
A BILL FOR AN ACT

RELATING TO WATER.

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

1 PART I

2 SECTION 1. The legislature finds that the United States
3 Navy's Red Hill Bulk Fuel Storage Facility consists of twenty
4 steel-lined underground storage tanks that were built from 1940
5 to 1943. Each tank can store 12.5 million gallons of fuel; in
6 total, the Red Hill Bulk Fuel Storage Facility can store up to
7 two hundred fifty million gallons. The tanks are located only
8 about one hundred feet above the United States Environmental
9 Protection Agency's designated sole-source groundwater aquifer
10 that provides drinking water to approximately four hundred
11 thousand residents of the island of Oahu. Over the past eighty
12 years, numerous spills have occurred at Red Hill. Specifically,
13 on November 20, 2021, about ninety-three thousand individuals
14 served by the Navy's potable water system for Joint Base Pearl
15 Harbor-Hickam were directly affected when the Navy's Red Hill
16 shaft was contaminated by the release of up to nineteen thousand
17 gallons of fuel, including JP-5 jet fuel, older fuels stored at



1 the Red Hill Bulk Fuel Storage Facility, and any additives used.
2 Over six thousand individuals sought medical attention, and one
3 thousand were forced to leave their homes due to the
4 contamination. Much of the fuel released from the Red Hill Bulk
5 Fuel Storage Facility remains in the environment, trapped within
6 the complex geological formations beneath and near the tanks.

7 The legislature further finds that on May 9, 2023,
8 officials from the State and city and county of Honolulu signed
9 a unified statement on Red Hill, recognizing the stewardship
10 responsibility to ensure that there is clean water on Oahu for
11 future generations. The Red Hill Water Alliance Initiative
12 (WAI), a working group, met regularly in 2023 since the signing
13 of the unified statement. The Red Hill WAI posed questions,
14 conducted research, listened to subject-matter experts, and
15 formulated recommended policies.

16 The legislature also finds that the Red Hill WAI's approach
17 of total stewardship responsibility required a stance of
18 extending beyond statutory roles, specific responsibilities,
19 tenure in those roles, and even personal lifetimes. Its inquiry
20 included the pursuit of critical questions for which there may



1 currently be no answers. Thus, the pursuit of those answers is
2 part of the ongoing work.

3 The legislature notes that besides its regulatory functions
4 under federal and state environmental laws, the State also has
5 unique public trust responsibilities set forth in the Hawaii
6 State Constitution, which establishes an affirmative duty of the
7 State to preserve and protect public trust resources, including
8 water resources.

9 The legislature additionally finds that the focus of the
10 Red Hill WAI's inquiry is the remediation needs after the
11 defueling of the tanks and removal of residual fuel and
12 contaminants from the Red Hill Bulk Fuel Storage Facility. In
13 particular, the Red Hill WAI is concerned with the unknowns
14 posed by fuel contaminants already in the ground, as well as the
15 residuals of the fuel plume in the aquifer as a result of the
16 spill that occurred on November 20, 2021. In fact, there may be
17 as many as 1,940,000 gallons of fuel constituents in the ground
18 that have leaked or spilled over eight decades. Pursuant to a
19 proactive approach, the Red Hill WAI seeks to describe the
20 remediation it believes necessary for the future well-being of
21 the aquifer in which there is a negligible risk to current and



1 future water sources, including the Halawa Shaft, Halawa wells,
2 and Aiea wells; the water distribution system; and the
3 ecosystem, including springs, streams, and nearshore waters.

4 After much diligent work, the Red Hill WAI issued a public
5 report in November 2023 that set forth its findings and
6 recommendations. Some of the recommendations can only be
7 addressed by the federal government, while other recommendations
8 can be undertaken by the State and city and county of Honolulu.
9 Moreover, the legislature finds that there must be no delay in
10 adopting the recommendations of the Red Hill WAI, especially
11 those that can be implemented at the state and county levels.

12 Therefore, the purpose of this Act is to:

- 13 (1) Establish within the office of the chairperson of the
14 board of land and natural resources a policy lead and
15 coordinator for Red Hill WAI initiatives;
- 16 (2) Create the Red Hill remediation special fund; and
- 17 (3) Appropriate funds for these purposes.

18 PART II

19 SECTION 2. The Hawaii Revised Statutes is amended by
20 adding a new chapter to be appropriately designated and to read
21 as follows:



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"CHAPTER

RED HILL WATER ALLIANCE INITIATIVE

§ -1 **Definitions.** As used in this chapter, unless a different meaning is plainly required by the context:

"Board" means the board of land and natural resources.

"Chairperson" means the chairperson of the board of land and natural resources.

"Department" means the department of land and natural resources.

"Red Hill Water Alliance Initiative" means the group of individuals composed of the governor, speaker of the house of representatives, president of the senate, chairperson of the board of land and natural resources and commission on water resource management, president of the University of Hawaii, mayor of the city and county of Honolulu, chairperson of the Honolulu city council, and manager and chief engineer of the Honolulu board of water supply that issued a public report in November 2023 concerning the remediation of Red Hill following the defueling of the Red Hill Bulk Fuel Storage Facility.

"Special fund" means the Red Hill remediation special fund.

"WAI" means the Red Hill Water Alliance Initiative.



1 § -2 **Policy lead and coordination.** (a) The department
2 shall serve as the State's policy lead on WAI initiatives
3 through the position of the WAI policy coordinator, to be placed
4 in the office of the chairperson. The WAI policy coordinator
5 shall work with respective state and county agencies and other
6 groups.

7 (b) The WAI policy coordinator shall:

8 (1) Facilitate implementation and monitoring and interface
9 with federal entities on WAI initiatives outlined in
10 the WAI's November 2023 report;

11 (2) Periodically and regularly review:

12 (A) The health status of the ecosystem; and

13 (B) The state of science and opportunities for
14 remediation and rehabilitation;

15 (3) Develop and maintain a public-facing test results
16 dashboard describing the significance of results from
17 the State and city and county of Honolulu, as part of
18 a broader public education program; and

19 (4) Coordinate the implementation of a thirty-six-month
20 public information and education program to describe,
21 inform, and educate the general public and



1 institutions on the post-defueling remediation phases
2 for Red Hill to restore public trust, secure public
3 support, and address health and environmental
4 concerns.

5 (c) No later than December 1, 2024, the WAI policy
6 coordinator shall submit a report to the legislature regarding
7 the potential organizational structure, responsibilities,
8 duties, and powers of a proposed Red Hill remediation authority,
9 based on the provisions of House Bill No. 2691, introduced
10 during the regular session of 2024, as the starting point.

11 § -3 **Red Hill remediation special fund.** (a) There is
12 established in the state treasury the Red Hill remediation
13 special fund into which shall be deposited the following moneys:

- 14 (1) Appropriations by the legislature to the special fund;
15 (2) Gifts, donations, and grants from public agencies,
16 including the United States government, and private
17 persons; and
18 (3) All interest earned on or accrued to moneys deposited
19 in the special fund.

20 (b) The special fund shall be administered by the WAI
21 policy coordinator.



1 (c) The moneys in the special fund shall be used to
 2 address contamination resulting from the Red Hill Bulk Fuel
 3 Storage Facility, including monitoring, applied research, public
 4 outreach and education, and evaluation; provided that the cost
 5 of remediation of the aquifer shall be borne by the federal
 6 government.

7 § -4 Cooperation by state and county agencies. All
 8 state and county agencies shall provide all information and data
 9 requested by the WAI policy coordinator within thirty calendar
 10 days; provided that the WAI policy coordinator may, in the
 11 coordinator's discretion, set a longer deadline.

12 § -5 Report. The WAI policy coordinator shall submit a
 13 report of the coordinator's activities and expenditures to the
 14 legislature, governor, and mayor and city council of the city
 15 and county of Honolulu no later than December 1 of each year,
 16 beginning in 2024."

17 PART III

18 SECTION 3. The following positions, which shall be exempt
 19 from chapter 76, Hawaii Revised Statutes, are established in the
 20 office of the chairperson of the board of land and natural
 21 resources for the purposes of Red Hill WAI policy coordination:



- 1 (1) full-time equivalent (FTE) policy
- 2 coordinator;
- 3 (2) full-time equivalent (FTE) outreach
- 4 coordinator; and
- 5 (3) full-time equivalent (FTE) administrative
- 6 assistant.

7 SECTION 4. There is appropriated out of the general
 8 revenues of the State of Hawaii the sum of \$ or so
 9 much thereof as may be necessary for fiscal year 2024-2025 for
 10 the positions identified in section 3 of this Act for Red Hill
 11 WAI policy coordination.

12 The sum appropriated shall be expended by the department of
 13 land and natural resources for the purposes of this Act.

14 SECTION 5. There is appropriated out of the general
 15 revenues of the State of Hawaii the sum of \$ or so
 16 much thereof as may be necessary for fiscal year 2024-2025 for
 17 ecosystem monitoring of the area surrounding the Red Hill Bulk
 18 Fuel Storage Facility by the department of land and natural
 19 resources.

20 The sum appropriated shall be expended by the department of
 21 land and natural resources for the purposes of this Act.



1 PART IV

2 SECTION 6. In accordance with section 9 of article VII of
3 the Hawaii State Constitution and sections 37-91 and 37-93,
4 Hawaii Revised Statutes, the legislature has determined that the
5 appropriations contained in H.B. No. , will cause the state
6 general fund expenditure ceiling for fiscal year 2024-2025 to be
7 exceeded by \$ or per cent. In addition, the
8 appropriations contained in this Act will cause the general fund
9 expenditure ceiling for fiscal year 2024-2025 to be further
10 exceeded by \$ or per cent. The combined total
11 amount of general fund appropriations contained in only these
12 two Acts will cause the state general fund expenditure ceiling
13 for fiscal year 2024-2025 to be exceeded by
14 \$ or per cent. The reasons for exceeding the
15 general fund expenditure ceiling are that:

- 16 (1) The appropriations made in this Act are necessary to
- 17 serve the public interest; and
- 18 (2) The appropriations made in this Act meet the needs
- 19 addressed by this Act.



1 SECTION 7. This Act shall take effect on July 1, 3000;
2 provided that sections 3, 4, and 5 of this Act shall take effect
3 on July 1, 2024.



Report Title:

Red Hill WAI; Policy Lead and Coordination; Red Hill Remediation
Special Fund; Appropriation; Expenditure Ceiling

Description:

Establishes a WAI Policy Coordinator and other positions within
the Department of Land and Natural Resources for coordination of
Red Hill WAI initiatives. Creates the Red Hill Remediation
Special Fund. Appropriates funds. Effective 7/1/3000. (HD2)

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not legislation or evidence of legislative intent.*

