



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

COMMENTS ON SENATE BILL 2046 SD2 HD1
RELATING TO UNDERGROUND STORAGE TANKS

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i
(House Committee on Judiciary and Hawaiian Affairs)

Ke Kapikala o Hawai‘i
(Hawai‘i State Capitol)

‘Apelila 2, 2026

2:00 PM

Lumi 325

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Office of Hawaiian Affairs (OHA) offers **COMMENTS** on **SB2046 SD2 HD1**, which sets environmental restoration standards for the release of jet fuel from underground storage tanks. This measure is critical to safeguarding wai, our most vital natural and cultural resource, from contamination by jet fuel.

Since time immemorial, Native Hawaiians have understood wai as the foundation of life and wellbeing. The Hawai‘i State Constitution’s public trust doctrine enshrines and advances this principle by mandating the state manage Hawai‘i’s water resources for the benefit of present and *future* generations. See Art. XI, § 1.

The catastrophic November 2021 Red Hill fuel leak demonstrated the devastating consequences of regulatory failures that have allowed numerous fuel leaks to threaten O‘ahu’s precious sole-source aquifer. The Navy’s water system, which serves over 93,000 residents on O‘ahu, was contaminated by jet fuel that poisoned thousands of families—including Native Hawaiian households. To this day, families who drink from the contaminated water or who live in homes on the Navy’s water system experience severe health effects ranging from skin rashes and nausea to chronic illnesses.

These types of dire health effects threaten to extend across the island if contaminated water spreads throughout O‘ahu’s sole source aquifer. It is for this reason that the original version of SB2046 required complete clean up of contamination; to protect present and future generations from the harmful effects of drinking jet fuel and related contaminants.

Accordingly, OHA is concerned by amendments made to subsection (b), removing language that required the cleanup and removal of jet fuel “to levels below the detection limits of the best and most sensitive technology and methods available, with the goal of complete remediation.” Surrendering a commitment to restore our precious, irreplaceable wai is an unacceptable compromise that shirks the state’s duty to protect wai as a public trust resource, and uphold the principle of mālama ‘āina that reflects our kuleana to future generations.

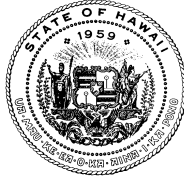
Additionally, the removal of “rebuttable presumption” language compromises timely clean up of potential fuel leaks. Without rebuttable presumption, time is spent investigating all potential underground storage tank owners and operators in the area to discover who is at fault before implementing clean up instead of all owners and operators of tanks immediately taking action to clean up and investigate the leak. This inversion of the response to leaks that delay clean up increases the potential spread of the contamination.

OHA respectfully requests the committee amend page 3, lines 11-16, to read as follows:

"(b) Restoration of the environment from a release of jet fuel from an underground storage tank or tank system with a storage capacity greater than one million gallons, as described in subsection (a)(3), shall require the cleanup and removal of jet fuel, including jet fuel additives and compounds resulting from the degradation of jet fuel or jet fuel additives, or the reaction of jet fuel or jet fuel additives with water or other chemicals, to levels below the detectable limit of the best available detection technology.

(c) For the purposes of subsection (b), it shall be a rebuttable presumption that the detection of any amount of jet fuel, jet fuel additives, or compounds derived from jet fuel or jet fuel additives in the environment or groundwater in the vicinity of an underground storage tank or tank system, after a confirmed release from an underground storage tank or tank system, is the result of the confirmed release."

Mahalo nui for the opportunity to testify on this critical issue. For the reasons stated above, OHA respectfully urges this committee to consider our concerns and **PASS SB2046 SD2 HD1 WITH THE AMENDMENTS described above.**



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony COMMENTING on SB2046 SD2 HD1
RELATING TO UNDERGROUND STORAGE TANKS

REPRESENTATIVE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

1 Hearing Date, Time and Room Number: 4/2/2026, 2:00 pm, 325

2 **Fiscal Implications:** Undetermined

3 **Department Position:** The Department of Health (Department) provides comments with strong
4 reservations on this measure.

5 **Department Testimony:** The Environmental Management Division, Solid and Hazardous Waste
6 Branch (EMD-SHWB) provides the following testimony on behalf of the Department.

7 The Department appreciates the intent of this measure to hold polluters accountable
8 and require cleanup of the environment. However, in reviewing this measure, we find that the
9 measure is not necessary because the Department already has the authority needed to do this
10 work. The Department already has ample authority to identify the source of releases from
11 underground storage tank (UST) systems, whether the release is jet fuel or another petroleum
12 product, and hold responsible parties fully accountable for the restoration of the environment.
13 The Department's existing regulations, in chapter 11-280.1, Hawai'i Administrative Rules (HAR),
14 which require a possible release to be investigated and "confirmed," also require the
15 responsible party to clean up the release, including any petroleum-derived contamination
16 associated with that release. The Department's ability to restore the environment will not
17 benefit from the addition (from an early draft of this bill) of the mandate to amend our rules to

1 require the removal of jet fuel to “levels below the detection limits of the best and most
2 sensitive technology and methods available” [S.B. 2046 p.4, lines 1-3], nor does the
3 Department’s authority benefit from the addition of a statutory “rebuttable presumption” [p. 4,
4 lines 4-10].

5 The Department’s remediation authority for releases from UST systems already enables
6 the Department to require the cleanup of confirmed releases to the extent and in a manner
7 that is “protective of human health and the environment” [§11-280.1-65.3, HAR]. In the case of
8 total petroleum hydrocarbons, middle-distillate range (where jet fuel falls), the existing Tier 1
9 screening levels, found in section 11-280.1-65.3, HAR, are already very close to what the
10 standard analytical method is capable of reliably detecting. Even by conducting additional
11 forensics testing, when hydrocarbon molecules are detected at low concentrations, it is
12 sometimes still difficult to discern whether they come from petroleum or from natural organic
13 matter present in the environment, such as plant waxes and algae. Additionally, if the
14 Department determines for any reason that the Tier 1 screening levels are not low enough to
15 protect human health and the environment, it can require the responsible party to go further
16 and “implement necessary changes to the cleanup activities in response to the department’s
17 notice” [§11-280.1-65.3(c), HAR].

18 With respect to the creation of a “rebuttable presumption,” as referenced in previous
19 versions of this measure and House Standing Committee Report 1222-26, the Department
20 already has the authority it needs to require responsible parties to clean up contamination
21 related to a release. Chapter 11-280.1, HAR, subchapter 5 already places the burden upon
22 owners and operators of UST systems to investigate suspected releases, take all steps necessary
23 to confirm a release, and remediate the contamination from that release, a process that is
24 functionally equivalent to a rebuttable presumption. Once a release from the UST is confirmed,
25 chapter 11-280.1, HAR, subchapter 6 requires that the full extent and location of the release be
26 determined, including off-site locations.

1 The Department respectfully conveys its strong reservations about this measure
2 because the measure does not contribute to the overall effectiveness of the Department's
3 regulation of UST systems or releases of jet fuel. The Department asks that this measure be
4 held because its advancement only creates confusion about what the Department's current
5 authority is to require specific remediation efforts.

6 **Offered Amendments:** None.

7 Thank you for the opportunity to testify on this measure.

**BOARD OF WATER SUPPLY
KA 'OIHANA WAI
CITY AND COUNTY OF HONOLULU**

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April 2, 2026

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The Honorable David A. Tarnas, Chair
and Members
House Committee on Judiciary and Hawaiian Affairs
Hawai'i State Capitol, Room 325
Honolulu, Hawai'i 96813

Dear Chair Tarnas and Members:

Subject: Senate Bill 2046 SD 2, HD 1: Relating to Underground Storage Tanks

The Honolulu Board of Water Supply (BWS) strongly opposes Senate Bill (SB) 2046, Senate Draft (SD) 2, House Draft (HD) 1. The BWS favors the original SB 2046.

This bill proposes to amend Hawai'i Revised Statutes (HRS) Section 342L-30 to add a new paragraph 3(b) that requires the cleanup and removal of jet fuel, including jet fuel additives and compounds resulting from the degradation of jet fuel or jet fuel additives, or the reaction of jet fuel or jet fuel additives with water or other chemicals, as much as practicable. When performing cleanup, the effectiveness will need to be verified by collecting samples and testing them for any jet fuels and additives that remain after cleanup.

The Environmental Protection Agency (EPA) specifies testing methods used to measure contaminants present in environmental samples. Some of these test methods are very sensitive and can measure contaminants to very low levels. Others are less sensitive but still able to give reliable results. Given the proposed section specifies cleanup "as much as practicable", we cannot be assured that the most sensitive test method will be used to ensure cleanup effectiveness. Contaminants present at the cleanup site could go undetected if the statute does not require using the most sensitive test method. This condition does not remove all of jet fuel and additives present and restore the environment to the condition before the jet fuel was released.

The Merriam-Webster Dictionary defines the word "practicable" as capable of being into practice or of being done or accomplished. The use of this word in the proposed new

The Honorable David A. Tarnas, Chair
and Members
April 2, 2026
Page 2

section in HRS 342L-30 does not assure that cleanup is accomplished to completely clean and restore the environment to pre-release conditions.

For these reasons we urge replacing the proposed section in SB 2046, SD2 with the language in SB2046 which states cleanup will be done to “levels below the detection limits of the best and most sensitive technology and methods available, with the goal of complete remediation.”

Thank you for the opportunity to testify in strong opposition to SB 2046, SD 2, HD 1.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ernest Y. W. Lau', is written over a faint, illegible background.

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



To: The House Committee on Judiciary & Hawaiian Affairs (JHA)
From: Sherry Pollack, Co-Founder, 350Hawaii.org
Date: Thursday, April 2, 2026, 2pm

In support of SB2046 SD2 HD1 if amended

Aloha Chair Tarnas, Vice Chair Poepoe, and JHA Committee members;

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org **was in strong support** of this measure that required an owner or operator of an underground storage tank or tank system with a confirmed release to meet certain standards for the restoration of the environment. The amended version of this measure, based on recommendations by the Department of Health (DOH), seriously weakens the intent of this critical legislation, and as such, this measure should be amended back to its original form.

It is very disappointing that the DOH, whose mission is to “protect and improve the health and environment for all people in Hawai‘i” would suggest such a vague and practically unenforceable “as much as practicable” standard for the remediation of our precious wai. The irony is not lost that it was the DOH that issued the permit to the Navy to begin with, allowing them to store jet fuel 100 feet above our sole-source aquifer until the inevitable spill occurred.

It’s been over four years now since that catastrophic spill from the fuel storage tanks at Red Hill. In all this time, the Navy has failed to make any meaningful investments in remediation efforts. This is unacceptable.

Passage of this measure in its original language is essential as it would finally establish a common-sense legal standard that will also be binding on the federal government. Hawai‘i **had** been blessed with some of the purest water on Earth, until the Navy, by their criminal recklessness and negligence, contaminated our sole source aquifer with jet fuel, PFAS, simple green, and we don’t know what else. Bottom line: there should be NO jet fuel or any other contaminant in our precious drinking water or in our environment. Period.

Hawai‘i's drinking water supply was already at risk because of climate change. All the more reason to ensure we take great care in protecting our aquifer, keeping it safe for current and future generations. We welcome legislation that will lead to the complete and full remediation of our aquifer. Nothing less should be acceptable.

We urge you to **amend SB2046 HD1 back to its original form.**

Thank you for the opportunity to testify on this very important bill.
Sherry Pollack
Co-Founder, 350Hawaii.org

SB-2046-HD-1

Submitted on: 4/1/2026 2:08:02 PM

Testimony for JHA on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dave Mulinix	Greenpeace Hawaii	Oppose	Remotely Via Zoom

Comments:

Aloha Chair, Vice Chair, & JHA Committee Members

My name is Dave Mulinix, Co-Founder & Hawaii State Representative for Greenpeace Hawaii. On behalf of Greenpeace Hawaii's thousands of members and supporters statewide we STAND in OPPOSITION to SB2046 SD2 HD1 as currently written. If you do decide to pass this measure please restore and pass it with its original provisions.

SB2046 in its original form would have set a binding legal standard for the remediation of jet fuel released from underground storage tank facilities, including the U.S. Navy’s Red Hill Bulk Fuel Underground Storage Tank Facility. The original bill would have set common sense standards of zero detectable jet fuel in our environment and aquifer, this bill was amended at the request of Governor Green’s Department of Health to only require the Navy to clean up its mess “to the extent practicable.” That statement is vauge, sets no standards, and allows the Navy to do the minimum to make it appear that it attempted to clean up the toxic mess they made, while leaving leaving a toxic legacy that will never be cleaned up.

The current bill as written does little to nothing to clean up the toxic mess the Nave made, which unfortunately is the standard operating procedure of the US military. Examples include Pearl Harbor, Kaho'olawe, Makua Valley, Pōhakuloa Training Area, and many more.

BTW the US Department of War's budget for 2026 is \$1.42 trillion, the largest military budget in the entire history of the world. Last December, in what has become known as "Lobstergate" the US Department of War wasted \$93 billion on non-essential luxury items. The Department of War consistantly asks for billions of dollars for the latest military technolgy and weapons systems and wastes billions on nonessential luxury items, but never asks for the total funds they need to clean up the toxic mess they leave behind. For example, the \$93 billion they wasted on nonessential luxury items would have gone a long way toward cleaning up the toxic mess the navy is attempting to leave behind at Red Hill.

Please restore and pass this bill with its original provisions.

Mahalo

Dave Mulinix Co-Founder & Hawaii State Representative

Greenpeace Hawaii



HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

April 2, 2026

2:00 PM

Conference Room 325

Offering **COMMENTS** on **SB2046 SD2 HD1**: RELATING TO THE FUEL TANK ADVISORY COMMITTEE

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **offers COMMENTS on SB2046 SD2 HD1**, which seeks to set a standard for remediation of jet fuel released into the environment from an underground storage tank system, including but not limited to the Red Hill Bulk Fuel Underground Storage Facility. The Sierra Club strongly urges to Committee to follow the calls of the Red Hill Water Alliance Initiative and the O'ahu community, to ensure that this measure actually imposes a meaningful standard of full remediation for the contamination of our aquifer and environment from the Navy's reckless disregard of our island's most precious resource.

Over four years since the Red Hill catastrophe, the Navy has still provided no meaningful strategy or specific plans for the remediation of the harm it has inflicted upon our water - and that of our children, grandchildren, and future generations. The Red Hill WAI Policy Coordinator has only identified an unpublished, unreviewed study on bacteria found in O'ahu's soil that could biodegrade – but not necessarily bioremediate - JP-5 (and none of the other compounds released from the Red Hill Facility), without any investigation into the continued toxicity of the degraded fuel or strategy for using such bacteria for groundwater remediation; meanwhile, the “soil vapor extraction” pilot program put forward by the Navy will have no effect the contamination plume in O'ahu's sole-source aquifer. It is far past time for the legislature to intervene and take a stand for our 'āina, wai, and people – including generations yet unborn, who may otherwise inherit an aquifer that was contaminated on our generation's watch.

To be clear: there should be no jet fuel in the precious, sacred, and pure (or once pure) wai that our islands have blessed us with. **Unfortunately, the Department of Health's continual resistance to this reasonable expectation has resulted in this measure being amended to the point of being practically unenforceable.** The “as much as practicable” standard in the current draft of this measure, incorporated at the behest of the Department, is so ambiguous that both the Department of Health and Navy could allow any amount of contamination to remain in our environment, and in our water, for generations – claiming that any further cleanup would be “impracticable” for any number of reasons (lack of funding, failure to invest in remediation research, etc.). **Both this ambiguous and unenforceable standard as well as the removal of the rebuttable presumption in the original draft of this measure would also allow the Navy to hide behind a legal system that has already excused it from true accountability for the**



physical, emotional, and professional harms suffered by thousands of Red Hill-impacted individuals, including children.

Accordingly, the Sierra Club urges the Committee to stand with the elected and agency leaders in the Red Hill Water Alliance Initiative, the Hawai'i community as a whole, and our home and 'āina itself, by adopting a clear, simple, and common sense standard for the clean up of the Navy's mess, as described below:

By amending page 3, lines 11-16, to read as follows:

"(b) Restoration of the environment from a release of jet fuel from an underground storage tank or tank system with a storage capacity greater than one million gallons, as described in subsection (a)(3), shall require the cleanup and removal of jet fuel, including jet fuel additives and compounds resulting from the degradation of jet fuel or jet fuel additives, or the reaction of jet fuel or jet fuel additives with water or other chemicals, to levels below the detectable limit of the best available detection technology.

(c) For the purposes of subsection (b), it shall be a rebuttable presumption that the detection of any amount of jet fuel, jet fuel additives, or compounds derived from jet fuel or jet fuel additives in the environment or groundwater in the vicinity of an underground storage tank or tank system, after a confirmed release from an underground storage tank or tank system, is the result of the confirmed release."

Accordingly, the Sierra Club of Hawai'i respectfully but strongly urges the Committee to **AMEND SB2046 SD2 HD1** as described above. Mahalo nui for the opportunity to testify.

SB-2046-HD-1

Submitted on: 3/31/2026 2:13:10 PM

Testimony for JHA on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Comments	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the Committee,

I am writing with **comments** on SB2046. I appreciate the intent of the original bill. However, in its current form, I have serious concerns.

The bill's core enforcement standard has been dangerously weakened. As amended at the behest of the Department of Health, this measure now only requires the Navy to clean up jet fuel contamination "**as much as practicable.**" This vague, subjective language must be corrected before this bill moves forward.

The original premise of SB2046 was common sense and moral clarity: jet fuel released from underground storage tanks—including the Red Hill facility—must be fully cleaned up. Period. After the 2021 catastrophe that poisoned the drinking water of thousands of O‘ahu families, after years of Navy delay and denial, and after repeated assurances that contamination would simply "go away naturally" over decades, the state has a responsibility to establish an **enforceable, measurable cleanup standard.**

Unfortunately, the current language does not meet that standard.

"To the extent practicable" is a loophole, not a requirement. It invites delay, dispute, and deflection. It allows the Navy to argue that full remediation is too difficult, too expensive, or simply inconvenient. It leaves the door open for the same kind of inaction we have witnessed for over four years. Meanwhile, our aquifer—the sole source of drinking water for generations of Hawai‘i's families—remains at risk.

We need this bill to keep moving. But we also need the House to recognize that the bill's current form is now so vague as to be practically unenforceable. I urge your committee to restore language requiring cleanup to **below-detectable levels using the most sensitive technology available**, as originally intended.

Hawai‘i's people cannot afford more studies, more delays, or more corporate loopholes. We cannot afford to let the Navy off the hook with feel-good language that lacks teeth. The state must insist that the ultra-wealthy and powerful interests responsible for this mess—including the U.S. Navy—pay their fair share and clean up their mess fully.

I urge the committee to **advance SB2046, but to revert its enforcement language to a clear, measurable, and enforceable standard.** No more practicability. No more delay. Full cleanup, now.

Mahalo for the opportunity to testify.

SB-2046-HD-1

Submitted on: 3/31/2026 3:46:47 PM

Testimony for JHA on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

This bill was originally supposed to get us cleaner water and to require a full cleanup if any future fuel tanks pollute our water; but instead, the revisions have watered down the Navy's and future polluters' accountability!

The Navy lied to us for decades:

- by omission - not immediately disclosing all the leaks; and more often, denying that they existed;**
- during their testimonies at State and City & County hearings; and**
- at Fuel Tank Advisory Committee meetings.**

Based on its dubious history with the truth, we know the Navy will NOT 'do its best' to clean up their mess related to the Red Hill fuel tanks; but, like the oily and polluted water they created, they will take the path of least resistance.

This bill needs to go forward, BUT with the strongest possible text to hold the Navy and anyone else fully accountable, and to require them to do a THOROUGH cleanup of the mess they caused with deceit, denial and neglect.

We're only getting one shot here; make it count for Hawai'i!

SB-2046-HD-1

Submitted on: 3/31/2026 4:00:14 PM

Testimony for JHA on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this bill, but with the ORIGINAL text that held the Navy and any future polluters responsible for a very thorough cleanup of their mess. Not the 'free pass' they are getting with the revised text.

The Navy needs to clean up every drop of fuel they put in our island's water.

Why on Earth would the Department of HEALTH want otherwise?

SB-2046-HD-1

Submitted on: 3/31/2026 5:30:11 PM

Testimony for JHA on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Pcola_Davis	Individual	Oppose	Written Testimony Only

Comments:

SB 2046 SD2 HD1

Oppose. Appreciate the intent of this bill

Support the current version of the bill.

- **Remains:** as much as practicable.
- **Removed.** rebuttable presumption

I support the testimony from the Department of Health. In my opinion, the initial version puts a parameter for ONLY Jet Fuel, JP5. Not all underground storage tanks contain jet fuel. This is a limitation. Is JP6 okay? No!

It is true that the release of jet fuel in the drinking water from the Red Hill Underground Storage Facility was negligent. For 93,000 people it was the beginning of their nightmare. That nightmare still continues. I do respect the intent of the bill but I find its' parameters too narrow.

Underground storage tanks are not limited to jet fuel. This bill speaks directly to the Red Hill Fuel Storage Facility jet fuel releases.

This bill shall require the cleanup and removal of jet fuel, including jet fuel additives and compounds resulting from the degradation of jet fuel or jet fuel additives, or the reaction of jet fuel or jet fuel additives with water or other chemicals, **as much as practicable**. Unfortunately, in my opinion, I believe it is not practical to think this water will return to exactly how it was before the leak. So the Environmental Protection Agency (EPA) and Hawai'i Department of Health (HIDOH) will need to monitor the Red Hill Shaft and Aiea-Halawa Well, once they are reactivated. A well planned sampling protocol and reasonable testing intervals i.e. monthly must be developed with results shared with the public.

The HIDOH also recognizes the limitation to jet fuel and not any other petroleum product.

“Finally, we (HIDOH) note that this measure is targeting releases of only jet fuel and no other petroleum fuel. This measure will not only affect the Red Hill Bulk Fuel Storage Facility, but at least one state facility, one private facility, and three other military facilities if releases occur at

those locations. If this measure is expanded to all petroleum releases from UST systems, it will affect over 650 facilities should releases from those facilities occur.”

SB-2046-HD-1

Submitted on: 3/31/2026 8:09:53 PM

Testimony for JHA on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Oppose	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, OPPOSE 2046 SB RELATING TO UNDERGROUND STORAGE TANKS.

INCLUDING BWS testimony 3/24/26 by E. Y. W. LAU, P.E.

The Board of Water Supply (BWS) strongly opposes the amendments made to Senate Bill (SB) 2046, Senate Draft (SD) 2, relating to underground storage tanks (UST). The BWS favors the original SB2046. The SD2 version walks back the accountability and the levels of remediation needed to restore the environment. Replacing language that would have required the cleanup and removal of jet fuel, including jet fuel additives and compounds resulting from the degradation of jet fuel or jet fuel additives, etc. with language that requires the cleanup and removal to be done "as much as practicable" would allow a UST operator to have a degree of subjective judgement. The original version of this measure clarifies the level of environmental restoration that owners and operators of underground storage tanks or tanks systems must satisfy in the event of a confirmed release of jet fuel. Fuel and its additives are not a naturally occurring substance in our environment and should never be left in the environment just because current technology may not be available to achieve 100% removal. Stronger language regarding restoration will ensure UST owners and operators upkeep their facilities and assets to prevent contaminant releases. The SD2 version does not include "rebuttable presumption" language. It is necessary to ensure accountability and timely restoration should a release happen again. Without the rebuttable presumption, it ensures a sense of responsibility on all UST owners and operators to immediately implement clean up and investigate the leaks and potential causes. Whereas, without rebuttable presumption, additional time is required to sort through potential UST owners and operators in the area, investigate who is at fault, and then implement clean up and remediation. With each passing day that the contaminant is in the environment, it increases the potential spread of the contamination plume via soil, water ways, and air, and therefore ultimately increases the size and cost of remediation and restoration. The Honorable Nicole E. Lowen, Chair March 17, 2026 Page 2 Past releases of jet fuel and hazardous chemicals, from the Red Hill Bulk Fuel Storage Facility have not yet been fully recovered to date. The unrecovered contaminants will continue to pose a serious health and safety threat to the future of our environment, ecosystem, and sole-source aquifer that provides potable drinking water to our people across the island. The Red Hill Water Alliance Initiative (WAI) Report dated November 2023, supported by Governor Josh Green, State elected officials, Mayor Rick Blangiardi, City Council and subject matter experts on Red Hill, emphasized that contamination must not be present in our water resources and be fully remediated. The original version of this measure

will ensure Red Hill WAI mission are met through cleanup and removal of jet fuel, including jet fuel additives and compounds resulting from the degradation of jet fuel or jet fuel additives, or the reaction of jet fuel or jet fuel additives with water or other chemicals, as soon as practicable, with the goal of complete removal.

SB-2046-HD-1

Submitted on: 4/1/2026 11:46:42 AM

Testimony for JHA on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am testifying in support of SB2046.

This seems pretty straight forward and makes the most sense. If there is a release in the area, that contaminants from the release that are detected are presumed from the confirmed release. If there is reasons to believe otherwise, than that point can be proven, but it should be presumed from the confirmed release.

Mahalo for your consideration,
Keoni Shizuma

Re: SB 2046, SD 2, HD 1

Aloha Rep. Tarnas, Rep. Poepoe and members of the Committee on the Judiciary and Hawaiian Affairs:

I strongly OPPOSE passage of SB 2046 SD2, HD1 in its current form. The amendments made to the original bill at the request of the Dept. of Health have taken the teeth out of this bill and rendered it useless.

In its original form, SB 2046 required the owner or operator of an underground storage tank or tank system with a confirmed release to meet certain standards for the restoration of the environment. These standards were spelled out in subsection (b) of Section 2 in detail. Detection limits are quantifiable and therefore enforceable. The Dept. of Health instead suggests the cleanup be to "as much as practicable", a term that is not specific. This will invite prolonged discussion and debate between the offending operator and the Dept. of Health and will delay initiation of cleanup, invite costly litigation of just what is practicable, then arguments about what standard each of the found substances needs to meet to be considered cleaned up. The "as much as practicable" term is not precise or measurable and therefore unenforceable. The Navy's maintenance of the Red Hill tanks was held to this "as much as practicable" standard and it did not prevent the numerous reported, and unreported, leaks nor the 2021 catastrophe and contamination of our aquifer.

The phrase "to the most current and stringent federal EPA or state dept. of health standard available" could be used instead of "as much as practicable". This would not tie down the DOH to a detection limit but would still provide a quantifiable level for each compound found that can be enforceable.

Removing the rebuttable presumption subsection (c) of the original bill SB 2046, again at the behest of the Dept. of Health, weakens this legislation. They contend that subchapter 5 of chapter 11-280.1 HAR requires the tank system owners and operator to investigate suspected releases from underground storage tank systems and that during these investigations, multiple sources of contamination could be found and therefore will confuse the cleanup requirements. The rebuttable presumption subsection would be complementary, rather than contradictory, to the HAR subchapter quoted. The rebuttable presumption makes the tank owner and operator clearly responsible for the cleanup and remediation which can then begin quickly, as soon as the spill is discovered, thus mitigating harm to people and the environment. Since the owner and operator are also responsible for investigating the source of the release, they will also likely investigate as quickly as possible, to find as many others to blame to share in the cost of the cleanup. A win/win solution for the people of Hawai'i. There will not be confusion regarding cleanup requirements because there should not be different cleanup levels that depend on the

source of the contaminant. The chemical(s) found will each have a defined standard if the most current and stringent federal EPA or state DOH standard available is used.

I have been a public member of the Red Hill Fuel Tank Advisory Committee (FTAC) since 2019 and it has been frustrating to watch the Navy continually escape accountability for the harm they have caused due to their lack of concern, attention, and integrity. This bill, in its current form, will allow the Navy to continue to escape responsibility. What is even more disappointing is the Dept. of Health's suggestions to weaken, not strengthen, this bill. In their testimony they state "[t]he Department's mission is to protect human health and the environment" but their comments and requests weaken their role as regulators.

Please do not let the wording "as much as practicable" replace quantifiable and, therefore, enforceable standards, and please restore the rebuttable presumption clause when passing this bill.

Mahalo,

Melanie Lau, MD

Current FTAC member