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# A BILL FOR AN ACT

RELATING TO THE RED HILL FUEL TANKS.

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

1           SECTION 1. The legislature finds that the Red Hill Bulk  
2 Fuel Storage Facility located in Kapūkakī has the potential to  
3 catastrophically contaminate the island of O‘ahu's United States  
4 Environmental Protection Agency Region IX sole source aquifer  
5 and permanently affect life throughout Hawai‘i. The legislature  
6 further finds that every day that the 104,000,000 gallons of jet  
7 fuel remain in the aging facility poses an existential threat to  
8 the people of Hawai‘i.

9           The legislature also finds that the fuel tank advisory  
10 committee, tasked with studying issues related to leaks of  
11 field-constructed underground storage tanks, including the Red  
12 Hill Bulk Fuel Storage Facility, is the only consistent venue  
13 for members of the public to receive and request information  
14 about the current water crisis as well as the imminent and  
15 ongoing threat of devastation posed by the facility.

16           In addition, the legislature finds that the daily, imminent  
17 peril posed by the Red Hill Bulk Fuel Storage Facility, along



1 with the immense public interest in the defueling and closure of  
2 the facility and the remediation of existing and future  
3 environmental contamination, calls for public updates far more  
4 frequently than the twice-a-year meeting schedule of the fuel  
5 tank advisory committee. Furthermore, the legislature finds  
6 that there have been persistent accessibility issues that have  
7 hindered the public, including limited English proficient, low-  
8 income, and working-class residents who may be the most severely  
9 burdened by the contamination of drinking water, from  
10 understanding and participating in committee meetings. Finally,  
11 the legislature finds that the composition of the fuel tank  
12 advisory committee should be amended.

13 Accordingly, the purpose of this Act is to:

- 14 (1) Require the fuel tank advisory committee established  
15 under chapter 342L, Hawaii Revised Statutes, to:
- 16 (A) Meet on a monthly basis;
  - 17 (B) Ensure that notice of committee meetings  
18 sufficiently informs and notifies limited English  
19 proficient residents;
  - 20 (C) Ensure that committee meetings are held at times,  
21 in venues, and under conditions that are



- 1 accessible to low-income and working-class  
2 residents; and  
3 (D) Include in its membership two additional public  
4 members from the community at large; and  
5 (2) Include in the membership of the fuel tank advisory  
6 committee the Commander of the Joint Task Force Red  
7 Hill, a representative of the Sierra Club of Hawai'i,  
8 and a representative of the O'ahu Water Protectors.

9 SECTION 2. Section 342L-61, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "[~~§~~§342L-61~~§~~] **Fuel tank advisory committee; established;**

12 **composition.** (a) There is established in the department of  
13 health the fuel tank advisory committee, which shall consist of  
14 up to [~~fourteen~~] sixteen ex officio members and at least [~~two~~]  
15 four public members.

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

- 17 (1) The director of health, who shall serve as the  
18 committee's chair;  
19 (2) The four members of Hawaii's congressional delegation,  
20 or their designees;



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- 1           (3) The president of the Hawaii senate, or a senator  
2           appointed by the president of the senate;
- 3           (4) The speaker of the Hawaii house of representatives, or  
4           a representative appointed by the speaker of the  
5           house;
- 6           (5) The chairperson of the board of land and natural  
7           resources, or the chairperson's designee;
- 8           (6) The chairperson of the board of water supply of a  
9           county with a population of five hundred thousand or  
10          more, or the chairperson's designee; and
- 11          (7) The chairperson of the commission on water resource  
12          management, or the chairperson's designee.
- 13          (c) The following persons shall be invited to participate  
14 on the advisory committee as ex officio members:
- 15          (1) The Commanding General of the United States Army,  
16          Pacific, or the Commanding General's designee;
- 17          (2) The Commander of the Pacific Fleet of the United  
18          States Navy, or the Commander's designee;
- 19          (3) The Commander of the Pacific Air Forces, or the  
20          Commander's designee; [and]



1        (4) The Commander of the Joint Task Force Red Hill, or the  
2                    Commander's designee;

3        [~~(4)~~] (5) A representative from the United States  
4                    Environmental Protection Agency, or the  
5                    representative's designee[-];

6        (6) A representative of the Sierra Club of Hawai'i; and

7        (7) A representative of the O'ahu Water Protectors.

8        (d) The governor shall appoint at least [~~two~~] four public  
9 members from the community at large in accordance with section  
10 26-34; provided that the advice and consent of the senate shall  
11 not be necessary.

12        (e) The public members of the advisory committee and the  
13 ex officio representatives of the Sierra Club of Hawai'i and  
14 O'ahu Water Protectors shall receive no salary, but shall be  
15 entitled to reimbursement for necessary expenses, including  
16 travel expenses."

17        SECTION 3. Section 342L-62, Hawaii Revised Statutes, is  
18 amended to read as follows:

19        "**[[[§342L-62]] Duties.** (a) The advisory committee shall  
20 study issues related to leaks of field-constructed underground  
21 fuel storage tanks at the Red Hill Bulk Fuel Storage Facility,



1 Kuahua Peninsula, Pacific Missile Range Facility Barking Sands,  
2 Hickam Pol Annex, and Schofield Barracks Military Reservation.

3 The advisory committee shall consider:

4 (1) The short- and long-term effects of leaks of the fuel  
5 tanks, including effects relating to the health of  
6 residents, safe drinking water, and the environment;

7 (2) Response strategies to mitigate the effects of leaks  
8 from fuel tanks;

9 (3) Methods to improve communication between the United  
10 States Navy, Air Force, and Army; the State; any local  
11 board of water supply; and the public in the event of  
12 a leak of any fuel tank;

13 (4) Groundwater test results in relation to the  
14 surrounding areas of fuel tank facilities, with a  
15 particular emphasis on the groundwater near the Red  
16 Hill Bulk Fuel Storage Facility;

17 (5) The implications of shutting down any fuel tank  
18 facility; and

19 (6) Updates on progress toward meeting goals of agreement  
20 between the State, the affected county, and the  
21 federal government.



1           (b) In carrying out its duties, the advisory committee  
2 shall:

3           (1) Meet at least once per calendar month;

4           (2) Ensure that notice of meetings includes background  
5 information regarding the Red Hill Bulk Fuel Storage  
6 Facility sufficient to inform the public of the wide-  
7 ranging impacts that have occurred and may occur in  
8 the future, due to the release of fuel or other  
9 hazardous materials over O'ahu's sole source aquifer;

10          (3) Ensure that notice of meetings is provided in  
11 languages identified by the language access advisory  
12 council;

13          (4) Hold meetings outside of normal working hours and in  
14 venues that can accommodate individuals with limited  
15 mobility, including with adequate nearby parking; and

16          (5) Consider and accommodate the child care, health, and  
17 economic needs and limitations of low-income and  
18 working-class individuals.

19          ~~(b)~~ (c) No later than twenty days before the convening of  
20 each regular session, the advisory committee shall  
21 submit a report of its findings, including groundwater



1 test results, and recommendations, including any  
2 proposed legislation, to the legislature."

3 SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY:



JAN 25 2023





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**Report Title:**

Fuel Tank Advisory Committee; Composition; Duties

**Description:**

Amends the composition of the fuel tank advisory committee.  
Adds requirements for the committee as it carries out its  
duties.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

