

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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2172, S.D. 2, RELATING TO UNDERGROUND FUEL STORAGE TANKS.

**BEFORE THE:**

HOUSE COMMITTEES ON HEALTH, HUMAN SERVICES, AND HOMELESSNESS  
AND ON ENERGY AND ENVIRONMENTAL PROTECTION

**DATE:** Thursday, March 17, 2022                      **TIME:** 11:00 a.m.

**LOCATION:** State Capitol, Room 329, Via Videoconference

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

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Chairs Yamane and Lowen and Members of the Committees:

The Department of the Attorney General provides the following comments.

This bill amends chapter 342L, Hawaii Revised Statutes (HRS), by adding a new section that would (1) prohibit the Department of Health (DOH), beginning July 1, 2022, from issuing a permit for a new large capacity underground storage tank system mauka of the underground injection control line, though it would allow DOH to do so for repair or removal, (2) prohibit operation of a large capacity underground storage tank system mauka of the underground injection control line, and (3) prohibit, beginning January 1, 2023, the renewal of permits for large capacity underground storage tank systems mauka of the underground injection control line. This measure also provides definitions to clarify the meaning of "large capacity underground storage tank system" and "underground injection control line."

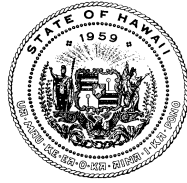
The bill at page 3, lines 1-4, defines a "large capacity underground storage tank system" as "any fuel tank or tank facility and associated infrastructure that is or includes field constructed tanks, or that has a capacity of over one hundred thousand gallons." This definition arguably appears to encompass more than just fuel tanks and can be read as incorporating tank facilities and associated infrastructure other than those that store fuel.

Section 14 of article III of the Hawaii Constitution reads in relevant part, "Each law shall embrace but one subject, which shall be expressed in its title." Because the title of this bill pertains only to fuel tanks and the provisions of the bill arguably relate to both fuel tanks and other kinds of tanks or tank facilities, we recommend that the definition of "large capacity underground storage tank system" on page 3, lines 1-4, be amended as follows:

"Large capacity underground storage tank system" 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~~[-]~~, and is or will be used to store fuel.

In the alternative, S.B. No. 2600, S.D. 2, entitled "Relating to Underground Storage Tanks," which appears intended to accomplish the same legislative purposes as this measure and is also being considered by the committees, could be advanced in lieu of this measure as it does not contain the subject-title issues discussed herein.

Thank you for the opportunity to share these comments.



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

**Testimony COMMENTING on SB2172 SD2**  
**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: 3/17/2022

Room Number: 329/Videoconference

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

**SB-2172-SD-2**

Submitted on: 3/15/2022 6:15:05 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ryan Imata	DLNR-CWRM	Support	Remotely Via Zoom

Comments:

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

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**

**Thursday, March 17, 2022  
11:00 AM  
State Capitol, Conference Room 329, Via Videoconference**

**In consideration of  
SENATE BILL 2172, SENATE DRAFT 2  
RELATING TO UNDERGROUND FUEL STORAGE TANKS**

Senate Bill 2172, Senate Draft 2, proposes to prohibit the issuance of future large capacity underground storage tank systems mauka of the underground injection control line beginning July 1, 2022 and prohibit the operation of and renewal of large capacity underground storage tank system permits located mauka of the underground injection control line beginning January 1, 2023. Defines large capacity underground storage tank system and underground injection control line. Effective 7/1/2050 **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

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

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

Thank you for the opportunity to comment on this measure.

## BOARD OF WATER SUPPLY

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



March 17, 2022

RICK BLANGIARDI, MAYOR

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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 Yamane, Chair  
and Members  
House Committee on Health, Human Services, & Homelessness  
Conference Room 329 & Videoconference  
Honolulu, Hawaii 96813

The Honorable Nicole Lowen, Chair  
and Members  
House Committee on Energy & Environmental Protection  
Conference Room 329 & Videoconference  
Honolulu, Hawaii 96813

Dear Chairs Yamane, Lowen, and Members:

Subject: Senate Bill 2172, SD2: Relating to Underground Fuel Storage Tanks

The Honolulu Board of Water Supply (BWS) strongly supports SB 2172, Senate Draft (SD) 2 with comments.

This bill proposes to amend Hawaii Revised Statutes Section 342L to require, beginning July 1, 2022, the Department of Health not issue a permit for a new underground fuel storage tank mauka of the underground injection control line as defined by the department. The bill also proposes, beginning January 1, 2023, that no person shall operate an underground fuel storage tank mauka of the underground injection control line as defined by the department and no permit for a large capacity underground fuel storage tank mauka of the underground injection control line as defined by the department. The bill provides a definition of the underground control line (UIC) that we strongly urge specifying the UIC line and program pursuant to chapter 340E.

This bill ensures the protection of our ground water aquifers that have already been contaminated by fuel releases from large underground fuel storage tanks from further contamination now and into the future.

Thank you for your consideration of our testimony concerning SB 2172, SD2.

Very truly yours,

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



## **'Ahahui o nā Kauka**

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

**Honolulu HI 96813**

**Phone 808.548.0270**

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

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

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*Martina Kamaka, MD  
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*H. Nalani Blaisdell-Brennan,  
MD*

*Kapono Chong-Hanssen, MD*

March 15, 2022

### **COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS**

Rep. Ryan I. Yamane, Chair Rep.

Adrian K. Tam, Vice Chair

### **COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION Rep.**

Nicole E. Lowen, Chair

Rep. Lisa Marten, Vice Chair

### **Group Testimony in Support of SB2172SD2 & SB2600SD2 RELATING TO UNDERGROUND FUEL STORAGE TANKS & RELATING TO UNDERGROUND STORAGE TANKS.**

### ***Mōhala i ka wai ka maka o ka pua***

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

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

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

most populous of our islands, we are dismayed to see that this threat has been allowed to progress to this fulminant crisis where both people and the land are being acutely poisoned by the Navy's persistent contamination at Kapūkakī.

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

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



**SB-2172-SD-2**

Submitted on: 3/16/2022 9:54:11 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Shizuma	Hulu Mamo Hawaiian Civic Club	Support	Written Testimony Only

Comments:

Aloha mai kākou,

Hulu Mamo Hawaiian Civic Club strongly supports SB 2172 SD2.

Water is our most precious resource. Without water, there is no life. It would be an impossible feat to constantly import water into the state to the most populated island in the Hawaiian islands to satisfy the fresh water needs of Oahu. We must protect what we have for those here now and for our future generations.

We have already seen the damage that can be done if we allow large capacity underground storage tanks to remain. It is not a ticking timebomb for a future disaster, it has already gone off. We already have millions of dollars in damages, 3 wells have been shut off from us pulling out clean fresh water, and the future remains unclear on if the damage will continue to spread.

The longer we allow large capacity underground storage tanks to remain near our aquifer, the more we are at risk of causing further damage, and the closer we are to making these islands inhabitable.

We need to prevent the possibility of this from ever occurring.

Mahalo for your time,

Keoni Shizuma

President, Hulu Mamo Hawaiian Civic Club



## HIPHI Board

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*Chair*  
KM Consulting LLC

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Native Hawaiian Research Office

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Camonia Graham - Tutt, PhD  
*University of Hawai'i - West O'ahu*

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*Hale Makua Health Services*

May Okihiro, MD, MS  
*John A. Burns School of Medicine,  
Department of Pediatrics*

Misty Pacheco, DrPH  
*University of Hawai'i at Hilo*

Michael Robinson, MBA, MA  
*Hawai'i Pacific Health*

Kathleen Roche, MS, RN, CENP  
*Kaiser Permanente*

Dina Shek, JD  
*Medical-Legal Partnership  
For Children in Hawai'i*

Garret Sugai  
*Pharmacare Hawai'i*

Titimaeta 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: March 16, 2022

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

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

Re: Support for SB 2172, SD2, Relating to Underground Fuel  
Storage Tanks

Hrg: March 17, 2022 at 11:00 AM, via Videoconference

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Hawai'i Public Health Institute<sup>i</sup> is in **support of SB 2172, SD2**, which protects public health and O'ahu's clean drinking water supply by prohibiting future construction of large underground storage tanks within half a mile of an aquifer beginning July 1, 2022 and the operation of existing large underground storage tanks by January 1, 2023.

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."<sup>ii</sup>

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.

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

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<sup>i</sup> 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.

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

**SB-2172-SD-2**

Submitted on: 3/16/2022 1:19:29 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dave Mulinix	Our Revolution Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Committee,

My name is David Mulinix, Cofounder & Community Organizer for Our Revolution Hawaii, and on behalf of our 5,000 members and supporters statewide, we stand in support SB2176 that prohibits issuance of future large capacity underground storage tank systems mauka of the underground injection control line beginning July 1, 2022. Prohibits operation of and renewal of large capacity underground storage tank system permits located mauka of the underground injection control line beginning January 1, 2023. Defines large capacity underground storage tank system and underground injection control line. Effective 7/1/2050.

This bill is important because it is designed to protect our precious drinking water.

Please pass SB2176.

Mahalo for your kind attention,

Dave Mulinix, Cofounder & Community Organizer

Our Revolution Hawaii



3/17/2022

HHS/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 SB2172 SD2.**

The Surfrider Foundation O'ahu Chapter would like to offer this testimony in **support of SB2172 SD2** to ensure that this measure fulfills its purpose of protecting our islands' most precious resource from potentially catastrophic contamination.

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. Accordingly, the Surfrider Foundation, O'ahu Chapter appreciates and supports this bill as a means to ensure that the installation and operation of future underground fuel storage tanks and facilities may not contaminate our water sources.

The Surfrider Foundation Hawai'i Region supports SB2172 SD2, which seeks to protect our islands' most precious resource from contamination. Our water is life-sustaining and we all have a duty to protect our islands' source of life for present and future generations. We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come. Accordingly, we respectfully urge you to pass SB2172 SD2.

Thank you for your consideration of this testimony in support of SB2172 SD2, 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



HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES & HOMELESSNESS  
Chair Rep Ryan Yamane, Vice Chair Rep Adrian Tam

And

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
Chair Rep Nicole Lowen, Vice Chair Rep Lisa Marten

Thursday, March 17, 2022, 11:00 a.m., via videoconference  
SB 2600 SD2 – Relating to Underground Storage Tanks and  
SB 2172 SD2 – Relating to Underground Fuel Storage Tanks

#### TESTIMONY

Piilani Kaopuiki, Legislative Committee, League of Women Voters of Hawaii

Chair Yamane, Vice Chair Tam; Chair Lowen, Vice Chair Maren and Committee Members:

**The League of Women Voters of Hawaii supports SB 2600 SD2 and SB 2172 SD2** which will protect Hawaii's water, a precious life-giving resource.

The League commends the legislature for recognizing the need for such protections as wai is sacred to life in our Hawaii.

Mahalo for the opportunity to submit testimony.



## Environmental Caucus of The Democratic Party of Hawai'i

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

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

Re: **SB 2172 SD 2 RELATING TO UNDERGROUND FUEL STORAGE TANKS**  
Hearing: Thursday, March 17, 2022, 11:00 a.m., Conference Room 329 and  
Via videoconference  
Position: **Strong support**

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

The Environmental Caucus of the Democratic Party of Hawai'i stands in support of SB 2172 SD 1. This measure would prohibit issuance of future large capacity underground storage systems mauka of the underground injection control line beginning July 1, 2022. This measure also prohibits the operation of, and renewal of large capacity underground storage tank system permits located mauka of the underground injection control beginning January 1, 2023. This measure also defines large capacity underground storage tank system and underground injection control line. The effective date is on July 1, 2050.

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."

The Environmental Caucus of the Democratic Party of Hawai'i has concluded that we must demand permanent defueling and closure of the Red Hill facility. Accordingly, the Environmental Caucus supports SB 2172 SD 2 as it would achieve this goal.

Mahalo for the opportunity to testify,

*Melodie Adyja*

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



**Papa Ola Lokahi**  
Nana I Ka Pono Na Ma

**Papa Ola Lōkahi**

894 Queen Street  
Honolulu, Hawaii 96813

Phone: 808.597.6550 ~ Facsimile: 808.597.6551

**House Committee on Health, Human Services, & Homelessness**

Representative Ryan Yamane, Chair  
Representative Adrian Tam, Vice-Chair

**House Committee on Energy & Environmental Protection**

Representative Nicole Lowen, Chair  
Representative Lisa Marten, Vice-Chair

**Thursday, March 17, 2022, 11:00 AM, Via Videoconference**

**RE: SB 2172 SD 2 – Relating to Underground Fuel Storage Tanks**  
**Position: STRONG SUPPORT**

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

Papa Ola Lōkahi testifies in **STRONG SUPPORT** of SB 2172 SD 2, which takes action to protect the health and life of our islands and communities through the protection of a precious resource – water. The work of Papa Ola Lōkahi to uplift Native Hawaiian health includes recognizing the ties between community health and the natural environment. In both history and the current day, Native Hawaiian wellbeing is linked to the status of the pae ‘āina and its elements.

Insight on the Native Hawaiian cultural perspective of water can be demonstrated by the word waiwai, commonly translated as “wealth” today. The importance of freshwater is a theme that continues as the threat to our freshwater aquifers is imminent; efforts to protect this resource must be prioritized. Measures like SB 2172 SD 2 to ensure that Hawai‘i remains a safe, viable place to live are critical to Hawai‘i’s future. Further, SB 2172 SD 2 seeks to learn from the Red Hill Bulk Fuel Storage Facility to prevent further or future harm.

Mahalo piha for the opportunity to testify in **STRONG SUPPORT** of this critical legislation.

Ola i ka wai. Water is life.

*Papa Ola Lōkahi, the Native Hawaiian Health Board, authorized by the federal Native Hawaiian Health Care Improvement Act, is charged with raising the health status of Native Hawaiians to the highest possible level, which we achieve through strategic partnerships, programs, and public policy.*

**Papa Ola Lokahi**

is the Native Hawaiian Health Board established in 1988 to improve the health and well-being of Native Hawaiians.

**Board of Directors**

*Member Organizations*

*Ho‘ola Lahui Hawaii*

*Hui No Ke Ola Pono*

*Hui Malama Ola Na ‘Oiwī*

*ALU LIKE*

*Ke Ola Mamo*

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*University of Hawai‘i*

*Hawai‘i State Department of Health*

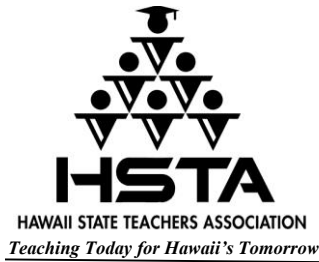
*Na Pu‘uwai*

*Office of Hawaiian Affairs*

**Executive Director**

*Sheri-Ann Daniels, EdD*





1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

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President

Logan Okita.  
Vice President

Lisa Morrison  
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TESTIMONY BEFORE THE HOUSE COMMITTEE ON HEALTH, HUMAN  
SERVICES, & HOMELESSNES  
AND  
THE COMMITTEE ON ENERGY & ENVIRONMETNAL PROTECTION

RE: SB 2172, SD2 - RELATING TO UNDERGROUND FUEL STORAGE TANKS

THURSDAY, MARCH 17, 2022

OSA TUI, JR., PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Yamane, Chair Lowen, and Members of the Committees:

The Hawaii State Teachers Association **strongly supports SB 2172, SD2**, relating to underground fuel storage tanks. This bill prohibits issuance of future large capacity underground storage tank systems mauka of the underground injection control line beginning July 1, 2022 and operation of and renewal of large capacity underground storage tank system permit located mauka of the underground injection control line beginning January 1, 2023. It also defines large capacity underground storage tank system and underground injection control line.

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

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

"We are more impacted by the tainted water. I am only able to have students wash their hands twice a day with the bulk water they gave us with a pump. I



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: [www.hsta.org](http://www.hsta.org)

Osa Tui, Jr.  
President

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Vice President

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Wilbert Holck  
Executive Director

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

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

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



2022  
Board of  
Directors

March 15, 2022

Elizabeth Reilly  
President

Hawaii House of Representatives  
HHH/EEP Committees

Allen Tateishi  
Vice President

Meeting on March 17, 2022 at 11 a.m.  
Conference Room 329 & Videoconference

Dianne Gleis  
Secretary

Marian Grey  
Treasurer

RE: **Strong support for SB2172**

Dean Takebayashi  
Director

Aloha Chair Yamane, Chair Lowen, Vice Chair Tam, Vice Chair Martin, and HHH/EEP  
Committee Members,

Gary Weller  
Director

As you can glean from our name, Livable Hawaii Kai Hui is deeply concerned with the  
continuous threat posed by the Red Hill fuel tanks to our shared aquifer. This is why we  
**strongly support SB2172.**

Kendrick Chang  
Community Outreach  
Coordinator

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

Dylan Ramos  
Communications &  
Operations

The events of the past few months – let alone the 70+ years since the first *documented* leak  
at Red Hill – have opened our eyes to the ever-clearer threat to our precious water  
resources.

**Website**

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

What does it say about our situation when the poisoning of nearly 100,000 people's water  
isn't even close to the worst case scenario? Every second that we don't do anything brings  
us closer to certain catastrophic failure. This is not hyperbole, it is what the Navy's own  
studies have indicated. So, while we welcome the announcement that Red Hill will be shut  
down, we support measures such as this to see that process through to the end.

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

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

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

Mahalo,

Elizabeth Reilly  
Founder/President

Dylan Ramos  
Communications & Operations



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: Thursday, March 17, 2022, 11am

**In support of SB2172 SD2**

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 a **suggested amendment**.

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

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

Please amend this measure by prohibiting the renewal of large capacity underground storage tank system permits located mauka of the underground injection control line beginning **July 1, 2022**. Every day we delay in protecting our precious drinking water we risk catastrophic consequences.

Please **PASS** SB2172 SD2 with the above amendment.

Thank you for the opportunity to testify on this very important bill.

Sherry Pollack  
Co-Founder, 350Hawaii.org



# SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS  
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

March 17, 2022

11:00 AM

Conference Room 329

**In SUPPORT of SB2600 SD2:** Relating to Underground Storage Tanks  
**and SB2172 SD2:** Relating to Underground Fuel Storage Tanks

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

Mahalo nui loa for the opportunity to testify in **STRONG SUPPORT** of SB2600 SD2 and SB2172 SD2, both of which will help to ensure that our drinking water aquifers are protected from contamination from the Red Hill Bulk Fuel Storage Facility and similar massive underground storage tank systems.

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 tanks in close proximity to the groundwater aquifer that our environment and people have always depended upon. Tragically, due to these historic decisions, we have already witnessed the contamination of our islands' precious wai.

Accordingly, the Sierra Club supports these bills as a means to ensure that we do not repeat the mistakes of the past, in prohibiting the operation of massive underground fuel storage tanks and facilities that may pose an inherent risk to our water and our ways of life here in Hawai'i.

Thank you very much for this opportunity to testify.



**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: March 15, 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 SB 2172 SD 2

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

The Hawai'i Alliance for Community-Based Economic Development (HACBED)  
supports SB 2172 SD 2, which prohibits issuance of future large capacity  
underground fuel storage tank systems mauka of the underground injection control  
line beginning July 1, 2022, and prohibits operation of and renewal of large capacity  
underground fuel storage tank permits located mauka of the underground injection  
control line beginning January 1, 2023.

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.

SB 2172 SD 2 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  
Hawai'i Alliance for Community-Based Economic Development

March 17 , 2022

Rep. Ryan I. Yamane, Chair  
Committee on Health, Human Services, & Homelessness  
Rep. Nicole E. Lowen, Chair  
Committee on Energy & Environmental Protection

RE: SB2600 SD2 and SB2172 SD2, Relating to Underground Fuel Storage Tanks

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

I SUPPORT SB2600 SD2 and SB2172 SD2, which are critical measures to help protect our islands' most precious resource from fuel contamination now and in the future. In our fragile island ecosystem, water is an especially valuable resource. We are counting on our Legislature to do all it can to prevent future water contamination and to protect our islands' source of life for present and future generations.

Please PASS SB2600 SD2 and SB2172 SD2 without reservation.

Thank you for the opportunity to testify.

A handwritten signature in black ink, appearing to read "Therese M. Argoud". The signature is fluid and cursive, written over a light gray rectangular background.

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

**SB-2172-SD-2**

Submitted on: 3/14/2022 10:41:53 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, and Members of the HHH and EEP committees,

As a public health professional and concerned citizen, I am writing in **STRONG SUPPORT of SB2172 SD2** which would protect our islands' most precious resource from contamination.

Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. We have already seen the devastating impacts that water contamination from leaky underground storage tanks may have on people and the environment, with additional effects likely to ripple across our island over the summer and into the foreseeable future. This is not only a health and environmental issue, but also an economic one when we consider the cost of amelioration of contaminated water sources, treatment for affected communities, and litigation from injured parties.

The legislature must do all that it can to remove the threat of something far worse happening to our water supply, both now and for future generations to come.

With gratitude, and respect,

Thaddeus Pham (he/him)



**SB-2172-SD-2**

Submitted on: 3/14/2022 11:16:07 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Janet L Pappas	Individual	Support	Written Testimony Only

Comments:

Dear HHH and EEP committee members,

Please pass this bill to help ensure that there will no longer be fuel tanks of any kind above our precious aquifer.

Thank you for your efforts,

Jan Pappas

Aiea, Hawaii 96701

**SB-2172-SD-2**

Submitted on: 3/15/2022 9:55:39 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2172 but find it wanting. I object to the use of defective effective dates and find that they do not serve to encourage future discussion, they are a cop out, and often end in the defeat of a bill during conference committee. The effective date should be changed to effective upon approval, not some date 28 years in the future when a good number of us will be dead including the aquifer.

**SB-2172-SD-2**

Submitted on: 3/15/2022 3:45:36 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrea Quinn	Individual	Support	Written Testimony Only

Comments:

Dear Honorable Committee Members:

Please support SB2172.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui

**SB-2172-SD-2**

Submitted on: 3/16/2022 9:02:26 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

Shut down red hill! De-militarize the Pacific!

**SB-2172-SD-2**

Submitted on: 3/16/2022 9:08:53 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ellen-Rae Cachola	Individual	Support	Written Testimony Only

Comments:

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

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2.

Mahalo,

Ellen-Rae Cachola

**SB-2172-SD-2**

Submitted on: 3/16/2022 9:20:10 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

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

Comments:

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

I **SUPPORT** SB2172 SD2 which seek to protect our islands' most precious resource from potentially catastrophic contamination. The Navy has treated the people of Hawaii as mushrooms (feeding them bullshit and keeping them in the dark). Our Dept of Health should be the body that should determine the health and wellbeing of the people of Hawaii not the military or Navy! They have spoken and now we have two bills that will try and stop the Navy from storing fuel about our drinking aquifer. Please pass this bill.

Mahalo for your consideration,

Tlaloc Tokuda

Kailua Kona HI 96740

**SB-2172-SD-2**

Submitted on: 3/16/2022 9:55:33 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joan Pan	Individual	Support	Written Testimony Only

Comments:

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

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' fresh water and streams from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2.

Thank you very much.

**SB-2172-SD-2**

Submitted on: 3/16/2022 10:16:56 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cristina Bacchilega	Individual	Support	Written Testimony Only

Comments:

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

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2. Mahalo nui!

Cristina Bacchilega



**SB-2172-SD-2**

Submitted on: 3/16/2022 10:50:36 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

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

Comments:

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

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2. Mahalo nui!

submitted by

William R. Liggett

4947 Maunalani Circle, 96816

808.732.4489



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

Thursday, March 17th, 2022, 11:00 a.m. Conference Room 329

**Hawai'i Alliance for Progressive Action Supports: SB2172 SD2**

Aloha Chair 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 SB2172 SD2.

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.

Mahalo for hearing SB2172 SD2 to prohibit the operation of existing underground storage tanks, as well as the future construction of underground storage tanks within half a mile of an aquifer. SB2172 SD2 seeks to protect our precious drinking water resources and this is of critical importance to our survival.

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

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

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

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

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

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

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

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

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

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

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

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

Please PASS SB2172 SD2 with the above amendments.

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.

Mahalo for your consideration,

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

Anne Frederick  
Executive Director



*Hawaii's Thousand Friends*

335 Hahani Street #342132 \* Kailua, HI 96734 \* Phone/Fax (808) 262-0682 E-Mail [htf3000@gmail.com](mailto:htf3000@gmail.com)

March 17, 2022

COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

Rep. Ryan I. Yamane, Chair  
Rep. Adrian K. Tam, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair  
Rep. Lisa Marten, Vice Chair

SB 2600 SD2

RELATING TO UNDERGROUND STORAGE TANKS

SB 2170 SD2

RELATING TO UNDERGROUND FUEL STORAGE TANKS

Hawaii's Thousand Friends, a non-profit organization dedicated to ensuring that growth is reasonable and responsible and that planning and land use decisions protect natural and cultural resources and human health and are implemented in conformity with the law *supports* both bill that prohibit the issuance of any permits for large capacity underground storage tank systems.

Drinking water contaminated with fuel leaking from Red Hill underground fuel storage tanks into public drinking water has caused great anxiety, sadness, disrupted people's lives, threatened their health and cost unknown hundreds of thousands of dollars.

Hopefully we have learned the lesson, which now seems so logical that underground fuel storage tank systems must not be placed near aquifers and above the underground injection control line on each island.

While both bills prohibit the issuance of permits mauka of each island's underground injection control line they defer in the description of large capacity underground storage tank system.

We recommend combining the definitions of large capacity underground storage tank systems in SB 2600 SD2 and SB 2172 SD2 to read *a single tank with a capacity greater than 50,000 gallons and any fuel tank or tank facility and associated infrastructure that is or includes field constructed tanks, or that has a capacity of over 100,000 gallons.*

To help protect Hawaii's valuable irreplaceable drinking water from future water contamination we urge the committee's to pass a bill with our recommended language.



## Aloha 'Āina Legal Group, LLC

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

(808) 594-8274  
alohaainalegal@gmail.com

### **SB2172 SD2**

Relating to Underground Fuel Storage Tanks  
House Committee on Health, Human Services, and Homelessness  
House Committee on Energy and Environmental Protection

March 17, 2022

11:00 AM

Room 329

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Aloha 'Āina Legal Group **STRONGLY SUPPORTS SB2172 SD2**, which would protect our islands' most precious, and lifegiving, resource from contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, we urge your Committees to **PASS** SB2172 SD2. Mahalo for the opportunity to testify.

**E OLA I KA WAI!!!**



Thursday, March 17, 2022, 11:00 am

House Committee on Energy and Environmental Protection

HOUSE BILL 2172 – RELATING TO UNDERGROUND STORAGE TANKS

Position: Support

Me ke Aloha, Chair Lowen, Vice-Chair Marten, and Members of the Committee on Energy and Environmental Protection:

SB2172 prohibits the issuance of permits for large capacity underground storage tanks mauka of the Underground Injection Control Line (UIC Line). This is particularly relevant with respect to pre-existing tanks that may have been sited prior to establishing the current UIC Line but no longer have permits to operate.

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

SB2172 also underscores that tanks that may previously have been approved or grandfathered in may not be operated without a permit, effectively closing the door to continued operation. This provides greater assurance that drinking water supplies will be protected into the indefinite future. There has been concern that with climate change, with reduced long-term rainfall and sea level rise, could result in precious potable water supplies being placed at greater risk. Also, concern for continuing urbanization of previously open land mauka of the UIC Line could create conditions unfavorable to drinking water protection. This measure is a step to prevent the most obvious threats.

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

Mahalo for the opportunity to address this issue,

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

**SB-2172-SD-2**

Submitted on: 3/16/2022 11:01:10 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Hope McKeen	Individual	Support	Written Testimony Only

Comments:

Aloha nui e nā luna kōmike Ho‘ona‘auao

Ola i ka wai. We all know this is the most precious resource for all to survive and thrive. Please protect our wai.

Na‘u nō

Hope Pualani McKeen



**SB-2172-SD-2**

Submitted on: 3/16/2022 11:37:12 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

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

Comments:

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2. Mahalo nui!

**SB-2172-SD-2**

Submitted on: 3/16/2022 12:19:20 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jesse Kealiinohomoku	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou,

I stand in support of SB2172. Which calls for the regulation of underground fuel storgae tanks.

Me ke aloha,

Jesse Mikasobe-Kealiinohomoku

**SB-2172-SD-2**

Submitted on: 3/16/2022 12:50:01 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Doris Segal Matsunaga	Individual	Support	Written Testimony Only

Comments:

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

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2. Mahalo nui!

**SB-2172-SD-2**

Submitted on: 3/16/2022 1:42:27 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Massie	Individual	Support	Written Testimony Only

Comments:

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

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2.

Mahalo nui!

Anne K. Massie

**SB-2172-SD-2**

Submitted on: 3/16/2022 3:51:25 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2. Mahalo nui!

**SB-2172-SD-2**

Submitted on: 3/16/2022 4:35:32 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

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

Comments:

Please PASS SB2172 SD2! We need to do everything we can to ensure that the tanks will be shut down permanently - - and with no legal cards tucked away in the Navy's back pocket!

**SB-2172-SD-2**

Submitted on: 3/16/2022 4:39:43 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

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

Comments:

I am in FULL SUPPORT of SB2172 SD2; and I hope you all are, too.

**SB-2172-SD-2**

Submitted on: 3/16/2022 5:18:40 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jana Ireijo	Individual	Support	Written Testimony Only

Comments:

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

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2. Mahalo nui!

Jana Ireijo



**SB-2172-SD-2**

Submitted on: 3/16/2022 6:46:38 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Stanford H. Masui	Individual	Support	Written Testimony Only

Comments:

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

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

**While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again. The Navy has time again said one thing then failed to do what it said it would do. Hopefully Def Sec. Austin will ensure safe and prompt defueling.**

**The Navy's failure to release results of its investigation into the 2021 leaks indicates it continues its pattern of obsfucation and non-cooperation.**

**All lawmakers need to continue to monitor compliance with remediation and cleanup of all wells, pipelines, and the aquifer itself.**

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2. Mahalo nui!

**SB-2172-SD-2**

Submitted on: 3/16/2022 7:55:05 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
lois berger	Individual	Support	Written Testimony Only

Comments:

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

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

**While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again. The Navy has repeatedly demonstrated they cannot be trusted in this issue.**

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2. Mahalo nui!

Lois Berger

**SB-2172-SD-2**

Submitted on: 3/16/2022 11:50:09 PM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Karen Shishido	Individual	Support	Written Testimony Only

Comments:

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

I SUPPORT SB2172 SD2 which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is a precious nonnegotiable public good and we all have a duty to protect our islands' source of life for present and future generations. Where we have failed to prevent the current catastrophe we can and must do much to prevent it from growing worse.

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

A sincere thank you to the state legislators who have joined community leaders, the BWS and Sierra Club in taking decisive action in this matter.

Please PASS SB2172 SD2 and SB2600 SD2. Mahalo nui!

Best regards

Karen Shishido

96822

**SB-2172-SD-2**

Submitted on: 3/17/2022 8:27:12 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
JON BRODZIAK	Individual	Support	Written Testimony Only

Comments:

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

I strongly **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our freshwater is precious and we all have a duty to protect our islands' source of life for present and future generations.

**While the Pentagon has agreed that Red Hill must be shut down, our precious freshwater aquifer is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility. We cannot trust the Navy to do the right thing given their history of obfuscation, lack of adherence to the public trust doctrine and denial of the risk of catastrophic tank failure at Red Hill. We must continue to pressure the Navy and make it clear that we will never allow the Red Hill facility it to threaten our islands' most precious water resource ever again.**

Given this I ask you to please **PASS** SB2172 SD2 and SB2600 SD2. thanks and mahalo nui!

Yours sincerely,

Jon Brodziak

Kaimuki

**SB-2172-SD-2**

Submitted on: 3/17/2022 9:22:08 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Noelani Ahia	Individual	Support	Written Testimony Only

Comments:

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

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2. Mahalo nui!

Noelani Ahia

**SB-2172-SD-2**

Submitted on: 3/17/2022 9:47:23 AM

Testimony for HHH on 3/17/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Susan E Stahl	Individual	Support	Written Testimony Only

Comments:

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

I **SUPPORT** SB2172 SD2 and SB2600 SD2, which seek to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

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

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2. Mahalo nui!

Susan E Stahl