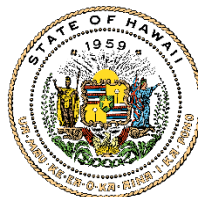


**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

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



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

P.O. BOX 621  
HONOLULU, HAWAII 96809

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

**LAURA H.E. KAAKUA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
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MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
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ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

**Before the House Committees on  
WATER & LAND  
and  
ENERGY & ENVIRONMENTAL PROTECTION**

**Thursday, February 2, 2023  
8:40 AM  
State Capitol, Conference Room 325**

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

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

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

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

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



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

In reply, please refer to:  
File:

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

REPRESENTATIVE LINDA ICHIYAMA, CHAIR  
HOUSE COMMITTEE ON WATER & LAND  
REPRESENTATIVE NICOLE E. LOWEN, CHAIR  
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
Hearing Date: 2/2/2023 Room Number: 325

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

4 **Department Testimony:** This bill proposes to specify the frequency of the Fuel Tank Advisory  
5 Committee (FTAC) meetings to, "no fewer than 1 regular meeting in each quarter of a calendar  
6 year."

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

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

18 Thank you for the opportunity to testify.

19 **Offered Amendments:**

1 Addition of new Section 2:

2 SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the  
3 sum of \$350,000 or so much thereof as may be necessary each for fiscal year 2023-2024 and  
4 fiscal year 2024-2025 to obtain contractor support for the additional FTAC meetings. The sum  
5 appropriated shall be expended by the department of health for the purposes of this Act.

# BOARD OF WATER SUPPLY

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



February 2, 2023

RICK BLANGIARDI, MAYOR

BRYAN P. ANDAYA, Chair  
KAPUA SPROAT, Vice Chair  
MAX J. SWORD  
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JONATHAN KANESHIRO

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

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

ERWIN M. KAWATA  
Deputy Manager

The Honorable Linda Ichiyama, Chair  
and Members  
Committee on Water and Land  
House of Representatives  
Hawaii State Capitol, Room 325  
415 South Beretania Street  
Honolulu, Hawaii 96813

The Honorable Nicole E. Lowen, Chair  
and Members  
Committee on Energy and Environmental Protection  
House of Representatives  
Hawaii State Capitol, Room 325  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Ichiyama, Chair Lowen and Members:

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

The Honolulu Board of Water Supply (BWS) strongly supports House Bill (HB) 546.

This measure proposes to amend Hawaii Revised Statutes (HRS) 342L-62, to require the Fuel Tank Advisory Committee to hold no fewer than one regular meeting in each quarter of a calendar year.

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

The Honorable Linda Ichiyama, Chair  
The Honorable Nicole E. Lowen, Chair  
and Members  
February 2, 2023  
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Thank you for the opportunity to testify in strong support of HB546.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ernest Y. W. Lau', written in a cursive style.

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

A small, handwritten mark or signature in blue ink, possibly initials, located below the printed name.



# Environmental Caucus of The Democratic Party of Hawai'i

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To: The Honorable Linda Ichiyama, Chair  
The Honorable Mahina Poepoe, Vice Chair  
Committee on Water & Land

The Honorable Nicole E. Lowen, Chair  
The Honorable Elle Cochran, Vice Chair  
Committee on Energy & Environmental Protection

Re: **HB 546 – RELATING TO FUEL TANK ADVISORY COMMITTEE**  
Hearing: Thursday, February 2, 2023, 8:40 a.m., Conference Room 325 & Videoconference

Position: **Strong support**

Aloha, Chairs Ichiyama and Lowen, Vice Chairs Poepoe and Cochran, and Members of the Committee on Water & Land and Committee on Energy & Environmental Protection:

The Environmental Caucus of the Democratic Party of Hawai'i stands in strong support of HB 546. This measure requires the Fuel Tank Advisory Committee to hold no fewer than 1 regular meeting in each quarter of a calendar year.

The Democratic Party of Hawai'i Platform on the environment provides that its members are to “protect and preserve Hawai'i's environment and achieve energy sustainability, advance measures to re-establish a healthy climate and environment for humans and fellow species, including actions to urgently address climate change, and work towards 100% renewable energy goals.

We believe that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society. We support the restoration, preservation, and protection of native ecosystems.

We believe in the resource management principles outlined in the Public Trust doctrine [in Article XI, Section 1 of] the Hawai'i State Constitution.” [OUR PLATFORM | DPH \(hawaiidemocrats.org\)](https://www.hawaiidemocrats.org)

The 20 Red Hill tanks are made of quarter-inch steel liners encased in concrete and located in cavities that were blasted into the lava rock of an Oahu mountainside in the 1940s. They are each 250 feet tall. Seventeen men died [while the tanks were being constructed](#). While the Navy has stated it will not use Red Hill for fuel again, the “closure in place” plan would allow the facility to be used for unspecified non-fuel uses and would minimize environmental and community impacts and risks to worker safety according to the Navy.



February 2, 2023

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There are many issues to be considered regarding the defueling and decommissioning of the Red Hill Underground Fuel Tank Facility from (1) timeline and deadlines, (2) repairs, (3) defueling, (4) decommissioning, (5) enforcement for nonperformance, (6) sanctions, (7) remediation, (8) healthcare, (9) compensation to victims, (10) alternative uses, closure in place, removal, or fill, and (11) groundwater and environmental monitoring for the next generation, among other issues. Excluding the last point, this process may take anywhere from 5 to 10 years to complete depending on the end-use.

Given the long term plans to defuel, decommission, remediate, and alternative end-use, requiring the Fuel Tank Advisory Committee to hold no fewer than 1 regular meeting in each quarter of a calendar year is vital for human and environmental health and monitoring, and is consistent with the state and counties' duties under the Public Trust Doctrine and the DPH Platform environmental plank advancing measures to re-establish a healthy climate and environment for humans and fellow species.

Please support and pass this bill.

Mahalo for the opportunity to testify on this measure.

/s/ Melodie Aduja and Alan Burdick  
Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

**HB-546**

Submitted on: 2/1/2023 8:46:13 AM

Testimony for WAL on 2/2/2023 8:40:00 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 Chair Lowen & Chair Ichiyama & Committee Members,

On behalf of Our Revolution Hawaii's 5,000 members and supporters, I stand in Strong Support of HB546 with an amendment that change "Requires the Fuel Tank Advisory Committee to hold no fewer than 1 regular meeting in each quarter of a calendar year." to "Requires the Fuel Tank Advisory Committee to hold no fewer than 1 regular meeting MONTHLY."

It is abundantly clear that oversight of the Red Hill fuel storage tanks has been grossly inadequate to protect our precious sole source aquifer. So it is incumbent upon officials to step up oversight of the Red Hill fuel storage tanks to ensue the protection of our drinking water.

Mahalo for your kind attention,

Dave Mulinix, Cofounder & Statewide Organizer

Our Revolution Hawaii



**HB-546**

Submitted on: 2/1/2023 8:24:30 AM

Testimony for WAL on 2/2/2023 8:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Comments	Written Testimony Only

Comments:

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