DAVID Y. IGE



doh.testimony@doh.hawaii.gov

ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

WRITTEN
TESTIMONY ONLY

# Testimony in SUPPORT of HB2514 HD1 SD1 RELATING TO UNDERGROUND STORAGE TANKS

#### SENATOR KARL RHOADS, CHAIR SENATE COMMITTEE ON JUDICIARY

Hearing Date: 3/31/2022 Room Number: 016/Videoconference

- 1 **Fiscal Implications:** The fiscal implications of this measure are unknown at this time.
- 2 **Department Testimony:** The Department of Health supports the intent of this measure, to
- 3 protect the precious freshwater resources of our pae 'āina.
- We note that in addition to the 20 underground storage tanks (USTs) at Red Hill Ridge,
- 5 each with an approximate capacity of 12.5 million gallons, this bill will affect four other USTs,
- 6 each with an approximate capacity of 400,000 gallons ("surge tanks"), that are part of the Red
- 7 Hill UST system and are located makai of the underground injection control (UIC) line.
- 8 An alternative is the language in SB2600 SD2 HD1, establishing a date after which large
- 9 capacity UST systems located mauka of the UIC line may no longer operate.
- 10 Offered Amendments: None.
- 11 Thank you for the opportunity to testify on this measure.

DAVID Y. IGE GOVERNOR OF HAWAII





# STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

Testimony of SUZANNE D. CASE

Chairperson

Before the Senate Committee on JUDICIARY

Thursday, March 31, 2022 9:30 AM State Capitol, Conference Room 016 & Videoconference

## In consideration of HOUSE BILL 2514, HOUSE DRAFT 1, SENATE DRAFT 1 RELATING TO UNDERGROUND STORAGE TANKS

House Bill 2514, House Draft 1, Senate Draft 1 proposes to prohibit the operation of underground storage tanks with a capacity greater than 100,000 gallons beginning July 1, 2023. The Department of Land and Natural Resources (Department) offers the following comments.

The Department recognizes the risks of underground storage tanks containing hazardous material leaking and contaminating the surrounding area and possibly any underlying aquifer. Larger capacity underground storage tanks present a higher potential for larger leakage events. The risk of underground storage tanks must be balanced with the benefits provided, through regulatory measures.

Thank you for the opportunity to comment on this measure.

# SUZANNE D. CASE CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA

M. KALEO MANUEL DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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FORESTRY AND WILDLIFE
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LAND STATE PARKS

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

The Honorable Karl Rhoads, Chair and Members
Committee on Judiciary
The Senate
Conference Room 016 & Videoconference
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: House Bill 2514 HD1, SD1: Relating to Underground Storage Tanks

The Honolulu Board of Water Supply (BWS) supports House Bill (HB) 2514 House Draft (HD) 1, Senate Draft (SD) 1.

This bill proposes to amend Hawaii Revised Statutes chapter 342L by adding a new section that prohibits underground storage tanks (USTs) greater than 100,000 gallons to operate from a date that is shown as blank in the bill. The BWS supports the effective date of July 1, 2023.

Thank you for your consideration of our testimony concerning HB 2514, HD1, SD1.

Very truly yours,

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

March 31, 2022 9:30 AM Conference Room 016

In SUPPORT of HB2514 HD1 SD1: Relating to Underground Storage Tanks

\_\_\_\_\_\_

Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the Judiciary Committee,

The Sierra Club of Hawai'i **supports** HB2514 HD1 SD1, which would help prevent the catastrophic contamination of our environment from extremely large-capacity underground storage tank facilities.

The concept of "ola i ka wai" – that water is life – has been understood by the people of Hawai'i since time immemorial. Unfortunately, this concept has not been fully appreciated in historical decisions that have allowed for the installation of large underground storage tank facilities in close proximity to the groundwater aquifer that our environment and people have always depended upon. Tragically, due to these historic decisions, we have already witnessed the contamination of our islands' precious wai.

Accordingly, the Sierra Club supports this bill as a means to ensure that we do not repeat the mistakes of the past, by making clear that we will no longer tolerate the operation of massive underground fuel storage tanks and facilities that may pose an inherent risk to our water and our ways of life here in Hawai'i.

Therefore, the Sierra Club of Hawai'i respectfully urges the Committee to **PASS** HB2514 HD1 SD1. Thank you very much for this opportunity to testify.





#### **Board Members**

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Derrick Kiyabu Hawai'i Island Resident

Miwa Tamanaha O'ahu Resident

Philip Garboden Assistant Professor, University of Hawai'i at Mānoa

#### **HACBED Staff**

Brent N. Kakesako Executive Director

Merri Keli'ikuli *Office Manager & Program Support* 

Corin Thornberg *Project Associate*  Date: March 29, 2022

To: Senator Jarrett Karl Rhoads, Chairs, Senator Jarrett Keohokalole, Vice-Chair

and Members of the Committee on Judiciary

From: Brent Kakesako, Hawai'i Alliance for Community-Based Economic

Development (HACBED)

Re: Support for HB 2514 HD 1 SD 1 with amendments

Aloha e Chair Keohokalole & Chair Gabbard, Vice-Chair Baker & Vice-Chair Nishihara, and Committee Members,

The Hawai'i Alliance for Community-Based Economic Development (HACBED) supports HB 2514 HD 1 SD 1, with amendments, which prohibits the operation of underground storage tanks with a capacity greater than 100,000 gallons. We ask that the bill be amended with July 1, 2022, as the date after which no underground storage tank can be operated, except to defuel and decommission given the urgency of the situation and need to protect our water.

HACBED was established in 1992 as a nonprofit statewide intermediary to address social, economic, and environmental justice concerns through community-based economic development and asset building strategies. It advances its mission with core competencies in the areas of community and organizational capacity building, community and economic development planning, and asset policy development and advocacy. Water is life and core to livelihoods of families who call this place home and by extension broader place-based economic development. As such, HACBED supports the proposed bill with the previously mentioned amendments.

HB 2514 HD 1 SD 1 and the requested amendments would protect what is remaining of our precious water and watersheds for this generation and the many future generations.

Mahalo for this opportunity to testify,

Brent N. Kakesako Executive Director



#### LEGISLATIVE TESTIMONY

Senate Committee on Judiciary

## **HB2514 HD1 SD1 - Relating to Underground Storage Tanks**

Thursday, March 31, 2022, 9:30am, Rm 016 & Videoconference

The Council for Native Hawaiian Advancement (CNHA) offers testimony in **SUPPORT** of HB2514, HD1 SD1. By requiring the Department of Health to adopt the standard that all underground storage tanks not exceed a maximum capacity of 100,000 gallons, this measure is a step in the right direction toward establishing the necessary frameworks to help protect Hawai'i's natural and cultural resources for future generations.

Native Hawaiian traditions and values reflect an understanding of the importance of fresh water for survival on an isolated archipelago in the middle of the vast Pacific Ocean. *Ola I Ka Wai* – Water is Life – is more than just a figure of speech, it is a reminder that our very existence depends on this precious and finite resource.

HB2514, HD1 SD1, follows in the wake of a water crisis at Kapūkakī, where the Navy's Red Hill Bulk Fuel Storage Facility has leaked 180,000 gallons of fuel since 1940. In response to recent leaks that have contaminated the Southern Oʻahu Basal Aquifer, the Honolulu Board of Water Supply (BWS) has stopped pumping water from the Halawa Shaft, Halawa Well, and Aiea Well. This precautionary measure was undertaken to prevent the fuel contamination from migrating to the public water system. An extended or permanent shutdown of these three critical BWS wells could trigger mandatory water conservation measures during dry periods. Moreover, the unknown levels of fuel contamination in the Southern Oʻahu Basal Aquifer could have potentially devastating impacts on Hawaiʻi's economy, especially if the contamination is so great that the BWS is unable to approve new wells to support new affordable housing developments.

Accordingly, the Council for Native Hawaiian Advancement urges the Committee to **PASS** HB2514, HD1 SD1, to better protect Oʻahu's life-giving waters and the health of its residents. Mahalo nui loa for this opportunity to provide testimony on this measure.

Respectfully,

J. Kūhiō Lewis, CEO Council for Native Hawaiian Advancement

<u>HB-2514-SD-1</u> Submitted on: 3/30/2022 12:34:10 AM Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Janice K T Shiira	Testifying for Shimanchu Wai Protectors- Ukwanshin Kabudan	Support	Written Testimony Only

# Comments:

We support HB2514 related to underground storage tanks.



# 'Ahahui o nā Kauka

677 Ala Moana Blvd., Suite 1015 Honolulu HI 96813 Phone 808.548.0270 E-mail huikauka@amail.com

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Kapono Chong-Hanssen, MD Advocacy Chair March 30, 2022

## COMMITTEE ON JUDICIARY Senator Karl Rhoads, Chair Senator Jarrett Keohokalole, Vice Chair

**Group Testimony in Support of HB2514HD1SD1**RELATING TO UNDERGROUND STORAGE TANKS.

#### Mōhala i ka wai ka maka o ka pua

"Unfolded by the water are the faces of flowers."

Meaning: Flowers thrive where there is water, as thriving people are found where living conditions are good.

'Ahahui o nā Kauka (the Association of Native Hawaiian Physicians) calls for the urgent and permanent removal of the United States Navy's Bulk Fuel Storage Facility at Kapūkakī, commonly referred to as "Red Hill" in modern times. Safe drinking water is the foundation of health for all humans, and in Hawaiian culture carries even more significance as the base for our word for "wealth," as our ancestors clearly knew people cannot thrive without safe water to nourish our bodies and the land. After decades of warnings about the danger posed by these leaking fuel tanks to sources of drinking water providing for an approximate 400,000 residents of by far the most populous of our islands, we are dismayed to see that this threat has been allowed to progress to this fulminant crisis where both people and the land are being acutely poisoned by the Navy's persistent contamination at Kapūkakī.

The fuel storage facility at Kapūkakī was constructed by the United States Navy, at the time of the crisis of World War II, when its close proximity to a priceless aquifer could have been regarded as insignificant. Some of the liberties taken by the Navy in Hawai'i during this era may have been justified, but the ongoing disregard for our islands and people as little more than military assets since

then has presented threats to our health that persist to this day. We are reminded of the 1965 detonation on Kaho'olawe meant to simulate a nuclear blast that cracked the cap rock and permanently destroyed a significant portion of the fresh water to the island, not to mention the continued threat of unexploded ordnance left by the Navy. More than 80 years after construction, it is time for the Navy to acknowledge the extraordinary threat its outdated, dilapidated fuel storage facility at Kapūkakī poses to our people, land, and ocean.

After over a century of hosting the US Navy's military interests, Hawai'i and its people deserve to be treated as more than military assets left to suffer the harms of infrastructure neglect. As Native Hawaiian physicians, we can no longer turn a blind eye to physical and mental health effects this facility poses to our patients and communities not only by contaminating a large portion of the water supply but also by destroying the faith people had in the safety of our water. We applaud the legislative efforts to address this imminent threat, and prevent the development of future dangerous fuel storage facilities.



# In SUPPORT of HB 2514 HD 1 SD1, "RELATING TO UNDERGROUND STORAGE TANKS."

Senate Committee on Judiciary
Chair Rhoads and Vice-Chair Keohokalole
March 31, 2022 at 9:30AM
CR016 & Via Video Conference

Aloha Chair Rhoads, Vice-Chair Keohokalole, and Members of the Senate Committee on Judiciary,

As a coalition of Native Hawaiian and Pacific Islander organizations, the Native Hawaiian & Pacific Islander COVID-19 Hawai'i Response, Recovery, and Resilience (NHPI 3R) Team offers **SUPPORT** for HB 2514 HD 1 SD 1, which would prohibit the operation of underground storage tanks with a capacity greater than 100,000 gallons. This action is one of many vehicles in the State Legislature that aims to protect the health of our islands and communities by developing more specific regulations around a precious resource – water.

Given the necessity of water to sustain all forms of life, every action necessary to protect it must be taken in an intentional and timely manner. Failure to do so may have catastrophic and irrevocable consequences to our freshwater aquifers and the environment. Concerns for the future of freshwater on O'ahu have been repeatedly identified by Ernie Lau, Chief Engineer of the Board of Water Supply (BWS), and the impacts documented from a number of community members. This month, BWS has already requested communities to voluntarily reduce their water use by 10% based on data from their operating sites and anticipated shortage.

The damage to the O'ahu aquifer and persistent risk have spurred community, county, State, and federal action thusfar. HB 2514 HD 1 SD 1 creates another layer of regulation so that in the future, underground storage tanks have a smaller maximum capacity to reduce potential risk. The development of this and other State protections to are critical to pass in a timely manner so that the issues facing us today do not return in the future. For this reason, we urge the committee to consider moving up the effective date of this legislation to prevent any further damage to our precious water source.

Timely actions now are vital to prevent detrimental long-term impacts of freshwater aquifer contamination or the inability to restore the wells that have been preemptively shut off by BWS. If left to linger, every community on O'ahu will face health consequences. The well-being of our people, who are descended from dozens of indigenous Pasifika groups, is fundamentally connected to sustaining and maintaining the health of natural resources. Freshwater in the future depends on making sound

decisions in the present. We urge the committee to take this action to protect our freshwater aquifer, our 'āina, and our communities by passing this critical legislation and other related protections.

Mahalo for the opportunity to provide testimony. The NHPI 3R Team can be contacted via email at <a href="mailto:nhpicovid@papaolalokahi.org">nhpicovid@papaolalokahi.org</a>.

Respectfully,

Sheri Daniels, Native Hawaiian Co-Lead

Spaph W. Wille

Josie Howard, Pacific Islander Co-Lead

Joseph Keaweʻaimoku Kaholokula, Native Hawaiian Co-Lead

ve Felea'i Tau, Pacific Islander Co-Lead



#### **HIPHI Board**

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Dina Shek, JD Medical-Legal Partnership For Children in Hawai'i

Garret Sugai Pharmacare Hawai'i

Titiimaea Ta'ase, JD State of Hawai'i, Deputy Public Defender

#### **HIPHI Initiatives**

Coalition for a Tobacco-Free Hawai'i

Community Health Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Food Security Coalition

Date: March 30, 2022

To: Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair Members of the Committee on Judiciary

Re: Support for HB 2514, HD1, SD1, Relating to Underground Storage Tanks

Hrg: March 31, 2022 at 9:30 AM, in Conference Room 016 and via

Videoconference

The Hawai'i Public Health Institute<sup>i</sup> is in **support of HB2514**, **HD1**, **SD1**, which would protect public health and O'ahu's clean drinking water supply by prohibiting the operation of underground storage tanks with a capacity greater than 100,000 gallons after July 1, 2023.

HIPHI is alarmed by the recent events surrounding Red Hill and the confirmation of petroleum in our water supply. Fresh, clean drinking water is a precious resource, with access to clean drinking water being a basic human right that is "essential for the enjoyment of life and all human rights."

For years, advocates and organizations like the Sierra Club have warned about the need to protect our drinking water, as the Red Hill Fuel Tank facility sits only 100 feet above the aquifer that supplies water to over 400,000 people, from Hālawa to Hawai'i Kai. The Red Hill facility has a long history of leaking fuel into the surrounding environment and has already contaminated Oʻahu's primary drinking water aquifer. Ending operations of the Red Hill facility immediately and preventing future large underground storage tanks from being constructed is necessary to guarantee the safety of our water and our people.

This public health crisis was preventable, and we urge the Federal and State governments to take swift action to protect our water supply. Clean water is essential for life, and access to clean, safe drinking water is a basic human right.

Mahalo,

Amanda Fernandes, JD Policy and Advocacy Director

<sup>&</sup>lt;sup>i</sup> Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ii Resolution A/RES/64/292. United Nations General Assembly, July 2010.



To: The Senate Committee on Judiciary

From: Sherry Pollack, Co-Founder, 350Hawaii.org

Date: Thursday, March 31, 2022, 9:30am

#### In strong support of HB2514 HD1 SD1 with amendments

Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the Judiciary Committee;

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org **strongly supports with amendments** this measure which prohibits the operation of underground storage tanks with a capacity greater than 100,000 gallons.

Hawaii's drinking water supply is already at risk due to the effects of climate change. All the more reason to ensure we take great care in protecting our aquifer from fuel contamination, or any other source of pollution, keeping it safe for current and future generations. With recent tragic events, we have had a glimpse into what it means to lack access to safe, fresh drinking water as we have witnessed the tragic suffering of families who are users of the Navy's Red Hill drinking water well and who have been struggling with a water contamination crisis. We welcome legislation that will lead to the **permanent defueling and closure of the Red Hill Bulk Fuel Storage Facility** that currently threatens Oahu's primary drinking water supply.

While the Pentagon has agreed that Red Hill must be shut down, their words ring hollow as the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility. To be clear, the threat to our water is imminent and we can no longer wait to take decisive action to protect our sole-source aquifer from further contamination. Therefore, we urge you to amend the measure by **implementing July 1, 2022** as the date after which no underground storage tank can be operated, except to defuel and decommission.

Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. It's passed time to remove the threat of something far worse happening to our water supply.

Please PASS HB2514 HD1 SD1 with the above amendment.

Thank you for the opportunity to testify on this very important bill. Sherry Pollack Co-Founder, 350Hawaii.org

Submitted on: 3/29/2022 3:08:03 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
lynne matusow	Individual	Support	Written Testimony Only

### Comments:

I am in full support. This is long overdue. Too bad it took major contamination of the water supply and the shutdown of three wells for action to be taken. However, the effective date should read effective upon approval, not a date almost 30 years from now.

Submitted on: 3/29/2022 4:01:21 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Mara Davis	Individual	Support	Written Testimony Only

#### Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

I **SUPPORT** HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to PASS HB2514 HD1 SD1.

mara davis

Submitted on: 3/29/2022 5:12:05 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
Millicent Cox	Individual	Support	Written Testimony Only

#### Comments:

I SUPPORT HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. My grandfather, my uncle and my father were very involved in protecting Hawaii's water. My grandmother even sat in an office on Kauai for a whole day to tell the local agency to protect the quality of the water for the long term.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again. Mahalo.

Midi Cox, Honolulu

<u>HB-2514-SD-1</u> Submitted on: 3/29/2022 5:19:03 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Patricia Blair	Individual	Support	Written Testimony Only

### Comments:

Shut down permanently these Navy fuel tanks.

Submitted on: 3/29/2022 5:20:22 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
irene kloepfer	Individual	Support	Written Testimony Only

#### Comments:

Aloha. Please pass bill HB2514 HD1 SD to protect our island and our precious water supply. We need this bill to move the navy along from its foot dragging. Every day these tanks hold fuel is a possible catastrophe for us who live here. We must put the people of Oahu first. Please pass this bill for our safety and health and those of future generations. Without drinking water, we are a Pau island. Mahalo

Submitted on: 3/29/2022 5:24:50 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
Pam Walker	Individual	Support	Written Testimony Only

### Comments:

I support HB2514 HD1 SD1. There is no need whatsoever to have a tank that holds more then 100,000 gallons of any type of fuel anywhere in Hawaii because the risk to any island's water is too great.

Submitted on: 3/29/2022 5:28:14 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
sharon Levine	Individual	Support	Written Testimony Only

Comments:

Aloha

Chair Rhoades, Vice Chair Keohikalole and members of the Senate Judiciary,

The Army is still waging a legal fight to not abide immediately to begin the de-fueling if the red hill tanks. We must continue to pressure them. This bill is important for this moment and our future here. Please support this bill and do the right thing for the people who live here in the good graces of what belongs to all of us, clean fresh water.

Mahalo,

**Shar Louis** 

Submitted on: 3/29/2022 5:30:02 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

#### Comments:

I STRONGLY SUPPORT HB2514 HD1 SD1. For the last several years I have testified at Honolulu Hale and the State House against the Red Hill jet fuel tanks, written Letters to the Editor of the Star Advertiser and CivilBeat, have spoken about them at the Waikiki Neighborhood Board meetings, and have waved signs on the streets of Honolulu.

Each time I evoke the Exxon Valdez, Deepwater Horizon, and Flint, MI disasters and beg everyone listening to or reading me to do what they can to prevent adding O'ahu to that infamous list.

Underground tanks of more than 100,000 gallons anywhere in the state will make it easier for an "Erin Brockovich" and "Dark Waters" type movie to made about any of Hawaii's aquifers. Your bill to prohibit permits for such massive tanks will help to prevent that.

Storing enormous amounts of fuel in underground tanks just above such an essential resource to people in the middle of the Pacific Ocean is a disaster movie's dream script. Please pass HB2514 HD1 SD1.

Mahalo, Denise Boisvert Waikiki

Submitted on: 3/29/2022 5:33:28 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Candace Fujikane	Individual	Support	Written Testimony Only

#### Comments:

Aloha mai e Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

I support HB2514 HD1 SD1 and the prohibition of the operation of any underground storage tank with a capacity greater than 100,000 gallons after July 1, 2023.

My name is Candace Fujikane and I am an English professor at UH and I teach courses on community protection of lands and waters. I live in He'eia Uli, O'ahu.

The Department of Health had long exempted the Red Hill tanks from rules governing spills and overfill protection. Yet the resulting consent agreement gave the Navy 20 years to complete the upgrade.

HB2514 HD1 SD1 will protect our water and our future. The eyes of the nation are on Hawai'i right how, and we need stronger measures like that offered by this bill to protect the waters without which we cannot live.

The fact that the military is even contested the emergency order calling for the defueling of the tanks for the safety of people and the environment is proof that the military does not value the lives of Hawai'i residents and does not even value the lives of its own military families.

I want to remind everyone of the similarities between this case and the fact that the Flint contaminated water crisis was one of the country's worst public health crisis. One of the outcomes of that case is that the people were awarded \$626 million, but that is not enough! We cannot allow the catastrophic devastation of our water in exchange for fines. That is a pittance, and HB2514 HD1 SD1 not passed, the military will continue a practice that it has always done: **pay to degrade**. The military has no problem paying fines to continue to devastate, pollute, and lands and waters in Hawai'i. We have seen them do this at Kaho'olawe, Waikāne at Pōhakuloa. The lands at Schofield Barracks was once the most fertile agricultural lands on O'ahu, but the military has now seeded it with unexploded ordnance.

We are facing climate change conditions where in the last 30 years alone, we have seen an 18 percent decline in rainfall. In the last 2 decades, water tables levels have dropped by more than thirteen feet, allowing saltwater to enter and contaminate the lower water table.

Now more than ever, we need to protect our water.

The original name of Red Hill is Kapūkakī, and the rains are the Kinimakalehua rains. Kānaka Maoli had kānāwai or laws in place for the protection of water.

We need to honor the kānāwai a ke akua, the laws protecting waters of these lands. Please support HB2514 HD1 SD1.

Sincerely,

Candace Fujikane

Professor of English

University of Hawai'i

Author of Mapping Abundance for a Planetary Future: Kanaka Maoli and Critical Settler Cartographies in Hawai'i.

Submitted on: 3/29/2022 5:35:35 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

Woulda, Coulda, Shoulda

Coulda, Shoulda, Woulda

Shoulda, Woulda, Coulda

Anyway way you say it, and if you ever HAVE to say it, means that generations from now, they will be asking, "What were they thinking???"

It's not completely too late. Please pass HB2514 HD1 SD1 and be on the right side of environmental history.

Submitted on: 3/29/2022 6:05:29 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

#### Comments:

**Please SUPPORT** HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to PASS HB2514 HD1 SD1.

Submitted on: 3/29/2022 6:09:23 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
Rik Masterson	Individual	Support	Written Testimony Only

#### Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

I SUPPORT HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to **PASS** HB2514 HD1 SD1. Rik Masterso, Hilo

Submitted on: 3/29/2022 6:21:32 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
Cullen Hayashida	Individual	Support	Written Testimony Only

#### Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

I SUPPORT HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to PASS HB2514 HD1 SD1.

Cullen T. Hayashida

Moanalua Gardens Community

Submitted on: 3/29/2022 6:58:37 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
Carla Allison	Individual	Support	Written Testimony Only

#### Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee, I strongly support HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way. The Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility and we must, therefore, continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to pass HB2514 HD1 SD1.

Thank you,

Carla Allison

Honolulu

Submitted on: 3/29/2022 7:30:15 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
I. Robert Nehmad	Individual	Support	Written Testimony Only

#### Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

My name is I Robert Nehmad amd I **SUPPORT** HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to PASS HB2514 HD1 SD1.

Submitted on: 3/29/2022 9:03:32 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
Greg Puppione	Individual	Support	Written Testimony Only

#### Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

I SUPPORT HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to PASS HB2514 HD1 SD1.

Submitted on: 3/30/2022 12:18:39 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Tara Rojas	Individual	Support	Written Testimony Only

### Comments:

I SUPPORT CLEAN, DRINKABLE, PURE AND FRESH WATER.

ZERO DROPS OF OIL IN OUR WATER SUPPLY.

I SUPPORT HB2514 HD1 SD1.

Submitted on: 3/30/2022 5:02:24 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
Jana Ireijo	Individual	Support	Written Testimony Only

#### Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

I SUPPORT HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to PASS HB2514 HD1 SD1. Sincerely,

Jana Ireijo

Submitted on: 3/30/2022 5:38:28 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
Cassandra Chee	Individual	Support	Written Testimony Only

#### Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

I SUPPORT HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to PASS HB2514 HD1 SD1.

Mahalo nui,

Cassandra Chee District 13

Submitted on: 3/30/2022 6:18:23 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
Danelle Guion	Individual	Support	Written Testimony Only

#### Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

I SUPPORT HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

Our water is still in harm's way because the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Therefore I ask that your Committee PASS HB2514 HD1 SD1.

Respectfully,

Danielle Ann Guion





### **Senate Committee on Judiciary**

Thursday, March 31st, 2022 9:30am, Conference Room 016

# Hawai'i Alliance for Progressive Action Supports: HB2514 HD1

Aloha Chairs Rhoads, Vice Chair Keohokalole and Members of the Committee,

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in strong **support of HB2514 HD1**.

Mahalo for hearing HB2514 HD1 to require the Department of Health to adopt the standard that all underground storage tanks not exceed a maximum capacity of 100,000 gallons.

HB2514 HD1 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.

Please amend the date of implementation of July 1, 2022 as the date after which no underground storage tank can be operated except to defuel and decommission.

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 Hālawa 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 Oʻahu'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 Hālawa 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 Hālawa 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 Hālawa to Maunalua. 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 over two 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.

Please pass HB2514 HD1 with an amended date of implementation of July 1, 2022 as the date after which no underground storage tank can be operated except to defuel and decommission.

Mahalo for your consideration,

Anne Frederick
Executive Director



March 31, 2022

Senator Karl Rhoads, Chair Committee on Judiciary State Capitol, HI 96813

RE: HB2514, HD1, SD1, Relating to Underground Storage Tanks

Dear Chair Rhoads, Vice Chair Keohokalolo, and Members of the Committee on Judiciary

I SUPPORT HB2514, HD1, SD1, which will help protect our islands' most precious resource from fuel contamination now and in the future. In our fragile island ecosystem, water is an especially valuable resource.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way. The Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility. It is critical, therefore, to continue to make it clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

I respectfully urge your Committee to pass HB2514, HD1, SD1 and protect our islands' source of life for present and future generations.

Thank you for the opportunity to testify in support of this vital measure.

Therese M. Argoud, MPH 3314 Woodlawn Dr.

Honolulu, HI 96822



Submitted on: 3/30/2022 12:16:14 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	Organization	<b>Testifier Position</b>	Testify
jennifer valentine	Individual	Support	Written Testimony Only

#### Comments:

I SUPPORT HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to PASS HB2514 HD1 SD1.



Submitted on: 3/30/2022 1:24:17 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Lory Ono	Individual	Support	Written Testimony Only

#### Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

I SUPPORT HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility, and we must therefore continue to make clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to PASS HB2514 HD1 SD1.

Mahalo

Submitted on: 3/30/2022 3:54:49 PM

Testimony for JDC on 3/31/2022 9:30:00 AM



Submitted By	Organization	Testifier Position	Testify
Wendi White	Individual	Support	Written Testimony Only

# Comments:

Aloha mai Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

I SUPPORT HB2514 HD1 SD1, Our water is a gift from our creator and is our sacred duty to protect our islands' source of life for our children, our grandchildren and our grandchildren's grandchildren. There is not future for the people of O'ahu without clean water.

We can not take the Navy's declarations at face value after they have broken trust with O'ahu repeatedly since 2014 when they committed to safeguarding our aquifer from their rusting and leaking fuel storage facility. They have not withdrawn their appeals against the DOH order to defuel, and this week further leakage was detected by monitoring systems according to the Advertiser. It is now your job to hold them accontable for Shutting Red Hill Down and cleaning up the decades of contamination that will be left behind.

Accordingly, I respectfully urge your Committee to be pono and PASS HB2514 HD1 SD1. Ola i ka wai, Wendi White



Submitted on: 3/30/2022 4:02:30 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
tlaloc tokuda	Individual	Support	Written Testimony Only

#### Comments:

Aloha JDC Chair, Vice Chair and Committee,

I support bill HB2514 because its about time that *we the people* took bold steps to claim our water rights instead of listening to the Navy/military's lies about how safe it is to have a fuel depot over our drinking aquifer!

Mahalo for your consideration,

Tlaloc Tokuda

Kailua Kona HI 96740



Submitted on: 3/31/2022 5:12:37 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Cristina Bacchilega	Individual	Support	Written Testimony Only

#### Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Judiciary Committee,

I STRONGLY SUPPORT HB2514 HD1 SD1, which seeks to protect our islands' most precious resource from potentially catastrophic contamination. Our water is precious and we all have a responsibility to protect our islands' source of life for present and future generations.

While the Pentagon has agreed that Red Hill must be shut down, our water is still in harm's way, the Navy still refuses to withdraw its legal fight against the emergency order to defuel the Red Hill Facility. This bill makes it clear that we will never allow the Red Hill facility or anything like it to threaten our islands' most precious resource ever again.

Accordingly, I respectfully urge your Committee to PASS HB2514 HD1 SD1.

Cristina Bacchilega











2022 **Board of Directors**  March 30, 2022

Elizabeth Reilly President

Hawaii Senate

Committee on Judiciary

Allen Tateishi Vice President Meeting on March 31, 2022 at 9:30 a.m.

Dianne Glei Secretary

Conference Room 016 & Videoconference

**RE: Strong support for HB2514** 

Marian Grev **Treasurer** 

Aloha Chair Rhoads, Vice Chair Keohokalole, and JDC Committee Members,

Dean Takebayashi Director

Gary Weller **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 HB2514.

Kendrick Chang **Community Outreach** Coordinator

It is of utmost importance that we pass this Bill as part of a series of measures at all levels of government to address the Red Hill water crisis and prevent others like it.

Dylan Ramos Communications & **Operations** 

The events of the past few months – let alone the 70+ 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

What does it say about our situation when the poisoning of nearly 100,000 people's water isn't even close to the worst case scenario? 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. So, while we welcome the announcement that Red Hill will be shut down, we support measures such as this to see that process through to the end.

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

Livable Hawaii Kai Hui is a

Thank you for hearing this Bill and passing it on for Senate approval. While it may not be a cure-all, this and other efforts on the County and Federal level will be critical for ensuring a livable future for all living things on this island, and hopefully set a worldwide precedent.

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

Communications & Operations