

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

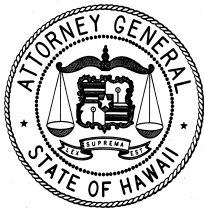
**Testimony COMMENTING on HB2274 HD2**  
**RELATING TO UNDERGROUND FUEL STORAGE TANKS**

SENATOR JARRETT KEOHOKALO, CHAIR  
SENATE COMMITTEE ON HEALTH  
SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: 3/23/2022

Room Number: 225/Videoconference

- 1 **Fiscal Implications:** The fiscal implications of this measure are unknown at this time.
- 2 **Department Testimony:** The Department of Health (department) supports this bill's intent to
- 3 protect the precious freshwater resources of our pae 'āina. However, we now understand that this
- 4 measure may have a subject-title problem, as explained in Senate Standing Committee Report
- 5 No. 2561, and therefore respectfully request that this bill be deferred in favor of passing SB2600
- 6 SD2.
- 7 **Offered Amendments:** The department respectfully requests that this bill be deferred in favor
- 8 of passing SB2600 SD2.
- 9 Thank you for the opportunity to testify on this measure.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2022**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2274, H.D. 2, RELATING TO UNDERGROUND FUEL STORAGE TANKS.

**BEFORE THE:**

SENATE COMMITTEES ON HEALTH AND ON AGRICULTURE AND ENVIRONMENT

**DATE:** Wednesday, March 23, 2022      **TIME:** 1:00 p.m.

**LOCATION:** State Capitol, Room 225 and Videoconference

**TESTIFIER(S):** Holly T. Shikada, Attorney General, or  
Wade H. Hargrove III, Deputy Attorney General

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Chairs Keohokalole and Gabbard and Members of the Committees:

The Department of the Attorney General provides the following comments.

This bill amends chapter 342L, Hawaii Revised Statutes (HRS), by adding a new section that would: (1) prohibit the Department of Health (DOH), beginning July 1, 2022, from issuing a permit for a new large capacity underground storage tank system mauka of the applicable underground injection control line, though it would allow DOH to do so for repair or removal, and (2) beginning January 1, 2045, prohibit operation of a large capacity underground storage tank system or renewal of permits for large capacity underground storage tank systems mauka of the applicable underground injection control line. This measure also provides definitions to clarify the meaning of "large capacity underground storage tank system," "mauka," and "underground injection control line."

The bill at page 3, lines 12-15, defines a "large capacity underground storage tank system" as "an underground storage tank system with any single tank with a capacity greater than 50,000 gallons or with a total tank capacity greater than 100,000 gallons." This definition arguably appears to encompass more than just fuel tanks and can be read as incorporating tanks and tank systems other than those that store fuel.

Section 14 of article III of the Hawaii Constitution reads in relevant part, "Each law shall embrace but one subject, which shall be expressed in its title." Because the title of this bill pertains only to fuel tanks and the provisions of the bill arguably may relate to both fuel tanks and other kinds of tanks or tank facilities, we recommend that

the definition of "large capacity underground storage tank system" on page 3, lines 12-15, be amended as follows:

"Large capacity underground storage tank system" means an underground storage tank system with any single tank with a capacity greater than 50,000 gallons or with a total tank capacity greater than 100,000 gallons[~~-~~] that is or will be used to store fuel.

In the alternative, H.B. No. 2514, H.D. 1, entitled "Relating to Underground Storage Tanks," which appears intended to accomplish the same legislative purposes as this measure with respect to prohibiting the operation of large capacity tanks at a future point in time, and is also being considered by the committees, could be advanced in lieu of this measure, as it does not contain the potential subject-title issues discussed herein.

Thank you for the opportunity to share these comments.

## BOARD OF WATER SUPPLY

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



March 23, 2022

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Manager and Chief Engineer

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

The Honorable Jarrett Keohokalole, Chair  
and Members  
Senate Committee on Health  
Hawaii State Capitol, Room 225  
Honolulu, Hawaii 96813

The Honorable Mike Gabbard, Chair  
and Members  
Senate Committee on Agriculture and Environment  
Hawaii State Capitol, Room 225  
Honolulu, Hawaii 96813

Dear Chair Keohokalole, Chair Gabbard and Members:

Subject: House Bill 2274, HD2: Relating to Underground Fuel Storage Tanks

The Honolulu Board of Water Supply (BWS) does not support House Bill (HB) 2274, House Draft (HD) 2, in its current form and offers the following comments along with proposed amendments :

1. The January 1, 2045 date proposed in this bill allows existing underground fuel storage systems with capacity of 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 (UST) 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. The BWS proposes amending Section 2 (b) to read "Beginning January 1, 2023 . . ." The BWS also proposes amending page 3, line 1, to read "~~replacing~~ removing an existing large capacity underground storage tank system."
2. The BWS proposes an amendment to Section 3 of the bill with new language underscored, the definition of "Underground injection control line" means the underground injection control line represented by a dashed line on the State of Hawaii department of health underground injection control program maps,

The Honorable Jarrett Keohokalole, Chair  
The Honorable Mike Gabbard, Chair  
and Members  
March 23, 2022  
Page 2

pursuant to HRS chapter 340E . . .” 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.

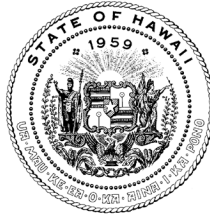
Thank you for the opportunity to provide testimony on HB2274, HD2.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ernest Y. W. Lau', with a stylized flourish at the end.

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

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 Senate Committees on  
HEALTH  
and  
AGRICULTURE AND ENVIRONMENT**

**Wednesday, March 23, 2022  
1:00 PM**

**State Capitol, Conference Room 225 & Videoconference**

**In consideration of  
HOUSE BILL 2274, HOUSE DRAFT 2  
RELATING TO UNDERGROUND FUEL STORAGE TANKS**

House Bill 2274, House Draft 2 proposes to prohibit the issuance of future large capacity underground fuel storage tanks mauka of the applicable underground injection control line and 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. Effective 7/1/2060. **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 comment on this measure.

**HB-2274-HD-2**

Submitted on: 3/22/2022 9:28:18 AM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Neal Fujii	Testifying for DLNR-CWRM	Support	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.



**Board Members**

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Jason Okuhama  
Managing Partner,  
Commercial & Business Lending

*Secretary*  
Marcus Kawatachi  
Deputy Director,  
Hawai'i Civil Rights Commission

Trina Orimoto  
Clinical & Research Psychologist

Derrick Kiyabu  
Hawai'i Island Resident

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: March 21, 2022

To: Senator Jarrett Keohokalole & Senator Mike Gabbard, Chairs,  
Senator Rosalyn H. Baker & Senator Clarence K. Nishihara, Vice-Chairs and  
Members of the Committee on Health and Agriculture & Environment

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

Re: Support for HB 2274 HD 2 with amendments

Aloha e Chair Keohokalole & Chair Gabbard, Vice-Chair Baker & Vice-Chair  
Nishihara, and Committee Members,

The Hawai'i Alliance for Community-Based Economic Development (HACBED) supports HB 2274 HD 2, with amendments, which prohibits issuance of future large capacity underground fuel storage tanks mauka of the applicable underground injection control line and 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 humbly ask that the bill be amended to reflect July 1, 2022, as the date upon which "no person shall operate a large capacity underground storage tank system.."

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 2 with 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





**KO'OLAU WAIALUA**  
**A L L I A N C E**

Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the Senate Health and Agriculture and Environment Committees,

**We SUPPORT WITH AMENDMENTS HB2274 HD2**, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious. We all have a duty to protect our islands' source of life for present and future generations.

The Pentagon has agreed that Red Hill must be shut down, but our water is still in harm's way. The Navy refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility. We must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

To ensure that our water is protected in as timely a manner as possible, please amend HB2274 HD2 to **prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers as of July 1, 2022.**

Mahalo  
The Ko'olau Waialua Alliance

[koolauwaialuaalliance@protonmail.com](mailto:koolauwaialuaalliance@protonmail.com)

The Ko'olau Waialua Alliance is a grassroots network of residents and community groups across Oahu's north and windward shores that believes that our health and well-being are woven together in the same cloth, that problems affecting one community in the region threaten us all, and that works to foster a just and sustainable region for current and future generations.



2022  
Board of  
Directors

March 21, 2022

Elizabeth Reilly  
President

Hawaii Senate  
Committee on Health / Committee on Agriculture and Environment  
Meeting on March 23, 2022 at 1 p.m.

Allen Tateishi  
Vice President

Conference Room 225 & Videoconference

Dianne Gleis  
Secretary

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

Marian Grey  
Treasurer

Aloha Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and HTH/AEN  
Committee Members,

Dean Takebayashi  
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).

Gary Weller  
Director

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.

Kendrick Chang  
Community Outreach  
Coordinator

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 December 31,  
2023.** 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. Given the Pentagon's  
agreement to shut down Red Hill, the requested deadline is more than reasonable.

Dylan Ramos  
Communications &  
Operations

The events of the past few months – let alone the 70+ 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.

**Website**

[www.hawaiikaihui.org](http://www.hawaiikaihui.org)  
[www.kaiwicoast.org](http://www.kaiwicoast.org)

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.

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

Mahalo,

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.

Elizabeth Reilly  
Founder/President

Dylan Ramos  
Communications & Operations



# SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON HEALTH  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 23, 2022

1:00 PM

Conference Room 225

**In SUPPORT WITH AMENDMENTS of HB2274 HD2:** Relating to Underground Fuel Storage Tanks

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Aloha Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the Health and Agriculture and Environment Committees,

The Sierra Club of Hawai'i **supports with amendments** HB2274 HD2, 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 3, line 3 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 Committees to **PASS with AMENDMENTS** HB2274 HD2. Mahalo nui for the opportunity to testify.



To: The Senate Committee on Health (HTH)  
and  
The Senate Committee on Agriculture and Environment (AEN)  
From: Sherry Pollack, Co-Founder, 350Hawaii.org  
Date: Wednesday, March 23, 2022, 1:00pm

**In support of HB2274 HD2 with amendments**

Aloha Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the HTH and AEN committees,

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 have been struggling with a water contamination crisis. 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.

**While the Pentagon has agreed that Red Hill must be shut down, their words ring hollow as the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility.** 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 above our drinking water aquifers, except to defuel and decommission.

We urge you to **PASS** HB2274 HD2 with the above amendment.

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



## **'Ahahui o nā Kauka**

**677 Ala Moana Blvd., Suite 1015**

**Honolulu HI 96813**

**Phone 808.548.0270**

**E-mail huikauka@gmail.com**

### **2021-2022 Advocacy Committee**

*Noa Emmett Aluli, MD  
President*

*Martina Kamaka, MD  
Vice-President*

*Kara Wong Ramsey, MD  
Treasurer*

*H. Nalani Blaisdell-Brennan,  
MD*

*Kapono Chong-Hanssen, MD  
Advocacy Chair*

March 22, 2022

**COMMITTEE ON HEALTH**  
Senator Jarrett Keohokalole, Chair  
Senator Rosalyn H. Baker, Vice Chair

**COMMITTEE ON AGRICULTURE AND ENVIRONMENT**  
Senator Mike Gabbard, Chair  
Senator Clarence K. Nishihara, Vice Chair

**Group Testimony in Support of HB2274HD2 & HB2514HD1**

**RELATING TO UNDERGROUND FUEL STORAGE TANKS  
&  
RELATING TO UNDERGROUND 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.

**HB-2274-HD-2**

Submitted on: 3/18/2022 4:46:23 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support

**HB-2274-HD-2**

Submitted on: 3/20/2022 11:25:16 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jonah Bobilin	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Senate Committees on Health and on Agriculture and Environment,

My name is Jonah Bobilin, and I am a resident and constituent from Pearl City. I am writing in strong support of HB 2274. We must protect the water of Hawai‘i from the possibility of future fuel spills.

This bill will make substantial progress in helping to prevent future environmental disasters like the Kapūkakā (Red Hill) fuel leak.

Ola I Ka Wai.

Mahalo,

Jonah Bobilin



**HB-2274-HD-2**

Submitted on: 3/21/2022 12:28:40 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
I. Robert Nehmad	Individual	Support	Written Testimony Only

Comments:

My name is I Robert Nehmad and I reside in Honolulu,

It is imperative that we protect all sources of drinking water in Hawaii.

Mahalo

**HB-2274-HD-2**

Submitted on: 3/21/2022 1:16:35 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Breanna Agas	Individual	Support	Written Testimony Only

Comments:

**For HB2274 HD2:**

Dear Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the Senate Health and Agriculture and Environment Committees,

**I SUPPORT WITH AMENDMENTS** HB2274 HD2, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

**While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.**

To ensure that our water is protected in as timely a manner as possible, please amend HB2274 HD2 to prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers as of July 1, 2022.

Accordingly, I respectfully urge your Committees to **PASS WITH AMENDMENTS** HB2274 HD2.

Breanna Komata Agas

**HB-2274-HD-2**

Submitted on: 3/21/2022 1:27:41 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

**Please SUPPORT WITH AMENDMENTS HB2274 HD2**, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

**While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.**

To ensure that our water is protected in as timely a manner as possible, please amend HB2274 HD2 to prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers as of [July 1, 2022](#).

Accordingly, I respectfully urge your Committees to **PASS WITH AMENDMENTS HB2274 HD2**.

**HB-2274-HD-2**

Submitted on: 3/21/2022 2:13:35 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Constance Keoahunui Uale Warrington	Individual	Support	Written Testimony Only

Comments:

*Dear Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the Senate Health and Agriculture and Environment Committees,*

***I SUPPORT WITH AMENDMENTS HB2274 HD2, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.***

***While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.***

*To ensure that our water is protected in as timely a manner as possible, please amend HB2274 HD2 to prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers as of July 1, 2022.*

*Accordingly, I respectfully urge your Committees to **PASS WITH AMENDMENTS HB2274 HD2.***

*Sincerely,*

*Constance Keoahunui Uale Warrington*

**HB-2274-HD-2**

Submitted on: 3/21/2022 2:43:06 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Millicent Cox	Individual	Support	Written Testimony Only

Comments:

***I SUPPORT WITH AMENDMENTS HB2274 HD2, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.***

**HB-2274-HD-2**

Submitted on: 3/21/2022 2:43:09 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alyssandra Rousseve	Individual	Support	Written Testimony Only

Comments:

*Dear Chair Yamane, Chair Lowen, Vice Chair Tam, Vice Chair Marten, and members of the House Health, Human Services, & Homelessness and Energy and Environmental Protection Committees,*

*I SUPPORT WITH AMENDMENTS 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.*

*To best protect our groundwater now and in the future, please amend this measure 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 or tank system, and that no underground fuel storage tank or tank system may be operated after the end of this year, for a facility located mauka of the underground injection control line.*

*Please PASS HB2274 with the above amendments.*

*Mahalo nui for the opportunity to testify!*

*Alyssandra Rousseve*

**HB-2274-HD-2**

Submitted on: 3/21/2022 3:33:04 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Witeck	Individual	Support	Written Testimony Only

Comments:

*Dear Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the Senate Health and Agriculture and Environment Committees,*

***My wife and I SUPPORT the passage of HB2274 HD2 with some amendments. This bill seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.***

***While the Pentagon has agreed that Red Hill must be shut down, our water supply is still endangered. The Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility. Therefore, we must continue to insist that the Red Hill facility or anything similar to it in the future be prevented from harming our islands' most precious resource ever again.***

*To ensure that our water is protected in as timely a manner as possible, please amend HB2274 HD2 to prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers as of July 1, 2022.*

Aloha, John and Lucy Witeck

**HB-2274-HD-2**

Submitted on: 3/21/2022 3:38:19 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

I FULLY SUPPORT HB2274 HD2 and thank you in advance for considering its successful passage.



**HB-2274-HD-2**

Submitted on: 3/21/2022 3:40:15 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

I am submitting testimony in FULL SUPPORT of HB2274 HD2.

**HB-2274-HD-2**

Submitted on: 3/21/2022 4:19:33 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
William Reese Liggett	Individual	Support	Written Testimony Only

Comments:

**For HB2274 HD2:**

*Dear Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the Senate Health and Agriculture and Environment Committees,*

***I SUPPORT WITH AMENDMENTS** HB2274 HD2, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.*

***While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.***

*To ensure that our water is protected in as timely a manner as possible, please amend HB2274 HD2 to prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers as of July 1, 2022.*

*Accordingly, I respectfully urge your Committees to **PASS WITH AMENDMENTS** HB2274 HD2.*

*William Reese Liggett*

**HB-2274-HD-2**

Submitted on: 3/21/2022 4:51:40 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
tlaloc tokuda	Individual	Support	Written Testimony Only

Comments:

Aloha HTH/AEN Chairs, Vice Chairs and Committees,

I support HB2274 HD2,

I belong to the Sierra Club and i agree with a lot of things they do for all the Islands. They have discussed their rationale for the bills they are trying to pass. I agree with them. Their thoughts are my thoughts. I support this bill because it seeks to prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers after January 1, 2045. This date needs to be amended to be much, much sooner, i.e. by July 1, 2022. This bill is a no-brainer - it's amazing that we have let the Navy store it fuel for so long!

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

To ensure that our water is protected in as timely a manner as possible, please amend HB2274 HD2 to prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers as of July 1, 2022.

Mahalo for your consideration,

Tlaloc Tokuda

Kailua Kona, HI, 96740

**HB-2274-HD-2**

Submitted on: 3/21/2022 7:57:03 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

March 23, 2022

Senator Jarrett Keohokalolo, Chair  
Committee on Health  
Senator Mike Gabbard, Chair  
Committee on Agriculture and Environment

RE: HB2274, HD2, Relating to Underground Storage Tanks

Dear Chair Keohokalolo ,Vice Chair Baker and Members of the Committee on Health, and Chair Gabbard, Vice Chair Nishihara, and Members of the Committee on Agriculture and Environment,

I SUPPORT HB2274, HD2 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 effectively protect our islands' source of life for present and future generations

Please PASS HB2274, HD2.

Thank you for the opportunity to testify.

A handwritten signature in black ink, appearing to read "Therese M. Argoud". The signature is fluid and cursive, with a large initial "T" and "A".

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

**HB-2274-HD-2**

Submitted on: 3/22/2022 12:52:37 AM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Danielle Espiritu	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the Senate Health and Agriculture and Environment Committees,

I SUPPORT WITH AMENDMENTS HB2274 HD2, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way. The Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

To ensure that our water is protected in as timely a manner as possible, please amend HB2274 HD2 to prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers as of July 1, 2022.

Accordingly, I respectfully urge your Committees to PASS WITH AMENDMENTS HB2274 HD2.

ke aloha,

Danielle Espiritu

Waimalu, 'Ewa, O'ahu

**HB-2274-HD-2**

Submitted on: 3/22/2022 6:47:44 AM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Pua Auyong-White	Individual	Support	Written Testimony Only

Comments:

*Dear Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the Senate Health and Agriculture and Environment Committees,*

***I SUPPORT WITH AMENDMENTS HB2274 HD2, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.***

***While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.***

*To ensure that our water is protected in as timely a manner as possible, please amend HB2274 HD2 to prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers as of July 1, 2022.*

*Accordingly, I respectfully urge your Committees to **PASS WITH AMENDMENTS HB2274 HD2.***

Pua Auyong-White

3432 Kalihi St. #B2

Honolulu, HI 96819



Wednesday, March 23, 2022, 1:00 pm

Senate Committees on Water and Land and on Agriculture and Environment

HOUSE BILL 2274 – RELATING TO UNDERGROUND STORAGE TANKS

Position: Support

Me ke Aloha, Chairs Keohokalole and Gabbard, Vice-Chairs Baker and Nishihara, and Members of the Committees on Water and Land and on Agriculture and Environment:

SB2274 prohibits the issuance of permits for large capacity underground storage tanks mauka of the Underground Injection Control Line (UIC Line). This is particularly relevant with respect to pre-existing tanks that may have been sited prior to establishing the current UIC Line but no longer have permits to operate.

The purpose of the UIC Line is to protect ground water suitable for drinking water supplies from potential contamination from leakage. The typical concern is the placement of cesspools, gas station tanks, and dumpsites. Conversely, drinking water wells are not admissible makai of the UIC line. Exceptions are rare and rely upon particular geological and hydrological conditions. This bill also provides a detailed clarification of the existing, effective UIC line.

SB2274 also underscores that tanks that may previously have been approved or grandfathered in may not be operated without a permit, effectively closing the door to continued operation. This provides greater assurance that drinking water supplies will be protected into the indefinite future. There has been concern that with climate change, with reduced long-term rainfall and sea level rise, could result in precious potable water supplies being placed at greater risk. Also, concern for continuing urbanization of previously open land mauka of the UIC Line could create conditions unfavorable to drinking water protection. This measure is a step to prevent the most obvious threats.

Obviously, the special case prompting this bill is the deplorable risk of fuel tank storage at Red Hill and the system breakdown causing contamination of the Red Hill Shaft, serving numerous residential areas. It bears noting that the storage tanks themselves were not the cause of the contamination, but the system necessary to serve them. The fuel stored there is highly corrosive of the piping, valves, nozzles, joints, etc. required to serve them, and entire system was impossible to properly maintain. The very fact that they are underground, with inadequate alarm signaling and monitoring is typical of the type of problem ruled out by this measure.

Mahalo for the opportunity to address this issue,

/s/ Charley Ice, retired senior Hydrologist at the Commission on Water Resource Management (25 years)



**HB-2274-HD-2**

Submitted on: 3/22/2022 8:41:40 AM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Madelyn McKeague	Individual	Support	Written Testimony Only

Comments:

Dear Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the Senate Health, Agriculture and Environment Committees,

I am testifying in **strong support of HB2514 with amendments**, which will help to prevent the further contamination of our groundwater aquifers from unnecessarily large underground storage tank facilities. However, we cannot wait twenty years for this act to take effect; this act must take effect immediately.

When the Red Hill Fuel Facility first built their tanks in Kapūkakā almost eighty years ago, the new walls were just a quarter of an inch thick. This would be the equivalent to the strength of tin foil holding back 32 oz. of liquid, a large canteen worth of fuel. All of this was just one hundred feet away from O‘ahu’s primary drinking water supply. This was already an incredibly fraught decision but it was made even more treacherous by its continued existence without adequate maintenance or oversight. Since its inception, conservative estimates presume that over 200,000 gallons of petroleum have been spilled from this facility into our drinking water, the equivalent of about 13,000 tanks of gas or enough fuel to drive around the circumference of the Earth twenty times over. Already, this amount of contamination is unacceptable and will take generations to heal the water and land.

And yet, it has taken an even greater amount of damage to see action. Over the past few months, we have seen the consequences of 19,000 gallons of fuel spilling into our water. Approximately 93,000 people were affected by the contaminated water, including schools, families, and more than 5,000 people who underwent medical screening for related health effects like nausea, vomiting, rashes, hair loss, and ulcers. We still do not know what the long-term effects that this acute spill will have and we may never truly know the long-term effects that the ongoing leakages from the Red Hill Fuel Facility have already had for the past eight decades.

When we first began hearing rumors of the spill in November, I checked in with my cousins in Ewa. They did not know whether they could cook, if it was safe to bathe, or how they could afford to buy exclusively bottled water. They did not know what to tell their children or how they would relocate if they ended up being displaced. They were not given answers nor solutions; only confusion and fear. My cousins cannot wait twenty years for a solution to unclean water. The ‘āina cannot chance another twenty years on luck alone that our water will keep us alive without proper stewardship and care.

We are so fortunate to have found fresh water in the middle of the ocean and we must collectively do all we can to safeguard this gift.

Ola i ka wai. Water is life.

Ku kia‘i wai. We protect the water.

The Red Hill Facility must be shut down immediately and HB2274 is a small step to ensure that this disaster never happens again, given amendments that it takes effect immediately.



## **Senate Committee on Health / Senate Committee on Agriculture and Environment**

Wednesday, March 23rd, 2022, 1p.m. Conference Room 225

### **Hawai'i Alliance for Progressive Action Supports: HB2274 HD2**

Aloha Chairs Keohokalole/Gabbard, Vice Chair Baker/Nishihara 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 HD2**. HAPA is a state-wide organization that engages approximately 10,000 local residents annually.

Mahalo for hearing HB2274 HD2 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 HD2 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 Hālawā 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.
- 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 HD2 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 stylized, cursive script.

Anne Frederick  
Executive Director

**HB-2274-HD-2**

Submitted on: 3/22/2022 12:41:55 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jennifer valentine	Individual	Support	Written Testimony Only

Comments:

***I SUPPORT WITH AMENDMENTS HB2274 HD2, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.***

***While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.***

*To ensure that our water is protected in as timely a manner as possible, please amend HB2274 HD2 to prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers as of July 1, 2022.*

*Accordingly, I respectfully urge your Committees to **PASS WITH AMENDMENTS HB2274 HD2.***

**LATE**

Date 3/22/2022

To: Dignitaries Representative Yamane, Chair

Representative Tam, Vice Chair

House Committee on Health, Human Services, & Homelessness

Representative Lowen, Chair

Representative Marten, Vice Chair

House Committee on Energy and Environmental Protection

Re: HB 2274-relating to underground fuel storage tanks

1:00pm, March 23, 2022

From: Kimmer Horsen, Hawaii Pacific University, Graduate School of Social Work Candidate

Subject: Red Hill decommissioning of tanks

Please amend this measure by: 1) removing reference to the Red Hill Bulk Fuel Storage Facility in the preamble, to avoid potential federal preemption challenges; 2) removing the proposed permitting authority for repairs and replacement of an existing underground fuel storage tank; 3) 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 4) 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 July 1 of this year, for a facility located mauka of the underground injection control line.

There is a plethora of risk factors involved in these safety hazards. Please note that the fuel tanks have leaked 180,000 gallons of fuel to date since 1943. The steel liner is only ¼ inch thick and susceptible to corrosion. The tanks are within a 1.5-mile radius of three shafts and wells: Halawa, Moanalua, and the United States Navy. The tanks are superfluous.

**LATE**

**HB-2274-HD-2**

Submitted on: 3/22/2022 2:02:00 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Pcola_Davis	Individual	Support	Written Testimony Only

Comments:

HB2274 Support

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.

I am concerned about this part of the bill, "provided that a permit may be issued by the department for purposes of repairing or replacing an existing large capacity underground storage tank system." A permit MAY be issued, doesn't guarantee it will be issued, As long as the permit issued for repair or replacing these tanks are scrutinized carefully with regards to the Red Hill storage facility. Repairs to that facility **should only include** repairs necessary to **DRAIN THE TANKS**. Red Hill needs to dismantle the facility and should not be replacing ANY underground fuel tanks.

Comment on (b) below: should change the date to **1 June 2022**,

**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.





**LATE**

**HB-2274-HD-2**

Submitted on: 3/22/2022 4:54:21 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Doris Segal Matsunaga	Individual	Support	Written Testimony Only

Comments:

*Dear Chair Keohokalole, Chair Gabbard, Vice Chair Baker, Vice Chair Nishihara, and members of the Senate Health and Agriculture and Environment Committees,*

***I SUPPORT WITH AMENDMENTS HB2274 HD2, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.***

***While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.***

*To ensure that our water is protected in as timely a manner as possible, please amend HB2274 HD2 to prohibit the operation of large-capacity underground storage tanks above our drinking water aquifers as of July 1, 2022.*

*Accordingly, I respectfully urge your Committees to **PASS WITH AMENDMENTS HB2274 HD2.***

**LATE**

**HB-2274-HD-2**

Submitted on: 3/22/2022 8:59:36 PM

Testimony for HTH on 3/23/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kyle K Kajihiro	Individual	Support	Written Testimony Only

Comments:

I support this bill, but urge you to amend the effective date to July 1, 2022.