

FEB 27 2020

SENATE CONCURRENT RESOLUTION

URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND HAWAII STATE DEPARTMENT OF HEALTH TO REJECT THE APPROVAL OF A SINGLE WALL TANK UPGRADE ALTERNATIVE OPTION FOR THE RED HILL BULK FUEL STORAGE FACILITY AND SUPPORT THE SECONDARY CONTAINMENT TANK UPGRADE ALTERNATIVE OPTION, OR, IF SECONDARY CONTAINMENT IS DETERMINED TO BE INFEASIBLE, THE RELOCATION OF THE FUEL TANKS AWAY FROM THE AQUIFER.

1 WHEREAS, as the primary source of potable water on Oahu,
2 groundwater must be preserved in as close to pristine condition
3 as possible to accommodate the needs of Oahu's residents and
4 visitors; and

5
6 WHEREAS, the Red Hill Bulk Fuel Storage Facility (Facility)
7 stores up to 187 million gallons of fuel per day, has a total
8 capacity of 250 million gallons, and is located only 100 feet
9 above a sole-source aquifer drinking water resource; and

10
11 WHEREAS, in January 2014, the United States Department of
12 the Navy (Navy) reported a 27,000-gallon fuel leak at the
13 Facility to the United States Environmental Protection Agency
14 (Environmental Protection Agency) and the State of Hawaii
15 Department of Health (Department of Health), and subsequent
16 tests in and near the fuel release area indicated a spike in
17 levels of hydrocarbons in soil vapor and ground water; and

18
19 WHEREAS, in response to the fuel release from the Facility,
20 the Environmental Protection Agency and the Department of Health
21 negotiated an Administrative Order on Consent with the Navy and
22 Defense Logistics Agency requiring the Navy and Defense
23 Logistics Agency to take actions, subject to Environmental
24 Protection Agency and Department of Health approval, to ensure
25 that the groundwater resource in the vicinity of the Facility is
26 protected and ensure that the Facility is operated and
27 maintained in an environmentally protective manner; and



1
2 WHEREAS, in response to the Administrative Order on Consent
3 Statement of Work, the Navy submitted to the Environmental
4 Protection Agency and Department of Health for approval a Tank
5 Upgrade Alternatives and Release Detection Decision Document,
6 dated September 9, 2019; and
7

8 WHEREAS, the Navy has concluded, among other things, that
9 the most practicable tank upgrade alternative is to retain the
10 single-walled steel tank liner configuration and implement
11 certain technical and mitigating improvements for the Facility,
12 including double-wall equivalency secondary containment, or
13 removal of fuel in the 2045 time frame; and
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15 WHEREAS, concerns remain, however, as to whether the Navy's
16 proposed double-wall equivalency is comparable to a secondary
17 containment tank-within-a-tank double-wall system, and whether
18 the Navy's plans for the removal of fuel in the 2045 timeframe
19 are viable; and
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21 WHEREAS, a quantitative risk and vulnerability assessment
22 for the Facility, which the Navy released in November 2018,
23 indicated that the tanks are at risk of additional leaks in the
24 future and that the undetected Facility-wide fuel release is
25 expected to be 5,803 gallons per year; and
26

27 WHEREAS, on March 8, 2019 the Honolulu City Council adopted
28 Resolution 18-266, C.D. 1, which, in part, urges the
29 Environmental Protection Agency and Department of Health to
30 reject the approval of a single wall tank upgrade alternative
31 option for the Facility and support the secondary containment
32 tank upgrade alternative option, or, if secondary containment is
33 determined to be infeasible, the relocation of the fuel tanks
34 away from the aquifer; and
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36 WHEREAS, on November 6, 2019 the Honolulu City Council
37 adopted Resolution 19-270, C.D. 1, which, in part, reaffirmed
38 their position as set forth in Resolution 18-266, C.D. 1; and
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40 WHEREAS, the Department of Health is also reviewing and
41 soliciting public comment on the Navy's application for an
42 underground storage tank permit for the Department of Health



1 Facility ID No. 9-102271, which would allow the Navy to operate
2 the Facility in accordance with Hawaii Revised Statutes Chapter
3 342L and Hawaii Administrative Rules Chapter 11-280.1; and
4

5 WHEREAS, as the Department of Health reviews the Navy's
6 application for a permit and a request for a contested case
7 hearing, the Navy is currently operating the underground storage
8 tank system pursuant to a July 16, 2019 letter from the
9 Department of Health; and
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11 WHEREAS, the Department of Health considers the Navy's
12 submission of its application for a permit as timely, and the
13 Department of Health is allowing the Navy to continue to operate
14 the subject underground storage tank system until the Department
15 of Health's decision on the permit application is rendered; now,
16 therefore,
17

18 BE IT RESOLVED by the Senate of the Thirtieth Legislature
19 of the State of Hawaii, Regular Session of 2020, the House of
20 Representatives concurring, that due to the lengthy review
21 period for the Navy's permit application by the Department of
22 Health, this body urges the expeditious resolution of all
23 Administrative Order on Consent requirements in the Department
24 of Health's decision on the Navy permit application; and
25

26 BE IT FURTHER RESOLVED that this body urges the
27 Environmental Protection Agency and Department of Health to
28 reject the approval of a single wall tank upgrade alternative
29 option for the Red Hill Bulk Fuel Storage Facility and support
30 the secondary containment tank upgrade alternative option, or,
31 if secondary containment is determined to be infeasible, the
32 relocation of the fuel tanks away from the aquifer; and
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34 BE IT FURTHER RESOLVED that certified copies of this
35 Concurrent Resolution be transmitted to the members of Hawaii's
36 congressional delegation, Secretary of the Navy, Commander of
37 the United States Indo-Pacific Command, Commander of the United
38 States Pacific Fleet, Governor, Chairperson of the Board of
39 Trustees of the Office of Hawaiian Affairs, Director of Health,
40 Chairperson of the Board of Land and Natural Resources,
41 Chairperson of the Commission on Water Resource Management,
42 Chairperson of the Board of Directors of the Honolulu Board of



S.C.R. NO. 45

1 Water Supply, Manager and Chief Engineer of the Honolulu Board
 2 of Water Supply, and the Executive Director of the Sierra Club
 3 of Hawaii.
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