallons of jet fuel into the ground. This resulted in groundwater contamination in an area below the UST and petroleum related compounds have been detected in groundwater monitoring wells.

On February 22, 2018, Circuit Judge Jeffrey P. Crabtree ruled in favor of the Sierra Club in its lawsuit against the Health Department (DOH) and Director Virginia Pressler (Civ No. 17-1-1350-08 JPC). The court ruled current DOH administrative rules, which exempted the Red Hill UST do not comply with the legislation approved by Legislature in 1992. The 1992 law requires replacement or upgrade of then-existing tank systems by December 22, 1998, to prevent releases over the operating life of the UST.

This bill ensures large field-constructed UST's and its piping be equipped with secondary containment and establishes a firm deadline for its installation. Red Hill is the state's largest field-constructed UST facility that should be regulated to a level proportional to the extrememe large volume of fule that it stores. The groundwater aquifer under the Red Hill UST is called the Southern Oahu Basal Aquifer and is designated by the US Environmental Protection Agency as a sole source aquifer and principal source of drinking water fro Wahiawā, 'Ewa, and portions of Honolulu.

Please pass this measure and ensure clean drinking water for generations to come.

Sincerely,

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

Dante Keala Carpenter  
3054 Ala Poha Place, Apt. 401  
Honolulu, HI 96818

June 18, 2015

The Honorable Tom Huetterman  
Associate Director, Land Division  
EPA Region 9, and

The Honorable Stewart Yamada  
Chief, Environmental Management Division  
Department of Health, State of Hawai'i

Subject: Public Meeting regarding the U. S. Navy Red Hill Bulk Fuel Storage (Moanalua Middle School)

Dear Sirs,

My name is Dante Keala Carpenter, a concerned citizen born in Hawai'i, whose residence is in the Salt Lake Area of Honolulu. I have occupied elected positions as a former State Senator, Trustee and Administrator of the Office of Hawaiian affairs, as well as Councilman and Mayor of Hawai'i County. Further, I am a consulting engineer, retired naval officer, and recent past chairman of the Democratic Party of Hawai'i. Additionally, for the past 18 years I have been President of the Country Club Village (CCV), Phase 2, Condominium Association of Apartment Owners (469 units in 2-20 story buildings at the end of Ala Poha Place). I also represent, as its president, the CCV complex Community Facilities Maintenance Association with a total of 942 units, including the CCV, Phase 2. (Estimate 1,200 -1,500 residents)

I thank the Board of Water Supply officials for bringing this matter of the Red Hill tank leakage problem and continued concerns for contamination of our communities' drinking water supply. Thanks too, to the EPA, State Dept. of Health and U. S. Navy Officials for engaging in an Administration Order of Consent (AOC) proposal and inviting public comment.

As a native Hawaiian who grew up in the area known as Damon Tract, in the proximity of Pearl Harbor, I witnessed with my older brother, several attacking aircraft in what was the beginning of WWII. My father, then a retired Navy Airman, and a Honolulu Policeman, was familiar with the construction of the Red Hill Fuel Storage Tanks at its onset. To my recollection there was at least one death and several workers who were seriously injured during its construction. Many years later after graduating from the U.S. Merchant Marine Academy and completing my required Active Duty, I was assigned to several different Pacific Fleet Destroyers and other facility activities at Pearl Harbor for Naval Reserve active duty training. This gave me a thorough understanding of the various storage methodologies, and transportation methods unique to marine fuels, including viscous Bunker C, diesel, and kerosene, among others, etc. In one of my Reserve active duty periods, I did visit the Red Hill Fuel Storage Tank Farm and actually went inside one of the tanks undergoing cleaning and testing. It's an awesome sight and feeling inside the tank – nearly a "football field long" in height, and 35 yards in diameter! Obviously, the scaffolding, rigging and other worker safety factors required are quite extensive, not to mention the "actual quality of repairs required" to insure no leakage!



Page 2

June 18, 2015

Red Hill Fuel Storage Facility

“The Administrative Order of Consent (AOC) agreement requires the Navy and Defense Logistics Agency (DLA) to conduct an analysis of the hydrogeology of the area, study the extent of contamination caused by previous fuel releases, evaluate the potential cleanup methods, and assess the risk the facility poses to Oahu’s drinking water resources, all within the next two years.”

I note in the Federal Register, Vol. 76, No. 223, dated Friday, November 18, 2011, 40 CFR Parts 280 and 281, Revision to existing Underground Storage Tank Regulations which discuss - Leaking Underground Storage Tanks, aka LUST - and contains 88 pages of “proposed rules” which appear to be necessary for the AOC to become effective. Further, has the LUST proposal been adopted as of this date, and additionally, how much more time will it take to address the elements of the AOC before its adoption by all the participating parties?

Finally, 2016 is approaching the 75<sup>th</sup> year of the Red Hill Fuel Storage Tanks installation. Evaluations under AOC are projected to take 2 years. Assuming expedited decisions are in the works, thereafter construction contracts drafted, and then bids awarded, the date may well be 2020! At that point in time those tanks will be nearly 80 years old, with all that entails!

Going forward, the people of the State of Hawai’i, and communities therein, need your prompt action to properly address this long-standing issue. I certainly look forward to continue working with you in the future to make this effort a reality. If there is a need for Hawai’i’s Congressional delegation and State Government officials to be advised and public assistance is needed to pursue this issue, please do not hesitate to say so. Please call me at (808) 358-7104 if there are any questions. Mahalo a nui loa.

Respectfully submitted,

Dante K. Carpenter

**SB-2930-HD-1**

Submitted on: 3/19/2018 6:48:50 AM

Testimony for HHS on 3/20/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable John M. Mizuno, Chair; the Honorable Bertrand Kobayashi, Vice-Chair and Members of the House Committee on Health & Human Services:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB2930 SD2 HD1** relating to Underground Storage Tanks and Systems; Environmental Protection; and the Department of Health.

The OCC Legislative Priorities Committee is in favor of **SB2930 SD2 HD1** and strongly supports its passage as it requires the Department of Health to adopt rules on or before 10/13/2018 for underground storage tanks and tank systems that conform with, and are no less stringent than, the federal underground storage tank regulations effective as of 7/15/2015; provided that all field-constructed underground storage tanks with storage capacities greater than 50,000 gallons shall be required to upgrade with secondary containment.

**SB2930 SD2 HD1** is in accord with the Platform of the Democratic Party of Hawai'i ("DPH") which provides that "[w]e support the protection of our 'aina against destruction by corporate, government, or military usage and expect full restoration and reparation of environmental damage. To handle current and future demands of water, we must assess the current condition of our aquifers and take appropriate actions to secure our freshwater resources." (Platform of the DPH, P. 8, Lines 422-425 (2016)).

Given that **SB2930 SD2 HD1** requires the Department of Health to adopt rules on or before 10/13/2018 for underground storage tanks and tank systems that conform with, and are no less stringent than, the federal underground storage tank regulations effective as of 7/15/2015; provided that all field-constructed underground storage tanks with storage capacities greater than 50,000 gallons shall be required to upgrade with secondary containment, it is the position of the OCC Legislative Priorities Committee to strongly support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: [legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com), Text/Tel.: (808) 258-8889

**SB-2930-HD-1**

Submitted on: 3/17/2018 4:21:25 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Denise Boisvert	Individual	Support	No

Comments:

Dear Chair Mizuno, Vice-Chair Kobayashi, and fellow committee members:

**1989 Exxon Valdez – Alaska, Prince William Sound**

**2010 Deepwater Horizon – Louisiana, Gulf of Mexico**

**20?? Red Hill – Hawaii, Oahu’s primary sole-source aquifer**

- Exxon *assured* the people of Alaska that it was safe to drill and transport oil over land and sea. 11 million gallons contaminated 1,300 miles of coastline.
- British Petroleum *assured* the states that border the Gulf of Mexico that its Deepwater Horizon oil rig was safe. Approximately 210 million gallons were discharged.
- The U.S. Navy wants to *assure* the citizens of Oahu...?

The fact is that no one plans to have a catastrophic disaster, but one can easily plan to prevent one. The plan should have no short cuts, no band-aids to dress a gaping wound, and most importantly, no delays.

These 20 aging and rusting single-layer fuel tanks that store 225 million gallons of jet fuel urgently need a secondary containment layer with interstitial monitoring. They are 100 feet above an aquifer that is the only source of water for the vast majority of the population of Oahu.

Now is the time for our elected officials to prioritize the health and safety of Oahu’s citizens and tourists over the Navy’s downplaying of this imminent danger with assurances of safety and far-into-the-future solutions.

I **strongly support** SB 2930 SD2 HD1 - - with amendments to require secondary containment for field construction with interstitial monitoring within 10 years. If that will not be done, then the tanks should be closed and the fuel relocated.

I hope you are as worried as I am!

Sincerely,

Denise Boisvert

Waikiki

**SB-2930-HD-1**

Submitted on: 3/17/2018 5:36:22 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kim Jorgensen	Individual	Support	No

Comments:

To the Committee on Health and Human Services:

***Woulda, coulda, shoulda*** - - three words that I hope to never hear our elected officials say after a catastrophic leak from any of the 20 Red Hill tanks that store 225 million gallons of jet fuel a mere 100 feet above the primary source of water for hundreds of thousands of Oahu's citizens and tourists.

The recent missile crisis caused a massive and internationally embarrassing scare to the citizens of Hawaii. Immediate changes were made to protocol and to equipment to prevent such a mistake from happening again.

I strongly support SB 2930 SD2 HD1 - - with the amendment to require secondary containment with interstitial monitoring within 10 years. Otherwise, the tanks should be closed down urgently and the fuel should be relocated.

The risk is too great to delay, and too great to consider ideas that will take 2 or 3 times as long, or be less secure. Please vote yes on SB 2930 SD2 HD1 with the amendments, and ***make it impossible for your constituents, the nation, and the world to ever hear, 'woulda, coulda, shoulda' in the same sentence with Red Hill.***

Respectfully yours,

Kim Jorgensen

Waikiki

**SB-2930-HD-1**

Submitted on: 3/17/2018 9:29:42 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Davlantes	Individual	Support	No

Comments:

*Please AMEND SB 2930 SD2 HD1 to require secondary containment for field constructed tanks, as soon as possible. If this cannot be done then the tanks should be emptied by 2033, and retired by 2035. The Navy built these tanks using 1940's technology in three years and should be able to adequately upgrade this leaky, antiquated facility in the next ten years.*

*The underground storage tanks at the U.S. Navy's Red Hill storage facility are not sufficiently regulated, despite the fact that they pose the greatest threat to O'ahu's groundwater -- the source of drinking water for all residents and visitors from Halawa to Hawaii Kai.*

*The Red Hill facility has a long history of leaking fuel into the surrounding environment, leaking over 200,000 gallons since it was constructed in 1943. If they cannot be immediately upgraded enough to guarantee against leaks, then that fuel should not be stored 100-feet above our groundwater. The people of Hawai'i cannot wait another 20 years for critical upgrades to be installed to these facilities.*

*Thank you for the opportunity to submit testimony.*



**Chair Mizuno**  
**Vice Chair Kobayashi**  
**House Committee on Health & Human Services**

**Tuesday, March 20, 2018**  
**8:30 AM**

**TESTIMONY IN STRONG SUPPORT WITH AMENDMENTS OF SB2930 SD2 HD1 RELATING TO UNDERGROUND STORAGE TANKS**

Aloha Chair Mizuno, Vice Chair Kobayashi, Members of the House Committee on Health & Human Services,

My name is Jun Shin. I am a freshman at the University of Hawaii at Manoa, and I serve as a board member at-large for Young Progressives Demanding Action - Hawaii. I am testifying in **strong support with amendments of SB2930 SD2 HD1 relating to underground storage tanks.**

It is imperative that this bill passes as our groundwater is at stake, and we can no longer allow for the Red Hill Fuel Tanks to contaminate it. It is important that we protect and preserve groundwater because we as human beings need it for our survival as it also serves as our drinking water. Really, it is very worrying that Red Hill continues to be allowed to go unregulated despite the threat they pose to Oahu's groundwater. I am so scared for our brothers and sisters.

Please **amend SB2930 SD2 HD1**. I want the Red Hill fuel tanks upgraded with secondary containment that includes interstitial monitoring by 2028. If this cannot be done then the tanks should be emptied by 2033, and retired by 2035. The Navy built these tanks using 1940's technology in three years and should be able to adequately upgrade this leaky, antiquated facility in the next ten years.

Leaking 200,000 gallons since its construction in 1943, I as a citizen and as a young person who will one day inherit this earth cannot stop and watch as the paradise that I love continue to be negatively affected as these fuel tanks leak and living conditions deteriorate. If these tanks cannot be upgraded for a 21<sup>st</sup> century standard and not a 1940s one, then it should not be located where it hurts our groundwater. The people of Hawaii cannot wait 20 years for these upgrades to happen. That is why I want to ask you, honored reps to think of the people and **please pass SB2930 SD2 HD1**. Water is life!

Thank you for your hard work and deliberations on this issue,

Jun Shin,  
Board Member At-Large  
Young Progressives Demanding Action – Hawaii  
1561 Kanunu St. #2106 Honolulu, HI 96814  
Cell: 808-255-6663  
Email: junshinbusiness729@gmail.com



**SB-2930-HD-1**

Submitted on: 3/18/2018 1:21:24 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dave Raney	Individual	Support	No

Comments:

**Testimony in support of a strong version of SB 2930**

Aloha Chair Mizuno, Vice Chair Kobayashi, and Committee members,

I support SB 2930 SD2 HD1 provided that the committee strengthen the current version of the bill to address concerns raised by the Sierra Club and the Board of Water Supply, including the need for statutory deadlines for required upgrades or removal from service of storage tanks failing to meet specified deadlines.

Mahalo.

**SB-2930-HD-1**

Submitted on: 3/18/2018 7:25:08 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brodie Lockard	Individual	Support	No

Comments:

**SB-2930-HD-1**

Submitted on: 3/19/2018 10:07:29 AM

Testimony for HHS on 3/20/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Jenkins	Individual	Support	No

Comments:

*Please support SB 2930 for protecting our groundwater from future contamination by the Red Hill Fuel Tanks. Please AMEND SB 2930 SD2 HD1 to require secondary containment for field constructed tanks, as soon as possible. I fear the outdated facilities would leak contaminants into the environment; polluting this majestic natural tapestry.*

*I want the Red Hill fuel tanks upgraded with secondary containment that includes interstitial monitoring by 2028. If this cannot be done then the tanks should be emptied by 2033, and retired by 2035. The Navy built these tanks using 1940's technology in three years and should be able to adequately upgrade this leaky, antiquated facility in the next ten years.*

*I am extremely concerned for the safety of our groundwater. The underground storage tanks at the U.S. Navy's Red Hill storage facility are not sufficiently regulated, despite the fact that they pose the greatest threat to O'ahu's groundwater -- the source of drinking water for all residents and visitors from Halawa to Hawaii Kai.*

*The Red Hill facility has a long history of leaking fuel into the surrounding environment, leaking over 200,000 gallons since it was constructed in 1943. These tanks should be immediately upgraded with state-of-the-art technology to ensure they never leak into the environment again. If they cannot be immediately upgraded enough to guarantee against leaks, then that fuel should not be stored 100-feet above our groundwater. The people of Hawai'i cannot wait another 20 years for critical upgrades to be installed to these facilities.*

*Thank you for the opportunity to share my concerns on this extremely important issue.*

**SB-2930-HD-1**

Submitted on: 3/19/2018 12:07:57 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anne Wheelock	Individual	Support	No

Comments:

Testimony in SUPPORT with amendments - SB 2930 SD2 HD1 - HHS 3/20/18 at 8:30AM

Aloha Chair Mizuno, Vice Chair Kobayashi, and members of the HHS Committee,

I am writing you today to offer testimony in **STRONG SUPPORT** of amendments for protecting our groundwater from future contamination by the Red Hill Fuel Tanks. Please **AMEND** SB 2930 SD2 HD1 to require secondary containment for field constructed tanks, as soon as possible.

I want the Red Hill fuel tanks upgraded with secondary containment that includes interstitial monitoring by 2028, if not earlier. If this cannot be done then the tanks should be emptied by 2033 if not earlier, and retired by 2035 also if not earlier. The Navy built these tanks using 1940's technology in three years and should be able to adequately upgrade this leaky, antiquated facility in the next ten years.

I am extremely concerned for the safety of our groundwater. The underground storage tanks at the U.S. Navy's Red Hill storage facility are not sufficiently regulated, despite the fact that they pose the greatest threat to O'ahu's groundwater -- the source of drinking water for all residents and visitors from Halawa to Hawaii Kai. Think of your relatives and friends who live in this large area.

The Red Hill facility has a long history of leaking fuel into the surrounding environment, leaking over 200,000 gallons since it was constructed in 1943. These tanks should be immediately upgraded with state-of-the-art technology to ensure they never leak into the environment again. If they cannot be immediately upgraded enough to guarantee against leaks, then that fuel should not be stored 100-feet above our groundwater. The people of Hawai'i cannot wait another 20 years for critical upgrades to be installed to these facilities.

Thank you for the opportunity to share my concerns on this extremely important issue.

Sincerely,

Anne Wheelock



**SB-2930-HD-1**

Submitted on: 3/19/2018 12:54:10 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeannine Johnson	Individual	Support	No

Comments:

The mission of the Department of Health is to protect and improve the health and environment for all people in Hawai`i. I urge the Department of Health to shut the Red Hill Bulk Fuel Storage Facility down because it is an absolute danger to the public's health. If it doesn't have the will to go up against the Navy, it should at least require adopt rules that are no less stringent than the federal underground storage tank regulations. The Navy plans to replace its WWII-era underground storage tanks at its Manchester Fuel Depot in Washington State which only stores 75 million gallons. It can and should spend the money to protect the citizens of Hawaii from its Red Hill fuel tanks that have leaked more than 200,000 gallons over the last 75 years.

**SB-2930-HD-1**

Submitted on: 3/19/2018 1:07:00 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Toole	Individual	Support	No

Comments:

My name is Sarah Toole, my address is 1128 Ala Napunani St. 96818, and I am a political science student at UH Manoa.

I support this bill. Water is life.

*I am writing you today to offer testimony in STRONG SUPPORT with amendments for protecting our groundwater from future contamination by the Red Hill Fuel Tanks. Please AMEND SB 2930 SD2 HD1 to require secondary containment for field constructed tanks, as soon as possible.*

*I want the Red Hill fuel tanks upgraded with secondary containment that includes interstitial monitoring by 2028. If this cannot be done then the tanks should be emptied by 2033, and retired by 2035. The Navy built these tanks using 1940's technology in three years and should be able to adequately upgrade this leaky, antiquated facility in the next ten years.*

*I am extremely concerned for the safety of our groundwater. The underground storage tanks at the U.S. Navy's Red Hill storage facility are not sufficiently regulated, despite the fact that they pose the greatest threat to O'ahu's groundwater -- the source of drinking water for all residents and visitors from Halawa to Hawaii Kai.*

*The Red Hill facility has a long history of leaking fuel into the surrounding environment, leaking over 200,000 gallons since it was constructed in 1943. These tanks should be immediately upgraded with state-of-the-art technology to ensure they never leak into the environment again. If they cannot be immediately upgraded enough to guarantee against leaks, then that fuel should not be stored 100-feet above our groundwater. The people of Hawai'i cannot wait another 20 years for critical upgrades to be installed to these facilities.*

*Thank you for the opportunity to share my concerns on this extremely important issue.*

**SB-2930-HD-1**

Submitted on: 3/19/2018 5:41:29 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laura Kaakua	Individual	Support	No

Comments:

Please support stricter regulation of field constructed fuel tanks such as the ones at Red Hill. There is nothing more important than safeguarding our fresh drinking water. Please prioritize our water supply.

Mahalo nui.



**SB-2930-HD-1**

Submitted on: 3/19/2018 7:07:59 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Colleen Soares	Individual	Support	No

Comments:

House Committee on Health and Human Services

Rep. John M. Mizuno, Chair

Rep. Bertrand Kobayashi, Vice Chair

Other Representatives

Tuesday, March 20, 2018

Colleen Soares, PhD, urges strong support for SB2930, relating to Red Hill fuel Underground Storage Tanks (USTs)

As a concerned citizen of our small island of O’ahu, I have read hundreds of pages of documents pertaining to Red Hill USTs. I am very worried about a potential large leak of fuel into an aquifer. The worst case scenario is a catastrophic leak. And it is even worse to contemplate that it may be impossible, but surely exceedingly costly and difficult, to clean up the aquifer below Red Hill in the event of a big leak. The Red Hill Bulk Fuel Storage Facility Final Groundwater Protection Plan addressed this issue in 2008, but it “focuses on long-term mitigation. It is not an emergency response plan” (Final Groundwater Protection Plan, p.ES-1). The plans does note:

"Under site conditions, remediation of a large fuel release would be extremely costly and technically difficult, due to the underground nature of the Facility, the steep ridgeline upon which the Facility is located, the distance from ground surface to the aquifer (between 400 and 500 feet on the Red Hill ridgeline), and finally because of the complex hydrogeology associated with the fractured basalt aquifers. Pump and treat methods could be implemented but would be costly and inefficient in this environment. Multi-phased extraction may be more efficient, but very complex at the depths required." (Final Groundwater Protection Plan, p.ES-3)

"Previous investigations (Ogden, 1995; AMEC, 2002; TEC, 2007) indicated that past inadvertent releases of POL [Petroleum, Oils, and Lubricants] have reached the basal

aquifer. Based on the results of these investigations, the State of Hawaii Department of Health (HDOH), Solid Waste Branch, UST Division recommended in a letter dated October 10, 2003 that the U.S. Navy develop a contingency plan "to protect the Navy's Halawa Adit No. 3 Drinking Water Pumping Station" (U.S. Navy well 2254-01). Although the Facility is addressed in the Navy Region Hawaii Integrated Contingency Plan (ICP), The Water Systems Emergency Response Plan (Earth Tech, 2005), and the Spill Prevention and Countermeasure (SPCC) Plan for COMNAVREG Hawaii (Hawaii Pacific Engineers, 2006), none of these plans addressed response actions to releases of POL to soil/rock or groundwater that could potentially threaten this drinking water supply (United States Environmental Protection Agency [USEPA] Safe Drinking Water Act [SWDA])." (Final Groundwater Protection Plan, section 1, p.1-2)

The subject is technically very complex, and the Navy has held community workshops and meetings to give information, which is a necessary and valuable service. But the community is worried. Large leaks have happened since the tanks were finished in 1943, but past documentation is difficult to access, since the "USTs are deferred from many of the Federal and State UST regulations, including the requirement for release detection" (Final Groundwater Protection Plan, p.ES-3). At the March 14, 2018 community workshop held at Moanalua Middle School, I spoke at length with Mark Manfredi, Commander, Navy Region Hawaii, who is the Red Hill Regional Program Director. It seems that there is not yet a coherent cleanup plan. It is in the works, and there are many plans proposed for dealing with Red Hill USTs. There are now 11 monitoring wells, 6 of which were drilled after the 2014 leak. Other studies are trying to understand how groundwater flows through the complex geologic layers of the aquifer. At the Moanalua Middle school workshop, a geologist with the Aemon company showed a computer model of the possible hydrogeology of the aquifer. There is much that is still unknown.

I am not reassured when the Navy says that O'ahu's water is safe. We hope it is, but saying it does not make it so.

Consider the water contamination issue at Camp LeJeune Marine Corps Base, North Carolina. Both Red Hill and Camp Lejeune involve many huge fuel storage tanks built in the 1940s, and buried underground near drinking water supplies. At Camp LeJeune, from 1957 to the mid-1980s, nearly a million service members and their families were exposed to highly contaminated water. There are more than 1,400 disability claims pending, with members reporting diseases such as leukemia, aplastic anemia, bladder cancer, kidney cancer, liver cancer, multiple myeloma, non-Hodgkin's lymphoma and Parkinson's disease, cancers of the cervix, esophagus, kidney, and liver, Hodgkin's lymphoma, and multiple myeloma that have been attributed to the contamination. Camp Lejeune contamination happened over a long period of time between the 1950s and 1980s. Contamination was discovered and ignored in the 1980s, after repeated warnings by scientists, both in and outside the military. Repeated warnings were ignored, there was delay after delay, and cases are still being investigated and litigated today, decades later. The contamination has affected 1 million people who had lived at

Camp Lejeune and are suffering a variety of diseases. Taxpayer cost will be \$2.2 billion over a five-year period.

Hawaii does not want a similar situation. We need to spend that big money on fixing the Red Hill tanks or moving the fuel, not on cleaning up another disaster.

Thank you for your time.



**House Committee on Health & Human Services**  
**Hawai'i Alliance for Progressive Action supports: SB 2930 SD2 HD1**

**Board of Directors:**

Aloha Chair Mizuno, Vice Chair Kobayashi and Committee Members,

Gary L. Hooser  
President

I am writing you today to offer testimony on behalf of the Hawai'i Alliance for Progressive Action (HAPA) in STRONG SUPPORT with amendments for protecting our groundwater from future contamination by the Red Hill Fuel Tanks. Please AMEND SB 2930 SD2 HD1 to require secondary containment for field constructed tanks, as soon as possible.

Andrea N. Brower  
Ikaika M. Hussey  
Co-Vice Presidents

I want the Red Hill fuel tanks upgraded with secondary containment that includes interstitial monitoring by 2028. If this cannot be done then the tanks should be emptied by 2033, and retired by 2035. The Navy built these tanks using 1940's technology in three years and should be able to adequately upgrade this leaky, antiquated facility in the next ten years.

Kim Coco Iwamoto  
Treasurer

Bart E. Dame  
Secretary

I am extremely concerned for the safety of our groundwater. The underground storage tanks at the U.S. Navy's Red Hill storage facility are not sufficiently regulated, despite the fact that they pose the greatest threat to O'ahu's groundwater -- the source of drinking water for all residents and visitors from Halawa to Hawaii Kai.

Paul Achitoff

Malia K. Chun  
Laura Harrelson

The Red Hill facility has a long history of leaking fuel into the surrounding environment, leaking over 200,000 gallons since it was constructed in 1943. These tanks should be immediately upgraded with state-of-the-art technology to ensure they never leak into the environment again. If they cannot be immediately upgraded enough to guarantee against leaks, then that fuel should not be stored 100-feet above our groundwater. The people of Hawai'i cannot wait another 20 years for critical upgrades to be installed to these facilities.

Katie McMillan  
Walter Ritte Jr.

Karen Shishido

Leslie Malu Shizue Miki  
Kekaulike Prosper Tomich

Thank you for the opportunity to share my concerns on this extremely important issue.

Cade Watanabe

Mahalo,

Anne Frederick, Executive Director  
Hawai'i Alliance for Progressive Action

**SB-2930-HD-1**

Submitted on: 3/19/2018 8:06:05 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
amy agbayani	Individual	Support	No

Comments:

Filipina Advocacy Network strongly supports sb2930 with amendments. This bill with amendments will protect our waters for our community. I support the amendments that require secondary containment for field constructed tanks. We need these upgrades at the Red Hill facility immediately.

I urge you to pass a strong bill with these amendments.

Mahalo. Amy Agbayani, Filipina Advocacy Network.

**SB-2930-HD-1**

Submitted on: 3/19/2018 10:04:32 PM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Mulinix	Our Revolution Hawaii	Support	No

Comments:

I am writing in support of SB2930, because the Navy's Red Hill fuel tanks are a disaster waiting to happen. It is unacceptable that the Navy is willing to risk the health and safety of the people of Oahu. These fuel tanks are old and out of date. The fuel needs to be moved somewhere else on the mainland. Please vote in support of SB2930.

Malama Pono, Dave Mulinix, Our Revolution Hawaii

47-185-A Hui Akepa Place

Kaneohe, Hawaii 96744

**SB-2930-HD-1**

Submitted on: 3/20/2018 4:33:20 AM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jessamy town honor	Individual	Support	No

Comments:

I support this bill as a mother and resident of Oahu. Fresh water from our own island is priceless. Any suggestion that fixing or shutting down the tanks is too expensive as soon as possible is also false. Any argument along those lines would have to consider the cost of losing our local, renewable water supply and aquifers perhaps forever in the case of a catastrophic leak or failure of the tanks. This very real risk simply does not make sense given the stakes. The US Military should not be making decisions about our water that we need to survive, the government and people of Hawaii should take the lead because our lives and well-being are at stake.

**LATE**

**SB-2930-HD-1**

Submitted on: 3/20/2018 8:00:36 AM

Testimony for HHS on 3/20/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle Cabalse	Individual	Support	No

Comments:

The Navy's claim that it's an expensive repair project is no excuse. When I buy a car, I always factor in maintenance costs over the life of a car. When we get a pet, we do the same thing. Did they not figure the cost of maintenance for wells above our drinking water?! How is that OK? For them to stand on these tanks as an amazing design innovation in military history and such an important part of protecting our country, and now turn around and say they don't have the money to maintain them is inexcusable. If these tanks were so important, why were funds not allocated for maintenance? This is our water! Enough already .. let's not wait until a disaster happens - like what happened on the mainland with tainted water. Fix it up or shut it down.



Testimony of John Kirimitsu  
Legal & Government Relations Consultant

**LATE**

Before:  
House Committee on Health & Human Services  
The Honorable John M. Mizuno, Chair  
The Honorable Bertrand Kobayashi, Vice Chair

March 21, 2018  
8:30 am  
Conference Room 329

**HCR 24      REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND  
FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS IN  
HAWAII TO PROVIDE COVERAGE FOR TREATMENT FOR OPIOID  
DEPENDENCE.**

Chair, vice chair, and committee members, thank you for this opportunity to provide testimony on HCR 24 requesting an auditor study regarding coverage for opioid dependence.

**Kaiser Permanente Hawaii supports this resolution.**

We think the information from this study will be very useful to determine the extent to which health insurance is already generally available for opioid dependence, and whether this mandate is necessary if such services are already covered by health insurance plans under the State and federal mental health parity laws. With this report the legislature can consider how they can best participate in assuring appropriate care is available for patients needing it.

Accordingly, Kaiser supports requesting the legislative auditor to conduct a social and financial impact assessment report pursuant to Sections 23-51 and 23-52 of the Hawaii Revised Statutes.

Thank you for your consideration.

**LATE**

**kobayashi2 - Kevin**

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**From:** ginahara@everyactioncustom.com on behalf of Gina Hara <ginahara@everyactioncustom.com>  
**Sent:** Tuesday, March 20, 2018 8:25 AM  
**To:** hhstestimony  
**Subject:** Testimony in SUPPORT with amendments - SB 2930 SD2 HD1 - HHS 3/20/18 at 8:30AM

Dear Chair Mizuno, Vice Chair Kobayashi and Members of the Committee on Health and Human Services,

I am from Halawa Valley and attended all three meetings.

I would like to ask the Navy, Department of Health, EPA and Board of Water to look into the Korean / Japanese Natural Farming method of mixing local indigenous microorganisms with JP8 (fuel specific) digesting organisms to create a solution that can be used to "chase" the original fuel spill via the 17 holes in Tank 5.

I am concerned that the focus of the AOC is only on proving weather water is safe or not and all the Navy's efforts are to prove that there is no issue. I want to ask that this testing be done now simultaneously. The Navy study only considers aerobic and anaerobic factors on JP8 and does not address the technique of making local indigenous microbes "friends" with the JP8 microbes to make an effective solution. It does not also address the digestive herbal aids that are very effective in this microorganism technique used by Korean and Japanese Natural Farming. The regulatory agencies should have their own independent experts (not just one expert) and gain access to the core samples that are blackened by the 27,000 gallons.

Just like when buying property, there are inspectors on the Buyer's side for termites, and the Seller pays for the inspection.

The Buyer uses many inspectors. We should not wait to do research on bioremediation and we should be creating a protocol when the spill happens again. It happened so many times already, it will happen again, as this was human error that caused the spill.

Thank you,  
Gina Hara, Halawa Valley

Sincerely,  
Gina Hara  
Aiea, HI 96701

**LATE**

**SB-2930-HD-1**

Submitted on: 3/20/2018 10:37:51 AM

Testimony for HHS on 3/20/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Support	Yes

Comments:

Aloha kakou,

**STRONG SUPPORT** for SB 2930 SD2 HD1 to require secondary containment for field constructed tanks, as soon as possible.

The Red Hill fuel tanks must be upgraded with secondary containment that includes interstitial monitoring by 2028. If this cannot be done then the tanks should be emptied by 2033, and retired by 2035. The Navy built these tanks using 1940's technology in three years and should be able to adequately upgrade this leaky, antiquated facility in the next ten years.

I am extremely concerned for the safety of our groundwater. The underground storage tanks at the U.S. Navy's Red Hill storage facility are not sufficiently regulated, despite the fact that they pose the greatest threat to O'ahu's groundwater -- the source of drinking water for all residents and visitors from Halawa to Hawaii Kai.

The Red Hill facility has a long history of leaking fuel into the surrounding environment, leaking over 200,000 gallons since it was constructed in 1943. These tanks should be immediately upgraded with state-of-the-art technology to ensure they never leak into the environment again. If they cannot be immediately upgraded enough to guarantee against leaks, then that fuel should not be stored 100-feet above our groundwater. The people of Hawai'i cannot wait another 20 years for critical upgrades to be installed to these facilities.

While it's said that the aquifer is the source for Halawa to Hawaii Kai residents, Wai'anae and the rest of Oahu will be affected. We cannot wait for the Navy's timeline. Further delay will be too costly for our keiki, our moopuna, our visitors and the military.

Mahalo for allowing me to provide **STRONG SUPPORT** for SB 2930 SD2 HD1. Please **PASS** it out of your committee.

Malama pono,

Kapua Keliikoa-Kamai

Concerned Wai'anae Resident

To: Hawaii State House of Representatives

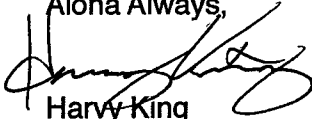
From: Harvy King

Subject: Support Letter In Concern of SB2930; RED HILL BILL

I am Harvy King. Resident of Kaneohe, student at Windward Community College. I am a veteran of the U.S. Navy, where I became certified in Environmental Protection. My experience as an Environmental Compliance Coordinator taught me the importance of inclusivity when addressing difficult issues. The problem of the Red Hill fuel storage facility is a collective problem where the need for national security and safe drinking water reflect the need for better global diplomacy and for this bill to get signed by our Governor.

I strongly support this bill because the focus of the mission of the U.S. military is to be forwardly deployed, as a forward presence to be ready for anything, anywhere. This mentality in our leadership only creates mistrust, fear and hate for the U.S. by the nations that we occupy. These tanks present an illegitimate solution. The solutions for today's issues to global and national security will come from the being able to calmly discuss the priorities of global environmental challenges as detailed by the U.N. Sustainable Development Goal. If the tanks cannot all be maintained with double walled containment in ten years, then the remaining tanks should remain empty. The bombs and bullets and missiles should stop flying. The constant threat of war should be addressed by our leaders. We all need to stand down. We need to mind our brakes. This is what it means to be my brother's keeper. This is true Honor, Courage, and Commitment. My there be Peace.

Mahalo Ke Akua  
God Bless  
Aloha Always,



Harvy King  
808-292-7405  
harvy@hawaii.edu