

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 Committees on
HEALTH, HUMAN SERVICES & HOMELESSNESS
and
ENERGY & ENVIRONMENTAL PROTECTION**

**Tuesday, February 8, 2022
11:00 AM**

State Capitol, Conference Room 329 via Videoconference

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

House Bill 2274 proposes to add a new section to Chapter 342L, Hawai'i Revised Statutes (HRS), prohibiting the Department of Health from issuing new permits or renewing permits for underground fuel storage tanks within one half mile from an aquifer, and creating a new definition of "fuel storage tanks." **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 the Commission on Water Resource Management stands united alongside Hawai'i's Congressional delegation and the Hawai'i Department of Health 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 above and near the edge of aquifers would mitigate this risk. Subsurface geologic formations and aquifer properties may affect the direction and rate of transport of leaked fuel within any given aquifer as well as the extent of contamination. The Department defers to the Department of Health on the specific distance from an aquifer and proximity to the underground injection control line that underground

fuel storage tanks should be prohibited, the appropriate capacity of fuel storage tanks in the new definition of fuel storage tanks, and any other proposed amendments to this measure.

The Department also notes that this bill's companion, Senate Bill 2172, was passed out of the Senate committees on Health and Agricultural and Environment with amendments (Senate Draft 1). The Department concurs with those amendments.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

ROBERT K. MASUDA
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DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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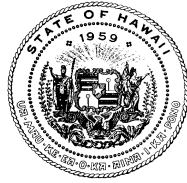
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Prohibiting the installation or continuance of underground fuel storage tanks above and near the edge of aquifers would mitigate this risk. Subsurface geologic formations and aquifer properties may affect the direction and rate of transport of leaked fuel within any given aquifer as well as the extent of contamination. The Department defers to the Department of Health on the specific distance from an aquifer and proximity to the underground injection control line that underground

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The Department also notes that this bill's companion, Senate Bill 2172, was passed out of the Senate committees on Health and Agricultural and Environment with amendments (Senate Draft 1). The Department concurs with those amendments.

Thank you for the opportunity to comment on this measure.



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

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

REPRESENTATIVE RYAN I. YAMANE, CHAIR
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS
REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date: 02/08/2022

Room Number: 329/Videoconference

1 **Fiscal Implications:** The fiscal implications of this measure are unknown at this time.

2 **Department Testimony:** The department appreciates and supports the intent of this measure, to
3 protect the precious freshwater resources of our pae ‘āina. We offer amendments below that we
4 believe realize this intent more effectively without the unintended consequences the current
5 measure would generate.

6 *Location of restriction*

7 Each island is made up entirely of aquifers, which are layers of water-bearing permeable
8 rock or other material such as sand or silt—“aquifer” essentially refers to the groundwater held
9 within the land. The bill as currently written would ban all underground storage tanks (USTs)
10 with a capacity over 100 gallons in 2050, which would mean shutting down every gas station in
11 the state and would also affect fuel storage for emergency generators at hospitals and other
12 critical locations, which would likely pose major economic and social challenges.

13 The department believes the intent of this measure is specifically to protect our islands’
14 drinking water resources. To accomplish this goal, we suggest restricting only USTs located
15 mauka of the underground injection control (UIC) line defined by the Safe Drinking Water
16 Branch.

1 *Tank size to restrict*

2 The individual tanks in a typical UST system range in size from 10,000 to 50,000 gallons
3 with a total system capacity no greater than 100,000 gallons. Focusing a ban on large capacity
4 UST systems (with a total fuel storage capacity over 100,000 gallons) would provide a large
5 measure of protection to human health and the environment while continuing to allow the use of
6 smaller USTs by emergency generators and service stations. Our offered amendments would
7 allow the continued existence of large capacity UST systems only below the UIC line.

8 *Critical definitions*

9 The department’s Underground Storage Tank (UST) program is responsible for
10 regulating and inspecting all USTs within the state. The program is authorized by chapter 342L,
11 HRS, and is approved and partially funded by the U.S. Environmental Protection Agency.
12 Section 342L-1, HRS, defines the program’s foundational concepts “underground storage tank”
13 and “underground storage tank system.”

14 The introduction of a new definition “underground fuel storage tank” to refer only to
15 tanks with a capacity greater than 100,000 gallons could cause confusion because the term is so
16 similar to the existing term “underground storage tank.” In addition, USTs can store regulated
17 substances other than fuel. Potential problems for the program can be easily avoided by
18 changing the new term to “large capacity underground storage tank system.” The more
19 descriptive term “large capacity UST systems” can then be used in the UST system permitting
20 and operation prohibitions. We suggest placing the definition in section 342L-1.

21 We also recommend adding definitions of “mauka” and “underground injection control
22 line or UIC line” in section 342L-1.

23 *Timeline for restriction*

1 We suggest aligning the date for a siting restriction on large capacity tank systems above
2 the UIC line with the existing siting restriction on USTs within 100 yards of the shoreline, which
3 becomes effective on January 1, 2045 (§342L-4.5, HRS).

4 **Offered Amendments:** The Department respectfully offers the following to replace section 2 of
5 the bill.

6 SECTION 2. Section 342L-1, Hawaii Revised Statutes, is amended by adding new
7 definitions, in alphabetical order, to read as follows:

8 ““Large capacity underground storage tank system” or “large capacity UST system”
9 means a UST system with any single tank with a capacity greater than 50,000 gallons or with a
10 total tank capacity greater than 100,000 gallons.”

11 ““Mauka” means toward the mountains or the encircled underground source of drinking
12 water.”

13 ““Underground injection control line” or “UIC line” means the Underground Injection
14 Control line represented by a dashed line on the “State of Hawaii Department of Health
15 Underground Injection Control Program” maps, made effective July 6, 1984, and identified as
16 follows:

17 (1) For the island of Hawaii, quadrangles H-1 to H-74;

18 (2) For the island of Kauai, quadrangles K-1 to K-11;

19 (3) For the island of Lanai, quadrangles L-North and L-South;

20 (4) For the island of Maui, quadrangles M-1 to M-17;

21 (5) For the island of Molokai, quadrangles M-East and M-West; and

22 (6) For the island of Oahu, quadrangles O-1 to O-15.”

23 SECTION 3. Chapter 342L, Hawaii Revised Statutes, is amended by adding a new
24 section to part I to be appropriately designated and to read as follows:

25 “§342L- Permits for large capacity UST systems above UIC line prohibited. (a)
26 Beginning July 1, 2022, the department shall not issue a permit for a new large capacity UST

1 system located mauka of the UIC line; provided that a permit may be issued by the department
2 for purposes of repairing or replacing an existing underground storage tank.

3 (b) Beginning January 1, 2045, no person shall operate a large capacity UST system
4 located mauka of the UIC line, and no permit shall be renewed for a large capacity UST system
5 located mauka of the UIC line.”

6 [Renumber existing sections 3 and 4.]

7

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



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 8, 2022
11:00 A.M.
State Capitol, Teleconference

H.B. 2274
RELATING TO UNDERGROUND FUEL STORAGE TANKS

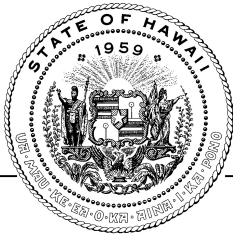
House Committee(s) on Health, Human Services & Homelessness
and Energy & Environmental Protection

The Department of Transportation (DOT) offers **comments** to H.B. 2274. The DOT recognizes the intent of this bill is to protect our fragile ecosystem and natural drinking water resources. The DOT is recommending the bill be revised to address the following concerns.

The term "underground storage tank" of the Hawaii Revised Statutes (HRS) Chapter 342L, should be used in lieu of the newly introduced and defined term "underground fuel storage tank". As defined in HRS 342L, an underground storage tank (UST) is used to contain regulated substances. Regulated substances include petroleum products as well as other products that are dangerous to humans and the environment.

The DOT supports the prohibition of new USTs within an "aquifer". However, the term "aquifer" needs to be defined and the distance should be determined with scientific and environmental guidance. Similarly, the sunset date for identified USTs should be determined with input from industry experts and the scientific community.

Thank you for the opportunity to provide testimony.



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

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
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Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
**HOUSE COMMITTEES ON HEALTH, HUMAN SERVICES, AND HOMELESSNESS AND
ENERGY AND ENVIRONMENTAL PROTECTION**

Tuesday, February 8, 2022

11:00 am

State Capitol, Conference Room 329

on

HB 2274

RELATING TO UNDERGROUND STORAGE TANKS

Chairs Yamane and Lowen, Vice Chairs Tam and Marten, and Members of the Committees:

The Office of Planning and Sustainable Development (OPSD) **supports the intent of this measure and offers comments** on HB 2274, which proposes to add a new section to Chapter 342L, Hawai'i Revised Statutes (HRS), prohibiting the Department of Health from issuing new permits or renewing permits for underground fuel storage tanks within one half mile from an aquifer.

Since December 2021, the Office of Planning and Sustainable Development's Statewide GIS Program and Statewide Sustainability Branch provided emergency GIS mapping and planning support to the Department of Health in response to the recent petroleum contamination of the Navy's drinking water system from the Red Hill Bulk Fuel Storage Facility.

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 seeking to prohibit the installation or continuance of underground fuel storage tanks above and near aquifers would mitigate the risk of potentially contaminating potable drinking water sources. The Office of Planning and Sustainable Development defers to the Department of Health on the specific distance from an aquifer that underground fuel storage tanks should be prohibited and the appropriate capacity of fuel storage tanks in the new definition of fuel storage tanks.

The Office of Planning and Sustainable Development joins the Department of Health, the Commission on Water Resource Management, Honolulu's Board of Water Supply, and Hawai'i's Congressional Delegation's demand for the Navy to immediately suspend operations at the Red Hill Bulk Fuel Storage Facility and fully comply with the Department of Health's Emergency Order to execute the safe removal of fuel that "poses an imminent threat to human health and safety or the environment."

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

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



February 8, 2022

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BRYAN P. ANDAYA, Chair
KAPUA SPROAT, Vice Chair
RAY C. SOON
MAX J. SWORD
NA'ALEHU ANTHONY

JADE T. BUTAY, Ex-Officio
DAWN B. SZEWCZYK, Designate Ex-Officio

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

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

The Honorable Ryan I. Yamane, Chair
and Members
House Committee on Health, Human Services, & Homelessness
Hawaii State Capitol, Room 329
Honolulu, Hawaii 96813

The Honorable Nicole E. Lowen, Chair
and Members
House Committee on Energy & Environmental Protection
Hawaii State Capitol, Room 329
Honolulu, Hawaii 96813

Dear Chair Yamane, Chair Lowen and Members:

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

The Honolulu Board of Water Supply (BWS) supports House Bill (HB) 2274 and recommend the measure 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."

The Honorable Ryan I. Yamane, Chair
The Honorable Nicole E. Lowen, Chair
and Members
February 8, 2022
Page 2

This measure ensures the protection of our environment and underground sources of drinking water from the adverse impacts of leaking underground petroleum fuel tank systems. The need to preserve and protect groundwater quality and quantity now and into the future outweighs the continued operation of large field-constructed USTs.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ernest Y. W. Lau".

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



SIERRA CLUB OF HAWAI'I

House Committee on Health, Human Services, & Homelessness
House Committee on Energy and Environmental Protection

February 8, 2022

11:00 AM

Via Videoconference

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

Aloha Chairs Yamane and Lowen, Vice Chairs Tam and Marten, and members of the Health, Human Services, & Homelessness and Energy & Environmental Protection Committees,

The Sierra Club of Hawai'i **supports** HB2274, and offers friendly **amendments** 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 appreciated 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 in allowing for 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:

1. To prevent unintended impacts on underground fuel tank operators using modern, double-walled and factory-constructed tanks such as those in vehicle gas stations, amending the definition of "underground fuel storage tank" to mean "any underground storage tank or tank system containing fuel that is or includes field constructed tanks, or that has a capacity of over 100,000 gallons"; and
2. To eliminate the imminent existential threat that may be posed by underground fuel storage tanks as defined above:
 - a. amending references to "within one-half mile of the outer limit of the outer edge of an aquifer" to "above an aquifer or within one-half mile of the outer edge of the aquifer as defined by the department pursuant to chapter 340E," or to "mauka of the underground injection control line as defined by the department pursuant to chapter 340E";
 - b. removing the proposed permitting authority for repairs and replacement of an existing underground fuel storage tank in 342L- (a);

- c. prohibiting the operation of underground fuel storage tanks beginning January 1, 2023 in 342L- (b).

For your convenience, a proposed H.D.1 incorporating the above recommendations can be found below. Thank you very much for this opportunity to provide testimony in **support** of HB2274.

A BILL FOR AN ACT

RELATING TO UNDERGROUND FUEL STORAGE TANKS.

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

1 SECTION 1. The legislature finds that fresh water and
2 streams have been among the most important natural resources to
3 Hawai'i's people. Dating back to ancient Hawai'i, the sanctity
4 of fresh water, or wai, is reflected in the way water permeates
5 throughout 'ōlelo Hawai'i, the Hawaiian spoken language. For
6 example, the Hawaiian word for "law" is kânāwai, which literally
7 translates to the "equal sharing of water". The Hawaiian word
8 waiwai, water repeated twice, means abundance and
9 prosperity. In Native Hawaiian culture, to have water is to
10 have wealth.

11 The legislature further finds that the purity and safety of
12 the State's fresh water may be in jeopardy of contamination from
13 large-scale and field-constructed underground fuel storage tanks
14 and tank facilities and associated infrastructure, if they are
15 allowed to be permitted or operated near drinking water sources.

16 Therefore, the purpose of this Act is to:

H.B. NO. 2274 H.D.1

1 (1) Prohibit the department of health from issuing permits
2 for underground fuel storage tanks mauka of the
3 underground injection control line as established by
4 the department of health; and

5 (2) Prohibit the operation of underground fuel storage
6 tank facilities mauka of the underground injection
7 control line as established by the department of
8 health, beginning January 1, 2023.

9 (3) Create a new definition for "underground fuel storage
10 tank" to mean any underground storage tank or tank
11 system containing or designed to contain fuel that is
12 field-constructed or includes field-constructed tanks,
13 or that has a capacity of over 100,000 gallons.

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

17 **"§342L- Underground fuel storage tanks prohibited;**
18 **underground injection control line.** (a) Beginning July 1,
19 2022, the department shall not issue a permit for an underground
20 fuel storage tank mauka of the underground injection control
21 line as established by the department pursuant to chapter 340E.

22 (b) Beginning January 1, 2023, no person shall operate an
23 underground fuel storage tank mauka of the underground injection

H.B. NO. 2274 H.D.1

1 control line as established by the department pursuant to
2 chapter 340E, and no permit for an underground fuel storage tank
3 mauka of the underground injection control line as established
4 by the department pursuant to chapter 340E shall be renewed.

5 (c) As used in this section, "underground fuel storage
6 tank" means any underground storage tank system containing or
7 designed to contain fuel, as defined by section 243-1, that is
8 field-constructed or includes field-constructed tanks, or that
9 has a capacity of over 100,000 gallons."

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.



2/8/2022

HHH/EEP Committees
Hawai'i State Capitol
Honolulu, Hawai'i 96813

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

Position: Support HB2274 with proposed amendments.

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 amendments 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.

Thank you for your consideration of this testimony in support of HB2274 with the aforementioned amendments, 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



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Aloha Petroleum, LLC

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Alec McBarnet

Maui Oil Petroleum, LLC

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Aloha Petroleum, LLC

Annie Marszal

Lahaina Petroleum

Eric Lee

Par Hawaii, LLC

Jon Mauer

Island Energy Services, LLC

Paul Oliveira

Maui Oil Company, Inc.

Steve Wetter

Hawaii Petroleum, LLC

Testimony of Eric Wright

President of the Hawaii Petroleum Marketers Association (HPMA)

HB 2274 - RELATING TO UNDERGROUND FUEL STORAGE TANKS COMMENTS, REQUEST AMENDMENTS

The Honorable Ryan I. Yamane, Chair
The Honorable Adrian K. Tam, Vice Chair
House Committee Health, Human Services,
& Homelessness

The Honorable Nicole E. Lowen, Chair
The Honorable Lisa Marten, Vice Chair
House Committee Energy &
Environmental Protection

Tuesday, February 8, 2022 at 11:00 a.m.

Aloha Chairs Yamane and Lowen, Vice Chairs Tam and Marten, and Members of the Committees:

I am Eric Wright, president of the Hawaii Petroleum Marketers Association (HPMA). HPMA is a nonprofit trade association comprised of members who market motor fuel products across Hawaii.

House Bill 2274 would prohibit the Hawaii Department of Health from issuing permits to install new underground storage tanks of 100 gallons or more within a half-mile from an aquifer by July 1, 2022, and prohibit renewal of permits of underground storage tanks that meet the same criteria by July 1, 2050.

HPMA has concerns that House Bill 2274 will have unintended consequences on member retail stations and convenience stores as well as the public.

While HPMA members realize there is currently heightened concern about the impact of underground storage tanks, underground storage tanks used at retail stations and convenience stores are safe and have protection for our environment.

The U.S. Environmental Protection Agency (EPA) requires all underground storage tanks at retail stations and convenience stores have a double wall to serve as secondary containment. A typical retail station and convenience store underground storage tank in Hawaii contains about 10,000 to 20,000 gallons of fuels. (By contrast, each of the Red Hill fuel storage tanks hold 2.5 million gallons.) As currently drafted, the bill may impose unnecessary prohibitions which will adversely impact many of Hawaii's retail stations and convenience stores.

The Honorable Ryan I. Yamane, Chair | House Committee Health, Human Services, & Homelessness
The Honorable Nicole E. Lowen, Chair | House Committee Energy & Environmental Protection

All underground storage tanks used at retail stations and convenience stores are already subject to existing state laws. The latest version of Hawaii Administrative Rules (HAR) 11-280.1 issued effective July 8, 2021 is as stringent as Title 40 Code of Federal Regulations (CFR) Part 280. This oversight adds another dimension of assurance and safety for the public and the environment.

Finally, as the state shifts away from petroleum products and adopts clean energy products by 2045 to meet the objectives of the Hawaii Clean Energy Initiative, this measure would inadvertently and adversely impact our state's decarbonization efforts. For instance, underground storage tanks containing clean or biofuels would also be prohibited under this measure. Alternatively, HPMA members would have to consider relocating their underground storage tanks to above ground.

For these reasons, HPMA respectfully requests your consideration of the following amendment:

1. Page 3, lines 6 – 8, amend “underground fuel storage tank” means any fuel tank with a capacity of one hundred **thousand** or more gallons installed underground.”

We ask for your favorable consideration of these amendments and thank you for the opportunity to submit written testimony.



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawaii Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: 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**
11:00 AM, February 8, 2022

Chair Yamane, Chair Lowen, Vice Chair Tam, Vice Chair Marten, and committee members,

On behalf of Hawaii Children's Action Network Speaks!, we are writing to support in support HB 2274, relating to underground fuel storage tanks. We respectfully also seek amendments to strengthen the proposal.

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.

We can all agree that having fuel found in tap water is not a natural occurrence. The fuel-tainted water has negatively affected more than just military families, but also local civilian families who reside on military housing. In town halls between military families and military officials, families shared their personal experiences of taking their sick children to the hospital and diagnosed with chemical burns in their mouths and rashes on their bodies. Pregnant women have been rushed to the emergency room for uncontrollable vomiting. Families are not able to use the running water in their own home. Imagine using bottled water in a cup to brush a young child's teeth in a home in military housing. This is not a healthy environment for children or families.

For the health and safety of the children and families on this island, I respectfully request the committee amend as requested and vote favorably on HB 2274.

Thank you,
Mai Hall
Children's Health Coordinator



Environmental Caucus of The Democratic Party of Hawai'i

Monday, February 7, 2022

To: House Committee on Health, Human Services & Homelessness
Hon. Ryan I. Yamane, Chair
Hon. Adrian K. Tam, Vice Chair

House Committee on Energy and the Environment
Hon. Nicole E. Lowen, Chair
Hon. Lisa Marten, Vice Chair

Re: **HB 2274 – RELATING TO UNDERGROUND FUEL STORAGE TANKS**
Hearing: Tuesday, February 8, 2022, 11:00 a.m., Room 329 & videoconference

Position: **Strong support**

Aloha, Chairs Yamane and Lowen, Vice Chairs Tam and Marten, and Members of the Committees on Health, Human Services & Homelessness and Energy and Environment:

The Environmental Caucus of the Democratic Party of Hawai'i stands in support of HB 2274 with amendments. This measure would prohibit issuance of future underground fuel storage tanks within one-half mile of an aquifer beginning July 1, 2022. It would also prohibit the operation of and renewal of underground fuel storage tank permits for tanks located within one-half mile from an aquifer beginning January 1, 2050. This measure also defines underground fuel storage tanks as any fuel tank with a capacity of one hundred gallons or more.

In 2018, nearly four years ago, the O'ahu County Democrats, out of dire concern over 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 a 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 your former colleague, U.S. Rep. Kai Kahele, "a crisis of astronomical proportions."

What might have been adequate measures four years ago are no longer enough. As the Hearings Officer in the Docket 19-UST-EA-02 Emergency Proceedings between the Navy and the Hawai'i Department of Health concluded last month, the Navy is not capable of competently managing and operating this vast mega-facility. That's why the Navy claims "human error" every time there's a spill. Because Navy staff, who rotate into Hawai'i and then out again in two or three years, and who have inadequate plans and data to work from, there is a pattern of repeated errors that result in spills that can't be avoided under the Navy's way of doing things.

But the Hearings Officer's decision, affirmed by the State Department of Health, requires the Navy to defuel the tanks for "corrective action," but eventually will result in refilling the tanks for an indefinite period. These administrative proceedings will result in no real eventual progress after a brief period of hoped-for "corrective action."

For these reasons, the Environmental Caucus of the Democratic Party of Hawai'i has concluded that we must demand permanent defueling and closure of the facility. Accordingly, the Environmental Caucus supports HB 2274 with the following amendments:

- (1) At page 2, line 18, increase the distance of the placement of a new underground fuel storage tank from one-half mile to one mile of the outer edge of the aquifer;
- (2) At page 2, lines 19-21, delete the language, "provided that a permit may be issued by the department for purposes of repairing or replacing an existing underground fuel storage tank." Unless this provision is amended, it would allow the Red Hill Underground Fuel Storage Tanks to be refueled after corrective action has been completed. As noted, the Environmental Caucus seeks decommissioning of the Facility; therefore, allowing for a permit to be issued would be inconsistent with the objective of decommissioning the Facility.
- (3) At page 3, lines 1-2, 4, advance the date of January 1, 2050 to July 1, 2022, and modify the operation and permitting process to require the distance from the outer edge of an aquifer from one-half mile to one mile of the outer edge of an aquifer.
- (4) Add an additional section to HRS Chapter 342L stating as follows: "It is the policy of the State of Hawaii to seek by all lawful means for the immediate defueling of the Red Hill Underground Bulk Fuel Storage Facility, permanent decommissioning of the facility, and an environmentally safe and permanent closure of the facility as soon as reasonably possible."
- (5) Add a severability provision to the bill.

The passage of this measure with amendments would provide the people of the State of Hawai'i, particularly those residing, working, and visiting the county of Honolulu, a reduced sense of fear of further risk of petroleum contamination in its major drinking water aquifer for generations to come.

Mahalo for the opportunity to testify,

Melodie Aalija
Alan Burdick
Co-Chairs,
Environmental Caucus of the
Democratic Party of Hawai'i

Email: legislativepriorities@gmail.com



HIPHI Board

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Titiimaea Ta'ase, JD
State of Hawai'i, Deputy Public
Defender

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community Health
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training
Hui

Healthy Eating + Active Living

Kūpuna Food Security Coalition

Date: February 7, 2022

To: Representative Ryan I. Yamane, Chair
Representative Adrian K. Tam, Vice Chair
Members of the Committee on Health, Human Services, and
Homelessness

Representative Nicole E. Lowen, Chair
Representative Lisa Marten, Vice Chair
Members of the Committee on Energy and Environmental
Protection

Re: Support with amendments for HB 2274, Relating to
Underground Fuel Storage Tanks

Hrg: February 8 at 11:00 AM, via Videoconference

Aloha Chair Yamane, Chair Lowen, and committee members,

The Hawai'i Public Health Instituteⁱ is in **support of HB 2274 and offers an amendment**. HB 2274 would protect public health and O'ahu's clean drinking water supply by prohibiting the operation of existing underground storage tanks by a date to be determined as well as the future construction of underground storage tanks within half a mile of an aquifer.

HIPHI is alarmed by the recent events surrounding Red Hill and the confirmation of petroleum in our water supply. Fresh, clean drinking water is a precious resource, with access to clean drinking water being a basic human right that is "essential for the enjoyment of life and all human rights."ⁱⁱ

For years, advocates and organizations like the Sierra Club have warned about the need to protect our drinking water, as the Red Hill Fuel Tank facility sits only 100 feet above the aquifer that supplies water to over 400,000 people, from Hālawā to Hawai'i Kai. The Red Hill facility has a long history of leaking fuel into the surrounding environment and has already contaminated O'ahu's primary drinking water aquifer. Ending operations of the Red Hill facility immediately and preventing future underground storage tanks from being

constructed near aquifers is the only way to guarantee the safety of our water and our people.

HIPHI respectfully requests the committees to 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, 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 line.

This public health crisis was preventable, and we urge the Navy and the State to take swift action to protect our water supply. Clean water is essential for life, and access to clean, safe drinking water is a basic human right.

Mahalo,

A handwritten signature in black ink, appearing to read "Amanda Fernandes". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Amanda Fernandes, JD
Policy and Advocacy Director

ⁱ Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ Resolution A/RES/64/292. United Nations General Assembly, July 2010.



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.

Committee on Energy and Environmental Protection and Committee on Health, Human Services & Homelessness

February 8th, 2022, 11:00 am Videoconference

HB 2274 – RELATING TO UNDERGROUND FUEL STORAGE TANKS

Environmental Justice Task Force, Faith Action for Community Equity

POSITION: Support

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,

The Environmental Justice Task Force **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
- 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!

Susan Gorman-Chang

Chair, Environmental Justice Task Force
Faith Action for Community Equity

Faith Action for Community Equity, P.O. Box 235950, Honolulu, HI 96823
www.faithactionhawaii.org
(808) 554-3833



**Testimony to the House Committees
Health, Human Services, & Homelessness
Energy & Environmental Protection**

**Tuesday, February 8, 2022 at 11:00 A.M.
Via Videoconference**

RE: HB 2274, RELATING TO UNDERGROUND FUEL STORAGE TANKS.

Chairs Yamane and Lowen, Vice Chairs Tam and Marten, and Members of the Committees:

The Hawaii Military Affairs Council ("MAC") **offers comments** on House Bill 2274 which:

- 1) Prohibits issuance of future underground fuel storage tanks within one-half mile of an aquifer beginning July 1, 2022;
- 2) Prohibits operation of and renewal of underground fuel storage tank permits located within one-half mile from an aquifer beginning January 1, 2050; and
- 3) Defines underground fuel storage tanks as any fuel tank with a capacity of one hundred gallons or more.

The Hawaii Military Affairs Council (MAC) was established in 1985 when the Chamber was appointed by the State to serve as the liaison to the military. The MAC advocates on behalf of Hawaii's military, and is comprised of business leaders, academic institutions, State and County officials, members of the CODEL, community leaders, labor unions and organizations and retired U.S. flag and general officers. The MAC works to support Hawaii's location as a strategic U.S. headquarters in the Indo-Asia-Pacific region which is crucial for U.S. national and homeland security.

In recognizing how critical the U.S. military presence is to Hawaii's economy, the MAC underscores the importance of the military's ability to remain "ready to respond" which is essential for preserving the military's presence in the State and protecting a vital driver of our state's economy as well as deter and defend against would be aggressors in this region and preserve our way of life. In addition to protecting the State's economy, the military employs over 100,000 people in Hawaii. The MAC recognizes that the safety of the people of Hawaii and the community is paramount and will continue to work with the military, state officials and the community on a path forward ensuring the protection and safety of our people and community, transparency, and a viable path forward.



By way of background, Congress passed 2022 National Defense Authorization Act for Fiscal Year on December 15, 2021 which adopts and builds off the Hawaii's Congressional Delegation's request for independent Inspector General review of Red Hill by requiring an independent American Petroleum Institute certified inspector to examine the facility. Additionally, on January 11, 2022 the Department of the Navy announced their commitment to Hawaii and comply with all six elements of the State Department of Health order.

Given the Department of the Navy's commitment to work with federal, state, and local agencies to suspend operations and empty the underground tanks at the Red Hill Bulk Fuel Storage Facility, we express and recognize foremost the safety of the people of Hawaii and the protection of our precious natural resources

Thank you for the opportunity to testify and offer our comments.

HB-2274

Submitted on: 2/7/2022 10:50:44 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kapono Chong-Hanssen	'Ahahui o na Kauka - Association of Native Hawaiian Physicians	Support	No

Comments:



To: The House Committee on Health, Human Services, & Homelessness (HHH)
and
The House Committee on Energy and Environmental Protection (EEP)
From: Sherry Pollack, Co-Founder, 350Hawaii.org
Date: Tuesday, February 8, 2022, 11am

In support of HB2274

Aloha Chairs Yamane and Lowen, Vice Chairs Tam and Marten, and members of the HHH and EEP 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 **some suggested amendments**.

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 some amendments for your consideration.

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.

Please **PASS** HB2274 with the above amendments.

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



HAWAII

AMERICANS FOR DEMOCRATIC ACTION

OFFICERS

John Bickel, President
Alan Burdick, Vice President
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DIRECTORS

Melodie Aduja
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Juliet Begley
Stephanie Fitzpatrick
Jan Lubin
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Jenny Nomura
Stephen O'Harrow

MAILING ADDRESS

P.O. Box 23404
Honolulu
Hawaii 96823

February 3, 2022

TO: Chairs Yamane & Lowen and Members of the HHH & EEP Committees

RE: HB 2274 Relating to Underground Fuel Storage

Support for hearing on February 8

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support this bill it would prohibit issuance of future underground fuel storage tanks within one-half mile of an aquifer beginning July 1, 2022 and prohibits operation of and renewal of underground fuel storage tank permits located within one-half mile from an aquifer beginning January 1, 2050. After recent events at Red Hill, this should be a no-brainer.

Thank you for your favorable consideration.

Sincerely,

John Bickel, President

HB-2274

Submitted on: 2/3/2022 5:16:45 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

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 operation of underground storage tanks beginning Jan. 1, 2050. 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.

HB-2274

Submitted on: 2/3/2022 5:21:30 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Barbara Barry	Individual	Support	No

Comments:

Aloha,

I strongly support HB 2274.

Mahalo,

Barbara Barry

While National security is a top priority for our county, fresh water is vital for life. We live on an island with finite resources, if our aquifer is contaminated we will be forever dependent on water from elsewhere. The most recent fuel leak has led to health problems, hospitalizations and unknown future chronic health issues. Disrupted living conditions have lasted for months.

Our state has a duty to malama ka aina and the people of Hawaii for now and for future generations. Studies have been done for years regarding the dangers of pollution in fresh water. Consider past disasters such as Love Canal and more recently Flint Michigan, do we want Oahu to be the next tragedy?

Water is a precious gift we must protect. Decisions made today will have consequences on future generations.

Sophie Cocke scocke@staradvertiser.com Nov. 30, 2021. "Military Families Living near Red Hill Blame Sickness on Tainted Water." *Advertiser*, 6 Dec. 2021, <https://www.staradvertiser.com/2021/11/30/hawaii-news/military-families-living-near-red-hill-blame-sickness-on-tainted>.

"JP-5, JP-8, and Jet A Fuels Public Health Statement." *JP-5, JP-8, and Jet A Fuels Public Health Statement*, DEPARTMENT of HEALTH AND HUMAN SERVICES, Public Health Service Agency for Toxic Substances and Disease Registry, Mar. 2017, <https://www.atsdr.cdc.gov/ToxProfiles/tp121-c1-b.pdf>.

HB-2274

Submitted on: 2/4/2022 11:34:20 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mialisa Otis	Individual	Support	No

Comments:

E ola i ka wai! Water is life. I support all measures that keeps us safe by having clean water. Shut down Red Hill tanks! Mahalo.

HB-2274

Submitted on: 2/5/2022 12:21:59 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Keke Manera	Individual	Support	No

Comments:

SHUT DOWN RED HILL!!! HAWAI'I HAS HAD ENOUGH ABUSE! DO THE RIGHT THING ONCE AND FOR ALL! MAHALO

HB-2274

Submitted on: 2/5/2022 9:56:43 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
jennifer valentine	Individual	Support	No

Comments:

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.

HB-2274

Submitted on: 2/5/2022 9:59:19 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Danelle Guion	Individual	Support	No

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 tanksystem 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!

Danielle Ann Guion, Makakilo, Hawaii

HB-2274

Submitted on: 2/5/2022 10:48:14 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Steven Costa	Individual	Support	No

Comments:

Support with pending amendmants

HB-2274

Submitted on: 2/5/2022 11:30:26 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Patricia Blair	Individual	Support	No

Comments:

Our water source must be protected. The USNavy has acted without integrity.

HB-2274

Submitted on: 2/5/2022 3:13:39 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Denise Boisvert	Individual	Support	No

Comments:

Dear Chair Yamane, Chair Lowen, Vice Chair Tam, Vice Chair Marten, and members of the Committees,

I STRONGLY SUPPORT HB2274 with amendments to remove reference to the Red Hill Bulk Fuel Storage Facility in the preamble; have the new definition of "underground fuel storage tank" to apply to field-constructed tanks or with a capacity of 100,000 gallons, and ensure no permit may be issued or renewed and that no tank or tank system mauka of the underground injection control line may be operated after the end of this year.

For the last several years I have testified at Honolulu Hale and the State House against the Red Hill jet fuel tanks, written Letters to the Editor of the Star Advertiser and CivilBeat, have spoken about them at the Waikiki Neighborhood Board meetings, and have waved signs on the streets of Honolulu.

Each time I evoke the Exxon Valdez, Deepwater Horizon, and Flint, MI disasters and beg everyone listening to or reading me to do what they can to prevent adding O'ahu to that infamous list.

If the strictest rules regarding permits are not made now, it is inevitable that there will be an "Erin Brockovich" and "Dark Waters" type movie made about O'ahu's aquifers. Storing fuel in underground tanks just above an island's sole source aquifer without strong permit standards is a disaster movie's dream script. Please pass HB2274 with the above mentioned amendments.

Mahalo,
Denise Boisvert
Waikiki

HB-2274

Submitted on: 2/5/2022 5:03:25 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
tlaloc tokuda	Individual	Support	No

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' aquifer from fuel contamination. As the Hawaiian's would say 'Water is life'.

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!

tlaloc tokuda

Kailua Kona * I lived on Oahu in the 60,70s & 80s

HB-2274

Submitted on: 2/5/2022 5:41:16 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Stanford H. Masui	Individual	Support	No

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.

Thank you for your consideration.

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!

Anne Massie

HB-2274

Submitted on: 2/6/2022 7:50:47 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
cheryl hendrickson	Individual	Support	No

Comments:

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!

HB-2274

Submitted on: 2/6/2022 5:37:46 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

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

Comments:

My one comment is to consider changing ½ mile to 1 mile.

HB-2274

Submitted on: 2/6/2022 8:48:30 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
kristin dong	Individual	Support	No

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!

kristin dong

HB-2274

Submitted on: 2/6/2022 10:07:53 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Stephanie Le	Individual	Support	No

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!

Stephanie

HB-2274

Submitted on: 2/6/2022 10:24:43 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
kalena Charlene Holani	Individual	Support	No

Comments:

I believe one hundred percent for the safety of our future Hawaii we should prohibit underground fuel storage tanks of greater than 100 gallons within a half mile of an aquifer.

HB-2274

Submitted on: 2/6/2022 10:47:54 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Janice Marsters	Individual	Comments	No

Comments:

Honorable Representatives:

I am an environmental consultant with a PhD in geology from UH and more than 30 years of experience in environmental and hydrogeologic consulting in Hawai'i. While the motivation behind the bill is understandable given the Red Hill incidents, the bill could provide consequences that may not be initially recognized.

By not qualifying the term "aquifer," the bill would essentially ban all underground storage tanks (USTs) in the State, since the entirety of the islands are underlain by aquifers. The bill would force the closure of commercial gasoline stations where above-ground storage of fuel is not practicable. Where above-ground storage may be physically feasible, such storage would provide a visual blight and aboveground spill and fire/explosion hazards to the surrounding community. The impact would be great to small businesses operating gasoline stations and to the communities using those businesses.

Aquifers are characterized by several methods. For example, about 30 years ago, the Water Resources Research Center at UH-Mānoa published a series of documents identifying and classifying the aquifers on all islands. They characterized aquifers as to their vulnerability to contamination and their significance as drinking water sources. Not all aquifers are classified as drinking water sources and should not be considered as such.

The Hawai'i Department of Health's Safe Drinking Water Branch (SDWB) has established an "Underground Injection Control" (UIC) line on all islands. In general, aquifers above (mauka of) the UIC line are considered potential drinking water sources and injection of wastes is prohibited. However, using the UIC line as the demarcation for banning USTs, would mean closure of or major modifications to numerous community gasoline stations throughout the islands that lie mauka of the UIC line, even though they don't threaten public drinking water sources.

A better approach may be to define the groundwater "capture zone" around public drinking water sources and to prohibit USTs above a certain size in those zones. The SDWB already encourages the removal of USTs and onsite sewage disposal systems as part of their Wellhead Protection programs. More emphasis on and funding for meaningful wellhead protection would be worthwhile.

Due to the likely significant and potential adverse impacts of this proposed legislation, I urge the committee to defer this bill in favor of a study to find the best scientific approach to groundwater protection and to fully evaluate the economic consequences of such a ban.

Respectfully submitted,

Janice Marsters

808.371.8504

HB-2274

Submitted on: 2/7/2022 12:15:45 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Emma Stierhoff	Individual	Support	No

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. Water is our most precious resource, and clean water is critical for the health and well being of everyone. The need to protect this vital resource is urgent. People deserve to live knowing with absolute certainty that they and their children will always have access to clean water. Faulty management of fuel storage tanks threatens this unalienable right.

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.

Emma Stierhoff

HB-2274

Submitted on: 2/7/2022 1:59:27 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jason Mark Alexander	Individual	Support	No

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,

Jason Mark Alexander

While National security is a top priority for our county, fresh water is vital for life. We live on an island with finite resources, if our aquifer is contaminated we will be forever dependent on water from elsewhere. The most recent fuel leak has led to health problems, hospitalizations and unknown future chronic health issues. Disrupted living conditions have lasted for months.

Our state has a duty to malama ka aina and the people of Hawaii for now and for future generations. Studies have been done for years regarding the dangers of pollution in fresh water. Consider past disasters such as Love Canal and more recently Flint Michigan, do we want Oahu to be the next tragedy?

Water is a precious gift we must protect. Decisions made today will have consequences on future generations.

Sophie Cocke scocke@staradvertiser.com Nov. 30, 2021. "Military Families Living near Red Hill Blame Sickness on Tainted Water." *Advertiser*, 6 Dec. 2021, <https://www.staradvertiser.com/2021/11/30/hawaii-news/military-families-living-near-red-hill-blame-sickness-on-tainted>.

"JP-5, JP-8, and Jet A Fuels Public Health Statement." *JP-5, JP-8, and Jet A Fuels Public Health Statement*, DEPARTMENT of HEALTH AND HUMAN SERVICES, Public Health Service Agency for Toxic Substances and Disease Registry, Mar. 2017, <https://www.atsdr.cdc.gov/ToxProfiles/tp121-c1-b.pdf>.

HB-2274

Submitted on: 2/7/2022 8:48:30 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tabatha Aiko Knudson	Individual	Support	No

Comments:

Dear honorable committee,

I apologize for this short testimony, but I as a community member, I strongly support this bill with amendments! After decades of mistrust, dishonesty, and detrimental consequences with the owners of these types of tanks, we must not allow the ability for this to happen again!

Thank you for your time and I strongly urge you to support this bill!

Tabatha Knudson

HB-2274

Submitted on: 2/7/2022 9:00:12 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Grace Bezilla	Individual	Support	No

Comments:

Kāko‘o

HB-2274

Submitted on: 2/7/2022 9:23:30 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ashley Lee	Individual	Support	No

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!

Ashley Lee

HB-2274

Submitted on: 2/7/2022 10:17:43 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

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

Comments:

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,

Laura Ramirez and the Bettencourt family

HB-2274

Submitted on: 2/7/2022 10:41:08 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Greg Puppione	Individual	Support	No

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,

Greg Puppione

HB-2274

Submitted on: 2/7/2022 10:54:37 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
D. Keali'i MacKenzie	Individual	Support	No

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!

D. Keali'i MacKenzie

Kailua, O'ahu

BOARD OF WATER SUPPLY

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



February 8, 2022

RICK BLANGIARDI, MAYOR

BRYAN P. ANDAYA, Chair
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NA'ALEHU ANTHONY

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

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

The Honorable Ryan I. Yamane, Chair
and Members
House Committee on Health, Human Services, & Homelessness
Hawaii State Capitol, Room 329
Honolulu, Hawaii 96813

The Honorable Nicole E. Lowen, Chair
and Members
House Committee on Energy & Environmental Protection
Hawaii State Capitol, Room 329
Honolulu, Hawaii 96813

Dear Chair Yamane, Chair Lowen and Members:

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

The Honolulu Board of Water Supply (BWS) supports House Bill (HB) 2274 and recommend the measure 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."

The Honorable Ryan I. Yamane, Chair
The Honorable Nicole E. Lowen, Chair
and Members
February 8, 2022
Page 2

This measure ensures the protection of our environment and underground sources of drinking water from the adverse impacts of leaking underground petroleum fuel tank systems. The need to preserve and protect groundwater quality and quantity now and into the future outweighs the continued operation of large field-constructed USTs.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ernest Y. W. Lau".

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



**House Committees on
Health, Human Services, & Homelessness /
Energy & Environmental Protection**

Tuesday, February 8th, 2022, 11a.m. Conference Room 329

Hawai'i Alliance for Progressive Action Supports with amendments: HB2274

Aloha Chairs Yamane/Lowen, Vice Chair Tam/Marten and Members of the Committees,

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

Mahalo for hearing HB2274 to prohibit the issuance of future underground fuel storage tanks within one-half mile of an aquifer beginning July 1, 2022, and then prohibiting the operation of and renewal of underground fuel storage tank permits located within one-half mile from an aquifer beginning January 1, 2050.

HB2274 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.

HAPA supports HB2274, with the following amendments:

- 1) Please remove reference to the Red Hill Bulk Fuel Storage Facility in the preamble, to avoid potential federal preemption challenges;
- 2) Please amend 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) Please ensure 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 line.

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 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.

- 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 with the above amendments.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Anne Frederick', with a stylized flourish at the end.

Anne Frederick
Executive Director



Board Members

President
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: February 7, 2022

To: Representative Ryan I. Yamane & Representative Nicole E. Lowen, Chairs,
Representative Adrian K. Tam & Representative Lisa Marten, Vice-Chairs
and Members of the Committees on Health, Human Services, &
Homelessness and Energy & Environmental Protection

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

Re: Support for HB 2274 with amendments

Aloha Chairs Yamane & Lowen, Vice-Chairs Tam & Marten, and Committee
Members,

The Hawai'i Alliance for Community-Based Economic Development (HACBED) supports HB 2274, with amendments, which prohibits issuance of future underground fuel storage tanks within one-half mile of an aquifer beginning July 1, 2022, and prohibits operation of and renewal of underground fuel storage tank permits located within one-half mile from an aquifer beginning January 1, 2050. We ask that the bill be amended to:

- 1) remove reference to the Red Hill Bulk Fuel Storage Facility in the preamble to void potential federal preemption challenges;
- 2) revise the proposed new definition of "underground fuel storage tanks" to apply to facilities with field-constructed tanks or with a capacity over 100,000 gallons; and
- 3) ensure 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 for this year for a facility located mauka of the underground injection control line.

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 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

HB-2274

Submitted on: 2/8/2022 12:37:40 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Evelyn Aczon Hao	Faith Action for Community Equity	Support	No

Comments:

Sample Testimony on HB2274:

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 HB2274 with amendments. *Its intent is laudable because it seeks to protect our islands' most precious resource from fuel contamination. Water is the source of life; future generations depend on its being safe to drink.*

The following are amendments to provide protection of our water now and generations to come:

- 1) Remove reference to the Red Hill Bulk Fuel Storage Facility in the preamble, to avoid potential federal preemption challenges.*
- 2) Amend 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.*
- 3) Ensure 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! Evelyn A. Hao

HB-2274

Submitted on: 2/7/2022 10:59:04 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Pete Doktor	Wai Ola Alliance	Support	No

Comments:

Aloha `āina e 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. It is our collective kuleana to protect our life-giving water for our grandchildren's grandchildren. It is imperative to protect our sole-source aquifer. There is nothing anti-military about protecting our `ohana.

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 loa for your commitment to public safety and health.



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

Feb 7, 2022

Dear Chair and Committee Members,

The Ko'olau Waiialua Alliance would like to express support for HB2274 with amendments outlined below. 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!

Angela Huntmer for the members of the Ko'olau Waiialua Alliance.
808-224-3101

koolauwaiialuaalliance@protonmail.com

The Ko'olau Waiialua 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.



HB2274
RELATING TO UNDERGROUND FUEL STORAGE TANKS
House Committee on Health, Human Services, & Homelessness
House Committee on Energy & Environmental Protection

February 8, 2022

11:00 AM

Videoconference

The Council for Native Hawaiian Advancement (CNHA), a member-based 501(c)(3) non-profit organization with a mission to enhance the cultural, economic, political, and community development of Native Hawaiians, **STRONGLY SUPPORTS** HB2274. This bill would prohibit the Department of Health from issuing and renewing permits for underground fuel storage tanks within one-half mile from an aquifer. HB2274 represents a significant step forward in addressing the Red Hill Crisis that currently threatens an aquifer that supplies fresh drinking water to nearly half of O‘ahu’s residents.

The Navy’s Red Hill Bulk Fuel Storage Facility has leaked 180,000 gallons of fuel since 1940, **including recent leaks that have contaminated the Southern O‘ahu Basal Aquifer.** After the November 2021 leaks, the Honolulu Board of Water Supply (HBWS) was forced to shut down its Hālawā Shaft, Hālawā Well and ‘Aiea Well as a precautionary measure to prevent the fuel contamination from migrating to the public water system. An extended or permanent shutdown of these three critical HBWS wells could trigger mandatory water conservation measures during dry periods. **Moreover, the unknown levels of fuel contamination in the Southern O‘ahu Basal Aquifer could have potentially devastating impacts on Hawai‘i’s economy, especially if the contamination is so great that the HBWS is unable to approve new wells to support new affordable housing developments.**

This measure, should it pass, would be a long-overdue step in the right direction toward the establishment of necessary governing frameworks that effectively work toward protecting Hawai‘i’s finite natural resources for the betterment of future generations. Native Hawaiian traditions have reflected the importance of fresh water for survival on this isolated archipelago in the middle of the vast Pacific Ocean. What Native Hawaiians, of the time before, knew of



sustainability and self-sufficiency in the Hawaiian Islands, through centuries of struggle-turned-into-prosperity, is often taken for granted until an existential threat arises. We are presently faced with such a threat and it is evidently imperative that measures, like this, are needed to address the existing crisis and to mitigate the potential for future crises.

CNHA urges the Legislature to pass HB2274 to better protect O’ahu’s life-giving waters.

Mahalo nui loa for this opportunity to provide testimony on this measure.

Respectfully,

J. Kūhiō Lewis, CEO
Council for Native Hawaiian Advancement

HB-2274

Submitted on: 2/7/2022 11:59:49 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gina Hara	Individual	Support	Yes

Comments:

For HB2274:

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.

Before 2014, it was 200,000 gallons (approx 72 leaks), and 27,000 gallons from 17 unpatched test holes human error. There was in Pearl Harbor 5 million gallons spilled crude oil in 2015, and last year 7000 gallons Hotel Pier, 19,000 gallons missing May 6, 2022 during tank testing, 14,000 gallons spilled from electric car bumping pipe.

Doesn't this mean we are at 277,000 gallons? There are 100 million gallons currently moving over the drinking water. We cannot extend anymore. These leaks are on schedule and more are expected.

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!

Gina Hara, Halawa Valley

HB-2274

Submitted on: 2/7/2022 1:12:25 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Francis Nakamoto	Individual	Support	No

Comments:

Chair Ryan Yamane and Vice Chair Adrian Tam and members of the Committee on Health, Human Services and Homelessness

I strongly support HB2274 which would prohibit the construction of any large underground storage tank of greater than 100 gallons within a half mile of an aquifer. This bill will also deny renewal of any existing permit to allow nonconforming tanks, such as the infamous Red Hill Fuel Tanks.

This legislation will help to prevent fuel tanks like the Navy's Red Hill tanks from contaminating vital water resources, such as the prime aquifer serving Honolulu.

Clearly, the Navy has demonstrated neither the commitment nor the capability of protecting our prime source aquifer. Its failure to comply with the Order of the State Department of Health to defuel these historically defective and plan for decommissioning of the tanks clearly prove local regulation is necessary. We cannot rely on the Navy to protect our interests, water and aina.

HB-2274

Submitted on: 2/7/2022 2:29:13 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Will Caron	Individual	Support	No

Comments:

I strongly support this bill. The U.S. military does not keep Hawai'i's people safe. It's time to shut down red hill for good.

HB-2274

Submitted on: 2/7/2022 3:03:38 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alexandra Skees	Individual	Support	No

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!

Alexandra Skees

HB-2274

Submitted on: 2/7/2022 11:09:00 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
irene kloepfer	Individual	Support	No

Comments:

Aloha. Please this bill must pass to protect the residents of Oahu. It is up to the people as obviously the navy cannot be trusted - they have again recently flip flopped. Without clean drinking water the island is Pau and so is National security Mahalo. Irene kloepfer

HB-2274

Submitted on: 2/7/2022 5:15:12 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jessica Kuzmier	Individual	Support	No

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!

HB-2274

Submitted on: 2/7/2022 5:15:48 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jonilee Polanco	Individual	Support	No

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!

Jonilee Polanco

HB-2274

Submitted on: 2/7/2022 5:24:49 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Amy Harlib	Individual	Support	No

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,

PLEASE PROTECT OUR PRECIOUS WATER!

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!

Amy Harlib

HB-2274

Submitted on: 2/7/2022 7:09:14 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Abigail Rose	Individual	Support	No

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. 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

HB-2274

Submitted on: 2/7/2022 7:44:59 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lorna Holmes	Individual	Support	No

Comments:

Aloha 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!

Lorna Holmes, Honolulu 96817

HB-2274

Submitted on: 2/7/2022 9:14:56 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Melissa Sharon Long	Individual	Support	No

Comments:

Aloha kākou,

My name is Melissa Long, I am a resident of Hawai‘i. I STRONGLY SUPPORT HB2274 prohibiting storage within distance of an aquifer.

Ola i ka wai, water is life! Our kūpuna greatly understood and respected the importance of preserving, caring, and maintaining our natural resources. Without water, there is no life. Every single thing on this planet relies on the existence of water.

I am saddened, shocked and disbelief how anyone could so wrongly violate people’s access to such a vital, precious resource.

The Navy’s antiquated Red Hill fuel storage tanks have poisoned the aquifer that provides drinking water to half of O‘ahu’s residents. This damage to the Moanalua-Waimalu groundwater aquifer could result in devastating long-term impacts to the health of our community as well to Hawai‘i’s economy. It also has a detrimental impact on the lāhui. How can we honor those who came before us?

As a kumu at a Hawaiian-focused Charter School, we teach our haumāna that wai and kai are in the heart of everything our kūpuna did. We learn that everything relies on these resources and that every single person has a right to access wai, and that is why HB2274 MUST be passed.

HB2274 would help to ensure that a situation like the Navy's Red Hill Bulk Fuel Storage Facility is not repeated elsewhere in Hawai'i.

In closing, please PASS HB2274. Mahalo for this opportunity to testify on this measure.

Mālama Pono,

Melissa Sharon Kapolei Long

HB-2274

Submitted on: 2/7/2022 10:19:01 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Laurie Takeno	Individual	Support	No

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.

HB-2274

Submitted on: 2/7/2022 11:32:28 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kara Kelay	Individual	Support	No

Comments:

I strongly support HB2514. I believe that the protection of our precious aquifers heavily outweighs the need to store toxins of any kind in underground tanks.

HB-2274

Submitted on: 2/7/2022 11:36:58 PM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rebecca Mattos	Individual	Support	No

Comments:

For HB2274:

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!

Rebecca Mattos

HB-2274

Submitted on: 2/8/2022 12:12:33 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kapua Medeiros	Individual	Support	Yes

Comments:

Aloha Chairs and Committee Members,

I Support HB2274 as it would put much needed limits on any future underground storage tanks.

Our precious life sustaining drinking water is much more important than any other energy source and needs to be protected at all costs.

Mahalo nui,

Kapua Medeiros

HB-2274

Submitted on: 2/8/2022 3:56:24 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robin Hart	Individual	Support	No

Comments:

Hello--

I write to garner support for HB 2274, because the prohibition of storage tanks of 100 gallons or more near an aquifer is crucial for the protection and prevention of Hawaii's water resources. *Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.*

Please pass HB 2274.

Thank you for the opportunity to testify.

--Robin Hart

HB-2274

Submitted on: 2/8/2022 4:15:40 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shelby Rodrigues	Individual	Support	No

Comments:

As I am sure many of you are aware, jet fuel has been leaking into the ground and into water table around the US Navy fuel storage at Redhill. Its affects on people outside of the military range have been under researched and under reported. This is a public health and environmental disaster. This has immediate implications, as well as negative effects for the decades to come. Not only does this poison the everyday water of Hawaiians, but more importantly the living organisms around us. Fuel not only contributes to acid rain but as well as burning the roots of trees, grasses and plants which our saving grace is when it comes to CO2 absorption. The irony of this fuel leak, which you should all know fossil fuels are the leading cause of human caused climate change and global warming, destroying the very thing that can buffer us from more extreme climate change. Lack of these plants can also lead to soil erosion, landslides, and decreased animals and insects, just to name a few. For the safety of all living creatures now and in the future, prohibiting the distance of these fuel tanks from aquifers is some of the least of Hawaiians, environmentalist, and conservatives demands.

HB-2274

Submitted on: 2/8/2022 4:57:11 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mary McClung Law	Individual	Support	No

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. I'd like to point out that as citizens and as organizations we previously have been working to ask, even begging, the state to do something about this, to no avail. And now, here we are. So please, please take action, and take advice from the people who have been concerned and focused on this for decades now.

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!

HB-2274

Submitted on: 2/8/2022 4:58:39 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ileana H Ruelas	Individual	Support	No

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 provide testimony.

Sincerely, Ileana H Ruelas

HB-2274

Submitted on: 2/8/2022 7:14:44 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Priscilla Stuckey	Individual	Support	No

Comments:

Aloha, Chairs and Members of the Committees, I support with amendments HB2274 to protect Hawaiian waters from fuel contamination. Water is life, and once it is contaminated, it remains that way for those who come after.

I urge these amendments to the bill and support it in this amended form:

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;
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.

We have the kuleana to protect water's ability to give life for all those who follow us. Please pass amended HB2274.

HB-2274

Submitted on: 2/8/2022 7:31:41 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Makaiwa kanui	Individual	Support	No

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!

Makaiwa Kanui

HB-2274

Submitted on: 2/8/2022 7:54:46 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Danielle Espiritu	Individual	Support	No

Comments:

Aloha 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!

Danielle Espiritu

HB-2274

Submitted on: 2/8/2022 10:24:34 AM

Testimony for HHH on 2/8/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Micky Huihui	Individual	Support	No

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.

- 1. 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!

Micky Huihui