

SB-2600-SD-2

Submitted on: 3/15/2022 6:14:30 PM

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

Submitted By	Organization	Testifier Position	Testify
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



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

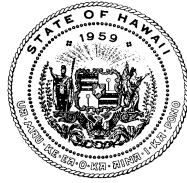
In consideration of
SENATE BILL 2600, SENATE DRAFT 2
RELATING TO UNDERGROUND STORAGE TANKS

Senate Bill 2600, Senate Draft 2 proposes to prohibit issuance of permits for future large capacity underground storage tank systems mauka of the underground injection control line beginning July 1, 2022 and prohibit operation of and renewal of large capacity underground storage tank system permits located mauka of the underground injection control line beginning January 1, 2023 **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.



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

**Testimony in SUPPORT of SB2600 SD2
RELATING TO UNDERGROUND 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 the action taken in
3 this measure to protect the precious freshwater resources of our pae 'āina by setting a date after
4 which large capacity underground storage tank (UST) systems located mauka of the underground
5 injection control line may no longer operate. We appreciate the changes made in this SD2 and
6 believe the current bill realizes the expressed intent of the legislature. This measure is the
7 department's preferred vehicle for amendments to chapter 342L, Hawaii Revised Statutes (HRS).

8 The department issues permits to install and operate UST systems pursuant to section
9 342L-31, HRS, which states, in relevant part:

10 No person shall *install or operate* an underground storage tank or tank system...unless a
11 permit is obtained from the department...[emphasis added]

12 Chapter 11-280.1, Hawaii Administrative Rules (HAR), subchapter 7 regulates UST system
13 closure, which necessarily includes the safe removal of any remaining regulated substance. The
14 department does not currently issue permits for UST system closure or tank removal and
15 considers the rules governing closure to be sufficiently protective of human health and the

1 environment. Adding a permit for closure, therefore, is unnecessary and may entail procedural
2 delay that could impede closure efforts.

3 **Offered Amendments:** The department recommends:

4 (1) Changing the title of the new section on page 1 line 4 of the bill from “Permits near
5 aquifer prohibited” to “Large capacity underground storage tanks” to more accurately
6 reflect the section’s contents.

7 (2) Deleting the following from page 1 lines 7 to 9 of the bill, for clarity: “; provided that a
8 permit may be issued by the department for purposes of repairing or removing an existing
9 underground storage tank”.

10 Thank you for the opportunity to testify 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

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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 2600, SD2: Relating to Underground Storage Tanks

The Honolulu Board of Water Supply (BWS) strongly supports SB 2600, 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 2600, SD2.

Very truly yours,

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 & 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

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.

SB-2600-SD-2

Submitted on: 3/16/2022 9:55:01 AM

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

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

Comments:

Aloha mai kākou,

Hulu Mamo Hawaiian Civic Club strongly supports SB 2600 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

SB-2600-SD-2

Submitted on: 3/16/2022 1:26:39 AM

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

Submitted By	Organization	Testifier Position	Testify
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 of SB2600 that prohibits issuance of permits for 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. (SD2)

Please pass this bill because it will go a long way to help protect our precious water.

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 SB2600 SD2.

The Surfrider Foundation O'ahu Chapter would like to offer this testimony in **support of SB2600 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 SB2600 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 SB2600 SD2.

Thank you for your consideration of this testimony in support of SB2600 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



HIPHI Board

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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 2600, SD2, Relating to Underground Fuel
Storage Tanks

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

Hawai'i Public Health Instituteⁱ is in **support of SB 2600, 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."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.

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.



Environmental Caucus of The Democratic Party of Hawai'i

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 2600 SD 2 RELATING TO UNDERGROUND 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 2600 SD2. This measure would prohibit the issuance of permits for future large capacity underground storage tanks mauka of the underground injection control line beginning July 1, 2022. It also prohibits the operation of and renewal of large capacity underground storage tank permits located mauka of the underground injection control line beginning January 1 2023.

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."

For these reasons, the Environmental Caucus of the Democratic Party of Hawai'i demands permanent defueling and closure of the facility. Accordingly, the Environmental Caucus supports SB 2600 SD 2 as it would achieve this goal. Please pass this bill.

Mahalo for the opportunity to testify,

Melodie Alesja

Alan Burdick

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



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 SB2600 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 operation of and 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** SB2600 SD2 with the above amendment.

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

Sherry Pollack
Co-Founder, 350Hawaii.org



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 SB2600**

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 SB2600.

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
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



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.



Board Members

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Miwa Tamanaha
O'ahu Resident

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

HACBED Staff

Brent N. Kakesako
Executive Director

Merri Keli'ikuli
*Office Manager & Program
Support*

Corin Thornberg
Project Associate

Date: 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 2600 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 2600 SD 2, which prohibits the issuance of permits for future large
capacity underground storage tank systems mauka of the underground injection
control line beginning July 1, 2022, and 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.

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 2600 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

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, with a large initial "T" and "A".

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

SB-2600-SD-2

Submitted on: 3/14/2022 10:40:59 PM

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

Submitted By	Organization	Testifier Position	Testify
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 SB2600 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-2600-SD-2

Submitted on: 3/15/2022 9:48:30 AM

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

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. It is shameful that the Navy's (aka SNAFU) lack of care at Red Hill finally got government to act. Please pass this bill so we may be assured of uncontaminated water throughout the state and our aquifers will be protected.

SB-2600-SD-2

Submitted on: 3/16/2022 12:40:42 AM

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

Submitted By	Organization	Testifier Position	Testify
Jennifer Azuma Chrupaluk	Individual	Support	Written Testimony Only

Comments:

Please make sure that nothing gets built where a water table or aquifer is present. I believe that we've all learned from our experience with Red Hill. I hope we all remain as diligent and cognizant of what is going on around us. Please advise the public of where other potentially large tanks may be.

SB-2600-SD-2

Submitted on: 3/16/2022 9:02:46 AM

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

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Shut down red hill! De-militarize the Pacific!

SB-2600-SD-2

Submitted on: 3/16/2022 9:57:43 AM

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

Submitted By	Organization	Testifier Position	Testify
Joan Pan	Individual	Support	Written Testimony Only

Comments:

Aloha,

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-2600-SD-2

Submitted on: 3/16/2022 10:18:48 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** SB2600 SD2 and SB2172 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** SB2600 SD2 and SB2172 SD2. Mahalo nui!

Cristina Bacchilega



'Ahahui o nā Kauka

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Phone 808.548.0270

E-mail huikauka@gmail.com

2021-2022 Advocacy Committee

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President*

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MD*

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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.



**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: SB2600 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 SB2600 SD2.**

Mahalo for hearing SB2600 SD2, which prohibits issuance of future underground storage tanks mauka of the underground injection control line as defined by the Department of Health beginning July 1, 2022. The measure also prohibits operation of and renewal of underground storage tank permits located mauka of the underground injection control line as defined by the Department of Health beginning January 1, 2023 (SD2).

SB2600 SD2 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.

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. 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 Maunaloa. 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 SB2600 SD2.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Anne Frederick', with a stylized, cursive script.

Anne Frederick
Executive Director



Aloha 'Āina Legal Group, LLC

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

(808) 594-8274
alohaainalegal@gmail.com

SB2600 SD2

Relating to Underground 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

Aloha 'Āina Legal Group **STRONGLY SUPPORTS SB2600 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** SB2600 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 2600 – 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:

SB2600 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.

SB2600 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-2600-SD-2

Submitted on: 3/16/2022 11:38:22 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-2600-SD-2

Submitted on: 3/16/2022 1:43:38 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-2600-SD-2

Submitted on: 3/16/2022 3:52:21 PM

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

Submitted By	Organization	Testifier Position	Testify
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-2600-SD-2

Submitted on: 3/16/2022 4:37:12 PM

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

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

Please pass SB2600 SD2! This bill has to pass; we can't leave anything up to chance or trickery - we've seen too many promises broken over the last several decades.

SB-2600-SD-2

Submitted on: 3/16/2022 4:40:37 PM

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

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

I am in FULL SUPPORT of SB2600 SD2; and I hope that I am in your esteemed good company.

SB-2600-SD-2

Submitted on: 3/16/2022 6:48:38 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.

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

SB-2600-SD-2

Submitted on: 3/16/2022 8:00:20 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.

Accordingly, please **PASS** SB2172 SD2 and SB2600 SD2. Thank you for your efforts to protect our aquifer!

Lois Berger