



O`ahu County Committee on Legislative Priorities (OCCLP)

OCCLP Report
January 26, 2019

To Chair Rick Halverson:

The following events occurred within the purview of OCCLP:

- 1. Fri., November 30, 2018, 6:00-8:00 pm., DPH HQs, Red Hill Underground Fuel Storage Tanks Forum, Ernest Lau, BWS Manager and Chief Engineer, Erwin Kawata, BWS Administrator, Water Quality Division, OCD invited. BASIS: OC 2018-11. Urging the United States Navy to retro fit its twenty jet fuel tanks or relocate them to a location away from the aquifer**

In January 2014, there was a 27,000-gallon leak of jet fuel from Tank 5 at the U.S. Navy's Red Hill Bulk Fuel Storage Facility. This underground storage tank (UST) – along with 19 others like it in the Red Hill area – is able to contain up to 12.5 million gallons of fuel for the U.S. Navy. These tanks are located 100 feet above the groundwater aquifer, which the BWS uses to provide water to residents from Moanalua to Hawaii Kai.

The Red Hill Bulk Fuel Facility continuously stores 187 million gallons of fuel in 75-year old tanks that are located just 100 feet above a State designated drinking water aquifer. The BWS uses water from this aquifer to serve residents from Moanalua to Hawaii Kai. Navy studies show the groundwater underneath and within close proximity to the tanks is already contaminated with petroleum chemicals. These studies also document leaks dating back to 1947, continuing corrosion of the tank liners, and the risk of a large catastrophic fuel release. If such a release occurred, it could pollute the aquifer and our water supply for many years. A catastrophic fuel release could occur as the result of structural failure of the tanks caused by an earthquake. This could result in more than a million gallons of fuel released into the groundwater and potentially several million gallons to Halawa Stream and Pearl Harbor.

To protect the aquifer's long-term ability to provide safe drinking water, the BWS urges the Navy, EPA, and Hawaii DOH to:

- double line the tanks (Option 3). If not, then relocate away from the potable water aquifer;

- meet the same regulatory requirements as all other USTs; and
- clean up the fuel that is already underneath the tanks to reduce the long-term threat to other wells in the area

2. **Thurs., December 20, 2018, 6:00 p.m., KITV4 Diane Ako** interviews Henry Curtis, Life of the Land, and M. Aduja, covering the **Hu Honua Bioenergy Plant** at Hamakua, Hawaii. Location: DPH HQs. Mahalo to Don Koelper for assisting in the interview.

<http://www.kitv.com/story/39678739/oahu-politicians-meet-about-big-island-bioenergy-power-plant>

https://kitv.videodownload.worldnow.com/KITV_20181221164556180AA.mp4

3. **Thurs., December 20, 2018, 6:00-8:00 p.m., DPH HQs, Henry Curtis, Life of the Land (LOL), and Lance Collins**, Attorney for LOL, Forum, OCD invited

Pursuant to **DPH Resolution ENV:2018-08 Urging Hawai`i's officials to prioritize sustainability as a primary directive across all sectors of public policy, and to withdraw Public Utilities Commission support for Hu Honua Bioenergy, LLC**, Guest speakers Henry Curtis of LOL and attorney Lance Collins discussed their opposition to the PUC's permit approval and the DOH's pending approval of Storm Water Discharge and Underground Injection Permits. While Hu Honua is located on Hawai`i County, OCCLP is involved for its statewide precedential ramifications should DOH permits be granted in contradiction to the Hawai`i State Constitutional Public Trust Doctrine and its correlating Precautionary Principle.

Hu Honua Bioenergy, LLC, \$250M Hu Honua Bioenergy Power Plant, proposes to draw 21 million gallons of water per day from the Hakalau Aquifer. It will then heat the 21 million gallons of water and combine it with over two dozen chemicals recognized by the EPA and OSHA as "HAZARDOUS CHEMICALS" and 11 million gallons of wastewater will be returned to the Hakalau Aquifer via injection wells that are 400 feet deep above the Hakalau Aquifer, 100 feet from the edge of unstable cliffs and a mere 100 feet from the shoreline. This heated contaminated water will percolate into coastal waters where endangered Hawksbill turtles and other marine life will be at-risk thus not only adversely affecting the fragile marine ecosystem but also the livelihood and subsistence of the surrounding fishing community.

An air pollution control permit from the DOH Clear Air Branch should be required given the substantial amount of greenhouse gas emissions that Hu Honua will emit annually. The proposed amount includes 288,920 tons of CO₂, 22 tons of methane gas, and 11 tons of nitrous oxide on an annual basis. The Plant will emit three times more CO₂ than natural gas and 1.5 times more CO₂ than coal. For this reason, the renewable energy

source, i.e., steam, will not reduce the carbon footprint by avoiding fossil fuel as it still emits a substantial amount of greenhouse gas emissions thus failing in carbon neutrality.

Given the excessive amount of greenhouse gas emissions that will be emitted annually, an air pollution control permit would be a means to assure that the amount of greenhouse gas emissions is within acceptable EPA and DOH standards pursuant to the Hawai`i Constitution, the Hawaii Environmental Policy Act, and applicable Hawai`i statutes and Administrative Rules and relevant Hawai`i and Federal case law.

The O`ahu County Committee on Legislative Priorities urges that the Hu Honua Bioenergy Plant be compelled under the Hawai`i State Constitution Public Trust Doctrine and Precautionary Principle to complete an Environmental Impact Statement and obtain an NDPES Permit pursuant to the Federal Clean Water Act and an air pollution control permit pursuant to the Federal Clean Air Act.

4. **Tues, December 25, 2018, 6:00 p.m., KITV4 Paul Drews** interviews Henry Curtis, LOL, and M. Aduja, covering the **Red Hill Underground Fuel Storage Tanks**. Location: DPH HQs. Mahalo to Don Koelper for assisting in the interview.

<http://www.kitv.com/story/39694707/forum-for-future-of-red-hill-fuel-tanks>

https://kitv.videodownload.worldnow.com/KITV_20181227194110850AA.mp4

5. **Fri. and Mon., January 11, 14, 2019, 6:00-8:00, DPH HQs, Two legislative training sessions** with Virginia of the Public Access Room of the Legislative Reference Bureau RE capitol. Hawaii.gov on (1) bill tracking, (2) submission of testimony through the Capitol Website, (3) testimony writing and getting your bill heard by contacting the Committee Chair and his/her Committee Clerk.
6. **Tues., January 15, 2019, 8:00-3:30 p.m., Capitol Auditorium, O`ahu County Committee on Legislative Priorities Presents an Informational Briefing on Red Hill Underground Fuel Storage Tanks, Cancelled, *inter alia***, U.S. Navy, EPA, DOH failed to confirm their Attendance, BWS and LOL Confirmed. Rep. John Mizuno gave assurances of a newly scheduled Forum in February.
7. **Thurs., January 17, 2019, OCCLP submitted 4 bills** for legislative consideration* for introduction or co-introduction:
 - (1) Relating to Environment (Hu Honua, EA/EIS), attached in pdf format,
 - (2) Relating to Underground Storage Tanks (SB2930) (Red Hill),
 - (3) Relating to Cannabis, attached in pdf, and
 - (4) Relating to Healthcare Planning,

* Sen. Kaiali`i Kahele, Sen. Mike Gabbard, Sen. Russell Ruderman, Sen. Gil Riviere, Sen. Stanley Chang, Sen. Karl Rhoads, Sen. Jarrett Keohokalole

8. **Fri., January 18, 2019**, OCCLP visited Sen. Mike Gabbard (Staff), Sen. Kalani English (Staff), Sen. Roz Baker (Staff), Sen. Stanley Chang (Staff), Sen. Russell Ruderman, and Rep. John Mizuno (Staff).
9. **Tues, January 22, 2019**, OCCLP informed that Rep. Richard Creagan introduced the Environmental Bill in the House.
10. **Thurs. January 24, 2019, 6:00-8:00, DPH HQs, Joint Meeting with OCCLP and Kupuna Caucus, legislative training** on testimony writing and data banking on Google Docs. Presented by OCCLP member Ian Ross
11. **Thurs. January 24, 2019 OCCLP** informed that Sen. Kaiali`i Kahele introduced the Environmental Bill in the Senate.
12. **Fri., January 25, 2019, 9:30-11:30, Tour of Red Hill Facility**, not enough seats available to accommodate a party of 10: 3 from the Legislature: Rep. Tina Wildberger, Committee Clerk, Legislative Aide for Sen. Kurt Fevella, and 7 OCCLP members. Opted for a February Tour where all parties to the OCCLP group are able to attend.

Respectfully submitted,

/s/ Melodie Aduja

Melodie Aduja
Chair, OCCLP