

ACT 197

H.B. NO. 505

A Bill for an Act Relating to Red Hill.

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

SECTION 1. The legislature finds that the United States Navy's Red Hill Bulk Fuel Storage Facility consists of twenty steel-lined underground stor-

age tanks that were built from 1940 to 1943. Each tank can store 12.5 million gallons of fuel; in total, the Red Hill Bulk Fuel Storage Facility can store up to two hundred fifty million gallons. The tanks are located only about one hundred feet above the United States Environmental Protection Agency's designated sole-source groundwater aquifer that provides drinking water to approximately four hundred thousand residents of the island of Oahu. Over the past eighty years, numerous spills have occurred at Red Hill. Specifically, on November 20, 2021, about ninety-three thousand individuals served by the United States Navy's potable water system for Joint Base Pearl Harbor-Hickam were directly affected when the United States Navy's Red Hill shaft was contaminated by the release of up to nineteen thousand gallons of fuel, including JP-5 jet fuel, older fuels stored at the Red Hill Bulk Fuel Storage Facility, and any additives used. Over six thousand individuals sought medical attention, and one thousand were forced to leave their homes due to the contamination. Much of the fuel released from the Red Hill Bulk Fuel Storage Facility remains in the environment, trapped within the complex geological formations beneath and near the tanks.

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

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

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

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

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

Accordingly, the purpose of this Act is to establish:

- (1) A Red Hill Water Alliance Initiative (WAI) policy coordinator to coordinate WAI initiatives across state and county agencies and appropriate federal entities; and
- (2) The Red Hill remediation special fund.

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

**“CHAPTER
RED HILL WATER ALLIANCE INITIATIVE**

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

“Board” means the board of land and natural resources.

“Chairperson” means the chairperson of the board of land and natural resources.

“Department” means the department of land and natural resources.

“Red Hill Water Alliance Initiative” means the group of individuals composed of the governor, speaker of the house of representatives, president of the senate, chairperson of the board of land and natural resources, deputy for water resource management, president of the university of Hawaii, mayor of the city and county of Honolulu, chairperson of the Honolulu city council, and manager and chief engineer of the Honolulu board of water supply that issued a public report in November 2023 concerning the remediation of Red Hill following the defueling of the Red Hill Bulk Fuel Storage Facility.

“Special fund” means the Red Hill remediation special fund.

“WAI” means the Red Hill Water Alliance Initiative.

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

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

- (1) Appropriations to the special fund from any source, including the United States government, legislature, and city and county of Honolulu;
 - (2) Gifts, donations, and grants from public agencies, including the United States government, and private persons; and
 - (3) All interest earned on or accrued to moneys deposited in the special fund.
- (b) The special fund shall be administered by the WAI policy coordinator.
- (c) The moneys in the special fund shall be used to address contamination resulting from the Red Hill Bulk Fuel Storage Facility, including monitoring, applied research, public outreach and education, and evaluation; provided that the cost of remediation of the aquifer shall be borne by the federal government.

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

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

SECTION 3. This Act shall take effect upon its approval.

(Approved June 6, 2025.)