

JAN 15 2025

A BILL FOR AN ACT

RELATING TO RED HILL.

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

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



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

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

15 The legislature also finds that the Red Hill WAI's approach
16 of total stewardship responsibility required a stance of
17 extending beyond statutory roles, specific responsibilities,
18 tenure in those roles, and even personal lifetimes. Its inquiry
19 included the pursuit of critical questions for which there may
20 currently be no answers. Thus, the pursuit of those answers is
21 part of the ongoing work.



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

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



1 and Aiea wells; the water distribution system; and the
2 ecosystem, including springs, streams, and nearshore waters.

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

11 SECTION 2. The Hawaii Revised Statutes is amended by
12 adding a new chapter to be appropriately designated and to read
13 as follows:

14 **"CHAPTER**

15 **RED HILL WATER ALLIANCE INITIATIVE**

16 § -1 **Definitions.** As used in this chapter, unless a
17 different meaning is plainly required by the context:

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

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



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

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

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

14 "WAI" means the Red Hill Water Alliance Initiative.

15 § -2 **Policy lead and coordination.** (a) The department
16 shall serve as the State's policy lead on WAI initiatives
17 through the position of the WAI policy coordinator, to be placed
18 in the office of the chairperson. The WAI policy coordinator
19 shall work with respective state and county agencies and other
20 groups.

21 (b) The WAI policy coordinator shall:



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

(2) Periodically and regularly review:

(A) The health status of the ecosystem; and

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

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

(4) Coordinate the implementation of a thirty-six-month public information and education program to describe, inform, and educate the general public and institutions on the post-defueling remediation phases for Red Hill to restore public trust, secure public support, and address health and environmental concerns.

§ -3 **Red Hill remediation special fund.** (a) There is established in the state treasury the Red Hill remediation



1 special fund, into which shall be deposited the following
2 moneys:

- 3 (1) Appropriations by the legislature to the special fund;
4 (2) Gifts, donations, and grants from public agencies,
5 including the United States government, and private
6 persons; and
7 (3) All interest earned on or accrued to moneys deposited
8 in the special fund.

9 (b) The special fund shall be administered by the WAI
10 policy coordinator.

11 (c) The moneys in the special fund shall be used to
12 address contamination resulting from the Red Hill Bulk Fuel
13 Storage Facility, including monitoring, applied research, public
14 outreach and education, and evaluation; provided that the cost
15 of remediation of the aquifer shall be borne by the federal
16 government.

17 **§ -4 Cooperation by state and county agencies.** All
18 state and county agencies shall provide all information and data
19 requested by the WAI policy coordinator within thirty calendar
20 days; provided that the WAI policy coordinator may, in the
21 coordinator's discretion, set a longer deadline.



1 § -5 **Report.** The WAI policy coordinator shall submit a
2 report of the coordinator's activities and expenditures to the
3 legislature, governor, and mayor and city council of the city
4 and county of Honolulu no later than December 1 of each year,
5 beginning in 2025."

6 SECTION 3. This Act shall take effect on July 1, 2025.

7

INTRODUCED BY: _____

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S.B. NO. 150

Report Title:

Red Hill WAI Policy Coordinator; Red Hill Remediation Special Fund

Description:

Establishes a WAI Policy Coordinator for coordination of Red Hill WAI initiatives. Creates the Red Hill Remediation Special Fund.

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