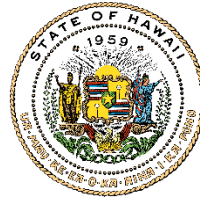


**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621  
HONOLULU, HAWAII 96809

**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**LAURA H.E. KAAKUA**  
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  
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ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
DAWN N. S. CHANG  
Chairperson**

**Before the House Committee on  
FINANCE**

**Tuesday, February 28, 2023  
1:30 PM**

**State Capitol, Conference Room 308 & Videoconference**

**In consideration of  
HOUSE BILL 546, HOUSE DRAFT 1  
RELATING TO THE FUEL TANK ADVISORY COMMITTEE**

House Bill 546, House Draft 1 proposes to amend Section 342L-62, Hawai'i Revised Statutes, requiring the Fuel Tank Advisory Committee to hold no fewer than one regular meeting in each quarter of a calendar year. **The Department of Land and Natural Resources (Department) supports this measure.**

Since the first meeting of the Fuel Tank Advisory Committee (FTAC) in 2016, the Department has held two positions on the Committee. Having seats on the FTAC allowed the Department to have a valuable voice to address the implementation of the conditions of the Administrative Order on Consent. Annual meetings were held until 2020, after which interest in the FTAC annual meeting was so great that semi-annual meetings were held in 2021 and 2022.

Holding quarterly meetings of the FTAC would allow: 1) more timely disclosure of spill events and the responses to deal with them; 2) better communication regarding current efforts for aquifer recovery and remediation; 3) better opportunity for the public to present their concerns; and 4) more coordination of members of the committee to address concerns related to the administrative order on consent, which include ground-water flow models, contaminant fate and transport models, and construction of monitor wells to assess aquifer contamination.

Mahalo for the opportunity to provide testimony in support of this measure.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. BOX 3378  
HONOLULU, HI 96801-3378  
[doh.testimony@doh.hawaii.gov](mailto:doh.testimony@doh.hawaii.gov)

In reply, please refer to:  
File:

**Testimony in SUPPORT of HB0546 HD1  
RELATING TO THE FUEL TANK ADVISORY COMMITTEE**

REPRESENTATIVE KYLE T. YAMASHITA, CHAIR  
HOUSE COMMITTEE ON FINANCE

Hearing Date: 2/28/2023

Room Number: 308

1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (Department) appropriations and  
3 personnel priorities.

4 **Department Testimony:** This bill proposes to specify the frequency of the Fuel Tank Advisory  
5 Committee (FTAC) meetings to, "no fewer than one regular meeting in each quarter of a  
6 calendar year."

7 The Department supports this measure, however, we respectfully request \$350,000 to  
8 fund contractor services to assist the Department in the preparation, facilitation and execution of  
9 these meetings. The Department has received comments from the public stating that they prefer  
10 the open house format over the FTAC meeting format to receive updates on Red Hill activities.  
11 Therefore, the Department also plans to conduct more open house events. Since the same  
12 Department staff who perform the regulatory oversight are tasked with preparing for these  
13 meetings and open houses, additional support is necessary to minimize the potential impact on  
14 the Department's oversight of the Red Hill activities.

15 The Department is tasked with assembling the FTAC pursuant to Section 342L-62,  
16 Hawaii Revised Statutes. Although the meeting frequency is not specified in the law, the  
17 Department currently holds two meetings a year.

18 Thank you for the opportunity to testify.

19 **Offered Amendments:** None

## BOARD OF WATER SUPPLY

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



February 28, 2023

RICK BLANGIARDI, MAYOR

BRYAN P. ANDAYA, Chair  
KAPUA SPROAT, Vice Chair  
MAX J. SWORD  
NA'ALEHU ANTHONY  
JONATHAN KANESHIRO

DAWN B. SZEWCZYK, P.E., Ex-Officio  
EDWIN H. SNIFFEN, Ex-Officio

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

ERWIN M. KAWATA  
Deputy Manager

The Honorable Kyle T. Yamashita, Chair  
The Honorable Lisa Kitagawa, Vice Chair  
and Members  
House Committee on Finance  
Hawaii State Capitol, Room 308  
Honolulu, Hawaii 96813

Dear Chair Yamashita, Vice Chair Kitagawa and Members:

Subject: House Bill 546, HD1: Relating to the Fuel Tank Advisory Committee

The Honolulu Board of Water Supply (BWS) strongly supports House Bill (HB) 546, House Draft (HD) 1. This measure proposes to amend Hawaii Revised Statutes (HRS) 342L-62, to require the Fuel Tank Advisory Committee to hold no fewer than one regular meeting in each quarter of a calendar year.

The purpose of the Fuel Tank Advisory Committee is to study issues related to leaks at the Red Hill Bulk Fuel Storage Facility (RHBFSF) among other responsibilities. Given the November 2021 fuel release that contaminated Oahu's sole source aquifer and the Joint Base Pearl Harbor Hickam (JBPHH) water system that affected almost 100,000 people including the release of 1,300 gallons of per- and polyfluoroalkyl substance (PFAS) containing aqueous film forming foam (AFFF) at the RHBFSF, the Committee needs more meetings to discuss and comment on the Navy and regulatory agencies' progress to characterize and mitigate this contamination. It has been more than a year since the 2021 fuel release and nine years since the 2014 tank 5 spill and we are no closer knowing the nature and extent of the contamination present in our aquifer. We can no longer wait. The legislature and the Fuel Tank Advisory Committee needs to take swift and decisive action to end the wait and restore our aquifer for future generations to come.

Thank you for the opportunity to testify in strong support of HB546, HD1.

Very truly yours,

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



# SIERRA CLUB OF HAWAI'I

## HOUSE COMMITTEE ON FINANCE

February 28, 2023      1:30 PM      Conference Room 308

### **SUPPORTING with AMENDMENTS HB546 HD1:** Relating to the Fuel Tank Advisory Committee

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Aloha Chair Yamashita, Vice Chair Kitagawa, and Members of the Finance Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS WITH AMENDMENTS** HB546 HD1, which could provide Hawai'i residents with much greater transparency and accessibility in discussions concerning the unprecedented, existential, and daily threat facing O'ahu and the entirety of Hawai'i nei.

Fuel tank advisory committee meetings are the only consistent venue for members of the public to receive and request information relating to the Red Hill water crisis, which poses a daily and existential threat to every aspect of life for every resident of O'ahu and all who call Hawai'i home. **However, since its inception and even after the November 2021 crisis, the fuel tank advisory committee has only met once every six months, leaving residents in limbo with respect to the information they should be receiving on a much more frequent basis.** The Sierra Club of Hawai'i accordingly supports increasing the frequency of committee meetings to ensure that residents are provided with much more transparency into governmental efforts to resolve a crisis that threatens the very future of our islands.

**The Sierra Club does note that in addition to the infrequency of meetings, there have been additional and longstanding accessibility issues that have inhibited the fuel tank advisory committee from fulfilling its important public participation functions.** For example, notwithstanding the spirit and language of our language access law,<sup>1</sup> there has been a complete lack of outreach to limited English proficient residents, who may make up to one quarter of our islands' population, and who may be most heavily burdened by impacts to O'ahu's sole source aquifer. In addition, meeting details have been posted with as little as one week's notice – leaving working class residents without a meaningful opportunity to make the work, childcare, and transportation arrangements necessary to participate in committee meetings.

Accordingly, the Sierra Club respectfully recommends amendments to address these critical accessibility issues, and ensure that all Hawai'i residents remain fully informed about the

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<sup>1</sup> See HRS Chapter 321C.

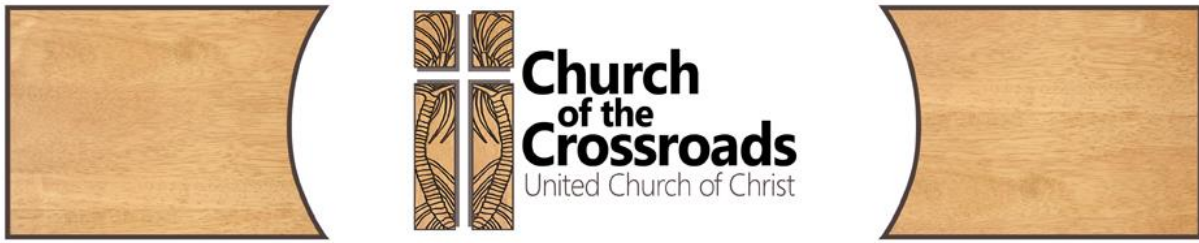


# SIERRA CLUB OF HAWAI'I

greatest imminent threat facing our islands, by adding the following language to subsection (a) of Hawai'i Revised Statutes subsection 342L-62:

“Notwithstanding the requirements of section 92-7, the advisory committee shall post written notice of its meetings on an electronic calendar on a website maintained by the State no less than twelve days prior to a meeting, provided that notice of meetings shall be provided in languages identified by the language access advisory council, and provided further that the notice shall include sufficient information to inform the public about the wide-ranging impacts that have occurred and may occur due to the release of fuel and other hazardous materials over O’ahu’s sole source aquifer. Meeting venues and times shall also consider and accommodate the childcare, health, transportation, and economic needs and limitations of low-income households and families.”

Accordingly, the Sierra Club of Hawai'i respectfully urges the Committee to **PASS WITH AMENDMENTS** HB546 HD1. Mahalo nui for the opportunity to testify.



## ***A Just Peace and Open and Affirming Congregation***

### **THE CHURCH OF THE CROSSROADS TESTIMONY IN SUPPORT OF BILL SB 1230**

*The Church of the Crossroads celebrates 100 years of being Hawaii's first intentionally multiethnic church, dedicated to missions of peace, justice, and stewardship of the environment.*

#### **The Church of the Crossroads supports HB546.**

We are concerned about the serious contamination on Navy's facilities in Kapikakī (Red Hill). Across the spiritual traditions, water is foundational to life, a symbol of purity and rebirth and a metaphor for actively engaged and transformative lives. Protecting water is a sacred act. Thank you for consideration of our testimony and helping protect the water for our community.

Submitted by Aya Kimura on behalf of the Church of the Crossroads

Email: [office@churchofthecrossroadshawaii.org](mailto:office@churchofthecrossroadshawaii.org)

**HB-546-HD-1**

Submitted on: 2/26/2023 9:26:01 PM

Testimony for FIN on 2/28/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sherry Pollack	Individual	Comments	Written Testimony Only

Comments:

While I appreciate the intent of this measure, I strongly disagree with mandating the advisory committee meet only quarterly. That is woefully insufficient. The Navy’s contamination of our sole-source aquifer is an existential threat. More must be done to remediate the situation in earnest. I strongly urge that this measure be amended to mandate the “advisory committee shall hold no fewer than one regular meeting in each *month* of a calendar year.”

Moreover, the committee needs to be more representative of relevant stakeholders, and as such, should include a member from the Board of Water Supply, as well as a representative of the Sierra Club of Hawaii and a representative of the Oahu Water Protectors, all of whom have been working on this issue and have the full trust of the community.