

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Monday, April 4, 2016
2:00 PM
State Capitol, Conference Room 211**

**In consideration of
HOUSE BILL 2646, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO ENVIRONMENTAL PROTECTION**

House Bill 2646, House Draft 2, Senate Draft 1 proposes to establish in the Department of Health a permanent fuel tank advisory committee to study issues related to leaks of underground fuel storage tanks at the Red Hill Bulk Fuel Storage Facility, Kuahua Peninsula, Pacific Missile Range Facility Barking Sands, Hickam Pol Annex, and Schofield Barracks Military Reservation. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

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 this valuable and irreplaceable resource. We must be proactive and protective to ensure the long-term sustainability of our precious water resources statewide.

With respect to the State's funding of two test wells around the United States Navy's Red Hill Bulk Fuel Storage Facility and the funding for an additional four wells from the United States Navy, the Department notes that a representative from the Department's Commission on Water Resource Management (Commission) sat on the Red Hill Task Force and recommended and supported the installation of additional monitor wells in areas around the facility. Further, the Commission itself has recently taken strong positions that more action needs to be done immediately. Although a relatively small step towards resolution of this serious concern, the siting and installation of two additional monitor wells is timely action in the right direction. The Department supports the addition of the Chairperson of the Commission, or the Chairperson's designee, to the fuel tank advisory committee.

SUZANNE D. CASE
CHAIRPERSON
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With respect to the advisory committee and its duties proposed in this measure, underground tanks are a 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 overfill requirements. These systems are prone to leak over time, as evidenced by the recent case regarding the Red Hill fuel storage tanks. However, the Department defers to the Department of Health regarding the appropriate means of funding, managing, and implementing the responsibilities of this advisory committee.

Lastly, it is unclear what is meant in SECTION 3 (b) that transfers functions and materials between the Red Hill Task Force, created and expanded pursuant to Senate Concurrent Resolution 73, House Draft 1, Regular Session of 2014 and Senate Concurrent Resolution 57, House Draft 1, Regular Session of 2015, respectively, and this measure's proposed advisory committee.

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April 4, 2016

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The Honorable Jill N. Tokuda, Chair
and Members
Committee on Ways and Means
State Senate
Hawaii State Capitol, Room 211
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Tokuda and Members:

Subject: House Bill 2646 HD 2 SD1 Relating to Environmental Protection

We strongly support House Bill 2646 HD 2 SD1. This bill creates a permanent fuel tank advisory committee to study and oversee fuel tank leak issues.

The establishment of a permanent fuel tank advisory committee ensures the results of on-going and future studies and work to understand and mitigate the impact of fuel leaks receive immediate and continuous discussion, analysis, follow up attention and action. It also provides a way for the open discussion and availability of information. The public has a right to know about the quality of their environment and drinking water aquifers and are entitled to the responsibility and transparency vested in this advisory committee to protect them as declared in article XI, section 7 of the state constitution. This bill is in the best interest of public health protection and our most precious resource – the groundwater aquifer – and we respectfully request your passage of this measure.

Thank you for the opportunity to testify.

Very truly yours,

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



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the Senate Committee on Ways and Means
Hearing: Monday, April 4, 2016 2 pm
Conference Room 211

In Support of HB 2646 HD 2 SD 1 Relating to Environmental Protection

Chair Tokuda, Vice Chair Dela Cruz, and Members of the Committee.

Aloha. Conservation Council for Hawai'i supports HB 2646 HD 2 SD 1, which creates a permanent fuel tank advisory committee to study, monitor, and address fuel tank leak issues. Takes effect 7/1/2030.

The Navy should be paying the full cost of studying, monitoring, and mitigating the effects of the fuel storage facility by independent objective parties. We question why the State did not include such funding requirements in the Administrative Order on Consent in 2015.

Furthermore, the State and the EPA gave the Navy 20 years to fix the leaking fuel storage tanks, so this will be an ongoing and enormous cost to the citizens of Hawai'i. The Navy clearly has the funding to monitor and mitigate the effects of its fuel storage tanks and replace the tanks using the best technology available, but it refuses to do so. Something is not right here.

The Navy cannot be trusted to ensure its operations do not harm our land, waters, and natural resources. The Navy has a terrible stewardship record in Hawai'i, including Kaho'olawe (it never paid for its contamination of the island and thorough clean-up), wildlife interactions and conflicts at the Pacific Missile Range Facility on Kaua'i, its continued strafing of Ka'ula Islet to the southwest of Ni'ihau, its failure to protect seabirds, monk seals, and other native wildlife on Ka'ula, including predator control of rodents, and its failure to protect marine mammals and sea turtles from the harmful effects of sonar and explosives training in Hawai'i and Southern California. The failure to prevent contamination of our groundwater by leaking fuel at Red Hill is just the most recent example of the Navy's poor stewardship and failure its failure to protect the environment.

Please support HB 2646 HD 2 SD 1 and keep our groundwater resources safe.

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

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