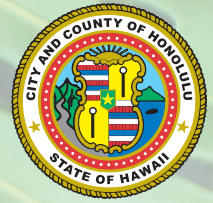


Neighbor to Neighbor



COUNCIL DISTRICT 6

FEBRUARY 2022



MAKIKI/PUNCHBOWL, PAPAOLEA, DOWNTOWN, CHINATOWN, KAKA'AKO, NU'UANU, LILIHA, ALEWA, KAMEHAMEHA HEIGHTS, KALIHI VALLEY, AIEA, AND MOANALUA

Dear Neighbors,

I would like to extend a warm mahalo to you for taking the time to read this month's Neighborhood Board report, highlighting some of the unique challenges, tough concerns, and positive accomplishments that my staff and I undertake on a daily basis. I am heartened that with continued outreach and communication, we can work towards positive change in this unique, diverse community. Please contact me if you have an area of concern you'd like to address, or a person or organization that you'd like to acknowledge. I look forward to continuing to assist you in building a better community for all of us!

Mahalo nui loa,

Carol Fukunaga
City Councilmember, District 6

Red Hill Shutdown Proposals

During the past two weeks, public support for permanently shutting down the Red Hill fuel tanks has been reported as high as 80% (“Shut down Red Hill fuel facility,” 2/7/22)! Recent updates include emergency Red Hill appropriations in *H.R. 6617*, which extends current federal discretionary funding through March 11th while the House and Senate work to complete the full appropriations process. It passed both the House and the Senate and was signed by the President last week:

- U.S. Senator Schatz: **\$100 million** in funding for Dept. of Defense to comply with the State of Hawaii’s emergency order for removal of fuel from Red Hill.
- U.S. Representatives Case and Kahele: **\$250 million** for the Navy, Marine Corps, Army and Air Force to cover expenses related to drinking water contamination.
- **\$53 million** in existing general operational funding now directed specifically to Red Hill.

Last Friday, Representatives Case and Kahele announced the introduction of “The Red Hill Watershed 4 and Aquifer Initiative Act” or the “Red Hill WAI Act”, a bill to permanently shut down the Red Hill fuel storage facility. The press conference held in front of the State Capitol building capped a week in which State lawmakers advanced legislation to strengthen the State’s regulatory enforcement over underground fuel storage tanks, and City councilmembers pushed forward on a bill to add county regulatory authority over underground fuel tanks.

Additional information regarding recent updates to the Red Hill Bulk Underground Fuel Storage Facility can be found at: <https://www.boardofwatersupply.com/news-and-updates/red-hill>. Please contact the BWS Communications Office at (808) 748-5041 or contactus@hbws.org for more information.



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Illegal Vacation Rental Legislation Update

The Council's Committee on Zoning and Planning (ZP) reviewed **Bill 41 (2021)**, *Relating to Transient Accommodations*, and amended the bill to a CD1 on January 20, 2022. The Council adopted **Bill 41 (2021)**, **CD1** on second reading during its February Council meeting, and the ZP Committee may separate various components of the measure into separate bills to reduce the amount of controversy between bed and breakfast operations, vacation rentals that are located in resort zones, vacation rentals located in non-resort zones and so on.

One example of the types of properties in Council District 6 that have attracted attention as potential illegal vacation rentals (or those with more than 5 unrelated persons living in them) was identified in this weekend's news coverage: "Controversial 19-bedroom, 15-bathroom Kalihi home up for sale at nearly \$3 million"



HONOLULU (KITV4) -- A controversial 19-bedroom, 15-bathroom home in Kalihi is up for sale. The sellers are asking for nearly \$3 million for the property, that's 480% more than what they paid for back in 2014.

Housing continues to be a hot market in Hawaii, prices keep going up and homes are selling faster than ever. Real estate firm Locations reports the median number of days homes on Oahu stayed on the market last month was only 13. The giant Kalihi home has been on the market for nearly 230 days. Some realtors say it's harder to sell homes with more than 10 bedrooms."



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Bill 41, CD1 and its likely spin-off measures have received hundreds of testimonies from residents and visitors on both sides of the equation for the variety of vacation rentals, and those catering to special arrangements for traveling healthcare workers, emergency providers and others whose visits are shorter than 6 months. Please review written testimonies on **Bill 41** to see how your NB #20 communities, especially those that have reported 'monster home' construction, are affected: [http://www4.honolulu.gov/docushare/dsweb/Get/Document-295126/BILL041\(21\).htm](http://www4.honolulu.gov/docushare/dsweb/Get/Document-295126/BILL041(21).htm)

Hazardous Sidewalk Repaired near Bus Stop #1910

In November 2021, my staff and I received a complaint regarding a large hazardous sidewalk crack in front of 98-817 Kaamilo Street near Bus Stop #1910, which created a dangerous tripping hazard for pedestrians traversing the heavily-used sidewalk. We submitted a RISR to the Mayor's office on November 12th, requesting Dept. of Facility Maintenance (DFM) to repair or replace the sidewalk immediately to allow pedestrians to traverse the bus stop safely. DFM's Division of Road Maintenance crew reconstructed the sidewalk on January 7, 2022.

District 6 Community Reports Archive Available Online!

My staff and I have posted a digital archive of our reports to Neighborhood Board #20 and other community reports online at the new Council website, making these reports more accessible to community members who would like to follow neighborhood issues. Please click on this link to view the digital archive organized by location and NB district: <https://tinyurl.com/CMFukunagaCommRpts>

.....
(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To direct the Secretary of the Navy to close the Red Hill Bulk Fuel Storage Facility in Hawaii, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KAHELE introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Secretary of the Navy to close the Red Hill Bulk Fuel Storage Facility in Hawaii, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Red Hill Watershed
5 and Aquifer Initiative Act” or the “Red Hill WAI Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The Red Hill Underground Fuel Storage
2 Facility (in this section referred to as the “Red Hill
3 facility”) was constructed in September 1943.

4 (2) The Red Hill facility was constructed un-
5 derground in hollowed-out volcanic rock to allow for
6 maximum protection of the fuel supply.

7 (3) The Red Hill facility’s 20 steel tanks are
8 encased by 2.5 to 4 feet of concrete and surrounded
9 by basalt bedrock.

10 (4) The Red Hill facility is the largest single
11 Department of Defense fuel storage facility in the
12 Pacific theater.

13 (5) The Red Hill facility can store approxi-
14 mately 250,000,000 gallons of fuel. The fuels stored
15 are marine diesel, F-76, and two types of jet fuel:
16 JP-5 and JP-8.

17 (6) The Red Hill facility is located approxi-
18 mately 100 feet above the basal groundwater table
19 and sits directly above the island of Oahu’s feder-
20 ally-designated sole-source groundwater aquifer, the
21 Southern Oahu Basal Aquifer, which provides ap-
22 proximately 77 percent of Oahu’s drinking water.

23 (7) Historic records compiled by the Navy in a
24 2008 groundwater protection plan indicate that the

1 Red Hill facility has had dozens of fuel leaks dating
2 back to 1947.

3 (8) The Red Hill facility's fuel leaks pose an ex-
4 istential threat to Oahu's federally-designated sole-
5 source groundwater aquifer.

6 (9) The Navy and the Defense Logistics Agency
7 are responsible for protecting the public from un-
8 scheduled fuel leaks that may pose a risk to the
9 drinking water.

10 (10) Until the mid-1980s most underground
11 storage tanks (in this section referred to as
12 "USTs") were made of bare steel, which is likely to
13 corrode over time and allow UST contents to leak
14 into the environment. The greatest potential hazard
15 from a leaking UST is that its contents (petroleum
16 or other hazardous substances) can seep into the soil
17 and contaminate groundwater, the source of drink-
18 ing water for nearly half of all Americans.

19 (11) To address a nationwide problem of leak-
20 ing USTs, Congress passed a series of laws to pro-
21 tect human health and the environment, including
22 the Solid Waste Disposal Act, the Superfund
23 Amendments Reauthorization Act, the Energy Policy
24 Act of 2005, and the American Recovery And Rein-

1 vestment Act of 2009 (commonly referred to as the
2 “Recovery Act”).

3 (12) The State of Hawaii obtained Environ-
4 mental Protection Agency State Program approval,
5 effective on September 2, 2002, for Hawaii’s UST
6 program to operate in lieu of the Environmental
7 Protection Agency UST program.

8 (13) In January 2014, The Red Hill facility
9 leaked approximately 27,000 gallons of fuel.

10 (14) In 2015, the Environmental Protection
11 Agency and the State of Hawaii Department of
12 Health negotiated an enforceable agreement, an Ad-
13 ministrative Order on Consent, with the Navy and
14 the Defense Logistics Agency (EPA DKT NO.
15 RCRA 7003–R9–2015–01/DOH DKT NO. 15–
16 UST–EA–01).

17 (15) The 2015 Administrative Order on Con-
18 sent includes a Statement of Work that lays out the
19 specific tasks the Navy and the Defense Logistics
20 Agency must implement. The Statement of Work
21 consists of 8 sections on overall project management,
22 as follows:

23 (A) Tank inspection.

24 (B) Repair and maintenance.

25 (C) Tank upgrade alternatives.

1 (D) Release detection and tank tightness
2 testing.

3 (E) Corrosion and metal fatigue practices.

4 (F) Investigation and remediation of re-
5 leases.

6 (G) Groundwater protection and evalua-
7 tion.

8 (H) Risk and vulnerability assessment.

9 (16) On May 6, 2021, a burst pipeline in Red
10 Hill spilled fuel into the facility's lower access tunnel
11 and the Navy failed to recover the entirety of the
12 leaked fuel. While the Navy initially estimated that
13 1,618 gallons of fuel spilled, with all but 38 gallons
14 recovered, several months later, the Navy's esti-
15 mated amount of fuel spilled increased to 19,000
16 gallons, with most of the spilled fuel not recovered.

17 (17) On November 20, 2021, the Navy an-
18 nounced a spill of 14,000 gallons of a water and fuel
19 mixture from a fire suppression drain line located
20 0.25 miles downhill of the fuel tanks at Red Hill due
21 to operator error.

22 (18) On November 22, 2021, the Navy an-
23 nounced that the water and fuel mixture was re-
24 moved from the tunnel and put into a storage tank
25 above ground and that there were no signs that the

1 fuel had escaped into the environment. The Navy
2 communicated that the water was safe to drink.

3 (19) On November 28, 2021, military families
4 and civilians living in the Joint Base Pearl Harbor-
5 Hickam military housing installation began report-
6 ing contaminated tap water.

7 (20) Impacted families shared personal experi-
8 ences of the immediate and ongoing health impacts
9 of exposure to the contaminated water in their
10 homes including chemical burns, stomach and head
11 pain, dizziness and nauseousness, rashes and more.

12 (21) Families reported noxious odors in im-
13 pacted homes that continued to make this housing
14 unsuitable for many families.

15 (22) After it was definitively confirmed that the
16 Red Hill well was contaminated with petroleum, the
17 State of Hawaii Department of Health issued an
18 emergency order on December 6, 2021, to the
19 United States Navy to suspend operations and
20 defuel the Red Hill Bulk Fuel Storage Facility. That
21 emergency order was contested by the Navy in late
22 December, and on January 3, 2022, it was re-
23 affirmed by the State of Hawaii, Department of
24 Health in its final decision and order.

1 (23) The December 6, 2021, emergency order
2 has had broad support from the communities of
3 Oahu, the Governor, the Department of Health,
4 State Commission on Water Resource Management,
5 the City and County Board of Water Supply, city
6 council members, and State legislators. In short, the
7 whole-of-government in Hawaii believes that the
8 Navy should comply with the emergency order.

9 (24) On December 7, 2021 the Navy announced
10 that they will contest the State of Hawaii's order to
11 drain the fuel tanks.

12 (25) On December 10, 2021, the Navy con-
13 firmed samples taken from the Navy Red Hill Shaft
14 contained fuel levels 350 times more than the State
15 of Hawaii's safe drinking limit.

16 (26) On February 2, 2022, the Department of
17 Justice filed an appeal in both Federal and State
18 court over the State of Hawaii's order to defuel Red
19 Hill.

20 **SEC. 3. CLOSURE OF NAVY RED HILL BULK FUEL STORAGE**
21 **FACILITY, HAWAII.**

22 (a) CLOSURE REQUIRED.—The Secretary of the
23 Navy shall—

24 (1) discontinue all fuel operations at the Red
25 Hill Bulk Fuel Storage Facility in Hawaii;

1 (2) defuel all bulk fuel storage tanks located at
2 the facility by not later than December 31, 2022;
3 and

4 (3) permanently close the facility in accordance
5 with relevant Environmental Protection Agency reg-
6 ulations.

7 (b) NAVY RESPONSIBILITY.—

8 (1) IN GENERAL.—The Navy shall retain own-
9 ership and possession of the Red Hill Bulk Fuel
10 Storage Facility and the property on which such fa-
11 cility is located. Consistent with existing Navy and
12 legal requirements, the Secretary of the Navy shall
13 remain responsible for the environmental condition
14 of the property.

15 (2) CLEANUP COSTS.—The Navy shall be re-
16 sponsible for all cleanup costs associated with—

17 (A) the fuel spill that occurred at the Red
18 Hill Bulk Fuel Storage Facility in November
19 2021 spill; and

20 (B) each prior spill or leak that occurred
21 at the Red Hill Bulk Fuel Storage Facility
22 since the opening of the facility.

23 (3) REIMBURSEMENT OF CERTAIN STATE AND
24 LOCAL ENTITIES .—The Secretary of the Navy shall
25 reimburse the Honolulu Board of Water Supply and

1 the Hawaii State Departments of Health and Edu-
2 cation for expenditures made in response to the
3 threats posed by operations at the Red Hill Bulk
4 Fuel Storage Facility, including expenditures made
5 to drill new drinking water wells and to install moni-
6 toring wells (both monitoring wells that were pre-
7 viously installed and to be installed).

8 (4) RESEARCH.—The Secretary of the Navy
9 shall conduct relevant near-to-mid term research, in-
10 cluding on hydrology and water monitoring.

11 (c) ESTABLISHMENT OF NEW FACILITIES.—The Sec-
12 retary of the Navy, in coordination with the Director of
13 the Office of Naval Research, shall establish, at the site
14 of the Red Hill Bulk Fuel Storage Facility—

15 (1) a water treatment facility; and

16 (2) a permanent water quality testing facility.

17 (d) MONTHLY REPORTS.—Not later than 30 days
18 after the date of the enactment of this Act, and every 30
19 days thereafter until all bulk fuel storage tanks located
20 at the Red Hill Bulk Fuel Storage Facility have been
21 defueled, the Secretary of Defense shall provide a report
22 and briefing on the progress toward such defueling to—

23 (1) the Committee on Armed Services and the
24 Committee on Appropriations of the Senate; and

1 (2) the Committee on Armed Services and the
2 Committee on Appropriations of the House of Rep-
3 resentatives.

4 (e) HAWAII DEPARTMENT OF HEALTH EMERGENCY
5 ORDER.—The Navy shall comply with the emergency
6 order of the Hawaii Department of Health issued on De-
7 cember 6, 2021, which directs the Navy to carry out the
8 following:

9 (1) Immediately suspend operations at the Red
10 Hill Bulk Fuel Storage Tanks, including fuel trans-
11 fers. The Navy must continue to maintain environ-
12 mental and monitoring controls.

13 (2) Take immediate steps to install drinking
14 water treatment system(s) at Red Hill Shaft to en-
15 sure distribution of drinking water conforms to the
16 standards prescribed by the federal Safe Drinking
17 Water Act and applicable federal and state regula-
18 tions. This action should also minimize movement of
19 the contaminant plume(s).

20 (3) Submit a workplan and implementation
21 schedule within 30 days, prepared by a qualified
22 independent third party approved by the State De-
23 partment of Health, to assess the operations and
24 system integrity to safely defuel the Bulk Fuel Stor-
25 age Tanks. Upon the State Department of Health's

1 approval of the assessment, workplan and implemen-
2 tation schedule, the Navy must make necessary cor-
3 rective actions to address any deficiencies as expedi-
4 tiously as possible.

5 (4) Within 30 days of completion of required
6 corrective actions, remove fuel from the Bulk Fuel
7 Storage Tanks at the Red Hill facility.

8 (5) Within 30 days, submit a workplan and im-
9 plementation schedule, prepared by a qualified inde-
10 pendent third party approved by the State Depart-
11 ment of Health, to assess operations and system in-
12 tegrity of the Red Hill facility to determine design
13 and operational deficiencies that may impact the en-
14 vironment and develop recommendations for correc-
15 tive action. Upon the Department's approval, the
16 Navy must perform work and implement corrective
17 actions as expeditiously as possible.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 such sums as may be necessary for each of fiscal years
21 2023 through 2028.