
HOUSE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES DEPARTMENT OF DEFENSE TO PREPARE A PLAN TO DECOMMISSION THE RED HILL BULK FUEL STORAGE FACILITY, STORE ITS FUEL AWAY FROM THE SOUTHERN OAHU BASAL AQUIFER IN A MANNER COMPLIANT WITH FEDERAL AND STATE LAW, PREPARE A PLAN TO ESTABLISH A NEW WATER TREATMENT FACILITY, PAY FOR ALL COSTS TO THE STATE, AND COMPLY WITH ALL FUTURE REMEDIATION EFFORTS.

1 WHEREAS, under Article XI, section 7 of the Hawaii State
2 Constitution, the "State has an obligation to protect, control
3 and regulate the use of Hawaii's water resources for the benefit
4 of its people"; and

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6 WHEREAS, the importance of fresh water in Native Hawaiian
7 culture cannot be overstated; and

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9 WHEREAS, the common Hawaiian term for water, *wai*, is
10 incorporated within the Hawaiian term for law, *kānāwai*, and the
11 Hawaiian term for wealth, *waiwai*; and

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13 WHEREAS, the common Hawaiian phrase *Ola I Ka Wai* translates
14 directly to the lived experience of life in Hawaii and around
15 the world, "water is life"; and

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17 WHEREAS, Pu'uloa, later named Pearl Harbor, was once a hyper
18 productive wetland with Oahu's highest concentration of
19 fishponds; however, Pu'uloa and the surrounding environment has
20 been irrevocably altered by the United States military; and

21
22 WHEREAS, the United States Navy is the owner and operator
23 of the Red Hill Bulk Fuel Storage Facility, which is a field-
24 constructed underground storage tank system on Oahu, located
25 approximately two and a half miles northeast of Pearl Harbor;
26 and



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 2 WHEREAS, the Red Hill Bulk Fuel Storage Facility was
 3 constructed during World War II and began operation in 1943; it
 4 occupies approximately one hundred forty-four acres of land
 5 along the edge of the Koolau Range, situated on a topographic
 6 ridge that divides the Halawa Valley and Moanalua Valley; and
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8 WHEREAS, the Red Hill Bulk Fuel Storage Facility, which
 9 consists of twenty field-constructed underground storage tanks,
 10 pipelines, and other infrastructure, is used to store marine
 11 diesel and two types of jet fuel and provides fuel to domestic
 12 military services that operate in the Pacific Area of
 13 Responsibility; and
 14

15 WHEREAS, the Red Hill Bulk Fuel Storage Facility sits
 16 approximately one hundred feet directly above the Southern Oahu
 17 Basal Aquifer; and
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19 WHEREAS, the United States Environmental Protection Agency
 20 has designated the Southern Oahu Basal Aquifer as one of nine
 21 sole-source aquifers in the Environmental Protection Agency
 22 Region IX and has previously determined that this aquifer is the
 23 "principal source of drinking water" for Oahu, which if
 24 contaminated, "would create a significant hazard to public
 25 health"; and
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27 WHEREAS, on November 28, 2021, users of the Navy's Joint
 28 Base Pearl Harbor-Hickam water system complained of a fuel odor
 29 coming from the water and an oily sheen on water; and
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31 WHEREAS, numerous residents reported their families and
 32 pets experienced health issues after consuming the water,
 33 including rashes, mouth sores, stomach aches, vomiting, burning
 34 eyes, sore throats, headaches, and nausea; and
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36 WHEREAS, on November 29, 2021, the Department of Health
 37 issued an advisory to all users of the Navy's water system to
 38 avoid using the tap water for drinking, cooking, or oral hygiene
 39 and that users who detect a fuel odor from their water should
 40 avoid using the water for drinking, cooking, bathing,
 41 dishwashing, laundry, or oral hygiene; and
 42



1 WHEREAS, as a direct result of the water contamination,
2 over three thousand residents were required to move out of their
3 homes, and several businesses shut down or limited operations;
4 and

5
6 WHEREAS, several Hawaii public schools and child
7 development centers on the Navy water system were also impacted
8 by the water contamination, forced to close off sinks and water
9 fountains and use only bottled water for handwashing,
10 dishwashing, and drinking purposes; and

11
12 WHEREAS, the City and County of Honolulu Board of Water
13 Supply (Honolulu Board of Water Supply), to protect its drinking
14 water system, has shut down multiple water sources, including
15 the Halawa Shaft, which supplies approximately twenty percent of
16 water to urban Honolulu; and

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18 WHEREAS, the suspected source of the water contamination
19 was a November 20, 2021, release of approximately fourteen
20 thousand gallons of a mixture of water and fuel from a crack in
21 a fire suppression drain line at the Red Hill Bulk Fuel Storage
22 Facility; and the United States Navy has identified JP-5, or jet
23 fuel, in the Red Hill Shaft, one of the drinking water sources
24 for the Navy water system; and

25
26 WHEREAS, as of December 3, 2021, the Department of Health
27 had received nearly five hundred complaints, mostly from
28 residents or customers served by the Navy water system, of fuel
29 or chemical smells from the drinking water; and

30
31 WHEREAS, fuel has entered the Oahu groundwater aquifer,
32 with data suggesting that fuel that has already leaked into the
33 aquifer will migrate through porous rocks toward the Halawa
34 Shaft; and

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36 WHEREAS, the Honolulu Board of Water Supply has indicated
37 that the worst-case scenario would be to permanently consider
38 the shutdown of Halawa Shaft, Halawa Well, and Aiea Well and
39 that these wells will not be used again until the Board of Water
40 Supply has one hundred percent confidence that they will not be
41 contaminated by migrating fuel from Red Hill; and



1 WHEREAS, the continuing Red Hill water pollution crisis may
2 have a significant impact on the state economy due to a
3 necessary pause or moratorium on the issuance of new water
4 permits by the Honolulu Board of Water Supply, necessary
5 remediation, and the housing and health concerns of thousands of
6 residents; and
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8 WHEREAS, the probability of an acute leak of between one
9 thousand to thirty thousand gallons of fuel each year is at
10 least twenty-seven percent, which is likely understated; and
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12 WHEREAS, on December 6, 2021, the Department of Health
13 issued an emergency order requiring the United States Department
14 of Defense, Navy to immediately suspend operations at the Red
15 Hill Bulk Fuel Storage Facility, as it represents "an imminent
16 peril to human health and safety or the environment" and also
17 take measures to treat contaminated drinking water at the Red
18 Hill Shaft and safely remove fuel from the twenty underground
19 storage tanks at Red Hill; and
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21 WHEREAS, the emergency order notes that under section 342L-
22 9, Hawaii Revised Statutes, if the Governor or Director of
23 Health determines that an "imminent peril to human health and
24 safety or the environment" exists, the Governor or Director of
25 Health may order any person to immediately reduce or stop the
26 release or activity and take any and all other actions as may be
27 necessary; and
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29 WHEREAS, the emergency order states that the Red Hill Bulk
30 Fuel Storage Facility does not provide necessary environmental
31 protection to rapidly identify and remediate fuel leaks; and
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33 WHEREAS, the emergency order also states that, given the
34 number of incidents that have occurred at Red Hill over the last
35 year, and in view of the current drinking water contamination,
36 the United States Navy has not demonstrated and cannot ensure
37 that immediate and appropriate response actions are available or
38 will be available should another release occur in the future;
39 and
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41 WHEREAS, on January 3, 2022, the Department of Health
42 upheld the December 6, 2021, emergency order; and



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2 WHEREAS, on January 3, 2022, the Department of Health
3 issued its Final Decision, Order, Findings of Fact, and
4 Conclusions of Law, upholding the December 6, 2021, emergency
5 order and specifically finding that the release of additional
6 fuel from the Red Hill Bulk Fuel Storage Facility is inevitable,
7 as the Red Hill underground storage tanks have a history of
8 leaking and will continue to leak; and
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10 WHEREAS, the United States Navy has previously
11 decommissioned antiquated storage tanks at Naval Base Kitsap,
12 Washington, and Naval Base Point Loma, California, and therefore
13 has the ability to remediate the significant environmental
14 contamination caused by the Red Hill Bulk Fuel Storage Facility;
15 decommission the antiquated underground storage tanks at Red
16 Hill; and store fuel in compliance with current legal and
17 technological standards; and
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19 WHEREAS, it is the intent of this body to improve trust
20 between the residents of Oahu and the United States Navy and
21 engage in planning between federal, state, and county agencies
22 to ensure the safety of Oahu's water supply for future
23 generations; and
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25 WHEREAS, on March 7, 2022, the United States Secretary of
26 the Defense ordered the closure of the Red Hill Bulk Fuel
27 Storage Facility and began the process of determining how to
28 remove the remaining fuel from the facility; and
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30 WHEREAS, the Secretary of Defense directed the Secretary of
31 the Navy and Director of the Defense Logistics Agency to provide
32 a plan, no later than May 31, 2022, with milestones to defuel
33 the facility with a target to complete the defueling within
34 twelve months; and
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36 WHEREAS, as of March 2022, United States Senator Brian
37 Schatz has secured a total of \$250,000,000 in federal funding to
38 defuel and decommission the Red Hill Bulk Fuel Storage Facility;
39 and
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41 WHEREAS, as of March 28, 2022, United States President
42 Joseph R. Biden has proposed the creation of the \$1,000,000,000



1 Red Hill Recovery Fund to fund infrastructure and defueling at
2 the Red Hill Bulk Fuel Storage Facility; and
3

4 WHEREAS, despite the announcement of the Red Hill Bulk Fuel
5 Storage Facility's closure, much remains to be done to ensure
6 that the Red Hill site is remediated of all fuel and
7 contaminants and that Oahu's sole-source aquifer is protected;
8 and
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10 WHEREAS, because of well and shaft closures, the Honolulu
11 Board of Water Supply has been forced to pump additional water
12 from its other remaining wells, increasing the risk that salt
13 water will be drawn into those wells; and
14

15 WHEREAS, on March 10, 2022, in recognition of these
16 challenges and ongoing drought conditions the Honolulu Board of
17 Water Supply asked Oahu residents, businesses, and government
18 agencies to voluntarily reduce their water usage by ten percent;
19 and
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21 WHEREAS, potential water shortages may adversely impact new
22 construction and affordable housing development; and
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24 WHEREAS, on April 1, 2022, the Hawaii Department of Health
25 was notified of an additional release of approximately thirty
26 gallons of a fuel and water mixture from a maintenance line
27 connected to Tank 15 at the Red Hill Bulk Fuel Storage Facility
28 and is currently investigating the matter; now, therefore,
29

30 BE IT RESOLVED by the House of Representatives of the
31 Thirty-first Legislature of the State of Hawaii, Regular Session
32 of 2022, the Senate concurring, that the United States
33 Department of Defense, Navy, is requested to prepare a plan to
34 decommission the Red Hill Bulk Fuel Storage Facility; store its
35 fuel away from the Southern Oahu Basal Aquifer in a manner that
36 is compliant with federal and state law; prepare a plan to
37 establish a new water treatment facility adjacent to Red Hill;
38 pay for all costs to the State, and comply with all future
39 remediation efforts to Oahu's environment and water supply; and
40

41 BE IT FURTHER RESOLVED that it is the intent of this body
42 to:



- 1
- 2 (1) Hold the United States Department of Defense, Navy,
- 3 accountable for the significant and foreseeable costs
- 4 to the State as the result of the ongoing Red Hill
- 5 water pollution crisis;
- 6
- 7 (2) Ensure that the United States Department of Defense,
- 8 Navy, remediates the damage caused to the Southern
- 9 Oahu Basal Aquifer, land surrounding the Red Hill Bulk
- 10 Fuel Storage Facility, and Pearl Harbor; and
- 11
- 12 (3) Ensure that any such remediation meets the standards
- 13 set under state and federal law; and
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15 BE IT FURTHER RESOLVED that this body agrees with the
16 December 6, 2021, Department of Health emergency order; and

17
18 BE IT FURTHER RESOLVED that the United States Department of
19 Defense, Navy, and Director of Defense Logistics Agency is
20 requested to submit the requested plans to the Legislature,
21 Department of Health, and Honolulu Board of Water Supply in an
22 expedient manner; and

23
24 BE IT FURTHER RESOLVED that certified copies of this
25 Concurrent Resolution be transmitted to the President of the
26 United States, United States Secretary of Defense, United States
27 Secretary of the Navy, Director of Defense Logistics Agency,
28 members of Hawaii's congressional delegation, Governor, Director
29 of Health, Mayor of the City and County of Honolulu, and Manager
30 and Chief Engineer of the Honolulu Board of Water Supply.

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