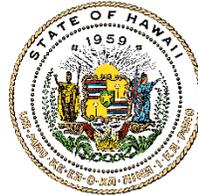


**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621  
HONOLULU, HAWAII 96809

**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**LAURA H.E. KAAKUA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
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MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
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ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
DAWN N. S. CHANG  
Chairperson**

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

**Thursday, April 6, 2023  
10:00 AM**

**State Capitol, Conference Room 211 & Videoconference**

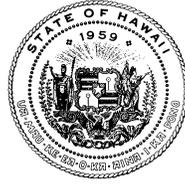
**In consideration of  
HOUSE BILL 546, HOUSE DRAFT 1  
RELATING TO THE FUEL TANK ADVISORY COMMITTEE**

House Bill 546, House Draft 1 proposes to amend Section 342L-62, Hawai'i Revised Statutes, requiring the Fuel Tank Advisory Committee to hold no fewer than one regular meeting in each quarter of a calendar year. **The Department of Land and Natural Resources (Department) supports this measure.**

Since the first meeting of the Fuel Tank Advisory Committee (FTAC) in 2016, the Department has held two positions on the Committee. Having seats on the FTAC allowed the Department to have a valuable voice to address the implementation of the conditions of the Administrative Order on Consent. Annual meetings were held until 2020, after which interest in the FTAC annual meeting was so great that semi-annual meetings were held in 2021 and 2022.

Holding quarterly meetings of the FTAC would allow: 1) more timely disclosure of spill events and the responses to deal with them; 2) better communication regarding current efforts for aquifer recovery and remediation; 3) better opportunity for the public to present their concerns; and 4) more coordination of members of the committee to address concerns related to the administrative order on consent, which include ground-water flow models, contaminant fate and transport models, and construction of monitor wells to assess aquifer contamination.

Mahalo for the opportunity to provide testimony in support of this measure.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. BOX 3378  
HONOLULU, HI 96801-3378  
[doh.testimony@doh.hawaii.gov](mailto:doh.testimony@doh.hawaii.gov)

WRITTEN  
TESTIMONY  
ONLY

In reply, please refer to:  
File:

**Testimony in SUPPORT of HB0546 HD1  
RELATING TO THE FUEL TANK ADVISORY COMMITTEE**

SENATOR DONOVAN M. DELA CRUZ, CHAIR  
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: 4/6/2023

Room Number: 211

1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (Department) appropriations and  
3 personnel priorities.

4 **Department Testimony:** This bill proposes to specify the frequency of the Fuel Tank Advisory  
5 Committee (FTAC) meetings to, "no fewer than one regular meeting in each quarter of a  
6 calendar year."

7 The Department supports this measure, however, we respectfully request \$350,000 per  
8 calendar year to fund contractor services to assist the Department in the preparation, facilitation  
9 and execution of these quarterly meetings. The Department has received comments from the  
10 public stating that they prefer the open house format over the FTAC meeting format to receive  
11 updates on Red Hill activities. Therefore, the Department also plans to conduct or participate in  
12 more open house events. Since the same Department staff who perform the regulatory oversight  
13 are tasked with preparing for these meetings and open houses, additional support is necessary to  
14 minimize the potential impact on the Department's oversight of the Red Hill activities.

15 The Department anticipates that defueling of the Red Hill Bulk Fuel Storage Tanks will  
16 be completed before June 2024. At the time that defueling is complete, we would like to sunset  
17 Sections 342L-61 and 62, HRS. Accordingly, the money to support subsequent FTAC meetings  
18 will not be needed.

1           The Department is tasked with assembling the FTAC pursuant to Section 342L-62,  
2 Hawaii Revised Statutes (HRS). Although the meeting frequency is not specified in the law, the  
3 Department currently holds two meetings a year.

4           Thank you for the opportunity to testify.

5   **Offered Amendments:** None

# BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU  
630 SOUTH BERETANIA STREET  
HONOLULU, HI 96843  
www.boardofwatersupply.com



April 6, 2023

RICK BLANGIARDI, MAYOR

BRYAN P. ANDAYA, Chair  
KAPUA SPROAT, Vice Chair  
MAX J. SWORD  
NA'ALEHU ANTHONY  
JONATHAN KANESHIRO

DAWN B. SZEWCZYK, P.E., Ex-Officio  
EDWIN H. SNIFFEN, Ex-Officio

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

ERWIN M. KAWATA  
Deputy Manager

The Honorable Donovan M. Dela Cruz, Chair  
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair  
and Members  
Senate Committee on Ways and Means  
Hawaii State Capitol, Room 211  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz, Vice Chair Keith-Agaran and Members:

Subject: House Bill 546, HD1: Relating to the Fuel Tank Advisory Committee

The Honolulu Board of Water Supply (BWS) strongly supports House Bill (HB) 546, House Draft (HD) 1. This measure proposes to amend Hawaii Revised Statutes (HRS) 342L-62, to require the Fuel Tank Advisory Committee to hold no fewer than one regular meeting in each quarter of a calendar year.

The purpose of the Fuel Tank Advisory Committee is to study issues related to leaks at the Red Hill Bulk Fuel Storage Facility (RHBFSF) among other responsibilities. Given the November 2021 fuel release that contaminated Oahu's sole source aquifer and the Joint Base Pearl Harbor Hickam (JBPHH) water system that affected almost 100,000 people including the release of 1,300 gallons of per- and polyfluoroalkyl substance (PFAS) containing aqueous film forming foam (AFFF) at the RHBFSF, the Committee needs more meetings to discuss and comment on the Navy and regulatory agencies' progress to characterize and mitigate this contamination. It has been more than a year since the 2021 fuel release and nine years since the 2014 tank #5 spill and we are no closer knowing the nature and extent of the contamination present in our aquifer. We can no longer wait. The legislature and the Fuel Tank Advisory Committee needs to take swift and decisive action to end the wait and restore our aquifer for future generations to come.

Thank you for the opportunity to testify in strong support of HB546, HD1.

Very truly yours,

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



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON WAYS AND MEANS

April 6, 2023

10:00 AM Conference Room 211

### **SUPPORTING with AMENDMENTS HB546 HD1:** Relating to the Fuel Tank Advisory Committee

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Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Ways and Means Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS WITH AMENDMENTS** HB546 HD1, which could provide Hawai'i residents with much greater transparency and accessibility in discussions concerning the unprecedented, existential, and daily threat facing O'ahu and the entirety of Hawai'i nei.

Fuel tank advisory committee meetings are the only consistent venue for members of the public to receive and request information relating to the Red Hill water crisis, which poses a daily and existential threat to every aspect of life for every resident of O'ahu and all who call Hawai'i home. **However, even after the November 2021 crisis, the fuel tank advisory committee has only met once every six months, leaving residents in the dark with respect to the information they should be receiving on a much more frequent basis.**

The Sierra Club of Hawai'i accordingly supports increasing the frequency of committee meetings to ensure that residents are provided with much more transparency into governmental efforts to resolve a crisis that threatens the very future of our islands.

**The Sierra Club does note that in addition to the infrequency of meetings, there have been additional and longstanding accessibility issues that have inhibited the fuel tank advisory committee from fulfilling its important public participation functions.**

For example, notwithstanding the spirit and language of our language access law,<sup>1</sup> there has been a complete lack of outreach to limited English proficient residents, who may make up to one quarter of our islands' population, and who may be most heavily burdened by impacts to O'ahu's sole source aquifer. In addition, meeting details have been posted with as little as one week's notice – leaving working class residents without a meaningful opportunity to make the work, childcare, and transportation arrangements necessary to participate in committee meetings.

Accordingly, the Sierra Club respectfully recommends amendments to address these critical accessibility issues, and ensure that all Hawai'i residents remain fully informed about the

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<sup>1</sup> See HRS Chapter 321C.



# SIERRA CLUB OF HAWAI'I

greatest imminent threat facing our islands, by adding the following language to subsection (a) of Hawai'i Revised Statutes subsection 342L-62:

“Notwithstanding the requirements of section 92-7, the advisory committee shall post written notice of its meetings on an electronic calendar on a website maintained by the State no less than twelve days prior to a meeting, provided that notice of meetings shall be provided in languages identified by the language access advisory council, and provided further that the notice shall include sufficient information to inform the public about the wide-ranging impacts that have occurred and may occur due to the release of fuel and other hazardous materials over O’ahu’s sole source aquifer. Meeting venues and times shall also consider and accommodate the childcare, health, transportation, and economic needs and limitations of low-income households and families.”

Accordingly, the Sierra Club of Hawai'i respectfully urges the Committee to **PASS WITH AMENDMENTS** HB546 HD1. Mahalo nui for the opportunity to testify.



# Environmental Caucus of The Democratic Party of Hawai'i

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To: The Honorable Donovan M. Dela Cruz, Chair  
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair  
Members of the Committee on Ways and Means

Re: **HB 546 HD1– RELATING TO FUEL TANK ADVISORY COMMITTEE**  
Hearing: Thursday, April 6, 2023, 10:00 a.m., Conference Room 221 & Videoconference

Position: **Strong support**

Aloha, Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means:

The Environmental Caucus of the Democratic Party of Hawai'i and its 7,500 members stand in strong support of HB 546 HD1. This measure would require the Fuel Tank Advisory Committee to hold no fewer than one regular meeting in each quarter of a calendar year.

The Democratic Party of Hawai'i Platform on the environment provides that its members shall “protect and preserve Hawai'i's environment and achieve energy sustainability, advance measures to re-establish a healthy climate and environment for humans and fellow species, including actions to urgently address climate change, and work towards 100% renewable energy goals.

We believe that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society. We support the restoration, preservation, and protection of native ecosystems.

We believe in the resource management principles outlined in the Public Trust doctrine [in Article XI, Section 1 of] the Hawai'i State Constitution.” [OUR PLATFORM | DPH \(hawaiidemocrats.org\)](#)

The 20 Red Hill tanks are made of quarter-inch steel liners encased in concrete and located in cavities that were blasted into the lava rock of an Oahu mountainside in the 1940s. They are each 250 feet tall. Seventeen men died [while the tanks were being constructed](#). While the Navy has stated it will not use Red Hill for fuel again, the “closure in place” plan would allow the facility to be used for unspecified non-fuel uses and would minimize environmental and community impacts and risks to worker safety according to the Navy.



April 6, 2023

Page 2

There are many issues to be considered regarding the defueling and decommissioning of the Red Hill Underground Fuel Tank Facility from (1) timeline and deadlines, (2) repairs, (3) defueling, (4) decommissioning, (5) enforcement for nonperformance, (6) sanctions, (7) remediation, (8) healthcare, (9) compensation to victims, (10) alternative uses, closure in place, removal, or fill, and (11) groundwater and environmental monitoring for the next generation, among other issues. Excluding the last point, this process may take anywhere from 5 to 10 years to complete depending on the end-use.

Given the long term plans to defuel, decommission, remediate, and alternative end-use, requiring the Fuel Tank Advisory Committee to hold no fewer than one regular meeting in each quarter of a calendar year is vital for human and environmental health and monitoring, and is consistent with the state and counties' duties under the Public Trust Doctrine and the DPH Platform environmental plank to advance measures to re-establish a healthy climate and environment for many generations to come.

Please support and pass this bill.

Mahalo for the opportunity to testify on this measure.

/s/ Melodie Aduja and Alan Burdick

Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

**HB-546-HD-1**

Submitted on: 4/5/2023 9:51:47 AM

Testimony for WAM on 4/6/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sherry Pollack	Individual	Comments	Written Testimony Only

Comments:

While I appreciate the intent of this measure, I strongly disagree with mandating the advisory committee meet only quarterly. That is woefully insufficient. The Navy's contamination of our sole-source aquifer is an existential threat. More must be done to remediate the situation in earnest.

I strongly urge that this measure be amended to mandate the "advisory committee shall hold no fewer than one regular meeting in each *month* of a calendar year."

Moreover, the committee needs to be more representative of relevant stakeholders, and as such, should include a member from the Board of Water Supply, as well as a representative of the Sierra Club of Hawaii and a representative of the Oahu Water Protectors, all of whom have been working on this issue and have the full trust of the community.

**HB-546-HD-1**

Submitted on: 4/5/2023 9:53:14 AM

Testimony for WAM on 4/6/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

Support, although it does not reflect the urgency of the Red Hill shutdown. Suggest the committee study ways to speed up the process so we don't have to wait until July 2024.