

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

**Testimony in SUPPORT of HB2274 HD1
RELATING TO UNDERGROUND FUEL STORAGE TANKS**

REPRESENTATIVE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: 2/24/2022

Room Number: 329/Videoconference

- 1 **Fiscal Implications:** The fiscal implications of this measure are unknown at this time.
- 2 **Department Testimony:** The Department of Health (department) supports the action taken in
- 3 this measure to protect the precious freshwater resources of our pae ‘āina by setting a date after
- 4 which large capacity underground storage tank (UST) systems located mauka of the underground
- 5 injection control (UIC) line may no longer operate. We appreciate the changes made in this HD1
- 6 and believe the current bill realizes the expressed intent of the legislature.
- 7 **Offered Amendments:** The department recommends removing the word “applicable” at page 2
- 8 line 18 and page 3 line 3. The definition “underground injection control line” in section 3 of the
- 9 bill treats the UIC line as one line represented on multiple maps, so this is not necessary.
- 10 Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
CONSUMER PROTECTION & COMMERCE**

**Thursday, February 24, 2022
2:00 PM**

State Capitol, Conference Room 329, Via Videoconference

**In consideration of
HOUSE BILL 2274, HOUSE DRAFT 1
RELATING TO UNDERGROUND FUEL STORAGE TANKS**

House Bill 2274, House Draft 1, proposes to add a new section to Chapter 342L, Hawai'i Revised Statutes (HRS), prohibiting the Department of Health from issuing new permits for (beginning July 1, 2022), and prohibiting the operation of (beginning January 1, 2045), large capacity underground fuel storage tank systems located *mauka* of the applicable underground injection control (UIC) line. This measure also proposes to amend Section 342L-1, HRS, by adding three new definitions pertaining to the proposed amendment described above. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

The Department is concerned about the risks of underground fuel storage tanks and their related plumbing leaking and contaminating potable drinking water aquifers. The Department and its Commission on Water Resource Management stands united alongside Hawai'i's Congressional delegation, the Hawai'i Department of Health, and the Honolulu Board of Water Supply calling on the Navy to immediately suspend operations at the Red Hill Bulk Fuel Storage Facility and fully comply with the Emergency Order to begin the process of planning and executing the safe removal of fuel that continues to pose a threat to O'ahu's drinking water.

Prohibiting the installation or continuance of underground fuel storage tanks systems *mauka* of the underground injection control line would mitigate this risk. While the underground injection control line is established to protect drinking water aquifers, the Department notes that there may be public trust protected uses like groundwater dependent ecosystems and/or traditional and customary practices that may be impacted should contamination from underground storage tanks occur *makai* of the UIC line.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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CONSERVATION AND COASTAL LANDS
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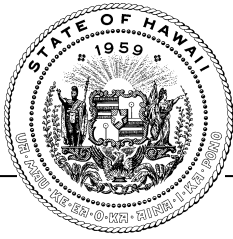
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Prohibiting the installation or continuance of underground fuel storage tanks systems *mauka* of the underground injection control line would mitigate this risk. While the underground injection control line is established to protect drinking water aquifers, the Department notes that there may be public trust protected uses like groundwater dependent ecosystems and/or traditional and customary practices that may be impacted should contamination from underground storage tanks occur *makai* of the UIC line.

Thank you for the opportunity to testify on this measure.



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

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Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Thursday, February 24, 2022
2:00 pm
State Capitol, Conference Room 329
on
HB 2274, HD 1
RELATING TO UNDERGROUND FUEL STORAGE TANKS

Chair Johanson, Vice Chair Kitagawa, and Members of the Committee:

The Office of Planning and Sustainable Development (OPSD) **offers comments** on HB 2274, HD 1, which prohibits the issuance of future large capacity underground fuel storage tanks mauka of the applicable underground injection control line. This measure prohibits the operation of and renewal of permits for large capacity underground fuel storage tank permits located mauka of the applicable underground injection control line beginning 1/1/2045.

This proposed legislation may provide the first definition of “mauka” within the Hawai‘i Revised Statutes, and the Office of Planning and Sustainable Development suggests the Committee use another definition which does not define “mauka” in relation to “the encircled underground source of drinking water.”

The Committee and the Legislature could consider defining “mauka” in the Hawai‘i Revised Statutes to be aligned with the Pukui-Elbert Hawaiian Dictionary’s definition, and the Office of Planning and Sustainable Development defers to the Legislative Reference Bureau on this matter.

Additionally, the Office of Planning and Sustainable Development prepares and coordinates climate change adaptation actions for the State; and recognizes the value of all of Hawai‘i’s water in both the natural and built environments, including freshwater, wastewater, and stormwater resources for their best sustainable use, and to preserve the water’s quality and quantity.

Hawai‘i’s changing climate includes scientific data that generally, rainfall throughout the state has decreased by 18% over a 30-year period from 1978-2007.¹ The access to clean and safe drinking water is vital for Hawai‘i’s climate resilience and sustainability. This is imperative for the Island of O‘ahu since the island contains the majority of the state’s population.

Measures like this bill can reduce the risk of potentially contaminating the State of Hawai‘i’s potable drinking water sources.

The Office of Planning and Sustainable Development is committed the sustainable development and climate adaptation of the state to meet the needs of the present without compromising the ability of future generations of Hawai‘i to meet their own needs.

Thank you for the opportunity to testify on this measure.

¹ Thomas W. Giambelluca et al., “2013: Online Rainfall Atlas of Hawai‘i.” Bull. Amer. Meteor. Soc. 94, 313-316, doi: 10.1175/BAMS-D-11-00228.1. <http://rainfall.geography.hawaii.edu/rainfall.html>.

BOARD OF WATER SUPPLY

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February 24, 2022

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Manager and Chief Engineer

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

The Honorable Aaron Ling Johanson, Chair
and Members
House Committee on Consumer Protection and Commerce
Conference Room 329 & Videoconference
Honolulu, Hawaii 96813

Dear Chair Johanson and Members:

Subject: House Bill 2274 HD 1: Relating to Underground Fuel Storage Tanks

The Honolulu Board of Water Supply (BWS) does not support House Bill (HB) 2274 HD1 and offers the following comments.

1. The January 1, 2045 date proposed in this bill allows existing underground fuel storage tank systems with capacity greater than 100,000 gallons to operate for 23 years from year 2022 mauka of the underground injection control (UIC) line. At the same time the proposed provision that no permit for an underground storage tank system greater than 100,000 gallon capacity located mauka of the UIC line shall be renewed assumes the facility has a permit to operate. If the UST system does not have a permit, then it could conceivably operate until 2045. These provisions are not protective of our drinking water aquifer and environment as it allows the risk of contamination to remain.
2. The UIC line defined in the bill should mean the UIC line represented by a dashed line on the State of Hawaii department of health UIC program maps pursuant to HRS chapter 340E. (New language underscored). Specifying the UIC provisions pursuant to HRS chapter 340E is essential to clarify any potential intra-agency conflicts that arises in the event environmental protection and permit approval priorities do not align.

We believe this bill needs further revisions to ensure our environment and underground sources of drinking water are protected from the adverse impacts of leaking underground petroleum fuel tank systems now and into the future.

Thank you for the opportunity to provide testimony on HB 2274 HD1.

Very truly yours,

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



Osa Tui, Jr.
President

Logan Okita.
Vice President

Lisa Morrison
Secretary-Treasurer

Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON CONSUMER
PROTECTION & COMMERCE

RE: HB 2274, HD1- RELATING TO UNDERGROUND FUEL STORAGE
TANKS

THURSDAY, FEBRUARY 24, 2022

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Johanson, and Members of the Committee:

The Hawaii State Teachers Association **strongly supports HB 2274, HD1**, relating to underground fuel storage tanks. This bill prohibits the issuance of future large capacity underground fuel storage tanks mauka of the applicable underground injection control line. Prohibits the operation of and renewal of permits for large capacity underground fuel storage tank permits located mauka of the applicable underground injection control line.

Delegates to the Hawaii State Teachers Association's annual state convention back in 2008 adopted the following policy statement: The Hawaii State Teachers Association believes that every school's drinking water should meet Environmental Protection Agency requirements for clean drinking water. HSTA further believes that school water should be tested every six months and irregularities should be reported immediately. **More recently, the HSTA Board of Directors unanimously called for the closure and emptying of the Red Hill Bulk Fuel Storage Facility.**

Despite the community coming out in force to support these schools with water donations and school personnel working together to mitigate the impact on students, it has not been easy dealing with this crisis on top of the issues related to the ongoing COVID-19 pandemic. Below is what one Central district teacher earlier this month had to say about everything going on:

"We are more impacted by the tainted water. I am only able to have students wash their hands twice a day with the bulk water they gave us with a pump. I am spending a lot of time outside pumping the water out of the bulk bottle, or using the individual water bottles to wash their hands. I don't feel comfortable using the spray hand sanitizer we were given to clean their hands. (It doesn't take off food particles, or other dirt and grime from their hands.) They did give some wipes for their hands, but those will be gone soon. I was washing their hands often, but not anymore. The custodians do not clean our desks. So I use the sanitizing wipes to wipe them down daily. Lots of prep time spent to clean the room. We are still not able to use the AC. We are required to keep windows open. Lots of dirt comes in all day. I also get some stray preschoolers come in the back door. The noise is ridiculous. (Airplanes, lawn mowers, other students



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Osa Tui, Jr.
President

Logan Okita.
Vice President

Lisa Morrison
Secretary-Treasurer

Wilbert Holck
Executive Director

at recess.) I don't understand how they think we are supposed to get these students up to grade level with all the distractions.”

HSTA held a virtual forum on Monday, January 24th, and we hope legislators and other members of the community were able to tune in and listen to speakers from the Board of Water Supply and the Sierra Club of Hawaii followed by educators at impacted schools who told their stories of the impacts that they and their students are experiencing. You can find more information at the link below: <https://www.hsta.org/news/recent-stories/hsta-board-of-directors-unanimously-supports-closure-of-red-hill-fuel-storage-facility/>

To provide safe water not only our keiki, teachers, public schools, but also to everyone who lives in Hawai‘i, the Hawaii State Teachers Association asks your committee to **support this bill. Water is life.**



2/24/2022

CPC Committees
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

Position: Support HB2274 with proposed amendment.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

The Surfrider Foundation Hawai'i Region supports HB2274 with the amendment which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore we urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come.

Thank you for your consideration of this testimony in support of HB2274 with the aforementioned amendment, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawai'i and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

Camile Cleveland
Volunteer Policy Coordinator
Surfrider Foundation, O'ahu Chapter



Protect Kaho'olawe 'Ohana

aloha 'āina

**Statement of the Protect Kaho'olawe 'Ohana
Regarding the Kapūkakī Fuel Storage Tank Facility
Calling for the immediate decommissioning and removal of the fuel tanks**

E ui aku ana au iā 'oe:

Aia i hea ka wai a Kāne?

Aia i lalo, i ka honua, i ka wai hū,

I ka wai kau a Kāne me Kanaloa —

He wai puna, he wai e inu,

He wai e mana, he wai e ola.

E ola nō, e-a!

One question I ask of you:

Where flows the water of Kāne?

Deep in the ground, in the gushing spring,

In the ducts of Kāne and Kanaloa,

A well-spring of water, to quaff,

A water of magic power, the water of life!

Life! O give us this life!

Source: He Mele No Kāne. Emerson, Nathaniel B. Unwritten Literature of Hawaii. Washington: Government Printing Office. 1909.

The lines quoted above comprise the last stanza of “He Mele No Kāne,” a composition that masterfully describes all of the places that water may be found. From the zenith of the heavens to the depths of the Earth, from the rising to the setting of the sun, water is everywhere. This water is a physical manifestation of the deity Kāne. It is sacred. It is life giving.

In recent weeks, a threat to our life-giving water has reared its menacing head. Officials and activists warned of this potential hazard for years. True to character, the United States Navy is attempting to downplay the seriousness of the issue at hand, just as it did for many years when we fought to stop the bombing of Kaho'olawe. The Navy's lack of integrity and absence of transparency prove that it once again cannot be trusted. The careless abuse of Kaho'olawe and lackadaisical cleanup of the island established precedence of their negligence. We again witness their carelessness and mismanagement of Hawai'i's precious resources.

The fuel storage tanks at Kapūkakī (Red Hill) are a known threat to O'ahu's aquifer. For many years, community groups such as the Sierra Club of Hawai'i and individuals such as Ernest Lau, Board of Water Supply Chief Engineer, cautioned of imminent discharge from the aging fuel tanks that sit over O'ahu's natural volcanic dikes. Yet the Navy continues to deny the

presence of such risk and chooses, instead, to evade the fact that we are on the brink of a devastating environmental disaster. At a December 2, 2021 Facebook Live town hall meeting, 25th Infantry Division Cmdr. Maj. Gen. Joseph Ryan told attendees, “Our readiness posture here in the Pacific is predicated, the foundation of it, is the life, health and safety of our service members and their families.” Is that not telling? It’s not about the island, the environment, and the people of Hawai‘i, it’s about the military families and their assets. And, tragically, the service members and families have been the first to be impacted.

The Protect Kaho‘olawe ‘Ohana supports the efforts of the Sierra Club Hawai‘i, the O‘ahu Water Protectors, Ka‘ohewai, and all other environmental advocacy groups that are calling for the **immediate** shut down and decommissioning of the Kapūkakī (Red Hill) Storage Tank Facility. Our water is too precious a resource to wait any longer to take action.

Of course, this is not the first example of a lack of concern for the source of life, our environment, and our well being. In 1965, the U.S. Navy carried out an “experiment” known as “[Operation Sailor Hat](#)” on Kaho‘olawe. Three 500-ton blasts of explosives created a crater on Kaho‘olawe that, in addition to other long lasting effects, may have cracked the water table, diminishing the island’s ability to support flora and fauna for generations. Was that “experiment” a foreshadowing of things to come? This cannot happen again, yet leaking fuel tanks and a possible explosion within the crater are a reality and may be probable should conditions such as this be allowed to continue.

The PKO strongly urges our members and our supporters to call upon Honolulu City Council members, State Senators and Representatives, and Hawai‘i’s congressional delegation to intervene and call for urgent action regarding the Kapūkakī (Red Hill) Fuel Storage Facility. The U.S. Navy must be held accountable for their blatant disregard for the purity of O‘ahu’s drinking water resources and the safety of O‘ahu’s communities. We cannot allow history to repeat itself and let the Navy get away with their reckless actions. E ola ka wai, e ola ka ‘āina, e ola kākou. Let the water live so that the land may live and so that we may live.

The PKO stands in support of HB2514 and HB2274 which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. We request that the measure be amended by: 1) removing reference to the Red Hill Bulk Fuel Storage Facility in the preamble, to avoid potential federal preemption challenges; 2) amending the proposed new definition of "underground fuel storage tank" to apply to facilities with field-constructed tanks, or with a capacity over 100,000 gallons; and 3) ensuring that no permit may be issued or renewed for an underground fuel storage tank, and that no underground fuel storage tank may be operated after the end of this year, for a facility located mauka of the underground injection control.

Thank you for your consideration.

Aloha ‘Āina,
Protect Kaho‘olawe ‘Ohana



SIERRA CLUB OF HAWAI'I

House Committee on Consumer Protection & Commerce

February 24, 2022

2:00 PM

Via Videoconference

In SUPPORT WITH AMENDMENTS of HB2274 HD1: Relating to Underground Fuel Storage Tanks

Aloha Chair Johanson, Vice Chair Kitagawa, and members of the Consumer Protection & Commerce Committee,

The Sierra Club of Hawai'i **supports with amendments** HB2274 HD1, and offers suggested language to ensure that this measure fulfills its purpose of protecting our islands' most precious resource from potentially catastrophic contamination.

As this measure recognizes, the concept of "ola i ka wai" – that water is life – has been understood by the people of Hawai'i since time immemorial. Unfortunately, this concept has not been fully reflected in historical decisions that have allowed for the installation of large underground storage tank facilities in close proximity to the groundwater aquifers that our environment and people have always depended upon – leading to the contamination of our islands' precious wai. Accordingly, the Sierra Club appreciates and supports this bill as a means to ensure that future state decisionmaking does not repeat the mistakes of the past, by prohibiting the installation and operation of underground fuel storage tanks and facilities where they may contaminate our water sources.

To better ensure that this measure can fully protect our islands' most precious resource from facilities like the Red Hill Bulk Fuel Storage Facility, the Sierra Club respectfully urges the following amendments:

By amending the language on page 2, lines 20-21 to read as follows:

"be issued by the department for the purposes of defueling and decommissioning an existing large capacity underground storage tank system."

And amending the language on page 3, line 1 to read as follows:

"(b) beginning July 1, 2022, other than for the defueling and decommissioning of an existing large capacity underground storage tank system, no person shall operate a"

Accordingly, the Sierra Club respectfully urges the Committee to **PASS with AMENDMENTS** HB2274 HD1. Mahalo nui for the opportunity to testify.



Board Members

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Miwa Tamanaha
O'ahu Resident

Philip Garboden
Assistant Professor,
University of Hawai'i at Mānoa

HACBED Staff

Brent N. Kakesako
Executive Director

Merri Keli'ikuli
Office Manager & Program Support

Corin Thornberg
Project Associate

Date: February 23, 2022

To: Representative Aaron Ling Johanson, Chair, Representative Lisa Kitagawa, Vice-Chair and Members of the Committee on Consumer Protection & Commerce

From: Brent Kakesako, Hawai'i Alliance for Community-Based Economic Development (HACBED)

Re: Support for HB 2274 HD 1 with amendments

Aloha e Chair Johanson, Vice-Chair Kitagawa, and Committee Members,

The Hawai'i Alliance for Community-Based Economic Development (HACBED) supports HB 2274 HD 1, with amendments, which prohibits issuance of future large capacity underground fuel storage tanks mauka of the applicable underground injection control line. Prohibits the operation of and renewal of permits for large capacity underground fuel storage tank permits located mauka of the applicable underground injection control line. We ask that the bill be amended to go into effect on July 1, 2022, given the urgency of the situation and need to protect our water.

HACBED was established in 1992 as a nonprofit statewide intermediary to address social, economic, and environmental justice concerns through community-based economic development and asset building strategies. It advances its mission with core competencies in the areas of community and organizational capacity building, community and economic development planning, and asset policy development and advocacy. Water is life and core to livelihoods of families who call this place home and by extension broader place-based economic development. As such, HACBED supports the proposed bill with the previously mentioned amendments.

HB 2274 HD 1 and the requested amendments would protect what is remaining of our precious water and watersheds for this generation and the many future generations.

Mahalo for this opportunity to testify,

Brent N. Kakesako
Executive Director



To: The House Committee on Consumer Protection & Commerce
From: Sherry Pollack, Co-Founder, 350Hawaii.org
Date: Thursday, February 24, 2022, 2:00pm

In support of HB2274 HD1

Aloha Chair Johanson, Vice Chair Kitigawa, and Consumer Protection & Commerce Committee members,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org supports this measure which seeks to protect our precious water from fuel contamination, and we respectfully offer a **suggested amendment**.

Hawaii's drinking water supply is already at risk due to the effects of climate change. All the more reason to ensure we take great care in protecting our aquifer from fuel contamination, or any other source of pollution, keeping it safe for current and future generations. With recent tragic events, we have had a glimpse into what it means to lack access to safe, fresh drinking water as we have witnessed the tragic suffering of families who are users of the Navy's Red Hill drinking water well and who are now struggling with a water contamination crisis. Since November, these families are unable to drink or use tap water from their homes because it is tainted with petroleum from a facility that is in too close proximity to a drinking water well. Imagine if this had affected our groundwater aquifer for the community at-large? Let this be a lesson we learn and implement safeguards to prevent this from ever happening again. We welcome legislation that will lead to the **permanent defueling and closure of the Red Hill Bulk Fuel Storage Facility** that currently threatens Oahu's primary drinking water supply.

To better ensure that this measure can fulfill its purpose and protect our precious water, we respectfully offer an amendment for your consideration.

To be clear, the threat to our water is imminent and we can no longer wait to take decisive action to protect our sole-source aquifer from further contamination. Therefore, we urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

We urge you to **PASS** HB2274 HD1 with the above amendment.

Thank you for the opportunity to testify on this very important bill.
Sherry Pollack
Co-Founder, 350Hawaii.org



Aloha 'Āina Legal Group, LLC

Elwen A. Freitas, Esq.
Sharde K.M. Freitas, Esq., MPH

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HB2274 HD1

Relating to Underground Fuel Storage Tanks
House Committee on Consumer Protection & Commerce

February 24, 2022

2:00 PM

Room 329

Aloha 'Āina Legal Group **STRONGLY SUPPORTS HB2274 HD1**, which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore **we urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.**

We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come.

Accordingly, we urge the Committee to **PASS** HB2274 HD1. Mahalo for the opportunity to testify.



'Ahahui o nā Kauka

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February 23, 2022

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Aaron Ling Johanson, Chair

Rep. Lisa Kitagawa, Vice Chair

Group Testimony in Support of HB2274HD1 RELATING TO UNDERGROUND FUEL STORAGE TANKS.

Mōhala i ka wai ka maka o ka pua

"Unfolded by the water are the faces of flowers."

Meaning: Flowers thrive where there is water, as thriving people are found where living conditions are good.

'Ahahui o nā Kauka (the Association of Native Hawaiian Physicians) calls for the urgent and permanent removal of the United States Navy's Bulk Fuel Storage Facility at Kapūkakī, commonly referred to as "Red Hill" in modern times. Safe drinking water is the foundation of health for all humans, and in Hawaiian culture carries even more significance as the base for our word for "wealth," as our ancestors clearly knew people cannot thrive without safe water to nourish our bodies and the land. After decades of warnings about the danger posed by these leaking fuel tanks to sources of drinking water providing for an approximate 400,000 residents of by far the most populous of our islands, we are dismayed to see that this threat has been allowed to progress to this fulminant crisis where both people and the

land are being acutely poisoned by the Navy's persistent contamination at Kapūkakī.

The fuel storage facility at Kapūkakī was constructed by the United States Navy, at the time of the crisis of World War II, when its close proximity to a priceless aquifer could have been regarded as insignificant. Some of the liberties taken by the Navy in Hawai'i during this era may have been justified, but the ongoing disregard for our islands and people as little more than military assets since then has presented threats to our health that persist to this day. We are reminded of the 1965 detonation on Kaho'olawe meant to simulate a nuclear blast that cracked the cap rock and permanently destroyed a significant portion of the fresh water to the island, not to mention the continued threat of unexploded ordnance left by the Navy. More than 80 years after construction, it is time for the Navy to acknowledge the extraordinary threat its outdated, dilapidated fuel storage facility at Kapūkakī poses to our people, land, and ocean.

After over a century of hosting the US Navy's military interests, Hawai'i and its people deserve to be treated as more than military assets left to suffer the harms of infrastructure neglect. As Native Hawaiian physicians, we can no longer turn a blind eye to physical and mental health effects this facility poses to our patients and communities not only by contaminating a large portion of the water supply but also by destroying the faith people had in the safety of our water. We applaud the legislative efforts to address this imminent threat, and prevent the development of future dangerous fuel storage facilities, but we urge the legislature to encourage swift action by setting the effective end of operations at existing facilities to July 1, 2022 except for defueling and decommissioning.

HB-2274-HD-1

Submitted on: 2/23/2022 1:14:44 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dave Mulinix	Our Revolution Hawaii	Support	Yes

Comments:

Aloha Chair [Johanson](#) , Vice Chair [Kitagawa](#), and Committee Members [Aquino](#), [Morikawa](#), [Har](#), [Onishi](#), [Hashem](#), [Tarnas](#), [Kong](#), [Matsumoto](#), [Mizuno](#);

My name is David Mulinix, Co-founder & Hawaii State Organizer for Our Revolution Hawaii. On behalf of our 5,000 members and supporters statewide we stand in STRONG SUPPORT of HB2274 that prohibits the issuance of future large capacity underground fuel storage tanks mauka of the applicable underground injection control line. Prohibits the operation of and renewal of permits for large capacity underground fuel storage tank permits located mauka of the applicable underground injection control line, with the follow amendment:

“The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore we urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.”

Please pass HB2274 to protect our precious water.

Mahalo for your kind attention,

David Mulinix, Cofounder & Hawaii State Organizer

Our Revolution Hawaii.



House Committee on Consumer Protection & Commerce

Thursday, February 24th, 2022, 2p.m. Conference Room 329

Hawai'i Alliance for Progressive Action Supports: HB2274 HD1

Aloha Chairs Johanson, Vice Chair Kitagawa and Members of the Committee,

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in strong **support of HB2274 HD1**. HAPA is a state-wide organization that engages approximately 10,000 local residents annually.

Mahalo for hearing HB2274 HD1 to prohibit the issuance of future underground fuel storage tanks within one-half mile of an aquifer, and then prohibiting the operation of and renewal of underground fuel storage tank permits located within one-half mile from an aquifer.

Please amend the date of implementation of July 1, 2022 as the date after which no underground storage tank can be operated except to defuel and decommission.

HB2274 HD1 seeks to protect our islands' most precious resource from fuel contamination. The presence of leaky fuel tanks at Red Hill and the Navy's mismanagement of this crisis directly impacts the health and quality of life of Oahu's residents, and will continue to for generations to come. Some of our staff and many of our supporters are directly affected by this crisis. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

O'ahu's residents are facing a serious crisis which will continue for years. Board of Water Supply's Ernie Lau said that the Hālawa shaft – which was shut down as a precaution following the Navy's Red Hill well contamination – could be shut down for years, even permanently.

We cannot allow 80-year-old underground storage tanks that store up to 187 million gallons of fuel per day and that pose such an immense threat of leaking and contaminating our environment and water supply to operate 100 feet above O'ahu's sole-source drinking water aquifer.

Navy officials cannot be trusted to protect our water. They have lied time and time again. The following reasons explain why the legislature must act since the Navy has failed to:

- The Navy lied about an active leak at Pearl Harbor for months, discovering the leak in January 2021 but not informing Health Department officials until May. This was revealed in whistleblower emails and documents in October.
- A whistleblower also told the Department of Health in September that Navy officials provided false testimony and withheld information about the full extent of the Facility's infrastructure, including connected pipelines, as well as "historical records of corrosion issues, including holes in tanks" at its Red Hill fuel facility during legal proceedings.
- The Navy suspended use of its Red Hill water shaft on November 28, but the public only found out on December 1. The Navy continues to confuse and gaslight community members.

The Hawai'i Alliance for Progressive Action (HAPA) is a public non-profit organization under Section 501(c)(3) of the Internal Revenue Code. HAPA's mission is to catalyze community empowerment and systemic change towards valuing 'aina (environment) and people ahead of corporate profit.

- Hundreds of community members reported chemical smells in their water on November 28 and then health issues on November 29, which the Navy refused to acknowledge as a potential health concern until the state Department of Health advised residents to not drink the clearly contaminated water.
- A day after the Navy said it had detected diesel in its 'Aiea Hālawā well at levels more than double the DOH safety limit, the military backtracked, saying the contaminated sample "did not come directly" from the well and the Navy does not believe the result proves the well is contaminated.
- They continue to not be transparent despite agreeing to the Administrative Order of Consent, which requires them to be more forthcoming about operations at the Red Hill facility.
- The BWS Hālawā shaft will be shut down until fuel is removed from the tanks and may not reopen for years to come. This shaft was a source of water for South O'ahu from Hālawā to Maunāluā. The BWS has advised that mandatory water conservation measures will now need to be in place in the summer of 2022.
- The Navy "flushed" Red Hill contaminants for days in violation of Department of Health requirements despite repeated warnings. This risked long-lasting effects on birds, plants, fish, and other aquatic life from petroleum contamination

The Department of Health has agreed that the situation is inherently dangerous. DOH said that a water sample taken from the Red Hill drinking water shaft on December 5 confirmed the water is contaminated with "high levels" of petroleum and gasoline. The sample detected total petroleum hydrocarbons diesel range organics levels 350 times above the DOH Environmental Action Level (EAL) for drinking water, and gasoline range organics more than 66 times the DOH EAL.

The Red Hill facility – the fragile, antiquated fuel tanks and supporting systems – has a long history of leaking fuel into the surrounding environment and has already contaminated O'ahu's primary drinking water aquifer. Shutting down Red Hill immediately and entirely is the only way to guarantee the safety of our water and our people.

The Facility's tanks, each with a 12.5 million-gallon capacity, had a quarter-inch thick steel liner when first constructed nearly 80 years ago. They are encased in aging concrete and the steel liners have been corroding to the point where many through-wall holes have been found and in some areas they are one-third of their original thickness.

These tanks have leaked 180,000 gallons of fuel since they were constructed and the Navy's own risk assessment from 2018 concluded that the probability of an acute leak of between 1,000 and 30,000 gallons (independent of any earthquake risk) over the next ten years is 96%. The Navy cannot prove that the tank or tank system will not leak regulated substances into the environment.

Approximately 93,000 people living in military housing have been unable to use their water for over two months. If the Navy water system is further compromised, our housing crisis will mushroom.

Lower levels of petroleum products were also found in samples collected from the Aliamanu Child Development Center as well as homes located on the Navy's water system.

It's absolutely critical that the State Legislature take action immediately to address this major threat to Honolulu's water supply.

Please PASS HB2274 HD1 with an amended date of implementation of July 1, 2022 as the date after which no underground storage tank can be operated except to defuel and decommission.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Anne Frederick", with a long horizontal stroke extending to the right.

Anne Frederick
Executive Director



2022
Board of
Directors

February 23, 2022

Elizabeth Reilly
President

Hawaii House of Representatives
Committee on Consumer Protection & Commerce

Allen Tateishi
Vice President

Meeting on February 24, 2022 at 2 p.m.
Conference Room 329 & Videoconference

Dianne Gleis
Secretary

Marian Grey
Treasurer

RE: **Support and suggested amendment for HB2274**

Dean Takebayashi
Director

Aloha Chair Johanson, Vice Chair Kitagawa, and CPC Committee Members,

Gary Weller
Director

As you can glean from our name, Livable Hawaii Kai Hui is deeply concerned with the continuous threat posed by the Red Hill fuel tanks to our shared aquifer. This is why we **strongly support** HB2274 regarding such underground storage tanks (UST).

Kendrick Chang
Community Outreach
Coordinator

It is of utmost importance that we pass this Bill as part of a series of measures at all levels of government to address the Red Hill water crisis and prevent others like it.

Dylan Ramos
Communications &
Operations

Still, while we support this latest draft, the Hui respectfully suggests that the full prohibition date currently set for 2045 be moved up. **The hard deadline should be set no later than 2030.** This leaves plenty of time for a cooperative U.S. Navy to get their affairs in order. Anything more is simply providing more time for inaction and potential danger.

Website

www.hawaiikaihui.org
www.kaiwicoast.org

The events of the past few months – let alone the 74 years since the first *documented* leak at Red Hill – have opened our eyes to the ever-clearer threat to our precious water resources. What does it say about our situation when the poisoning of nearly 100,000 people's water isn't even close to the worst case scenario? Every second that we don't do anything brings us closer to certain catastrophic failure. This is not hyperbole, it is what the Navy's own studies have indicated.

Like us on Facebook
Livable Hawaii Kai Hui
Aloha Aina O Kamilo Nui
Ka Iwi Coast

Livable Hawaii Kai Hui is a 501(c)(3) non-profit, community organization serving East Honolulu since 2004. We strive to promote sensible growth, respect for cultural & natural resources, and upholding the integrity of the East Honolulu Sustainable Communities Plan.

Thank you for hearing this Bill, strengthening it, and passing it on for House approval. While it may not be a cure-all, this and other efforts on the County and Federal level will be critical for ensuring a livable future for all living things on this island, and hopefully set a worldwide precedent.

Mahalo,

Elizabeth Reilly
Founder/President

Dylan Ramos
Communications & Operations

HB-2274-HD-1

Submitted on: 2/22/2022 7:55:17 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
lynne matusow	Individual	Support	No

Comments:

I support htis bill. However, I object to the language on lines 19 to 21 on page 2 allowing for repairing or replacing an existing underground fuel storage tank. The tanks need to be removed, permanently, and not repaired or replaced. The Navy (aka SNAFU) has lied and will continue to lie. To be sure they no longer commit pecadillos, they must not have access to this area. Permanently.

Line 1 on page 3 allows for no operation of underground storage tanks beginning Jan. 1, 2045. That is way too long. That is almost 30 years. It should be amended to 2027. Five years is long enough for replacement locations to be found and tanks moved.

I also object to the July 1,2060 effective date. Bhy trehn we will all have been poisoned and died by SNAFU's incompetence. I also object to the legislature's use of defective effective dates, many of which are mean to kill bills and have done so. Man and woman up and change the date to upon approval.

HB-2274-HD-1

Submitted on: 2/22/2022 6:35:13 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mara Davis	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

***I SUPPORT HB2274**, which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.*

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

*We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2274** with the above amendment.*

Mahalo nui for the opportunity to testify,

Mara

HB-2274-HD-1

Submitted on: 2/22/2022 8:30:10 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Susan Pcola_Davis	Individual	Support	Yes

Comments:

Comment: The permit that allowed this facility to operate was flawed. Hindsight is 20/20. Let's get ahead of this to prevent any future problems. One step at a time. I do believe the state was warned years ago. Our current threat is the tanks still contain fuel and the fire suppression system could be compromised!

I SUPPORT this bill and Mr. Lau's recommendation to adopt the language in SB 2172 SD1 for the new section to

§342L that reads as follows:

§342L - Permits near aquifer prohibited. (a) Beginning July 1, 2022, the department shall not issue a permit for a new underground fuel storage tank mauka of the underground injection control line as defined by the department pursuant to chapter 342E; provided that a permit may be issued by the department for purposes of repairing or removing an existing underground fuel storage tank.

(b) Beginning January 1, 2023, no person shall operate an underground fuel storage tank mauka of the underground injection control line as defined by the department pursuant to chapter 342E, and no permit for an underground fuel storage tank mauka of the underground injection control line as defined by the department pursuant to chapter 342E shall be renewed.

(c) As used in this section, "underground fuel storage tank" means any fuel tank or tank facility and associated infrastructure that is or includes field constructed tanks, or that has a capacity of over one hundred thousand gallons."

HB-2274-HD-1

Submitted on: 2/22/2022 10:23:53 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Aimee You Sato	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

***I SUPPORT HB2514**, which seeks to protect our islands' most precious resource from fuel contamination. There is **NO LIFE** without wai (water). We are all able to live on this planet because it provides us with the gift of water. It is so simple that many of us have forgotten its importance.*

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

*We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2514** with the above amendment.*

Mahalo nui for the opportunity to testify,

Aimee Sato

HB-2274-HD-1

Submitted on: 2/22/2022 11:36:34 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Leslie Keating	Individual	Support	No

Comments:

I support HB2274. We need to protect Oahu drinking water at all costs. Water is life.

HB-2274-HD-1

Submitted on: 2/23/2022 1:42:38 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nancy & Zeb Jones	Individual	Support	No

Comments:

Aloha Chair Ling Johanson, Vice Chair Kitagawa, and Committee on Consumer Affairs & Commerce Members:

As farmers who rely on access to clean, non-petroleum-tainted water, we submit this testimony in STRONG SUPPORT of HB2274, HD1 to further protect O`ahu’s shrinking aquifer from potential future leaks emanating from underground fuel storage tanks. This bill prohibits: A) issuing future large capacity fuel storage tanks “mauka” of an underground injection control line; b) operation of and renewing relevant permits for such fuel storage tanks BUT not effective until 1/1/2045. These prohibitions serve to minimize the risk of leaked fuel contaminating Hawai`i’s diminishing fresh water resources no thanks to the ever-increasing development of the Ewa to Kapolei areas and Koa Ridge on O`ahu.

While we urgently need to prevent future petroleum ingestion tragedies via our water system that so many O`ahu have endured for over a year, the bill -- as originally written -- might create unintended consequences. These included forcing the shutdown of every gas station in the State and impacting the fuel storage for emergency generators at hospitals and other critical locations. Accordingly some of the amendments and language changes in HD1 make perfect sense to address these concerns, while still ensuring that the State's drinking water resources are protected. However, changing any effective dates to 2045 or 2060 to either “prohibit underground fuel storage tank operations” [near injection lines] or to “encourage further discussion” is FAR too long to take action to prevent future catastrophes akin to what SO many military families and the general public are experiencing as we submit this. Implementation of all of these changes and prohibitions should occur ideally within the next 3 to 5 years – by 2025 or 2027, at the latest.

For all of the above reasons, we urge your honorable committee to please pass HB2274, HD1-- with our suggested time table changes -- out of your committee. Mahalo again for this opportunity to present this testimony supporting HB2274, HD1.

Warm aloha,

Nancy & Zeb Jones

Hydroponics Alternatives LLC

HB-2274-HD-1

Submitted on: 2/23/2022 4:52:50 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristen Young	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

I SUPPORT HB2274, which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2274** with the above amendment.

Mahalo nui for the opportunity to testify,

Kristen Young
House District 25

HB-2274-HD-1

Submitted on: 2/23/2022 8:16:08 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brissa Christophersen	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

I SUPPORT HB2274, which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2274** with the above amendment.

Mahalo nui for the opportunity to testify,

Brissa Christophersen

HB-2274-HD-1

Submitted on: 2/23/2022 9:04:32 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Laura Ramirez	Individual	Support	No

Comments:

Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

I SUPPORT HB2274 in order to protect our islands' most important natural resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

We have already seen the devastating impacts that water contamination from leaky underground storage tanks have had on people and the environment. We are likely to continue to see side effects and health problems in the families and children affected, even in some not yet showing symptoms, far into the future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, for this and all generations to come. I strongly urge you to PASS HB2274 with the above amendment.

Mahalo,

Laura Ramirez

HB-2274-HD-1

Submitted on: 2/23/2022 9:09:46 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christian Christophersen	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

***I SUPPORT HB2274**, which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.*

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

*We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2274** with the above amendment.*

Mahalo nui for the opportunity to testify,

Christian Christophersen

The House of Representatives
Committee On Consumer Protection & Commerce
Thursday, February 24, 2022
2:00 PM VIA Videoconference

Testimony in Support for HB2274 HD1

Aloha Chair Johanson, Vice Chair Kitagawa, and Members of the Committee,

My name is Kailee Lefebvre and I am **in support of HB2274 HD1**, *Relating to Underground Storage Tanks* which would prohibit the issuance of future large capacity underground fuel storage tanks mauka of the applicable underground injection control line. Prohibits the operation of and renewal of permits for large capacity underground fuel storage tank permits located mauka of the applicable underground injection control line beginning 1/1/2045.

For the past several years, I have heard of the issues surrounding leaks at the Red Hill tanks. I never looked into the details myself but never would've thought that a major leak into our drinking water system would happen. Now I know that not only can it happen, but it would cause such harm to so many families and hit close to home- literally. I currently live in Halawa Heights with one-year old twins. When hearing about the leaks, I was afraid that it would affect our water system and my babies. I have been hearing the stories of the families sick and or still displaced from their homes months later and I just feel such sadness for them.

This bill would help to prevent this kind of event from happening and also help to gain back some support of government from the public. Thank you for your consideration in passing this bill and helping to protect the people of Hawai'i. Mahalo.

Aloha,
Kailee Lefebvre

February 24, 2022

Rep. Aaron Ling Johanson, Chair
Rep. Lisa Kitagawa, Vice Chair
House Committee on Consumer Protection and Commerce

RE: HB2274, HD1, Related to Underground Fuel Storage Tanks

Dear Chair Johanson ,Vice Chair Kitagawa and Members of the Committee on Consumer Protection and Commerce,

I SUPPORT HB2274, HD1 which includes critical measures to help protect our islands' most precious resource from fuel contamination now and in the future. In our fragile island ecosystem, water is an especially valuable resource. We all have the responsibility to protect our islands' source of life for present and future generations

Please PASS HB2274, HD1

Thank you for the opportunity to testify.

Therese M. Argoud, MPH
3314 Woodlawn Dr.
Honolulu, HI 96822

HB-2274-HD-1

Submitted on: 2/23/2022 11:29:48 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brandin Shim	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

I SUPPORT HB2274 HD1, seeking to protect our islands' most precious resource—water—from fuel contamination. Ola I Ka Wai (Water is Life) is more than just a phrase, it is an indisputable fact. We cannot survive without the fresh water our islands have provided for centuries. Nothing is more important.

Because our groundwater is already under imminent threat by the U.S. Navy, immediate action needs to take place so there is no further contamination. For this reason, **I urge you to amend the measure by implementing July 1, 2022**, as the date after which no large capacity underground storage tank can be operated, with the exception to defuel and decommission.

The legislature must take action on behalf of the people of Hawai‘i because this issue affects each and every one of us. The devastating impacts of water contamination from leaky underground storage tanks has already affected our environment and our people, and it’s very likely we don’t know the full extent of the damage that has already been done. I respectfully urge you to **PASS HB2274 HD1** with the above amendment.

Mahalo nui for the opportunity to share my testimony.

Best regards,

Brandin Shim

HB-2274-HD-1

Submitted on: 2/23/2022 12:28:26 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nanea Lo	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

I SUPPORT HB2274, which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2274** with the above amendment.

me ke aloha ‘āina,

Nanea Lo

HB-2274-HD-1

Submitted on: 2/23/2022 1:59:24 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
david rice	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

***I SUPPORT HB2274**, which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.*

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

*We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2274** with the above amendment.*

Mahalo nui for the opportunity to testify,

David Rice



Environmental Caucus of The Democratic Party of Hawai'i

LATE

To: The Honorable Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Vice Chair
Committee on Consumer Protection and Commerce

Re: **HB 2274 HD 1– RELATING TO UNDERGROUND FUEL STORAGE TANKS**
Hearing: Thursday, February 24, 2022, 2:00 p.m., Room 329 & videoconference

Position: **Strong support**

Aloha, Chair Johanson, Vice Chair Kitagawa, and Members of the Committee on Consumer Protection and Commerce:

The Environmental Caucus of the Democratic Party of Hawai'i stands in **strong support** of HB 2274 HD 1. This measure would prohibit the issuance of future large capacity underground fuel storage tanks mauka of the applicable underground injection control line. It would also prohibit the operation of and renewal of permits for large capacity underground fuel storage tank permits located mauka of the applicable underground injection control line beginning 1/1/2045. This measure contains a defected date of 7/1/2060.

In 2018, the O'ahu County Democrats, out of dire concern of the risk to the Moanalua-Waimalu Aquifer, our major drinking water source for Moanalua to Hawai'i Kai affecting hundreds of thousands of residents, businesses and visitors of the Honolulu District, adopted Resolution OC 2018-11: Urging the Navy to retrofit its tanks or move them away from the aquifer. The Navy has taken no such action, and the situation has now become, in the words of U.S. Rep. Kai Kahele, "a crisis of astronomical proportions."

For these reasons, the Environmental Caucus of the Democratic Party of Hawai'i has concluded that we must demand the permanent defueling and closure of the Red Hill Facility.

The passage of this measure would provide the people of the State of Hawai'i, particularly those residing, working, and visiting the City and County of Honolulu, a reduced sense of fear of further petroleum contamination to its sole source drinking water aquifer for generations to come.

Mahalo for the opportunity to testify,

Melodie Aalaja

Alan Burdick

Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

Email: legislativepriorities@gmail.com



LATE

Our kuleana is to protect Hawai'i's natural resources, mitigating and adapting to climate change and ensuring justice for ka pae 'āina Hawai'i. Kuleana has many meanings including responsible or to be responsible for. Ka pae 'āina Hawai'i as it is directly translated refers to the Hawaiian archipelago. In a deeper sense it refers to the Hawaiian Islands as a collective people who also have a responsibility to each other and to the 'āina of Hawai'i and all of its natural resources.

Consumer Protection & Commerce Committee
February 24th, 2022, 2:00 pm Videoconference

HB 2274 HD1– RELATING TO UNDERGROUND FUEL STORAGE TANKS

Environmental Justice Task Force, Faith Action for Community Equity

POSITION: Support

Aloha Chair Johanson, Vice Chair Hitigawa , and members of the Consumer Protection & Commerce Committee

The Environmental Justice Task Force **SUPPORTS HB2274 HD1**, which seeks to protect our islands' most precious resource from fuel contamination. We all have a duty to protect our islands' source of life for present and future generations.

To best protect our groundwater now and in the future, please PASS HB2274 HD 1.

Mahalo nui for the opportunity to testify!

Susan Gorman-Chang

Chair, Environmental Justice Task Force
Faith Action for Community Equity

LATE

HB-2274-HD-1

Submitted on: 2/23/2022 2:50:11 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sam Ikehara	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

I SUPPORT HB2274, which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2274** with the above amendment.

Mahalo nui for the opportunity to testify,

Sam Ikehara

LATE

HB-2274-HD-1

Submitted on: 2/23/2022 3:09:43 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Peter Koulogeorge	Individual	Support	No

Comments:

Dear Chair Johanson, Vice Chair Kitagawa and members of the House Committee on Consumer Protection and Commerce,

I am writing today to signal my **STRONG SUPPORT for HB2274**, which could play a critical role in securing safe drinking water for generations to come. The military fuel tanks are an active threat to all who live in Hawaii, and the fact that the military has lied and avoided responsibility for their grave actions should make it clear that decisive, legislative action is desperately needed. We are here to act on behalf of our families, friends, and the future inhabitants of these islands.

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2274** with the above amendment.

Mahalo nui for the opportunity to have my voice heard,

Peter Koulogeorge

HB-2274-HD-1

Submitted on: 2/23/2022 5:54:34 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chantell Cambia	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

*We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I urge you to **PASS HB2274**.*

Mahalo nui for the opportunity to testify,

Chantell Cambia

LATE

HB-2274-HD-1

Submitted on: 2/23/2022 6:25:02 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Raul Nohea Goodness	Individual	Support	No

Comments:

Large polluting and unmaintainable fuel tanks cannot continue to exist above our aquifers. I support this bill.

LATE

HB-2274-HD-1

Submitted on: 2/23/2022 8:53:16 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diliaur Tellei	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

***I SUPPORT HB2274**, which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.*

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

*We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2274** with the above amendment.*

Mahalo nui for the opportunity to testify,

Diliaur

LATE

HB-2274-HD-1

Submitted on: 2/24/2022 6:40:51 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Paul Bernstein	Individual	Support	No

Comments:

Aloha Chair Johanson, Vice Chair Kitagawa, and members of the House Consumer Protection and Commerce Committee:

I'm writing in support of HB2274. Protecting our water supplies needs to be paramount. This bill will help in this effort and reduce the risk hundreds of thousands of people on Oahu. Please pass this bill out of your committee to protect the state's people.

Respectfully,

Paul Bernstein

HB-2274-HD-1

Submitted on: 2/24/2022 8:16:24 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Noel Morin	Individual	Support	No

Comments:

Dear Chair Johanson, Vice-Chair Kitagawa, and members of the Consumer Protection and Commerce Committee,

I am in strong support of HB2274 HD1. This will help us protect our precious water resources and the health and well-being of our residents

Thank you for this opportunity.

Noel Morin

HB-2274-HD-1

Submitted on: 2/24/2022 9:36:25 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kyle K Kajihiro	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

***I SUPPORT HB2274 HD1**, which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.*

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

I live in an area served by the Hālawā Shaft, which could be affected by the Navy's leaking fuel.

We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. Unlike the emergency housing measures implemented for affected military families, as inadequate as they may be, there will be no safe harbor for the rest of Honolulu if our aquifer were to be contaminated.

*The Navy has shown contempt for the health and safety of the people of O'ahu by opposing the emergency order to defuel Red Hill. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2274** with the above amendment.*

Mahalo nui for the opportunity to testify,

Kyle Kajihiro

LATE

HB-2274-HD-1

Submitted on: 2/24/2022 11:30:28 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Matthew Geyer	Individual	Support	Yes

Comments:

Shut down Red Hill jet fuel storage tanks now!

HB-2274-HD-1

Submitted on: 2/24/2022 2:10:55 PM

Testimony for CPC on 2/24/2022 2:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lauren Taijeron	Individual	Support	No

Comments:

Dear Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

***I SUPPORT HB2514**, which seeks to protect our islands' most precious resource from fuel contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.*

The threat to our water is imminent and we can wait no longer to know that our water is truly safe from any further contamination, therefore I urge you to amend the measure by implementing July 1, 2022 as the date after which no underground storage tank can be operated, except to defuel and decommission.

*We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, I respectfully urge you to **PASS HB2514** with the above amendment.*

Mahalo nui for the opportunity to testify,

Lauren Taijeron