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# A BILL FOR AN ACT

RELATING TO RED HILL.

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

1           SECTION 1. The legislature finds that the United States  
2 Navy's Red Hill Bulk Fuel Storage Facility consists of twenty  
3 steel-lined underground storage tanks that were built from 1940  
4 to 1943. Each tank can store 12.5 million gallons of fuel; in  
5 total, the Red Hill Bulk Fuel Storage Facility can store up to  
6 two hundred fifty million gallons. The tanks are located only  
7 about one hundred feet above the United States Environmental  
8 Protection Agency's designated sole-source groundwater aquifer  
9 that provides drinking water to approximately four hundred  
10 thousand residents of the island of Oahu. Over the past eighty  
11 years, numerous spills have occurred at Red Hill. Specifically,  
12 on November 20, 2021, about ninety-three thousand individuals  
13 served by the United States Navy's potable water system for  
14 Joint Base Pearl Harbor-Hickam were directly affected when the  
15 United States Navy's Red Hill shaft was contaminated by the  
16 release of up to nineteen thousand gallons of fuel, including  
17 JP-5 jet fuel, older fuels stored at the Red Hill Bulk Fuel



1 Storage Facility, and any additives used. Over six thousand  
2 individuals sought medical attention, and one thousand were  
3 forced to leave their homes due to the contamination. Much of  
4 the fuel released from the Red Hill Bulk Fuel Storage Facility  
5 remains in the environment, trapped within the complex  
6 geological formations beneath and near the tanks.

7 The legislature further finds that on May 9, 2023,  
8 officials from the State and city and county of Honolulu signed  
9 a unified statement on Red Hill, recognizing the stewardship  
10 responsibility to ensure that there is clean water on Oahu for  
11 future generations. The Red Hill Water Alliance Initiative  
12 (WAI), a working group, met regularly in 2023 after the signing  
13 of the unified statement. The Red Hill WAI posed questions,  
14 conducted research, listened to subject-matter experts, and  
15 formulated recommended policies.

16 The legislature also finds that the Red Hill WAI's approach  
17 of total stewardship responsibility required a stance of  
18 extending beyond statutory roles, specific responsibilities,  
19 tenure in those roles, and even personal lifetimes. Its inquiry  
20 included the pursuit of critical questions for which there may



1 currently be no answers. Thus, the pursuit of those answers is  
2 part of the ongoing work.

3 The legislature notes that besides its regulatory functions  
4 under federal and state environmental laws, the State also has  
5 unique public trust responsibilities set forth in the Hawaii  
6 State Constitution, which establishes an affirmative duty of the  
7 State to preserve and protect public trust resources, including  
8 water resources.

9 The legislature additionally finds that the focus of the  
10 Red Hill WAI's inquiry is the remediation needs after the  
11 defueling of the tanks and removal of residual fuel and  
12 contaminants from the Red Hill Bulk Fuel Storage Facility. In  
13 particular, the Red Hill WAI is concerned with the unknowns  
14 posed by fuel contaminants already in the ground, as well as the  
15 residuals of the fuel plume in the aquifer as a result of the  
16 spill that occurred on November 20, 2021. In fact, there may be  
17 as many as 1,940,000 gallons of fuel constituents in the ground  
18 that have leaked or spilled over eight decades. Pursuant to a  
19 proactive approach, the Red Hill WAI seeks to describe the  
20 remediation it believes necessary for the future well-being of  
21 the aquifer in which there is a negligible risk to current and



1 future water sources, including the Halawa Shaft, Halawa wells,  
2 and Aiea wells; the water distribution system; and the  
3 ecosystem, including springs, streams, and nearshore waters.

4 After much diligent work, the Red Hill WAI issued a public  
5 report in November 2023 that set forth its findings and  
6 recommendations. Some of the recommendations can only be  
7 addressed by the federal government, while other recommendations  
8 can be undertaken by the State and city and county of Honolulu.  
9 Moreover, the legislature finds that there must be no delay in  
10 adopting the recommendations of the Red Hill WAI, especially  
11 those that can be implemented at the state and county levels.

12 Accordingly, the purpose of this Act is to establish:

13 (1) A Red Hill Water Alliance Initiative (WAI) policy  
14 coordinator to coordinate WAI initiatives across state  
15 and county agencies and appropriate federal entities;  
16 and

17 (2) The Red Hill remediation special fund.

18 SECTION 2. The Hawaii Revised Statutes is amended by  
19 adding a new chapter to be appropriately designated and to read  
20 as follows:



1 "CHAPTER

2 RED HILL WATER ALLIANCE INITIATIVE

3 § -1 Definitions. As used in this chapter, unless a  
4 different meaning is plainly required by the context:

5 "Board" means the board of land and natural resources.

6 "Chairperson" means the chairperson of the board of land  
7 and natural resources.

8 "Department" means the department of land and natural  
9 resources.

10 "Red Hill Water Alliance Initiative" means the group of  
11 individuals composed of the governor, speaker of the house of  
12 representatives, president of the senate, chairperson of the  
13 board of land and natural resources, deputy for water resource  
14 management, president of the university of Hawaii, mayor of the  
15 city and county of Honolulu, chairperson of the Honolulu city  
16 council, and manager and chief engineer of the Honolulu board of  
17 water supply that issued a public report in November 2023  
18 concerning the remediation of Red Hill following the defueling  
19 of the Red Hill Bulk Fuel Storage Facility.

20 "Special fund" means the Red Hill remediation special fund.

21 "WAI" means the Red Hill Water Alliance Initiative.



1           §   -2 **Policy lead and coordination.** (a) The department  
2 shall serve as the State's policy lead on WAI initiatives  
3 through the position of the WAI policy coordinator, to be placed  
4 in the office of the chairperson. The WAI policy coordinator  
5 shall work with respective state and county agencies and other  
6 groups.

7           (b) The WAI policy coordinator shall:

8           (1) Facilitate implementation and monitoring and interface  
9                 with federal entities on WAI initiatives outlined in  
10                the WAI's November 2023 report;

11          (2) Periodically and regularly review:

12                 (A) The health status of the ecosystem; and

13                 (B) The state of science and opportunities for  
14                remediation and rehabilitation;

15          (3) Develop and maintain a public-facing test results  
16                dashboard describing the significance of results from  
17                the State and city and county of Honolulu, as part of  
18                a broader public education program; and

19          (4) Coordinate the implementation of a thirty-six-month  
20                public information and education program to describe,  
21                inform, and educate the general public and



1 institutions on the post-defueling remediation phases  
2 for Red Hill to restore public trust, secure public  
3 support, and address health and environmental  
4 concerns.

5 § -3 **Red Hill remediation special fund.** (a) There is  
6 established in the state treasury the Red Hill remediation  
7 special fund, into which shall be deposited the following  
8 moneys:

- 9 (1) Appropriations to the special fund from any source,  
10 including the United States government, legislature,  
11 and city and county of Honolulu;
- 12 (2) Gifts, donations, and grants from public agencies,  
13 including the United States government, and private  
14 persons; and
- 15 (3) All interest earned on or accrued to moneys deposited  
16 in the special fund.

17 (b) The special fund shall be administered by the WAI  
18 policy coordinator.

19 (c) The moneys in the special fund shall be used to  
20 address contamination resulting from the Red Hill Bulk Fuel  
21 Storage Facility, including monitoring, applied research, public



1 outreach and education, and evaluation; provided that the cost  
2 of remediation of the aquifer shall be borne by the federal  
3 government.

4       **§ -4 Cooperation by state and county agencies.** All  
5 state and county agencies shall provide all information and data  
6 requested by the WAI policy coordinator within thirty calendar  
7 days; provided that the WAI policy coordinator may, in the  
8 coordinator's discretion, set a longer deadline.

9       **§ -5 Report.** The WAI policy coordinator shall submit a  
10 report of the coordinator's activities and expenditures to the  
11 legislature, governor, and mayor and city council of the city  
12 and county of Honolulu no later than December 1 of each year,  
13 beginning in 2025."

14       SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Red Hill WAI Policy Coordinator; Red Hill Remediation Special Fund

**Description:**

Establishes a WAI Policy Coordinator for coordination of Red Hill WAI initiatives. Creates the Red Hill Remediation Special Fund. (CD1)

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