

JAN 17 2025

A BILL FOR AN ACT

RELATING TO WATER QUALITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the contamination of
2 water sources threatens the public health and safety of the
3 State. Recent incidents, including leaks at the Red Hill
4 underground fuel storage facility and the contamination of
5 United States Navy waterlines with petroleum and PFAS (per- and
6 polyfluoroalkyl substances) at former military installations,
7 such as Kapilina Beach Homes in Ewa Beach, have highlighted the
8 urgent need for comprehensive water quality testing. These
9 leaks pose a serious, significant health and environmental risk
10 to approximately ninety-three thousand military service members
11 and their families, as well as the civilian residents at
12 Kapilina Beach Homes, which remains on the military waterline
13 system.

14 Remnants of JP-5 and JP-8 jet fuels in drinking water from
15 the Red Hill underground fuel storage facility underscore the
16 importance of stringent water quality standards and the need for
17 regular testing to prevent contamination and protect public



1 health. The Red Hill bulk fuel facility has experienced
2 multiple leaks of petroleum constituents, including:

3 (1) On May 6, 2021, a pressure surge caused the failure of
4 a pipeline joint, releasing over nineteen thousand
5 gallons of JP-5 jet fuel. The United States Navy
6 stated that it was unaware that this leak caused
7 petroleum jet fuel to collect in the fire suppression
8 line. The jet fuel ran down the tunnel floor into
9 containment trenches and eventually into a fire
10 suppression system fluid sump. This sump pushed the
11 fuel down the tunnel into a fire suppression system
12 fluid drain pipeline, where the jet fuel remained
13 until it ruptured when maintenance personnel hit the
14 pipeline while operating a maintenance vehicle on
15 November 20, 2021;

16 (2) The ruptured drain pipeline released approximately
17 nineteen thousand gallons of jet fuel into a sole
18 source aquifer. This incident was exacerbated by
19 substandard pipeline material and the lack of
20 blueprints to the eighty-year-old pipelines of the
21 fire suppression system; and



1 (3) On November 29, 2022, an estimated thirteen hundred
2 gallons of aqueous film-forming foam (AFFF)
3 concentrate was released at adit 6 of the facility due
4 to human error during a routine maintenance check of
5 substandard polyvinyl chloride pipes. AFFF
6 concentrate is required to be encased in pipes made of
7 metal, not polyvinyl chloride.

8 The use of AFFF concentrate, which contains PFAS, has
9 resulted in the widespread contamination of water sources,
10 leading to serious health concerns. Studies have shown that
11 PFAS exposure is associated with various cancers and other
12 health problems. The presence of marine diesel and other
13 petroleum products in water sources in the State has also been
14 linked to severe health issues, necessitating immediate action
15 to mitigate risks.

16 The legislature further finds that the contamination of
17 waterlines at Kapilina Beach Homes, a former military
18 installation now housing civilians, has resulted in a visible
19 sheen in tap water and numerous residents experiencing symptoms
20 of petroleum contamination and poisoning. This situation



1 further underscores the need for expanded water quality testing
2 in the State to include residential and commercial properties.

3 Accordingly, the purpose of this Act is to expand the
4 duties and powers of the department of health that relate to
5 water quality and water quality testing to ensure the safety and
6 health of Hawaii's residents.

7 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§342D- Powers and duties to conduct water quality**
11 **testing.** (a) The department shall conduct water quality
12 testing in public and private water systems, as well as in
13 residential and commercial properties, with the knowledge and
14 consent of the property owner or occupier, to ensure compliance
15 with water quality standards and to protect public health and
16 the environment.

17 (b) If consent to conduct water quality testing is not
18 granted, the director may seek a court order authorizing the
19 department to conduct water quality testing if there is a
20 reasonable belief that the water quality in the public or



1 private water system, or residential or commercial property,
2 poses a significant risk to public health.

3 (c) In emergency situations where consent to conduct water
4 quality testing is unreasonably withheld, the department may
5 impose penalties on the property owner or occupier for
6 noncompliance. The penalties shall be determined by the
7 director based on the severity of the risk to public health and
8 the environment.

9 (d) The department shall adopt rules pursuant to
10 chapter 91 necessary to carry out the purposes of this section."

11 SECTION 3. Section 342-1, Hawaii Revised Statutes, is
12 amended by adding a new definition to be appropriately inserted
13 and to read as follows:

14 "Water quality testing" means the process of analyzing
15 water samples to determine the presence and concentration of
16 contaminants, pollutants, and other substances that may affect
17 human health and the environment."

18 SECTION 4. The department of health:

19 (1) Shall establish protocols and procedures for water
20 quality testing, including the collection, analysis,
21 and reporting of water samples in public and private



- 1 water systems, as well as in residential and
2 commercial properties;
- 3 (2) Shall conduct public awareness campaigns and
4 educational programs on water quality issues, testing
5 procedures, and preventive measures to ensure that
6 residents and businesses are informed and proactive
7 about water safety;
- 8 (3) May pursue grants, request budget adjustments, and
9 seek partnerships with federal and state agencies to
10 ensure adequate funds and resources for the department
11 to effectively carry out its expanded duties relating
12 to water quality testing as established by this Act;
- 13 (4) Shall publish regular reports on water quality testing
14 results, including data from residential and
15 commercial properties, to promote transparency and
16 accountability;
- 17 (5) Shall develop and implement an emergency response plan
18 in the event of any significant water contamination
19 events, outlining steps to protect public health and
20 mitigate environmental damage;



1 (6) Shall collaborate with other relevant agencies such as
2 the United State Environmental Protection Agency and
3 local water utilities to ensure a coordinated approach
4 to water quality management; and

5 (7) Shall periodically review and amend, as necessary, the
6 water testing protocols and procedures established
7 under paragraph (1) to ensure that they remain updated
8 and effective in addressing emerging contaminants and
9 threats.

10 SECTION 5. (a) The department of health may collaborate
11 with United States military installations in the State on public
12 health initiatives, environmental health assessments, and
13 emergency response planning. This collaboration may include:

- 14 (1) Conducting joint health and environmental risk
15 assessments;
- 16 (2) Providing technical assistance and support during
17 public health emergencies; and
- 18 (3) Participating in the development and implementation of
19 health and safety protocols.

20 (b) The department of health shall enter into agreements
21 with the United States Department of Defense to allow for



1 department oversight of, and support in, certain situations,
 2 such as public health emergencies and environmental
 3 contamination incidents. These agreements shall outline the
 4 scope of involvement and responsibilities of each party.

5 (c) The department of health shall request regular reports
 6 from the United States Department of Defense on the health and
 7 environmental conditions of the military housing complexes in
 8 the State, including information on any identified risks,
 9 mitigation efforts, and ongoing monitoring activities.

10 SECTION 6. There is appropriated out of the general
 11 revenues of the State of Hawaii the sum of \$ or so
 12 much thereof as may be necessary for fiscal year 2025-2026 and
 13 the same sum or so much thereof as may be necessary for fiscal
 14 year 2026-2027 for the department of health to effectively carry
 15 out its expanded duties relating to water quality and water
 16 quality testing as established by this Act.

17 The sums appropriated shall be expended by the department
 18 of health for the purposes of this Act.

19 SECTION 7. There is appropriated out of the general
 20 revenues of the State of Hawaii the sum of \$ or so
 21 much thereof as may be necessary for fiscal year 2025-2026 and



1 the same sum or so much thereof as may be necessary for fiscal
2 year 2026-2027 for the research and development of new
3 technologies and methods for water quality testing and
4 contamination prevention in the State.

5 The sums appropriated shall be expended by the department
6 of health for the purposes of this Act.

7 SECTION 8. New statutory material is underscored.

8 SECTION 9. This Act shall take effect on July 1, 2025.

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INTRODUCED BY: 



S.B. NO. 664

Report Title:

DOH; Duties; Water Quality; Water Quality Testing; Appropriations

Description:

Expands the duties and powers of the Department of Health that relate to water quality and water quality testing to ensure the safety and health of Hawaii's residents. Appropriates funds.

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