
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. The legislature finds that protecting the
2 environment and underground sources of drinking water is in the
3 best interest of public health and safety and required under
4 article XI, section 7, of the state constitution.

5 The legislature also finds that since 2005, petroleum
6 chemical contaminants have been detected in the groundwater and
7 rocks beneath the United States Department of Navy's Red Hill
8 Bulk Fuel Storage Facility fuel tanks. In January 2014, the
9 facility's tank number five released twenty-seven thousand
10 gallons of fuel into underground rocks and groundwater. The
11 current location of the released fuel is unknown.

12 The Red Hill Bulk Fuel Storage Facility fuel tanks have
13 been corroding for more than seventy years. The corrosion has
14 caused significant thinning of the steel tank walls and, in some
15 cases, has fully penetrated the steel. The ongoing corrosion
16 damages the steel walls of the fuel tanks, as well as the steel
17 reinforcement in the surrounding concrete, and can lead to more



1 frequent and larger fuel releases than have occurred in the
2 past.

3 The legislature further finds that the installation of
4 monitor wells is crucial to test groundwater underneath and
5 surrounding the Red Hill Bulk Fuel Storage Facility to protect
6 Oahu's fresh water supply. While it should be the duty of the
7 United States Navy to fund efforts to monitor and remediate fuel
8 leaking from the Red Hill Bulk Fuel Storage Facility, the
9 protection of Oahu's drinking water supply is of such critical
10 importance to the health and safety of the people of Hawaii that
11 as a first step, the local board of water supply is funding the
12 installation of two test wells in the area. The State is also
13 funding two test wells in the area, and the people of Hawaii are
14 waiting for the United States Navy to provide funding for at
15 least four additional wells.

16 The purpose of this Act is to protect public health by:

17 (1) Appropriating funds to site and install two additional
18 monitor wells to collect data needed to determine the
19 condition of the groundwater aquifer underneath and
20 surrounding the Red Hill Bulk Fuel Storage Facility



1 and the implications to Oahu's drinking water supply;

2 and

3 (2) Establishing a permanent fuel tank advisory committee.

4 SECTION 2. Chapter 342L, Hawaii Revised Statutes, is

5 amended by adding a new part to be appropriately designated and

6 to read as follows:

7 "PART . FUEL TANK ADVISORY COMMITTEE

8 §342L- Fuel tank advisory committee; established;

9 composition. (a) There is established in the department of the
10 health the fuel tank advisory committee, which shall consist of
11 thirteen ex officio members and at least two public members.

12 (b) The ex officio members of the committee shall be:

13 (1) The director of health, who shall serve as the
14 committee's chair;

15 (2) The four members of Hawaii's congressional delegation,
16 or their designees;

17 (3) The Commanding General of the United States Army,
18 Pacific, or the Commanding General's designee;

19 (4) The Commander of the Pacific Fleet of the United
20 States Navy, or the Commander's designee;



- 1 (5) The Commander of the Pacific Air Forces, or the
2 Commander's designee;
- 3 (6) A representative from the United States Environmental
4 Protection Agency, or the representative's designee;
- 5 (7) The president of the senate, or a senator appointed by
6 the senate president; and
- 7 (8) The speaker of the house of representatives, or a
8 representative appointed by the speaker of the house;
- 9 (9) The chair of the board of land and natural resources,
10 or the chair's designee; and
- 11 (10) The chair of the board of water supply of a county
12 with a population of five hundred thousand or more, or
13 the chair's designee.
- 14 (c) The governor shall appoint at least two public members
15 from the community at large in accordance with section 26-34;
16 provided that the advice and consent of the senate shall not be
17 necessary.
- 18 (d) The public members of the advisory committee shall
19 receive no salary, but shall be entitled to reimbursement for
20 necessary expenses, including travel expenses.



1 §342L- Duties. (a) The advisory committee shall study
2 issues related to leaks of underground fuel storage tanks at the
3 Red Hill Bulk Fuel Storage Facility, Kuahua Peninsula, Pacific
4 Missile Range Facility Barking Sands, Hickam Pol Annex, and
5 Schofield Barracks Military Reservation. The advisory committee
6 shall consider:

- 7 (1) The short- and long-term effects of leaks of the fuel
8 tanks, including effects relating to the health of
9 residents, safe drinking water, and the environment;
- 10 (2) Response strategies to mitigate the effects of leaks
11 from fuel tanks;
- 12 (3) Methods to improve communication between the United
13 States Navy, Air Force, and Army; the State; any local
14 board of water supply; and the public in the event of
15 a leak of any fuel tank; and
- 16 (4) Groundwater test results in relation to the
17 surrounding areas of fuel tank facilities, with a
18 particular emphasis on the groundwater near the Red
19 Hill Bulk Fuel Storage Facility;
- 20 (5) The implications of shutting down any fuel tank
21 facility; and



1 (6) Updates on progress toward meeting goals of agreement
2 between the State, the affected county, and the
3 federal government.

4 (b) No later than twenty days before the convening of each
5 regular session, the advisory committee shall submit a report of
6 its findings, including groundwater test results, and
7 recommendations, including any proposed legislation, to the
8 legislature."

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$600,000 or so much
11 thereof as may be necessary for fiscal year 2016-2017 for the
12 siting and installation of two monitor wells to test the
13 condition of the groundwater aquifer underneath and surrounding
14 the Red Hill Bulk Fuel Storage Facility.

15 The sum appropriated shall be expended by the department of
16 health for the purposes of this Act.

17 SECTION 4. (a) All rights, powers, functions, and duties
18 of the task force to study fuel tank leaks initially created
19 pursuant to senate concurrent resolution no. 73, H.D. 1, regular
20 session of 2014, and expanded by senate concurrent resolution



1 no. 57, H.D. 1, regular session of 2015, are transferred to the
2 fuel tank advisory committee established pursuant to this Act.

3 (b) All records, equipment, machines, files, supplies,
4 contracts, books, papers, documents, maps, and other personal
5 property heretofore made, used, acquired, or held by the task
6 force to study fuel tank leaks relating to the functions
7 transferred to the fuel tank advisory committee established
8 pursuant to this Act shall be transferred with the functions to
9 which they relate.

10 SECTION 5. This Act shall take effect on July 1, 2016.

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INTRODUCED BY:

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H.B. NO. 2646

Report Title:

Red Hill Bulk Fuel Storage Facility; Fuel Tank Advisory Committee; Monitor Wells; Appropriation

Description:

Appropriates funds to site and install two monitor wells near Red Hill Bulk Fuel Storage Facility to test groundwater. Creates a permanent fuel tank advisory committee to study and monitor fuel tank leak issues.

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