



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

**Testimony COMMENTING on SB2601
RELATING TO UNDERGROUND STORAGE TANKS**

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

Hearing Date: 2/11/2022

Room Number: Videoconference

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

4 **Department Testimony:** The department appreciates the intent of this measure, to provide
5 additional protection to the state's groundwater and drinking water resources, but does not
6 believe this bill would achieve the desired result. The department is concerned that this measure
7 would limit its enforcement discretion by requiring the modification, suspension, or revocation
8 of a permit for any violation, no matter how minor.

9 The change to §342L-4(c) proposed on page 2 line 7 is problematic because it would
10 require the department to modify, suspend, or revoke every UST permit where the
11 owner/operator violates any permit condition, which means every permit where the
12 owner/operator violates any regulation. The first standard permit condition on the department's
13 UST Operation Permit template is "Owners and operators are responsible for complying with all
14 applicable requirements of chapter 342L, HRS, and chapter 11-280.1, HAR." There are a wide
15 range of possible violations of chapter 11-280.1, HAR, including minor recordkeeping violations
16 that do not generate risk to human health and the environment (for example, an individual
17 operator has been trained, but training documentation is not available on-site at the time of

1 inspection). This measure would generate a constant stream of permit suspension hearings that
2 would interfere with the UST program's ability to carry out its mission to protect our islands'
3 groundwater and drinking water. It would also be impossible to hold such hearings without
4 additional staffing resources.

5 **Offered Amendments:** The department respectfully requests removal of the proposed
6 amendment on page 2 line 7. Alternatively, we would support deferral of the measure, as the
7 remaining proposed changes do not have any practical effect.

8 If the committee is concerned mainly with permitting of large capacity UST systems, the
9 offered amendments in the department's recent testimony on HB2274 may be of interest.

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



February 11, 2022

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Manager and Chief Engineer

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

The Honorable Jarrett Keohokalole, Chair
and Members
Senate Committee on Health
Via Videoconference
Honolulu, Hawaii 96813

The Honorable Mike Gabbard, Chair
and Members
Senate Committee on Agriculture and Environment
Via Videoconference
Honolulu, Hawaii 96813

Dear Chair Keohokalole, Chair Gabbard, and Members:

Subject: Senate Bill 2601: Relating to Underground Storage Tanks

The Honolulu Board of Water Supply (BWS) supports Senate Bill (SB) 2601.

This bill proposes amending Hawaii Revised Statutes (HRS) §342L-4 to require that all applications for underground storage tanks (USTs) be accompanied by plans, specifications, and other necessary information, to remove automatic grants of permits for USTs, and to direct the Director of Health to modify, suspend, or revoke a permit if there is a violation of the permit, the permit was obtained by misrepresentation, or if there was a release of regulated substances. The BWS supports the legislature's effort to strengthen the Department of Health's ability to modify, suspend, or revoke UST permits where appropriate.

Thank you for your consideration of our testimony concerning SB 2601.

Very truly yours,



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

SB-2601

Submitted on: 2/9/2022 11:56:11 PM

Testimony for HTH on 2/11/2022 1:00:00 PM

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

Comments:

I support the grammatical changes of the words shall and may.

Shall = will do

May = I'll think about it, optional

SB-2601

Submitted on: 2/10/2022 7:32:53 AM

Testimony for HTH on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher Dean	Testifying for Clean The Pacific	Support	No

Comments:

I'm not submitting zoom testimony, because I assume that everyone is 100% on board with both SB2600 and SB2601. Water is life. Do everything in your power to protect it.



The Voice That Makes The Difference

OPEIU LOCAL 50

Daniel Ross, RN
President

Gary Nuber
Director of Field Services

1600 Ala Moana Blvd Suite 100
Honolulu, HI 96815

Tel: (808) 531-1628
Fax: (808) 524-2760

LATE

The Thirty-First Legislature, State of Hawai'i
Hawai'i State Senate
Committees on Health, and Agriculture & Environment

Testimony by
Hawaii Nurses Association
February 11 , 2022

S.B. 2601 – RELATING TO UNDERGROUND STORAGE TANKS

The Hawaii Nurses Association -OPEIU Local 50 is affiliated with the AFL-CIO and was founded in 1917 and represents 4,000 nurses in the State of Hawaii. We are grateful to testify in **STRONG SUPPORT** of S.B. 2601

Access to clean water is fundamental to the health of Hawaii's people. This bill will help to do that by requiring applications for underground storage permits to be accompanied by plans, specifications, and other necessary information. Removing automatic grant of permits for underground storage tanks. Requiring the Director of Health to modify, suspend, or revoke a permit if there is a violation of the permit, the permit was obtained by misrepresentation, or if there was a release of regulated substances.

Thank you for your consideration and we urge you to pass this legislation.

Respectfully,

Daniel Ross
President



2022
BOARD OF
DIRECTORS

February 10, 2022

Elizabeth Reilly
President

Hawaii Senate
Committee on Health / Committee on Agriculture and Environment
Meeting on February 11, 2022 at 1 p.m.
Videoconference

Allen Tateishi
Vice President

Dianne Gleis
Secretary

RE: **Strong support for SB2600 AND SB2601**

Marian Grey
Treasurer

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

Dean Takebayashi
Director

As you can glean from our name, Livable Hawaii Kai Hui is deeply concerned with the continuous threat posed by the Red Hill fuel tanks to our shared aquifer. This is why we **strongly support both SB2600 and SB2601.**

Gary Weller
Director

Kendrick Chang
Community Outreach
Coordinator

It is of utmost importance that we pass these bills as part of a series of measures at all levels of government to address the Red Hill water crisis and prevent others like it. The Hui supports passing both bills or amending one to incorporate the other, given the shared focus on Section 342L-4, HRS.

Dylan Ramos
Communications &
Operations

The events of the past few months – let alone the 74 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

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.

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

Thank you for hearing these bills and passing the language from both on for Senate approval. While it may not be a cure-all, this and other efforts will be critical for ensuring a livable future for all living things on this island.

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
Livable Hawaii Kai Hui

Dylan Ramos
Communications & Operations
Livable Hawaii Kai Hui



Senate Committees on Health / Agriculture and Environment

Friday, February 11th, 2022, 1p.m.

Hawai'i Alliance for Progressive Action Supports: SB2601

Aloha Chairs Keohokalole/Gabard, Vice Chair Baker/Nishihara and Members of the Committees,

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in **support of SB2601**. HAPA is a state-wide organization that engages approximately 10,000 local residents annually.

Mahalo for hearing SB2601, which requires applications for underground storage permits to be accompanied by plans, specifications, and other necessary information. Removes automatic grant of permits for underground storage tanks. The bill also requires the Director of Health to modify, suspend, or revoke a permit if there is a violation of the permit, the permit was obtained by misrepresentation, or if there was a release of regulated substances.

SB2601 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 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 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 by doing everything you can to address this and future potential threats from underground fuel storage tanks.

Please pass SB2601.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Anne Frederick". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anne Frederick
Executive Director

SB-2601

Submitted on: 2/8/2022 3:56:19 PM

Testimony for HTH on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lynn Murakami-Akatsuka	Individual	Support	No

Comments:

To Members of the Senate Committee on Health and the Senate Committee on Agriculture and Environment,

I strongly support the passage of SB 2601 to support the additional documentation, e.g., plans, specifications, and other necessary information with their applications. The bill removes the automatic granting of permits and empowers the Director of Health to modify, suspend, or revoke a permit if there is a violation, misrepresentation or if there is a release of regulated substances. It is imperative that this bill and SB 2407, SB 2598, and SB 2600 are passed this session to protect the public's health and future generations.

Thank you for the opportunity to testify in support of SB 2601.

SB-2601

Submitted on: 2/9/2022 2:15:34 PM

Testimony for HTH on 2/11/2022 1:00:00 PM

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

Comments:

I FULLY SUPPORT SB2601 for the following watery reasons:

Exxon Valdez

Deepwater Horizon

Flint, MI

PG&E in Hinckley, CA

DuPont in Parkersburg, WV

Please kindly consider the passage of this bill out of your committee.

SB-2601

Submitted on: 2/9/2022 2:19:32 PM

Testimony for HTH on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kim Jorgensen	Individual	Support	No

Comments:

I FULLY SUPPORT SB2601.

SB-2601

Submitted on: 2/9/2022 2:27:13 PM

Testimony for HTH on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
janice palma-glennie	Individual	Support	No

Comments:

aloha,

sb2600 and 2601 strengthen the state's ability to regulate underground fuel storage tanks to protect the island's drinking water and aquifer.

long overdue.

mahalo and sincerely,

janice palma-glennie

kailua-kona

strengthen the state's ability to regulate underground fuel storage tanks to protect our island's drinking water

SB-2601

Submitted on: 2/9/2022 2:42:02 PM

Testimony for HTH on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Anne Miller	Individual	Support	No

Comments:

Please pass 2601. We need to make the Navy's permits to manage the Red Hill fuel tanks contingent on the Navy's proving they will safely protect the water in the aquifer underneath the tanks.

SB-2601

Submitted on: 2/9/2022 5:57:01 PM

Testimony for HTH on 2/11/2022 1:00:00 PM

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

Comments:

Aloha HTH/AEN Committees

Bill SB2601 is a great bill that gives State Health officials more clout and power to protect the and people of Hawaii instead of the Navy! SB2601 amends HRS 342L-4 by:

SB 2601 amends HRS 342L-4 by . . .

- **Changing** the word may to **shall** removes the automatic granting of permits for underground storage tanks
- **Requiring** the Director of the Department of Health **to modify, suspend, or revoke a permit if there is a violation of the permit**, the permit was obtained by misrepresentation, or if there was a release of regulated substances
- **Requiring** that applications for underground storage permits contain plans, specifications and other necessary information

Mahalo,

Tlaloc Tokuda

Kailua Kona HI 96740

PS i lived on Oahu from 60s - 80s

LATE

SB-2601

Submitted on: 2/11/2022 10:00:30 AM

Testimony for HTH on 2/11/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Maki Morinoue	Individual	Support	No

Comments:

Aloha

My name is Maki Morinoue, a fourth generation kama'aina. I grew up during the 80's when our residents were finally allowed to understand Hawaiian culture, language and cultural practices from our kupunas. To not have access to learning about the true history of Hawaii was deceitful yet as a Japanese American I have learned that the government swooped up many of our community leaders after world war II including my grandfather and executive orders have smashed up all of our precious monuments. Not to mention the Kapu around naming your child with Japanese or Hawaiian first names. But the system purposefully and forcefully instilled fear to be their native self. I am one of the few Japanese American's with a Japanese first name.

When will our government begin to move in a direction that brings Justice for our residents? It's sad that only now when it is poisoning our own American families in Military or Navy we start to pay more attention.

The pattern is corruption, discrimination and as one white man is able to utter power in our system by crying about discrimination for not having voting rights on OHA leaders and expenditures, now we all have a say for better or worst on who gets into OHA and what is happening with THEIR MONEY and THEIR LAND. While Kanaka Maoli and Hawai'i state residents have been demanding Justice for over 30 years! How corrupt is this process?

There are no justifications or compromises when you participate and vote towards an action that have negative impacts to our environment and human health. There are 2 roads to take. Bribery or Justice for ALL.

It's time for change. I hope to see more vocal leaders on the floor. It's too quiet on the Capitol floor.

Mahalo
Maki Morinoue
Holualoa
96725