

STAND. COM. REP. NO.

142

Honolulu, Hawaii

FEB 07 , 2023

RE: H.B. No. 546  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Water & Land and Energy & Environmental Protection, to which was referred H.B. No. 546 entitled:

"A BILL FOR AN ACT RELATING TO THE FUEL TANK ADVISORY COMMITTEE,"

beg leave to report as follows:

The purpose of this measure is to require the Fuel Tank Advisory Committee (Committee) to hold no fewer than one regular meeting in each quarter of a calendar year.

Your Committees received testimony in support of this measure from the Honolulu Board of Water Supply, Environmental Caucus of the Democratic Party of Hawai'i, and Our Revolution Hawaii. Your Committees received comments on this measure from the Department of Land and Natural Resources, Department of Health, and one individual.

Your Committees find that the Fuel Tank Advisory Committee was established to study issues related to leaks at the Red Hill Bulk Fuel Storage Facility, among other responsibilities. Since the first meeting of the Committee in 2016, annual meetings were held until 2020, when interest in the Committee annual meeting became so great because of the November 2021 fuel release at the Red Hill Bulk Fuel Storage Facility that semi-annual meetings were held in 2021 and 2022.

2023-1164 HB546 HD1 HSCR HMSO



Your Committees further find that requiring the Committee to hold quarterly meetings will allow for more timely disclosure of spill events and the responses to deal with them; better communication regarding current efforts for aquifer recovery and remediation; better opportunities for the public to present their concerns; and more coordination of members of the Committee to address concerns related to the Administrative Order on Consent.

Your Committees recognize that the Department of Health staff who perform the regulatory oversight over Red Hill activities are also tasked with preparing for meetings of the Committee. Additional support is necessary to minimize the potential impact on the Department's oversight of the Red Hill activities.

Accordingly, your Committees have amended this measure by:

- (1) Inserting an appropriation of an unspecified amount to the Department of Health to obtain contract support for meetings of the Fuel Tank Advisory Committee;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Although the appropriation amount is unspecified, your Committees respectfully request your Committee on Finance, should it deliberate on this measure, to consider an appropriation amount of \$350,000 for the Department of Health to obtain contract support for the additional meetings of the Committee.

As affirmed by the records of votes of the members of your Committees on Water & Land and Energy & Environmental Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 546, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 546, H.D. 1, and be referred to your Committee on Health & Homelessness.



Respectfully submitted on  
behalf of the members of the  
Committees on Water & Land and  
Energy & Environmental  
Protection,

*Nicole E. Lowen*

---

NICOLE E. LOWEN, Chair

*Linda Ichiyama*

---

LINDA ICHIYAMA, Chair



Record of Votes of the Committee on Water & Land

<b>Bill/Resolution No.:</b> HB 546	<b>Committee Referral:</b> WAL/EEP, HLT, FIN	<b>Date:</b> 02/02/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>WAL Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. ICHIYAMA, Linda (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. CHUN, Cory M.	✓			
4. GANADEN, Sonny	✓			
5. HASHEM, Mark J.	✓			
6. MORIKAWA, Dee	✓			
7. TAKAYAMA, Gregg	✓			
8. SOUZA, Kanani	✓			
<b>TOTAL (8)</b>	8			
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> _____				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: <b>HB 546</b>	Committee Referral: <b>WAL/EEP, HLT, FIN</b>	Date: <b>2/2/23</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. <b>LOWEN, Nicole E. (C)</b>	✓			
2. <b>COCHRAN, Elle (VC)</b>	✓			
3. <b>GATES, Cedric Asuega</b>				✓
4. <b>KAHALOA, Kirstin</b>	✓			
5. <b>PERRUSO, Amy A.</b>	✓			
6. <b>WOODSON, Justin H.</b>				✓
7. <b>WARD, Gene</b>	✓			
<b>TOTAL (7)</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>2</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted         If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <u><i>Elle Cochran</i></u>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				