

SCR 57

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the
COMMITTEES ON
ENERGY AND ENVIRONMENT,
and
HEALTH,
and
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**Thursday, April 2, 2015
2:45 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE CONCURRENT RESOLUTION 57
EXPANDING THE TASK FORCE STUDY OF THE EFFECTS OF THE JANUARY 2014
FUEL TANK LEAK AT THE RED HILL UNDERGROUND FUEL STORAGE FACILITY,
ESTABLISHED UNDER SENATE CONCURRENT RESOLUTION NO. 73 H.D. 1,
REGULAR SESSION OF 2014, TO INCLUDE AN ADDITIONAL TWENTY-SIX
UNDERGROUND FUEL STORAGE TANKS IN THE STATE
OWNED BY THE UNITED STATES MILITARY**

Senate Concurrent Resolution 57 proposes to expand the task force study of the effects of the January 2014 fuel tank leak at the Red Hill underground fuel storage facility to include an additional twenty-six underground fuel storage tanks in the state owned by the United States Military and to continue to monitor the United States Navy's plans for remediation of the Red Hill facility fuel tanks. **The Department of Land and Natural Resources (Department) supports this measure but defers to the Department of Health on the implementation of this bill and offers the following comments.**

Our underground aquifers are the major source of drinking water for the people of Hawaii. We have a public trust obligation to protect and preserve the quality and sustainability of this valuable resource for current and future generations.

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING 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
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Underground storage tanks are a potential major threat to the public trust water resources of the State. It is critical that all owners and operators of underground storage tanks regularly monitor for leaks using approved methods, maintain adequate records, and meet corrosion protection, spill, and overflow requirements as required by the Department of Health. These systems are prone to leak over time, as evidenced by the recent case regarding the Red Hill fuel storage tanks.

The Department notes that a representative from the Department's Commission on Water Resource Management participated on the Red Hill Task Force that was led by the Department of Health. The Department also notes related Senate Bill 1168, Regular Session of 2015, proposes to direct the Department of Health to adopt rules requiring all field-constructed storage tanks and tank systems currently exempt under Chapter 11-281, Hawaii Administrative Rules, to meet all the requirements that must be met by all other owners and operators of underground storage tanks and tank systems. Accordingly, the Department defers to the Department of Health regarding implementation of the expanded task force work outlined in this bill, the appropriate mechanisms to bring all fuel storage tanks and systems into a uniform compliance standard, and the technical details and implementation of measures outlined in this resolution.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of S.C.R. 57

EXPANDING THE TASK FORCE STUDY OF THE EFFECTS OF THE JANUARY 2014 FUEL TANK LEAK AT THE RED HILL UNDERGROUND FUEL STORAGE FACILITY, ESTABLISHED UNDER SENATE CONCURRENT RESOLUTION NO. 73, H.D.1, REGULAR SESSION OF 2014, TO INCLUDE AN ADDITIONAL TWENTY-SIX UNDERGROUND FUEL STORAGE TANKS IN THE STATE OWNED BY THE UNITED STATES MILITARY

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON ENERGY AND ENVIRONMENT
SENATOR JOSH GREEN, CHAIR
SENATE COMMITTEE ON HEALTH
SENATOR WILL ESPERO, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Hearing Date: **April 2, 2015**
Time: **2:45 P.M.**

Room Number: **225**

- 1 **Fiscal Implications:** None
- 2 **Department Testimony:** The Department supports SCR 57 which proposes to extend the task force
- 3 studying the effects of the January 2014 Red hill fuel tank leak to include an additional twenty-six (26)
- 4 underground fuel storage tanks owned by the United States military.
- 5 The Department of Health is committed to taking measures required to prevent the future releases from all
- 6 underground storage tanks. In an effort to address the challenges presented at Red Hill, the U.S. Navy,
- 7 Defense Logistics Agency, the U.S. Environmental Protection Agency and the Department are committed
- 8 to completing the ongoing negotiations that are designed to produce an Administrative Order on Consent
- 9 (AOC). The AOC is intended to establish a process to make well-researched, well-planned and cost-
- 10 effective improvements to protect the groundwater resources beneath the Red Hill Bulk Fuel Storage
- 11 Facility. At this time, we believe that this collaborative, enforceable approach provides a preferred way
- 12 to address the environmental concerns posed by this facility.
- 13 **Offered Amendments:** It is recommended that the word "links" on page 2 line 14 be corrected to
- 14 "leaks".
- 15 Thank you for the opportunity to testify on this resolution.

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843



April 2, 2015

KIRK CALDWELL, MAYOR

DUANE R. MIYASHIRO, Chair
ADAM C. WONG, Vice Chair
THERESIA C. McMURDO
DAVID C. HULIHEE

ROSS S. SASAMURA, Ex-Officio
FORD N. FUCHIGAMI, Ex-Officio

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

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

The Honorable Mike Gabbard, Chair
and Members
Committee on Energy and Environment

and

The Honorable Josh Green, Chair
and Members
Committee on Health

and

The Honorable Will Espero, Chair
and Members
Committee on Public Safety, Intergovernmental and
Military Affairs
State Senate
Hawaii State Capitol, Room 225
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs and Members:

Subject: Senate Concurrent Resolution 57: Expanding the Task Force Study of the Effects of the January 2014 Fuel Tank Leak at the Red Hill Underground Fuel Storage Facility, Established Under Senate Concurrent Resolution No. 73, HD 1, Regular Session of 2014, to Include an Additional Twenty-Six Underground Fuel Storage Tanks in the State Owned by the United States Military

We support Senate Concurrent Resolution 57 which expands the Red Hill Fuel Facility Task Force's area of study established under Senate Concurrent Resolution No. 73, HD 1, to include twenty-six underground fuel storage tanks in the state owned by the United States Military and to continue monitoring the United States Navy's plans for remediation of the Red Hill facility fuel tanks.

We understand these twenty-six underground fuel tanks, in addition to those at Red Hill, are field-constructed tanks (FCTs) that have been operating exempt from the regulatory requirements that must be met by all other owners of underground fuel storage tanks. According to the United States Environmental Protection Agency (EPA), FCTs are very large and pose a substantial threat to human health and the environment (Federal Register, Vol. 76, No. 223,


The Honorable Mike Gabbard, Chair and Members
The Honorable Josh Green, Chair and Members
The Honorable Will Espero, Chair and Members
April 2, 2015
Page 2

p. 71732). Studies and groundwater monitor well test results already show fuel releases at Red Hill, the largest FCT in the state, have contaminated the groundwater and soil underneath the facility with petroleum hydrocarbons. Other studies and examinations on Red Hill find the steel tanks wearing from corrosion, concerns with the facility's mounting age and discuss the risks of a large catastrophic fuel release. These findings can mean losing a major source of drinking water if the study and mitigation necessary to protect the entire aquifer is not identified.

Continued analysis of the many complex, technical issues and monitoring of the United States Navy's plans for remediation of the Red Hill facility fuel tanks, including analyzing the impact of the other twenty six tanks, is absolutely essential to properly assess and find the protection measures that need to be implemented to ensure our groundwater aquifer is protected, preserved and remains sustainable for Oahu's residents now and into the future.

Thank you for the opportunity to testify.

Very truly yours,


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

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT; COMMITTEE ON HEALTH; AND COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Testimony on Senate Concurrent Resolution Number 57

EXPANDING THE TASK FORCE STUDY OF THE EFFECTS OF THE JANUARY 2014 FUEL TANK LEAK AT THE RED HILL UNDERGROUND FUEL STORAGE FACILITY, ESTABLISHED UNDER SENATE CONCURRENT RESOLUTION NO. 73, H.D. 1, REGULAR SESSION OF 2014, TO INCLUDE AN ADDITIONAL TWENTY-SIX UNDERGROUND FUEL STORAGE TANKS IN THE STATE OWNED BY THE UNITED STATES MILITARY

Thursday, April 22, 2015 at 2:45 PM, Conference Room 225

Senator Mike Gabbard, Chair; Senator Josh Green, Vice Chair;

Senator Josh Green, Chair; Senator Glenn Wakai, Vice Chair

Senator Will Espero, Chair; Senator Rosalyn H. Baker, Vice Chair

Chairs, Vice Chairs, and Members of the Committee.

Thank you for the opportunity to testify. I am Aaron Poentis; the Navy Region Hawaii environmental program director. My comments are on behalf of the Navy as to Senate Concurrent Resolution No. 57 which proposes that the study developed by the Task Force created pursuant to last year's Senate Concurrent Resolution No. 73, H.D. 1, be expanded to include additional underground fuel storage tanks.

We support the intention of this resolution and would be happy to continue to work with the State Department of Health to add additional information to their report to address those tanks that are under Navy control. Additionally, we would be happy to provide an updated report to the Department of Health for their inclusion into an updated report to the Legislature prior to the convening of the Regular Session of 2016. Similarly, we will be working closely with the State Department of Health as well as Region IX of the United States Environmental Protection Agency pursuant to the Administrative Order on Consent so that the Director of Health will be very much engaged in and exercising oversight responsibility of the proposed work at the Red Hill Facility.

We would respectfully request that the second "Whereas" of the proposed Resolution be deleted for factual reasons. We are unable to find the cited language in the final report of the Department of Health's Task Force submitted by the Governor to the Legislature by letter of January 13, 2013, as language adopted by the entire Task Force. The final Task Force Report included the following statement at Page 10 under "Secondary Containment Evaluation" which more accurately states the facts regarding this issue: "The Task Force finds that the Navy plans to study secondary containment options and advanced leak detection technologies in collaboration with the DOH and EPA." The Navy's comment on this topic at page 13 in the final Task Force Report stated "The Navy will explore additional

containment protection solutions and seek funds to implement those that are likely to be effective in providing additional protection to the drinking water resources." Furthermore, an additional statement on page 13 of the final Task Force Report provided as a comment by the Department of Health, Board of Water Supply and Department of Land and Natural Resources as to secondary containment states: "More research needs to be completed in regards to what technologies are available and if and how it can be successfully integrated."

Thank you for your kind consideration and the opportunity to testify on this proposed resolution.