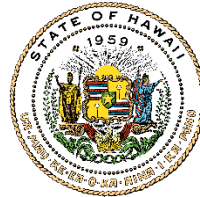


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
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
COMMISSION ON WATER RESOURCE
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
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
WATER AND LAND

Monday, February 13, 2023
12:30 PM
State Capitol, Conference Room 229

In consideration of
SENATE BILL 1459
RELATING TO ENVIRONMENTAL PROTECTION

Senate Bill 1459 proposes to: 1) establish a water quality task force to address the level of drinking water contamination caused by perfluorohexanoic acid sample detected at the Waipahu Wells II Granular Activated Carbon Treatment Facility; 2) have the water quality task force conduct a comprehensive study to examine the consequences of the drinking water contamination caused by the perfluorohexanoic acid sample detected at the Waipahu Wells II Granular Activated Carbon Treatment Facility; 3) have the water quality task force submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the Regular Session of 2025; and 4) appropriate out of general revenues of the State of Hawaii for Fiscal Year 2023-2024 and 2024-2025 for a multi-year study. **The Department of the Land and Natural Resources supports this measure and offers the following amendments.**

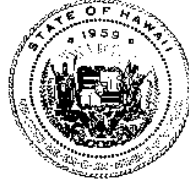
The water sources referenced in the bill include Waipahu II-1 (State Well No. 3-2400-005), Waipahu II-2 (State Well No. 3-2400-006), Waipahu II-3 (State Well No. 3-2400-008) and Waipahu II-4 (State Well No. 3-2400-014). All of these wells draw from the Waipahu-Waiawa basal aquifer lens, and are allocated a total of 2.100 million gallons per day.

While Hawaii Revised Statutes Section 174C-66 states that the Department of Health shall exercise the powers and duties vested in it for the administration of the State's water quality control program as provided by law, we recognize that there is an inextricable link between water quality and water quantity. We appreciate our inclusion in the task force as proposed by this measure, but request that the Department of Health be the Co-Chair with the City and

County of Honolulu Board of Water Supply on this measure. We recommend the following amendments, with new language highlighted in grey:

- (1) ~~The chairperson of the commission on water resource management, or the chairperson's designee~~ One member from the department of health, selected by the director of health, who shall serve as co-chair;
- (2) The manager and chief engineer of the Honolulu board of water supply, or the manager and chief engineer's designee, who shall serve as co-chair;
- (3) ~~One member from the department of health, selected by the director of health~~ The chairperson of the commission on water resource management, or the chairperson's designee;

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

In reply, please refer to:
File:

**Testimony COMMENTING on SB1459
RELATING TO ENVIRONMENTAL PROTECTION**

SENATOR LORRAINE R. INOUE, CHAIR
SENATE COMMITTEE ON WATER AND LAND

Hearing Date: 2/13/2023

Room Number: CR 229

1 **Fiscal Implications:** Unknown

2 **Department Testimony:** The Department of Health (Department) respectfully offers the
3 following comments. While this measure provides the unique opportunity to develop a task
4 force intended to study various impacts of perfluorohexanoic acid (PFHxA), this contaminant
5 will not be regulated by the EPA or Department at this time.

6 From 2023 to 2025, 29 per- and polyfluoroalkyl substances (PFAS), including PFHxA,
7 and another contaminant will be required to be tested by 45 of 138 water systems across Hawaii
8 under the Fifth Unregulated Contaminant Monitoring Rule (UCMR5).

9 The U.S. Environmental Protection Agency (EPA) has posted Interim Health Advisory
10 values for two PFAS compounds: Perfluorooctanoic acid (PFOA) and Perfluorooctane sulfonic
11 acid (PFOS). Final Health Advisory values have also been posted for two other PFAS
12 compounds: Perfluorobutane sulfonic acid and its potassium salt (PFBS) and
13 hexafluoropropylene oxide (HFPO) dimer acid and its ammonium salt (otherwise known as
14 GenX chemicals).

15 The Department and Hawaii's water industry are waiting for the EPA to set a Maximum
16 Contaminant Level (MCL) for PFOA and PFOS sometime in 2023, after which regulatory
17 actions by all affected nationwide public water systems will be required.

18 Thank you for the opportunity to testify.

19 **Offered Amendments:** None.

BOARD OF WATER SUPPLY

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



February 13, 2023

RICK BLANGIARDI, MAYOR

BRYAN P. ANDAYA, Chair
KAPUA SPROAT, Vice Chair
MAX J. SWORD
NA'ALEHU ANTHONY
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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 Lorraine R. Inouye, Chair
and Members
Senate Committee on Water and Land
Hawaii State Capitol, Room 210
Honolulu, Hawaii 96813

LATE

Dear Chair Inouye and Members:

Subject: Senate Bill 1459: Relating to the Environment

The Honolulu Board of Water Supply (BWS) strongly supports Senate Bill (SB) 1459, which establishes a water quality task force to address per- and polyfluoroalkyl substances (PFAS) or “forever chemicals” in our drinking water.

The BWS is extremely concerned about contaminants in our drinking water and welcomes a seat on the water quality task force. The purpose of the water quality task force is to conduct a comprehensive study to examine the consequences of the drinking water contamination caused by PFAS, including the recent perfluorohexanoic acid detection at the Waipahu Wells II Granular Activated Carbon Treatment Facility.

After the November 2021 Red Hill fuel release that contaminated Oahu’s sole source aquifer and the Joint Base Pearl Harbor Hickam (JBPHH) water system, the U.S. Navy (Navy) reported that PFAS were detected in samples taken in 2020 and 2021 in the Navy’s water distribution system. On November 29, 2022, some 1,300 gallons of PFAS containing aqueous film forming foam (AFFF) concentrate liquid spilled into the environment at the Navy’s Red Hill Bulk Fuel Storage Facility. AFFF is used in firefighting and contains PFAS. The BWS is aware that the Department of Defense (DOD), under a federal clean up law, is conducting assessments for PFAS Use or Potential Release at all U.S. Military Installations and National Guard Facilities as of March 30, 2021. The BWS has repeatedly requested environmental sampling and water quality data related to these releases and operations. The Navy, U.S. Environmental Protection Agency and the Department of Health have yet to provide this information to the BWS. This proposed water quality task force needs to urgently address the threat of PFAS to our sole source aquifer. We can no longer wait.

The Honorable Lorraine R. Inouye, Chair
and Members
February 13, 2023
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Thank you for the opportunity to provide testimony in support of SB 1459.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ernest Y.W. Lau', written in a cursive style.

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

A small, handwritten mark or flourish in blue ink, located at the end of the typed name.



Environmental Caucus of The Democratic Party of Hawai'i

To: The Honorable Lorraine R. Inouye, Chair
The Honorable Brandon J.C. Elefante, Vice Chair
Members of the Committee on Water and Land

Re: **SB 1459 – RELATING TO ENVIRONMENTAL PROTECTION**
Hearing: Monday, February 13, 2023, 1:30 p.m., Conference Room 229 & Videoconference

Position: **Strong support**

Aloha, Chair Inouye, Vice Chair Elefante and Members of the Committee on Water and Land:

The Environmental Caucus of the Democratic Party of Hawai'i stands in strong support of SB 1459. This measure establishes a water quality task force to examine the consequences of drinking water contamination detected at the Waipahu Wells II Granular Activated Carbon Treatment Facility and appropriates funds. We humbly request that this measure be amended to include a study of all drinking water wells, whether publicly or privately-owned, for the presence of perfluoroalkyl and polyfluoroalkyl substances.

The Democratic Party of Hawai'i Environmental Platform Planks set policies to 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 of [Article XI, Section 1 of] the Hawai'i State Constitution." [OUR PLATFORM | DPH \(hawaiidemocrats.org\)](https://www.dph.hawaii.gov/our-platform/)

Furthermore, Article XI, Section 7 of the Hawaii State Constitution under WATER RESOURCES provides that [t]he State has an obligation to protect, control and regulate the use of Hawaii's water resources for the benefit of its people.

The Environmental Caucus supports this bill as studies have shown that PFOA and PFOS can cause reproductive and developmental, liver and kidney, and immunological effects in laboratory animals, and both PFOA and PFOS have caused tumors in animals. In addition, there have been findings of an increased cholesterol levels among exposed populations with other findings related to low infant birth rates, effects on the immune system, cancer for PFOA, and thyroid disruption for PFOS.

Individuals can be exposed to PFAS by eating food that was packaged in material that contains PFAS or using consumer products that contain PFAS. Another pathway to PFAS is through drinking water contaminated by firefighting foam containing PFAS and or through the breakdown of food packaging as it biodegrades leaving PFAS particles to enter the environment and drinking water wells. Once PFAS enters



February 13, 2023

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the environment, they persist for 700-1000 years, hence the name, “Forever Chemicals,” as there are no natural processes that can break down these substances. As such, these forever chemicals can continue to cause exposures long after they are phased out of consumer and other products and they bioaccumulate in the environment and in our bodies from one generation to the next.

Establishing a water quality task force to examine the consequences of drinking water contamination detected at the Waipahu Wells II Granular Activated Carbon Treatment Facility and all other drinking water wells in the state and appropriating funds therefor are consistent with the state and counties’ duties under Article XI, Section 7 on Water Resources; Article XI, Section 1 on the Public Trust Doctrine; and the DPH Platform environmental policy that all people have the right to live in a clean, healthy and safe environment.

Please support and pass this bill.

/s/ Melodie Aduja and Alan Burdick

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

SB-1459

Submitted on: 2/12/2023 9:30:25 AM

Testimony for WTL on 2/13/2023 12:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I support SB1459 that establishes a task force to examine the consequences of drinking water contamination detected at the Waipahu Wells II Granular Activated Carbon Treatment Facility.

However, this study should NOT be limited to just the Waipahu Well II, but should include ALL water wells regardless of location, ownership, and number of residents buying the water.

For example, recent tests found **Kunia Village water system's Kunia 3 well far exceed Environmental Action Levels set by the EPA**. In the case of Kunia Village, this contamination exposure requires *immediate action* (and not wait for this bill to go into effect) in addition to monitoring and follow-up. The mission of the Department of Health is **to protect and improve the health and environment for all people in Hawaii**. Please ensure they fulfill their mission.

Finally, I don't see the purpose for including a member from the department of business, economic development, and tourism to be on this taskforce. I strongly believe that this taskforce and the community would be better served by a representative from a community organization whose mission or purpose is dedicated to the remediation and/or protection of the environment, in addition to a representative from an organization with a mission statement or purpose of preserving Native Hawaiian traditional and cultural practices and preventing the desecration of the environment.

Mahalo for your consideration of these amendments.