

## ACT 244

H.B. NO. 2646

A Bill for an Act Relating to Environmental Protection.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that protecting the environment and underground sources of drinking water is in the best interest of public health and safety and required under article XI, section 7, of the state constitution.

The legislature also finds that since 2005, petroleum chemical contaminants have been detected in the groundwater and rocks beneath the United States Department of the Navy's Red Hill Bulk Fuel Storage Facility fuel tanks. In January 2014, the facility's tank number five released twenty-seven thousand gallons of fuel into underground rocks and groundwater. The current location of the released fuel is unknown.

The Red Hill Bulk Fuel Storage Facility fuel tanks have been corroding for more than seventy years. The corrosion has caused significant thinning of the steel tank walls and, in some cases, has fully penetrated the steel. The ongoing corrosion damages the steel walls of the fuel tanks, as well as the steel reinforcement in the surrounding concrete, and can lead to more frequent and larger fuel releases than have occurred in the past.

The legislature further finds that the installation of monitor wells is crucial to test groundwater underneath and surrounding the Red Hill Bulk Fuel Storage Facility to protect Oahu's fresh water supply. While it should be the duty of the United States Navy to fund efforts to monitor and remediate fuel leaking from the Red Hill Bulk Fuel Storage Facility, the protection of Oahu's drinking water supply is of such critical importance to the health and safety of the people of Hawaii that as a first step, the local board of water supply is funding the installation of two test wells in the area. The State is also funding two test wells in the area, and the people of Hawaii are waiting for the United States Navy to provide funding for at least four additional wells.

The purpose of this Act is to protect public health by establishing a permanent fuel tank advisory committee.

SECTION 2. Chapter 342L, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . FUEL TANK ADVISORY COMMITTEE**

**§342L- Fuel tank advisory committee; established; composition.** (a) There is established in the department of health the fuel tank advisory commit-

tee, which shall consist of up to fourteen ex officio members and at least two public members.

- (b) The ex officio members of the committee shall be:
  - (1) The director of health, who shall serve as the committee's chair;
  - (2) The four members of Hawaii's congressional delegation, or their designees;
  - (3) The president of the Hawaii senate, or a senator appointed by the president of the senate;
  - (4) The speaker of the Hawaii house of representatives, or a representative appointed by the speaker of the house;
  - (5) The chairperson of the board of land and natural resources, or the chairperson's designee;
  - (6) The chairperson of the board of water supply of a county with a population of five hundred thousand or more, or the chairperson's designee; and
  - (7) The chairperson of the commission on water resource management, or the chairperson's designee.
- (c) The following persons shall be invited to participate on the advisory committee as ex officio members:
  - (1) The Commanding General of the United States Army, Pacific, or the Commanding General's designee;
  - (2) The Commander of the Pacific Fleet of the United States Navy, or the Commander's designee;
  - (3) The Commander of the Pacific Air Forces, or the Commander's designee; and
  - (4) A representative from the United States Environmental Protection Agency, or the representative's designee.
- (d) The governor shall appoint at least two public members from the community at large in accordance with section 26-34; provided that the advice and consent of the senate shall not be necessary.
- (e) The public members of the advisory committee shall receive no salary, but shall be entitled to reimbursement for necessary expenses, including travel expenses.

**§342L- Duties.** (a) The advisory committee shall study issues related to leaks of field-constructed underground fuel storage tanks at the Red Hill Bulk Fuel Storage Facility, Kuahua Peninsula, Pacific Missile Range Facility Barking Sands, Hickam Pol Annex, and Schofield Barracks Military Reservation. The advisory committee shall consider:

- (1) The short- and long-term effects of leaks of the fuel tanks, including effects relating to the health of residents, safe drinking water, and the environment;
- (2) Response strategies to mitigate the effects of leaks from fuel tanks;
- (3) Methods to improve communication between the United States Navy, Air Force, and Army; the State; any local board of water supply; and the public in the event of a leak of any fuel tank;
- (4) Groundwater test results in relation to the surrounding areas of fuel tank facilities, with a particular emphasis on the groundwater near the Red Hill Bulk Fuel Storage Facility;
- (5) The implications of shutting down any fuel tank facility; and
- (6) Updates on progress toward meeting goals of agreement between the State, the affected county, and the federal government.

## **ACT 244**

(b) No later than twenty days before the convening of each regular session, the advisory committee shall submit a report of its findings, including groundwater test results, and recommendations, including any proposed legislation, to the legislature.”

**SECTION 3.** (a) All rights, powers, functions, and duties of the task force to study fuel tank leaks initially created pursuant to senate concurrent resolution no. 73, H.D. 1, regular session of 2014, and expanded by senate concurrent resolution no. 57, H.D. 1, regular session of 2015, are transferred to the fuel tank advisory committee established pursuant to this Act.

(b) All records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the task force to study fuel tank leaks relating to the functions transferred to the fuel tank advisory committee established pursuant to this Act shall be transferred with the functions to which they relate.

**SECTION 4.** This Act shall take effect on July 1, 2016.

(Approved July 12, 2016.)