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RED HILL TASK FORCE - MEETING #3

Thursday, November 6, 2014

10:00 a.m. to 12:17 p.m.

919 Ala Moana Boulevard, Fifth Floor

Honolulu, Hawaii 96814

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(Appearances stated for the record.)

MR. GILL: Okay, before we begin, I want to remind people, because we do have a court reporter here, when we get to the point in the agenda where you might want to ask questions or make comments, please speak loudly and please introduce yourself again so that the court reporter can accurately write down what it is you say and who said it.

There is no further business at this point. We have, first of all, an amendment to the agenda, apparently the attendance list, and the minutes from our last meeting did not get posted as we had anticipated. Is it available now? Okay, so it has not been posted or circled, so we can not adopt those. We will do that at a later time.

I would like to move on, then, to item three on the agenda, three C, where the Navy has an opportunity to give us an update on their latest work.

CAPTAIN WILLIAMSON: Good morning, Gary,

1 thank you, and good morning, everyone, Senators, Task
2 Force members. Captain Mike Williamson.

3 I will give you a quick update. First of
4 all, I think it is important to know that the water is
5 safe, remains safe, and all the sampling were done,
6 completely meets both current State and Federal
7 standards. We continue to take positive action, and I
8 will highlight some of the things that we are doing
9 there, and then also we are working collaboratively with
10 all the regulees, EPA Region IX, with the State
11 Department of Health, and Board of Water Supply.

12 In terms of development since our last
13 meeting, we have completed the two ground water
14 monitoring wells. We were in the process of drilling
15 those wells last time we met. We have completed those
16 wells. The corings that came out of those wells did not
17 suggest any movement of fuel in that area, so the
18 corings came out clean, and we have about two weeks ago,
19 we drew the first baseline samples from those wells.
20 They are currently being tested, and we expect the
21 results from those wells, the baseline results from
22 those wells next week.

23 Since we last met, we received a work plan
24 from the contractor to work the tanks. That work plan
25 included their first look at free product recovery, and

1 so while they didn't use a Black and Decker drill -- I
2 don't think, maybe they did -- we drilled twelve
3 one-quarter-inch holes in the most likely areas where we
4 thought fuel might be, free product might be located
5 between the tank wall and the concrete encasing. The
6 twelve holes have been completed. We didn't observe any
7 free product coming out, and we actually drew a vacuum
8 on those holes to see if we could pull free product out,
9 and that was not the case. So there are a number of
10 things to consider in that light, and so I guess the
11 point is that we took the positive action, we did not
12 see free product and that we believe that it may be
13 contained within the -- any material that's left may be
14 contained within the concrete secondary encasement
15 around the tanks.

16 The contractor has submitted a repair plan
17 where they will take a look at all of these service life
18 extension work that was done inside the tank. They will
19 perform three levels of testing on all of the 600 plus
20 locations where we added material to the inside of the
21 tank to extend it out over the course of the next twenty
22 years. That will include magnetic resonance testing.
23 That will include nondestructive testing and vacuum box
24 testing.

25 For any failure that we identify that

1 doesn't meet the quality control standards that we have
2 laid out, we will remove the patch that was placed on
3 it, and we will see if we can draw any free product out
4 from any of those locations as well. So that includes
5 the seventeen areas that we identified up front as
6 anomalies that failed vacuum box testing and reported
7 several months back. We simply will remove the plates,
8 and we will attempt to draw free product out of those
9 areas as well.

10 That process is ongoing, and as you might
11 imagine, we have to move around that tank, so it will
12 take some time, so I don't have a time line for how long
13 that will actually take, but it is active, it is
14 ongoing, and it will be thorough, and it will meet all
15 the quality control requirements necessary so that at
16 the end of the day, we can say with assurance that this
17 tank, the integrity of this tank is pure, and that every
18 single area of the tank that was touched meets the rigid
19 quality control standards that we have set, and we also
20 have third party review of that effort as well so that
21 we will have a third set of eyes.

22 In terms of collaboration, we continue to
23 work with Steve Linder and his team as well as Gary and
24 his team on two products. Right now one is an
25 administrative order on consent, which is basically a

1 legal framework to oversee an agreement between the
2 regulators and the Navy on the way forward with regard
3 to Red Hill. The administrative work is set. We have
4 gone back and forth a couple of times. Right now we
5 have submitted a red line draft document back to EPA and
6 DOH. They have currently reviewed it, they have had it
7 for several weeks now, and we believe -- this is the
8 third iteration -- we believe that we are narrowing in
9 on something that is acceptable for both parties and is
10 executable by all parties.

11 In addition to the administrative order of
12 consent, there is a secondary document that is a part of
13 that, and that is called the statement of work, and that
14 articulates the specific elements that fall underneath
15 the administrative order. Gary sent -- the original
16 statement of work contained fourteen items. Shortly
17 after when we first got together, I think you called it
18 a wish list at first, so that has since grown, and the
19 Navy provided a statement of work that we believed that
20 we could comply with fully, and now we have sort of got
21 the left and right limits, and now we are narrowing in
22 on what we believe to be executable with regard to the
23 statement of work. And I think that, if I may be so
24 bold as to say, the Task Force report, I think at the
25 end of the day should, in my view, mirror the

1 collaborative work that we are doing as part of the
2 administrative order of consent as well as the statement
3 of work that is moving forward pretty well.

4 Right now, in terms of those two documents
5 and getting resolution of those two documents, we have a
6 senior level discussion lined up for the 24th of
7 November. I believe, Steve, you have got your folks
8 lined up for that session. Gary, I believe your folks
9 are lined up for that. Senior level folks within the
10 Navy are lined up for that, and that's just to make sure
11 that the administrative order and the statement of work
12 are all lined up to achieve two objectives. One is to
13 make sure that our water remains safe, and we are able
14 to continue to do our role in supporting the Fleet out
15 here in the Pacific. And then our target date for
16 negotiating, sitting down and having a face-to-face
17 negotiation and signing or getting to a final agreement
18 on those two documents, AOC and SOW, is the 8th of
19 December, so that's sort of where we are, so subject to
20 your questions.

21 MR. GILL: Thank you for that report, and
22 let's go ahead and ask for any questions or
23 clarifications from members of the Task Force. I am
24 looking around. Any follow-up to my left? Follow up to
25 my right? Ernie?

1 MR. LAU: Ernie Lau, Board of Water Supply.
2 Hi, Steve and Bob, in San Francisco. A question, Mike,
3 when the test results come back from the water samples
4 from the two wells, will that be shared with the Task
5 Force?

6 CAPTAIN WILLIAMSON: Absolutely.

7 MR. LAU: Thank you.

8 CAPTAIN WILLIAMSON: You're welcome.

9 MR. LINDER: Gary, I would like to add a
10 little clarification in terms of where we are in terms
11 of discussion, so --

12 MR. GILL: Okay, Steve Linder from EPA, go
13 ahead.

14 MR. LINDER: I think the 8th would be
15 probably the beginning of our face-to-face negotiations.
16 You know, at this point, we do see a lot of work that
17 still needs to be done, but we can come together and
18 have consensus on kind of what needs to be done and what
19 roles and responsibilities are for the regulatory
20 agencies in terms of the long term oversight, repairs,
21 and leak prevention at the Red Hill facility, so that's
22 something that I think, you know, at this point, I'm not
23 sure if we will have that resolved to the point where we
24 will be able to sign an agreement that we could reach,
25 so I just want to make sure that is clear.

1 MR. GILL: Thank you, Steve. You can
2 always hope.

3 MR. LINDER: Yes.

4 MR. GILL: Okay, so any further questions
5 from members of the Task Force? I had, I think, two,
6 but first, Captain, you were describing the twelve pilot
7 holes or holes that were put through the tank. Can you
8 tell us where those holes were?

9 CAPTAIN WILLIAMSON: I don't have the exact
10 locations. I will tell you, generally, they were
11 located in the lower section of the tank, mostly likely
12 where you would -- in the most likely location where you
13 might have fuel pooling as a result of any fuel that
14 leaked out of the tank.

15 I will tell you secondarily that as the
16 tank, as you have this steel liner inside, this
17 quarter-inch steel liner inside a tank that has, you
18 know, between two and four feet of concrete around it,
19 where that tank, the inner liner may have bowed out a
20 little bit or areas where, you know, based and
21 predicated on the contractor's knowledge of the tank and
22 their experience in working with tanks, those were the
23 types of areas that we looked at where you might have
24 some bowing with regard to the interior liner. So we
25 have the exact -- I don't have the exact locations, if

1 that's what you are asking for. We can certainly make
2 those available to you, but they were generally in the
3 lower portion of the tank, generally where the liner has
4 -- we anticipate some separation between the tank liner
5 and the concrete casing and areas we thought there would
6 be most likely a pooling of fuel.

7 MR. GILL: I'm sure the Task Force and I
8 know that the Department of Health and EPA would like to
9 know exactly where those holes were drilled. I think at
10 the last meeting, you suggested that you were going to
11 do twelve holes, but I thought also there might be
12 additional holes near a number of those seventeen
13 anomalies or assumed leaks, so.

14 CAPTAIN WILLIAMSON: If I can just clarify
15 on that? As I mentioned, for all of the nondestructive
16 water control test failures that we had, we will remove
17 the plate, and when we remove the plate, part of the
18 process of putting the plate on is to drill a weep hole
19 so that you can gas free the back side of that area of
20 repair, and so those will be opportunities where we will
21 draw vacuum in attempted recovery of free product.

22 So you have the twelve holes that we
23 deliberately drilled in the bottom of the tank in areas
24 most likely where fuel may have collected, but there are
25 also all the seventeen opportunities where we had

1 failures. We will pull those plates off and inspect the
2 back of it, and that will be an opportunity for free
3 product recovery. And in addition to that, all of the
4 repairs are going through this secondary quality control
5 review, which included the three items I mentioned, and
6 any one of those that fails, we will remove the plate
7 and attempt to recover free product, so we are coming at
8 it from three different directions. So certainly
9 twelve, that's twenty-nine different locations is the
10 minimum number that we will take a look at. It may be
11 more if there are other failures.

12 MR. GILL: Okay, so when you actually
13 drilled, to date you have drilled the twelve that are
14 not related to the anomalies or the potential --

15 CAPTAIN WILLIAMSON: Correct.

16 MR. GILL: -- seventeen leaks. You said
17 that no free product was recovered. I assume nothing
18 flowed back into the tank --

19 CAPTAIN WILLIAMSON: Correct.

20 MR. GILL: -- through the walls. Was there
21 ground water or anything that came through those?

22 CAPTAIN WILLIAMSON: Nothing.

23 MR. GILL: It was totally dry?

24 CAPTAIN WILLIAMSON: Correct.

25 MR. GILL: And you drilled through until

1 you actually hit the concrete?

2 CAPTAIN WILLIAMSON: We drilled through
3 steel.

4 MR. GILL: Through the steel?

5 CAPTAIN WILLIAMSON: Correct.

6 MR. GILL: With a quarter-inch hole?

7 CAPTAIN WILLIAMSON: Quarter-inch hole.

8 MR. GILL: So you could at that point judge
9 whether there was a void between the concrete and the
10 steel?

11 MR. POENTIS: My understanding through the
12 reports from the field was that they did not observe any
13 odor.

14 MR. GILL: Okay, well, we definitely want
15 to know where those holes are.

16 MR. POENTIS: Sir, I think our intention is
17 -- this is Aaron Poentis -- is that once we have the
18 full investigation as the Captain has indicated, then we
19 will summarize that report, and we will include it as a
20 part of our efforts as we have identified or negotiated
21 and discussed the site characterization efforts, so it
22 is our intention to provide this report of the full
23 investigation.

24 MR. GILL: Okay. One other follow up,
25 Captain. I wasn't quite clear on your statement when

1 you said you were speculating that perhaps the free
2 product that released was contained within the concrete;
3 did I hear that right?

4 CAPTAIN WILLIAMSON: Yes, sir.

5 MR. GILL: Can you describe what you mean
6 by that? If it wasn't in the void between the steel and
7 the concrete, if there was no free product, then where
8 are you guessing --

9 CAPTAIN WILLIAMSON: Yes, I think, you
10 know, and maybe an analogy might be the best way to
11 describe this, but if you happen to have spilled some
12 oil while you're changing the oil in your car or
13 whatever on asphalt or on concrete, that fuel or oil,
14 that oil will get absorbed into that asphalt or
15 concrete. So if you were to drill a hole in there and
16 try and recover that, you will probably not, but it's
17 also not going to move very far. It is going to stay.
18 It's going to adhere to that material.

19 So, you know, absent the free product and
20 until we complete the site characterization and until we
21 -- which we are working collaboratively on in terms of
22 figuring out where we might drill core samples to figure
23 out where it may have gone based on this preliminary
24 interior tank study, you know, we can only speculate
25 where it may have gone. And since we are not seeing

1 increased levels in any of our ground water monitoring
2 levels, and since we are not seeing free product come
3 out, we are assuming that the fuel that left the tank is
4 encased in the concrete.

5 MR. GILL: Encased or absorbed?

6 CAPTAIN WILLIAMSON: Absorbed.

7 MR. GILL: Absorbed, okay, so the concrete
8 may have acted like a sponge?

9 CAPTAIN WILLIAMSON: Correct.

10 MR. GILL: Soaking up the free product?

11 CAPTAIN WILLIAMSON: But, again, that's all
12 speculation at this point. We have got to let the hard
13 data and analysis help us understand completely, you
14 know, where we are.

15 MR. GILL: Okay, and just to follow up,
16 Aaron, on what you said, you reported that there was no
17 odor of free product. Is that just an anecdotal
18 statement?

19 MR. POENTIS: That's an anecdotal
20 statement, correct.

21 MR. GILL: You didn't do any vapor analysis
22 or anything?

23 MR. POENTIS: We did do vapor analysis. We
24 got some readings. I don't have the specific numbers.

25 CAPTAIN WILLIAMSON: They did a sniffer

1 test to assess the low explosive ones, and they have
2 captured those results. I don't have those.

3 MR. GILL: We will get those results
4 reported to the Task Force as well?

5 MR. POENTIS: Yes.

6 MR. GILL: Okay, Ernie, follow up?

7 MR. LAU: I just want to put everything in
8 perspective right now. Mike, what you said, I don't
9 quite agree with everything you said because the data
10 from the soil vapor monitor wells below tank five spiked
11 after the leak occurred, and also the water quality data
12 taken from the ground water monitor well number two,
13 which is just near tank number five, also went up
14 substantially after the leakage event. So I would just
15 kind of express my opinion just to say that I don't
16 agree that all of the fuel that was leaked out of tank
17 five was trapped in the concrete encasement around tank
18 number five because the data from the vapor monitor well
19 below and also the ground water monitor well quite close
20 by also spiked shortly after the leak, and I think the
21 data speaks for itself.

22 So I think twelve holes is a good start,
23 but we have to remember that the tank is 250 feet high
24 and 100 feet in diameter, it has a huge surface area, so
25 twelve pukas to look for free product is a pretty small

1 number compared to the vast size of the tank surface
2 area. I appreciate the Navy's efforts, though, to try
3 to look for free product. Again, I point out that the
4 data on the vapor monitor wells and the water quality
5 data indicate otherwise. Thank you.

6 MR. GILL: Okay. Go ahead, Patrick?

7 MR. CASEY: Patrick Casey with the
8 Commission. Captain, you mentioned plate removal. Is
9 that the patch plates or the original plates?

10 CAPTAIN WILLIAMSON: Thank you for that
11 clarification. It's the patch plates.

12 MR. CASEY: Patch plates. Thank you.

13 MR. GILL: Okay, any further questions? Go
14 ahead, David.

15 MR. YOMES: David Yomes. Do we have
16 assurances from the Navy that the water quality is safe
17 for the surrounding communities and the testing that is
18 being done is safe for the communities around that
19 testing area, and the water, as far as the water is
20 concerned, is that approved by the Board of Water Supply
21 that the water is safe in that area?

22 CAPTAIN WILLIAMSON: So right now we have
23 and have for many years been drawing samples on a
24 quarterly basis from a series of ground water monitoring
25 wells that were put in place going back to 2005, and

1 they were put in place primarily to make sure that we
2 didn't have any contamination from the Red Hill facility
3 flowing in the direction of the Red Hill shaft, which is
4 a drinking water supply source for the Navy. And so it
5 was also the location of the wells were chosen based on
6 initial analysis that suggested that the ground water
7 flow occurred in a southerly direction. Our samples
8 from the Red Hill shaft and the monitoring wells just
9 above the Red Hill shaft have not shown signs of
10 contamination. Our drinking water samples, which are
11 available on line, have always complied with the State
12 and Federal drinking water standards.

13 Ernie has expressed some concern because he
14 has had some analysis done. I think he actually
15 referred to one of our reports that suggested that there
16 might be a northerly flow in the direction of the Halawa
17 shaft and which is a Board of Water Supply well, and so
18 in concert with the State Department of Health and Board
19 of Water Supply, we collaboratively identified the
20 locations for two wells on the north side, and those are
21 the two wells that I have just described. And so the
22 preliminary indication is that as we drilled the core
23 samples, we didn't see any staining on that to suggest
24 that there is a movement of any fuel in that direction.
25 The real test will be the actual results that we get

1 from the baseline sample. That will help us understand.

2 I think that, so to answer your question, I
3 am confident that our drinking water is safe, and I
4 believe Ernie has tested the Board of Water Supply
5 wells.

6 MR. LAU: I can speak for BWS.

7 CAPTAIN WILLIAMSON: Sure. So I think he
8 can share his thoughts on the Board of Water Supply
9 wells.

10 MR. LAU: David, the Board of Water Supply
11 has about five wells around this area, both to the north
12 and to the south, and we continue to test those on a
13 quarterly basis for petroleum contamination, and at this
14 point, those quarterly tests have not indicated any
15 detections of petroleum contamination. It doesn't allay
16 our fears or concerns for the future, though, and we
17 will continue to test the water. So just to clarify, as
18 of today, there are no detections of petroleum
19 contamination in our wells.

20 MR. YOMES: Thank you.

21 MR. LAU: Thank you.

22 MR. YOMES: And just for the record,
23 Captain, I just want to thank you for working with the
24 (inaudible) board meeting. The Navy has been receptive
25 and open not only to this issue but also to the Radford

1 High School soil issue. Thank you.

2 CAPTAIN WILLIAMSON: You're welcome.

3 MR. GILL: Any further questions for the
4 Navy on their reported update from the members of the
5 Task Force? If not, I am going to ask any member of the
6 public in the room if you have a question or
7 clarification on this report and what was reported only,
8 you have an opportunity to ask that now. State your
9 name.

10 MR. PURCELL: Absolutely. Dan Purcell, a
11 member of the public. I am curious if the Captain has
12 any idea of the absorption rate in the concrete? Could
13 the concrete in that area absorb that much fuel that is
14 missing?

15 CAPTAIN WILLIAMSON: I don't have an
16 answer. I don't know the answer to that.

17 MR. PURCELL: Thank you.

18 CAPTAIN WILLIAMSON: We are taking -- I
19 mean, I think the site characterization will help us
20 understand that, and, again, the amount of fuel that we
21 have, the 27,000 gallons is only an estimate at this
22 point, and I think the further analysis will help us get
23 an arm around the exact amount, you know, to the extent
24 that technology and our assessments can define that. I
25 think that, you know, we need to do some further

1 analysis. I don't have an exact answer for you.

2 MR. PURCELL: Thank you.

3 MR. GILL: So perhaps more than 27,000
4 gallons spilled?

5 CAPTAIN WILLIAMSON: You know, you could
6 have slightly more, but you could also have
7 significantly less, so, you know, and it goes back to
8 the tank was in a dynamic state. It wasn't in the
9 filling process. I think we have explained the
10 challenges in the dynamic state of filling and settling
11 and the tank having been out of operation for a period
12 of time as it settles down, we anticipate some level of
13 fluctuation in there, and so it could be substantially
14 less.

15 MR. GILL: I will get to Becky in a moment,
16 but just to follow up on that, I think the issue is we
17 don't know exactly how much spilled, and we probably
18 never will because the state of art of leak detection
19 simply doesn't tell us that. This is our calculated
20 number, best guess estimates.

21 Becky Hommon from the Navy.

22 MS. HOMMON: Yes, Captain, could you talk a
23 little bit about attenuation of the fuel? I think we
24 are giving this impression that the fuel has been
25 absorbed, and I would like some discussion about how

1 fuel breaks down.

2 CAPTAIN WILLIAMSON: Maybe that's best
3 answered by Aaron.

4 MR. POENTIS: Sure.

5 UNIDENTIFIED WOMAN: Wait. For the folks
6 on the phone, we can't hear the question.

7 MR. GILL: So Becky Hommon from the Navy
8 asked for an explanation of how the fuel may be
9 attenuated or how it may break down in the environment.

10 MS. HOMMON: Thank you.

11 MR. POENTIS: Certainly. Aaron Poentis.
12 We have, you know, as part of our environmental
13 restoration program, we have lots of experience, you
14 know, just given the fact that the Navy through the
15 history of its operations and, you know, what transpired
16 from a legacy perspective, certainly during the war
17 efforts, have done extensive work related to fuel
18 product recovery, treatment, and remediation. You know,
19 Red Hill is one, but certainly, we have these types of
20 projects that exist throughout the Naval installations,
21 both for facilities that we currently run and operate
22 and as well as for properties that we have transferred
23 in the past.

24 During this process, what we call
25 environmental restoration, we have demonstrated or it

1 has been demonstrated in complete coordination with the
2 regulatory agencies, both EPA and DOH, that we have
3 found that fuel as a natural process does degrade over
4 time within the environment when it breaks down into
5 components. You know, basically, it breaks down. Our
6 attempts have always been as part of these clean up
7 activities is to accelerate that process, either through
8 bio venting or bio remediation or whatever we can to
9 accelerate that process. Arguably, it is a long and
10 lengthy process, but it does break down. It is not
11 consistent. You know, it doesn't remain unchanged, and
12 it does break down, and we have lots of studies that
13 have shown to be very successful in remediating a lot of
14 areas that have been contaminated by legacy operations
15 of fuel, that petroleum product does break down and
16 degrade.

17 MR. GILL: Okay, if there are no further
18 questions, I think we are ready to move on to the next
19 part of the agenda, and this is the main deliverable
20 that this Task Force is required to produce, and that is
21 finalizing our draft report to the Legislature. The
22 draft report has been posted on our web site, and the
23 most recent version of it has been circulated, I'm not
24 sure to everybody. Do we have extra copies if somebody
25 doesn't have one? We have a few on the table here.

1 Just by way of introduction, we discussed a
2 number of basic points that could be contained in this
3 report for the Legislature at our previous meetings.
4 Our intention at the last meeting was to solicit items
5 for inclusion in the report from Task Force members.
6 The Department of Health would then try and assemble
7 this and put a version forward for discussion today.
8 It's possible that we could finalize this report today,
9 which would help us process it through the Department of
10 Health and get it all set up for submittal to the
11 Legislature as required by the resolution. If we can
12 not do that today for whatever reason, if there are more
13 technical changes or more debate over the content, we
14 may need to schedule another meeting of the Task Force
15 to finalize it, but that's up to Task Force members.

16 I would like to thank the Board of Water
17 Supply who submitted very detailed recommendations.
18 Those recommendations were gone over by our Department
19 of Health staff. Some of them were incorporated, some
20 of them were edited, and additional points were added by
21 the Department of Health staff. I am not aware that we
22 received any other comments from any Task Force member,
23 so what you are looking at is a draft of
24 recommendations, findings and recommendations for our
25 report to the Legislature. It was primarily the product

1 of suggestions from the Board of Water Supply and the
2 Department of Health staff.

3 So what I would like to do is ask Stuart
4 Yamada, the division chief of our environmental
5 management division, to work us through the draft in its
6 current form, and we can probably, of the four points
7 that are there, we can take it point by point. These
8 are the points that were required or requested of the
9 Task Force by the Legislature in their resolution, so
10 they are, in short, point one is findings and
11 recommendations on short and long term effects of the
12 Red Hill leak and any health impacts to residents and
13 the water and the environment.

14 Point two -- if I can find it, there we go,
15 all the way to page ten -- is recommendations, findings
16 and recommendations on response strategies to mitigate
17 the effects of future leaks from Red Hill. Point three
18 was to improve communications between the Navy and the
19 State and the public on this event and future leaks, and
20 point four is the implications of closing the Red Hill
21 underground fuel storage facility, and actually, there's
22 a fifth one, which is any Legislative recommendations.
23 So those findings and recommendations under those
24 categories are the content of this report, and, Stuart,
25 if you are ready to go?

1 CAPTAIN WILLIAMSON: Before we go --

2 MR. YAMADA: Sure.

3 CAPTAIN WILLIAMSON: -- a couple of
4 questions.

5 MR. GILL: Sure.

6 CAPTAIN WILLIAMSON: One is as a Task Force
7 member, we didn't provide input to this, so I am just
8 curious who authored this, and did everybody have input
9 to it, would be one question.

10 The second question is how does this align
11 or should it align with the statement of work that we
12 are working on in concert with the AOC and the statement
13 of work is the second question, and then the third would
14 be, you know, in the spirit of this effort, I sort of
15 anticipated that there would be maybe a series of
16 working sessions to review what was going in this
17 document, and so it would be, in that spirit of
18 collaboration, something that we all can buy into. So
19 I'm not suggesting that the document isn't mostly
20 factual, but I don't think that it completely aligns
21 with some of the discussions that we have had thus far
22 in a collaborative manner, so --

23 MR. GILL: Okay, so question one was the
24 work product. Again, what I stated was at the last
25 meeting, we urged all members of the Task Force to make

1 recommendations building on the outline that we had
2 provided and circulated to members. The Task Force
3 members who chose to submit comments or suggestions for
4 the report were the Board of Water Supply and the DOH.
5 So this work product that we have before us is the work
6 product of Department of Health's staff building upon
7 the recommendations that the Board of Water Supply
8 submitted pursuant to our instructions and comments at
9 the last meeting of the Task Force.

10 Your second question --

11 CAPTAIN WILLIAMSON: So was there any other
12 input from any other Task Force members?

13 MR. GILL: No. As I said, we didn't
14 receive anything from the Navy or from any other member
15 of the Task Force, so that's why we are discussing it
16 now all together.

17 Your second point was should this align
18 with the negotiations between EPA, the Navy, and the
19 Department of Health on a statement of work and order on
20 consent, which is an enforceable document? I guess my
21 response would be, yeah, that would be great if we had
22 one, but we don't, we are still negotiating that, and
23 this resolution from the Legislature is a separate act.
24 What we are doing administratively between the agencies
25 and the Federal and State government that have legal

1 oversight and enforcement ability on leaking underground
2 storage tanks is on a separate track from what the
3 Legislature has requested of us via resolution.

4 So the community, members of the Task Force
5 have an opportunity to make recommendations independent
6 of, because they have no way of knowing what the
7 negotiations are between the agencies. So it would be
8 nice if they align, but since we don't have an agreed to
9 statement of work and consent order, I don't know that
10 there's any way that we could align them. That's not a
11 public document at this point, and we are bound to get a
12 report to the Legislature before their next session.

13 I think your third question was, well, is
14 there any collaborative way that we can all work
15 together on this? And I think that's the point of this
16 meeting. If we need to have further meetings, we could
17 do so, but we do have a time line where we are trying to
18 get this report to the Legislature, as they have
19 requested, so that means we need to come to a final
20 report within a month's time or so in order to get it to
21 the Legislature. If this committee wishes to hold more
22 meetings or subcommittee meetings or break out sessions
23 or whatever, the Task Force can do that. As you see, we
24 do have a draft signature page, which implies, at least,
25 the hope that everybody on the Task Force is going to

1 agree to this. I anticipate that may not be the case.
2 It's not unusual for there to be a minority opinion
3 within a task force. If the committee wishes, we could
4 submit along with a report that has the majority
5 approval a minority report that reflects different
6 points of view of certain members of the Task Force, if
7 there is such a thing.

8 The bottom line to me is to live up to the
9 requirement of the Legislature, we have got to get them
10 something, and we have got to get them something in
11 about a month, and in my reading of the draft report
12 here, I think it pretty accurately reflects the
13 discussion that we have had in the public realm, but you
14 never know until you get the words down in front of
15 everybody as to whether this is what they want to do.
16 So that's the point of presenting this draft report. It
17 is a draft report. It can be amended in any way based
18 upon the wishes of this Task Force. Is that clear?
19 David?

20 MR. YOMES: I know it's time sensitive.
21 Legislature meets, reconvenes in January. Looking over
22 the recommendations, I don't see the Navy in any
23 participation within these recommendations. I know they
24 reported for the last three months how they are going to
25 take care of this situation and everything. I see

1 Captain Williamson is sitting at the table as a Task
2 Force member. I don't see the Navy's input in any of
3 this recommendation. Is there a reason why?

4 MR. GILL: Well, as I stated, we at the
5 last meeting suggested to all members of the Task Force,
6 if you had a recommendation to fill in on the template
7 that the Legislature has tasked us for, please do, and
8 so we hadn't received anything. This is a draft, as I
9 mentioned, of the work of DOH staff and the Board of
10 Water Supply and attempting to reflect the discussion
11 that has taken place on the Task Force with all the
12 members present, so.

13 CAPTAIN WILLIAMSON: I would also say that
14 we spent a lot of time working on the statement of work
15 and a lot of time on the AOC, and I think those are --
16 my concern is you don't want to walk away with two
17 separate sets of guidance on one issue. I think that
18 they should be aligned, and so while we didn't provide
19 -- and usually there is a call for, I mean, a formal
20 call for input, and usually, there is some process that
21 you go through aside from -- it's just my world -- than
22 from someone saying, hey, you know, give us your unput,
23 thank you very much. Usually, there is some follow up
24 that occurs, and I didn't see that happen here.

25 But I will tell you that we have provided a

1 great deal of input on the statement of work, which
2 parallels in many cases, we have cross referenced many
3 of the items in here, and so there are some, there are a
4 few additional items in this that aren't in the
5 statement of work, but at the end of the day, I fully
6 believe that for the good of everybody involved, that
7 these two products should be aligned. And at the end of
8 the day, to the extent this Task Force document says
9 that we would complete the statement of work and AOC, I
10 think would be -- and that anything in there, right,
11 that is collaborative and is agreed to would supersede
12 anything in this document or something along those
13 lines.

14 I think you could achieve the objective in
15 front of the Legislature that says that we are working
16 collaboratively, we are working to make sure the water
17 remains safe, we are working to make sure that the
18 military can meet its commitments in the Pacific, I
19 think that that would resolve a lot and an aligned
20 product, so, I mean, to that, to your point.

21 MR. YOMES: That was my follow-up question,
22 sir. The Navy has been answering and been on the
23 so-called hot seat for the last few months and answering
24 these questions and stuff, and they have come up with
25 certain plans on how they were going to attack this

1 situation. I am fine with the recommendations, but
2 there should be some kind of input for how the Navy,
3 step by step what the Navy covered in these meetings as
4 to this, how they were going to address that particular
5 situation.

6 MR. GILL: Well, as I said, this is a good
7 faith attempt to put forward the recommendations for
8 this report that had been submitted by members of the
9 Task Force. It's not the end of the line. It's a
10 draft. It's a discussion piece. So if there are more
11 suggestions, amendments, edits, conclusions, expansions,
12 or deletions, you know, it's appropriate to raise them
13 now. If this Task Force wishes to vote to not submit a
14 report on a timely basis, you can do that too, and then
15 we will send the Legislature a letter saying no report
16 pending at this time. Right? It's totally up to this
17 Task Force if you would like to do it.

18 What I am suggesting is that we have enough
19 information and we have a draft which is okay to submit
20 in an edited form, but it's totally up to the Task Force
21 if you would like to do it or not. And maybe I could
22 ask members of the Legislature who helped pass this
23 resolution what your intent or druthers would be as we
24 move forward? And, again, what I would like to do is,
25 just for the public and members of the Task Force, go

1 through it bit by bit so we understand what it is that
2 we are talking about, and then we can take additional
3 suggestions for inclusions or edits.

4 Would either member of the House or Senate
5 like to discuss the point?

6 REPRESENTATIVE LEE: Chris Lee. I
7 represent the House Energy and Environmental Protection
8 Committee. I think from our perspective, passing this,
9 ideally, we would like to have some guidance and
10 recommendations because we operate on a time frame that
11 is every, you know, six to eight months when we are in
12 session, and once per year, we have an opportunity to
13 take action. So if there is something that is
14 necessary, if we need to amend the statute, if we need
15 to provide resources to the Department of Health or
16 jointly with the counties or whomever, we would like to
17 be able to take that action and not have to defer for a
18 year when there is something that could be done, so
19 ideally, we would have some recommendations, ideally.

20 MR. GILL: Senator Gabbard, do you have
21 anything to add?

22 SENATOR GABBARD: Basically, the same
23 thing. We are expecting this to be, to have it in our
24 hands in twenty days as the resolution prior to the
25 beginning of the session, which is January 21st. I

1 think it is critical that we have this information now
2 and we not punt for whatever reason, and now is the time
3 to draft, as you said, Gary, so let's get on with it.

4 MR. GILL: Okay, Ernie?

5 MR. LAU: Yeah, Gary, at the last meeting
6 of the Task Force, I think you were very clear to all
7 members of the Task Force -- I'm not sure if everybody
8 was here, but I know that Mike was here -- very clear in
9 setting a ten-day deadline to get comments on that
10 initial draft, to try to keep the process of the draft
11 and revisions going forward, and I know that your staff
12 has distributed to all members of the Task Force earlier
13 versions of the draft, which I have a question now. I
14 also saw a third version as of yesterday that went out
15 to Task Force members. I'm not sure, but you have given
16 us a second draft in a green copy. Is the green copy
17 the third version?

18 MR. GILL: Let me ask the staff to describe
19 any changes on the versions there. We did put out an
20 initial draft last Friday, I believe? And then there
21 had been mostly sort of editorial cosmetic changes made
22 to it, but we would be presenting the final edited
23 version, but, Thu, can you explain any changes on what
24 the green version is?

25 MR. TAKABA: Yes, we had to change the

1 title on two of the drafts, and I had to -- it is just
2 formatting. I don't think there's any significant
3 changes between the second and third.

4 MR. LAU: I guess my point is there have
5 been ample opportunities by all members of the Task
6 Force to provide comments directly to the Health
7 Department, which is charged with the responsibility to
8 put this out.

9 CAPTAIN WILLIAMSON: Ernie, if I may?

10 MR. LAU: Let me finish.

11 CAPTAIN WILLIAMSON: Sure.

12 MR. LAU: I know that Thu has been very
13 good about emailing these drafts out to everybody.

14 MS. HOMMON: No, not at all, no.

15 CAPTAIN WILLIAMSON: So, Ernie, if I may
16 just real quickly, we got an email with a posting is
17 what we got, so we were not emailed any of the original
18 drafts.

19 MR. LAU: Well, you had a --

20 CAPTAIN WILLIAMSON: We received it on
21 Saturday the 1st --

22 MR. LAU: You had a link to the web site.

23 CAPTAIN WILLIAMSON: On Saturday, we
24 received the link to the web site that said it was
25 posted this past Saturday, so, and now there have been

1 multiple revisions leading up to today, so I walked in
2 with three different revisions. I walked in with the
3 Navy's committed to installing six wells. That's been
4 taken out, as I understand the latest revision. I also
5 understand that it laid out a ten-year plan to have
6 double wall tanks put in, and I laid out in pretty
7 excruciating detail why it would take much longer than
8 ten years for us to put double walls inside the tanks,
9 and so I just want to make sure it represents our
10 position accurately.

11 I just think that the process that we have
12 used could be refined and improved so that at the end of
13 the day, we can satisfy the Legislature and that we have
14 done a thorough job and have hunkered down to do all
15 that we need to do to provide a quality document. So I
16 am not saying that -- you know, we could go through step
17 by step as you suggest. I think we need to sit down and
18 have a small group spend some time looking at this and
19 making sure that all the equities of the Task Force are
20 woven into this document, and right now, I don't feel
21 like I have been a part of that, the drafting and
22 crafting of this document. I want to be, and we have
23 been very involved in the statement of work, and much of
24 what is in here is duplicative of what is in the
25 statement of work, so I will just rest there.

1 MR. GILL: Okay, so I would like to move
2 forward on this because what I am suggesting that we do
3 is this is not the end of the process. I don't suspect
4 anybody -- well, it's possible that by the end of the
5 process we could all have edited this and to a position
6 where we feel it is approvable, but in case that is not
7 going to happen, this is an opportunity for us to
8 discuss how best to move forward.

9 If for whatever reason members of the Task
10 Force didn't submit and would like to submit changes,
11 well, we now have a draft, a further draft that you can
12 work on, all right? We started with something that the
13 Board of Water Supply submitted, which I think is this
14 green report, right? This is what the Board of Water
15 Supply submitted, okay, through the process that we
16 described at the last meeting. The version that you
17 have in front of you which says second draft, October
18 31st, is as I described it at the beginning of the
19 meeting, this is the Department of Health's revision to
20 the template that the Board of Water Supply submitted.
21 The only changes that have been made to this so far in
22 draft form are changes in title, technical changes and
23 updates to the tab, the tables, and some repagination,
24 all right? So what was up on the web site was available
25 for people to review, and that's what I am going to

1 suggest that we go over for comment today to move
2 forward, and if we choose to do more break out sessions
3 or whatever the Task Force wants to do, we can do that.
4 Okay?

5 I have one question from the audience.
6 Please, again, introduce yourself.

7 MR. CLEMENTS: Tom Clements from Navy
8 Region Hawaii. If I may ask two members of the Task
9 Force, absent of any approved or posted minutes from the
10 previous meeting, and having not attended the previous
11 meeting, were either of you aware of this ten-day
12 opportunity as expressed by Mr. Lau to make
13 contributions to this draft? Could I get a yes or no?

14 MR. GILL: I don't really think that's
15 pertinent, so.

16 UNIDENTIFIED FEMALE: Can someone get
17 closer to the phone?

18 MR. CLEMENTS: Excuse me?

19 MR. GILL: You know, the issue, the
20 question that is being asked is how many of the members
21 of the Task Force remember the ten-day commitment --

22 MR. CLEMENTS: That's not the question.
23 The two members who were not present --

24 MR. GILL: Two members who were not
25 present.

1 MR. CLEMENTS: -- at the previous meeting,
2 absent of any approved or posted minutes from the
3 previous meeting, were either of these two members made
4 aware of the ten-day opportunity as expressed by Mr. Lau
5 to contribute to this draft --

6 MR. GILL: Who are you addressing the
7 question to?

8 MR. CLEMENTS: Mr. Yomes and Representative
9 Lee.

10 MR. GILL: Okay. Any of you care to answer
11 the question? Because it is, frankly, out of order, all
12 right? But appreciate your concern.

13 MR. CLEMENTS: How is it out of record,
14 sir?

15 MR. GILL: Okay, we are moving forward. We
16 have a task before us. Members of the Task Force
17 appointed through this process have an opportunity to
18 engage in this process however they so choose, and
19 working from where we are now, we can so choose to move
20 forward in any path that this Task Force wants --

21 MR. CLEMENTS: How is it out of order?

22 MR. GILL: If they need more time to
23 address this --

24 MR. CLEMENTS: How is it out of order?

25 MR. GILL: Look, you are out of order. We

1 are moving forward. You are not a member of the Task
2 Force, and we are going to move forward. You asked a
3 legitimate question. If anybody wants to answer it to
4 you, they may in their own time. Right now, I am going
5 to ask for the presentation. Stuart, if you can just
6 walk us through?

7 MR. YOMES: Sir, can I address that,
8 please?

9 MR. GILL: You may if you wish to. You
10 didn't want to before, but please go ahead. Right now I
11 am in the --

12 MR. YOMES: It is not that I didn't want
13 to.

14 MR. GILL: I didn't see you raise --

15 MR. YOMES: I was trying to get your
16 attention, sir.

17 MR. GILL: Okay, go ahead.

18 MR. YOMES: I was notified via email as to
19 the deadline and to respond. Just some clarification
20 from earlier, it's not that I was going to stall this
21 board. I want the Navy to participate, and we work
22 together with the community and the Board of Water
23 Supply, but I see some little bit of negativity on the
24 Board of Water Supply. I don't know what that's all
25 about, and I don't really care, but I just want

1 everybody to work together and the Legislature know that
2 the community is watching, and we need everybody to work
3 together, and, hopefully, they get the Navy's input in
4 this.

5 MR. GILL: Thank you, thank you for that
6 clarification. Appreciate it. So I am going to
7 recommend that we do move forward with this meeting,
8 that we have a presentation of what is in this report.
9 Not everyone in the audience or everyone on the Task
10 Force may have had a time to read through it in great
11 detail. Stuart, if we can get through this in about
12 twenty minutes on the outside, and then the question
13 before the Task Force would be how would you like to
14 proceed at this point? So we have a working draft, and
15 we will use that for discussions as we move forward.

16 MR. YAMADA: Gary pretty much described the
17 document. It is pretty straightforward. It addresses
18 the core assigned to the Task Force, plus, you know, the
19 last section which is recommendations to the
20 Legislature. Obviously, you guys can read just as well
21 as I can, so I am not so sure how you want to go through
22 it. For the audience, you know, we can look at the
23 document as we scroll through. I don't know if, you
24 know, Captain, you are welcome to object and, you know,
25 point out anything that you want to change, you know.

1 This is totally open.

2 I think we will just focus on the findings and
3 recommendations, if that's okay with you. I think the
4 introduction is pretty straightforward. There is
5 nothing really fancy about that. Findings is backed up
6 with a lot of tables and graphs and diagrams mostly
7 taken from the Navy's reports. Erwin, just to point
8 out, thank you, Erwin Kawata, I just want to thank you
9 for all of your work. We had to revise some of the
10 information on the tables, just for your information. I
11 think what Rich was pointing out, the changes on the
12 tables, it was actually referring, in original drafts,
13 it was referring to SV06. It was really supposed to be
14 SV05, so changes like that were very, very simple, so
15 that's why it wasn't anything significant.

16 If you guys are okay, we will just go right to
17 the page nine, which begins with the recommendations.

18 MR. GILL: Okay, so, Stuart, up to page
19 nine, what we are talking about here is pretty much just
20 a recitation of the data that's been collected and the
21 events that have transpired so far?

22 MR. YAMADA: Correct, and it's the data
23 that in general demonstrates that there was indication
24 of release.

25 MR. GILL: So there's soil vapor

1 monitoring results that are charted and/or tabled and
2 charted. There's a diagram that shows the existing
3 monitoring wells and the two new monitoring wells for
4 information to the Legislature. There's a diagram that
5 came out of a previous Navy report that illustrates the
6 location of the underground wells and the potential of
7 ground water flows from there. That's basically
8 background information for the Legislature to
9 understand. So if you want to go point by point through
10 the recommendations beginning on page nine, so this is
11 point one, recommendations, short and long term effects
12 of the Red Hill spill.

13 MR. POENTIS: May I make a comment?

14 MR. GILL: Yes.

15 MR. POENTIS: Mr. Gill, when you are
16 talking about each of these recommendations, because I
17 know Captain Williamson has expressed in great detail
18 the fact that, you know, we have tried to
19 collaboratively work on this so-called AOC and statement
20 of work, for each of the recommendations, can you at
21 least illustrate as to your best knowledge if this is an
22 item that is currently being discussed and negotiated as
23 part of the AOC or the statement of work?

24 MR. GILL: I don't know if we can.

25 MR. YAMADA: I think my attorney would

1 shoot me. Becky, will you shoot me too?

2 MR. GILL: Okay, the point is, you know,
3 there's been a lot of give and take, as Captain
4 Williamson mentioned, on this enforceable agreement, and
5 so if the Navy would like to negotiate this enforcement
6 agreement in the public realm, please say so, but that's
7 never been my experience in the past. These are
8 negotiations happening between EPA, the Department of
9 Health, and the Navy on a legal enforcement case.
10 That's not normally done in the public realm.

11 MS. HOMMON: That's what's supposed to be
12 done.

13 CAPTAIN WILLIAMSON: So I am with you.

14 MS. HOMMON: Yes.

15 CAPTAIN WILLIAMSON: So my recommendation,
16 right, and I want to hear out, you know, the background
17 on these recommendations. I will recommend at the end
18 of this that we get a small group together and review
19 these among all the collaborative parties to make sure
20 that we are in sync, so I don't want to necessarily
21 negotiate in public. That's not my desire. I want to
22 have a free and open conversation about, you know, where
23 we are and how these align with statement of work so
24 that you have, at the end of the day, all of this is all
25 synced up, and so, you know, we have a crosswalk between

1 what's in here and what is in the statement of work, and
2 so I think tightening that up would be good, and it
3 keeps us all synced up on the way forward, and we don't
4 have disparate direction, so --

5 MR. GILL: Well, I respect your point of
6 view, and I leave it to the Task Force --

7 CAPTAIN WILLIAMSON: Sure.

8 MR. GILL: -- on whether they would like to
9 make this report or not, but the realty is we do not
10 have an agreed to statement of work.

11 CAPTAIN WILLIAMSON: I understand.

12 MR. GILL: How you have characterized the
13 give and take between the Navy and the DOH and the EPA,
14 I may not actually agreed with that. I don't know how
15 close we are getting. We may not get close, you know?

16 So this Task Force is a different animal.
17 This Task Force has the Navy and the EPA and the Board
18 of Water Supply. The Board of Water Supply is not part
19 of negotiating the statement of work, neither is the
20 DLNR nor the two members of the public who serve here.
21 So if the public would like to provide guidance as to
22 how fast, for example, just a point that you raised,
23 that this Task Force or members of the public would like
24 to see the Navy upgrade these tanks to secondary
25 containment and leak detection, whether that be ten

1 years or twenty years or a hundred years, that's a
2 separate process from which is being negotiated as an
3 enforcement of the law case between the State and
4 Federal agencies and the Navy. So I understand that you
5 are interested in cross walking, but I think they are
6 two different animals.

7 You know, if this Task Force were to say we
8 want the Navy to upgrade the tanks next year, that may
9 not be feasible, you may not agree that it is feasible,
10 but if that's the wish of the community, that should be
11 represented in this report, separate from any
12 enforceable agreement under the law that the regulatory
13 agencies and the Navy are negotiating. I just, you
14 know, I don't know how you put those together, unless
15 you want to go through an entirely public discussion
16 about the Navy's response to the draft statement of work
17 and enforceable agreement that's been submitted by EPA
18 and Department of Health.

19 I don't know, I don't see how you do that,
20 and, Becky, you are not a member of the committee, but
21 if you would like to address that question?

22 MS. HOMMON: It is up to you.

23 MR. GILL: Very narrowly.

24 MS. HOMMON: I certainly wouldn't want to
25 be out of order, but it would seem to me that if you

1 asked the Navy and the Legislature has asked the Navy to
2 be a member of this Task Force at the same time that we
3 agreed to sit with Department of Health and EPA, the two
4 regulatory bodies, to develop an enforceable order and a
5 statement of work as to how we proceed with Red Hill, to
6 ask us to simultaneously be part of the State Task
7 Force, I am a bit confused as to how we could bifurcate
8 our personality.

9 We have been holding weekly meetings with
10 EPA and DOH, which were recently cancelled, not at our
11 suggestion. If we had been working on this Task Force
12 report through that process at the same time that we are
13 working on the administrative order and the statement of
14 work, then we wouldn't be having this issue. But this
15 was not brought to us as something that we need to be
16 working on together. This is something that's just been
17 put on a web site for us to comment on. At the same
18 time, we were holding the regular meetings with DOH and
19 EPA on this very topic. I don't think we can just say,
20 well, we are going to have a Navy employee sign
21 recommendations about taxation for the State? I don't
22 think so.

23 MR. GILL: So, okay.

24 MS. HOMMON: I don't think so.

25 MR. GILL: Okay.

1 MS. HOMMON: So I am just confused as to
2 how do you want us to do this, Gary?

3 UNIDENTIFIED WOMAN: Hey, it's really hard
4 for us to hear people when they are not right by the
5 phone. I don't know if it is possible for like the
6 speakers to --

7 MR. GILL: That was Becky Hommon expressing
8 her concern on how the Navy can participate both in the
9 Task Force and in the ongoing negotiations over the
10 statement of work and administrative order on consent.

11 So, you know, it is a legitimate question.
12 I don't know. You know, this Task Force is
13 unprecedented, right, where the Legislature asked us all
14 to get together and make recommendations. At the time,
15 if we had received an acceptable response to our draft
16 statement of work and order on consent, and it had
17 somehow been agreed to and signed off on by the
18 administrative agencies with legal oversight and by the
19 Navy by now, then we wouldn't be having this issue,
20 right?

21 MS. HOMMON: (Inaudible).

22 MR. GILL: The negotiations are ongoing,
23 and that's just how it is, so we have two different
24 tracks. And it may be, for example, and this would be
25 totally appropriate, I can't ask the Navy to do

1 something that they legally feel they can't do. If you
2 feel that you can't sign a report because of that
3 conflict, we can so note in the report that the Navy
4 participated, they gave good updates, we had a lot of
5 good information, but for whatever reason, they can't
6 sign this report, that's okay. We can submit whatever
7 we can submit to the Legislature is what I think we are
8 duty bound to do. My intention --

9 MR. LINDER: This is Steve from EPA.

10 MR. GILL: Go ahead.

11 MR. LINDER: I have got one thought to kind
12 of throw into this, where it could help bring kind of
13 the recommendations coming out of this Task Force, kind
14 of basically consider those recommendations in our
15 process to negotiate kind of an enforceable long term
16 solution for the issues at Red Hill.

17 So the Task Force report is going to report
18 out on various recommendations. Some recommendations
19 will not be unanimous. Others may be. But a
20 recommendation could be that the Legislature, that DOH
21 essentially tries to achieve the recommendations through
22 an enforceable agreement with the Navy, so, basically,
23 use recommendations from the Task Force, because my
24 understanding is that the Task Force report does not
25 create the structure for the Navy to actually implement

1 the various recommendations. It's just recommendations
2 to the Legislature on potentially what should be done to
3 solve the Red Hill problem.

4 REPRESENTATIVE LEE: And I think there's
5 two separate -- this is Chris Lee, Chair of the
6 Environmental Committee in the House. I do think
7 there's two separate roles being played here. The
8 Department of Health has an obligation, of course, to
9 pursue its due diligence in resolving these issues in
10 coordination with the EPA and with the Navy and
11 everybody else.

12 The Legislature fundamentally has a
13 different role to play, and it is a body that is
14 representative of, generally, the public interests and
15 all of the stakeholders. What the Department of Health
16 does is separate and apart from what the Legislature may
17 do, and whether it negotiates different things may not
18 mean that it has the ability to follow through on all of
19 those, and it is dependent wholly on the actions of the
20 Legislature at times, for example, to fund some
21 resolution that they may need assistance funding, and
22 that's why I think in this discussion there is debate
23 about funding from the State side, which the Navy
24 perhaps may not have any place from their perspective to
25 take part in, but nevertheless, as the Legislature goes

1 in, we are an animal that is entirely personalities and
2 egos and politics, and that's the truth, and so where we
3 come from is trying to get a sense from both our
4 colleagues, from around the State, the community at
5 large, and the stakeholders at play over where we ought
6 to go and what we ought to do.

7 If there is a negotiated settlement that
8 the Department of Health is working on separately that
9 needs support from the Legislature or with the City or
10 whomever, we will need at the Legislature to understand
11 what that's about and that everybody thinks this is the
12 right direction to go, which I think is the purpose for
13 a Task Force like this in the first place, so that we
14 can hear not only from the Department of Health and the
15 Navy, but from the broader community, from
16 representatives in the area and everybody else, and so
17 part of that discussion in that broad context has to, I
18 think, entail some of these recommendations about
19 funding and other things that may not be exclusively the
20 jurisdiction of the Navy. I hope perhaps that clarifies
21 a little bit where we are coming from.

22 MR. LINDER: Yes, that helps a lot, because
23 there are certain -- I guess as I am thinking about it,
24 there are certain things that the Legislature can act
25 upon. There are things that recommend changes to the

1 role and things like that the Legislature would have to
2 act on and funding and things like that. But this
3 report, and my read of it, is not designed to be a
4 binding legally enforceable agreement with the Navy to
5 do certain things.

6 MR. LAU: Right.

7 MR. GILL: Okay, we haven't even gotten to
8 present it yet. I want to ask -- because we are having
9 this technical discussion about what the role of this
10 report would be. Let me just ask members of the Task
11 Force, would you like to proceed with the presentation
12 of this draft just for discussion purposes? What I am
13 kind of hearing is a discussion as to whether this draft
14 in its current form or any form, actually, can receive a
15 sign off by one member of the Task Force being the Navy,
16 and if this format is fundamentally flawed, if this
17 report that has been drafted in good faith by members of
18 the Task Force is not the right format to move forward,
19 if the majority of this Task Force would like to see
20 something else happen, let's get that resolved now. I
21 don't want to present something and waste people's time.

22 So let me just use the prerogative of the
23 Chair to ask for comments and potentially a motion from
24 the members as to whether you would like to proceed with
25 the presentation of this draft report at this meeting?

1 Ernie?

2 MR. LAU: For the Board of Water Supply,
3 yes, we would like to have you proceed with the
4 presentation of the draft for discussion purposes.

5 MR. GILL: Any other comments?

6 MR. ONOUE: I think we should proceed, at
7 least hear out what's in this draft presentation and
8 possibly get some comments from the, quote, unquote,
9 expertise of the individuals.

10 MR. GILL: Okay, that was Steven Onoue.
11 Any further comments or suggestions on the issue of
12 should we proceed with the presentation on what the
13 current State draft report is? No objections?

14 CAPTAIN WILLIAMSON: Well, I think, my
15 view, I think it would helpful to sit down point by
16 point and tighten it up from a Task Force perspective
17 and then present it in front of folks. I think that
18 would be a prudent step, and then, you know, once you
19 have had an opportunity to, I'll say, sort of caucus on
20 the document, then the areas of disagreement or areas of
21 concern can bubble up, and folks can then choose to
22 amend, adjust, modify, or otherwise. I just think that
23 that would be a prudent way to go forward, instead of,
24 you know, having a document prepared by one member of
25 the Task Force, then adjusted without comment from

1 another key member of the Task Force.

2 I just think that, you know, that it may
3 work, but I don't think that is the ideal way going
4 forward. I think that it could be, if at the end of the
5 day, this is desired to be a more collaborative
6 document, I think that would allow more collaboration
7 and a better product in the end that at the end of the
8 day all parties would be able to sign. And that, you
9 know, if there is alignment among all parties here, we
10 certainly make the public much more assured that we are
11 taking the appropriate steps going forward.

12 MR. GILL: Okay, I have a suggestion. I am
13 not going to take it as a motion at this point.

14 CAPTAIN WILLIAMSON: Sure.

15 MR. GILL: I have a suggestion that there
16 be some kind of subgroup of Task Force, if I understand
17 you correctly, to rework what's here and bring it
18 forward for discussion at a future time, rather than
19 going through the draft now; that's your recommendation?

20 CAPTAIN WILLIAMSON: That would be my
21 recommendation.

22 MR. GILL: Okay, so I have two different
23 suggestions. One is that we go through the draft now as
24 is for discussion purposes, and one that we -- and we
25 don't have any process as a Task Force, but we can

1 invent one, but having a caucus or a subcommittee, we do
2 follow the Sunshine Law, so any time members of this
3 committee were to meet on the subject matter that's
4 before us, it would a public meeting just like this. So
5 technically, I don't know how that would work.

6 MR. YOMES: Not necessarily, sir. On a
7 permitted interaction group, okay, you can meet as long
8 as it's not the entire Task Force.

9 MR. GILL: Well, as I understand the
10 Sunshine Law, and we can get our attorney generals over
11 here, but the way it normally works is if there is going
12 to be a subgroup of this committee, it is still going to
13 be you have to post notice and have a public --

14 MR. YOMES: Right.

15 MR. GILL: -- six day notice and all of
16 that.

17 MR. YOMES: Right, and I understand that.

18 MR. GILL: So it is perfectly possible for
19 us to have subcommittees, and they can meet, but they
20 are going to meet in a public forum, just like we are
21 now. So if the group would like to take this
22 recommendation that a subcommittee or a task force of
23 the Task Force be created to rework this draft report
24 and then bring it back to the full Task Force, I think
25 that would be appropriate. I would actually recommend

1 that we do that, but I would like to actually do both,
2 right? I think we should go over what's in here now so
3 we are all clear on it.

4 I get the sense that the Task Force is
5 going to likely want to see amendments to this draft,
6 and that we are going to have to meet again on that, and
7 maybe there's going to be a subcommittee who volunteers
8 to go and do that point by point and then bring it back.
9 All of those procedures are possible given the time that
10 we have. You know, that would mean some fast work in
11 the next month to do it, but it's really we are only
12 talking about, you know, four or five pages of text, I
13 think, which is in play here. Most of it, I don't think
14 we have problems with the charts and the graphs and the
15 information that's presented.

16 So I am going to recommend that we spend
17 half-an-hour just kind of walking through what's in
18 here, and then let's come back and see given what is in
19 here, what's the appropriate way to move forward? If
20 the Task Force would like to have another meeting or
21 subcommittee meeting, so long as we have six days'
22 notice, we can meet again and hammer that out, any
23 changes.

24 CAPTAIN WILLIAMSON: I'm fine with that.

25 MR. GILL: Is that all right?

1 CAPTAIN WILLIAMSON: I'm fine with that.

2 MR. GILL: Okay. So, Stuart, you are back
3 in the driver's seat then. Can you just sort of walk us
4 back down through, we are on page nine with the
5 recommendations, just quickly itemize the bullets,
6 what's contained in here, and the Task Force should feel
7 totally free to just make the notes and suggest you like
8 it, you don't like it, we should cut it, we should amend
9 it or whatever. Maybe the detailed discussion will
10 happen at a different time, but please start to consider
11 that content at this point. Go ahead, Stuart.

12 MR. YAMADA: Okay, the first one, the first
13 bullet, is really the State requirements for
14 investigation of release (inaudible).

15 (Discussion off the record.)

16 MR. YAMADA: So the first bullet really is
17 about the compliance with State requirements for
18 investigation of release points and characterization and
19 delineation of contamination from the petroleum
20 products. Feel free to interrupt.

21 MR. GILL: No, just keep running.

22 CAPTAIN WILLIAMSON: So I think to that
23 point, I think, we haven't reported if the action is
24 complete. So again, just sort of characterizing the
25 report to the Legislature accurately, you know, we are

1 moving forward in that, so this implies that we haven't
2 done anything.

3 MR. YAMADA: Okay.

4 CAPTAIN WILLIAMSON: So I just want to make
5 sure that we articulate it correctly, yes.

6 MR. YAMADA: Fair, understood.

7 MR. GILL: So the point says the Navy has
8 not completed these tasks as of Halloween. Are you
9 saying that the Navy has completed these tasks, or the
10 Navy is continuing to work on these tasks, right?

11 CAPTAIN WILLIAMSON: Correct.

12 MR. GILL: So you are not completed?

13 MR. YAMADA: So it would be a rewording.

14 MR. GILL: You want to reword it for the
15 work that you have done?

16 CAPTAIN WILLIAMSON: Well, I want to give
17 an accurate portrayal to the --

18 MR. YAMADA: Right.

19 CAPTAIN WILLIAMSON: -- public and the
20 Legislature is what I want to do

21 MR. YAMADA: Half filled, not half empty.

22 CAPTAIN WILLIAMSON: Correct.

23 MR. YAMADA: I get it, okay.

24 MR. GILL: So a simple amendment, this is
25 exactly what we are talking about, so if you have a

1 rework of the language that, you know, we can be more
2 accurate, then we should accept that.

3 CAPTAIN WILLIAMSON: Okay.

4 MR. GILL: And it doesn't have to be done
5 today, all right?

6 CAPTAIN WILLIAMSON: I understand.

7 MR. GILL: Okay.

8 MR. YAMADA: Second bullet is for
9 requesting the Navy to graphically present all water
10 quality data collected to date for all monitoring wells
11 and contaminants detected.

12 MR. GILL: Loud, Stuart.

13 MR. YAMADA: The third is continue ground
14 water modeling studies by the Navy and the Board of
15 Water Supply.

16 Fourth, Navy to drill and install additional
17 ground water monitoring wells north and south of the
18 facility. And I think it acknowledges the existing, the
19 two wells that had been completed.

20 Fifth, devise a mechanism where Department of
21 Health, Honolulu Board of Water Supply, and EPA may be
22 reimbursed for site investigation activities as needed.

23 CAPTAIN WILLIAMSON: Stuart, can I go back
24 one on the additional ground water monitoring wells?

25 MR. YAMADA: You bet.

1 CAPTAIN WILLIAMSON: I think Ernie and I
2 have disagreed somewhat on this in the past, but I think
3 that the position that we have been taking is that we
4 would allow the analytics to dictate how many more wells
5 and where they should be based on science, and not that
6 you are going to go poke more holes in the ground just
7 to say that we are going to do it, so I think that, you
8 know, this is one that should be characterized based on
9 a collaborative effort between the Board of Water
10 Supply, the USGS survey that they are doing, the
11 contaminant vapor transport model that we are doing, the
12 site characterization study that we are doing.

13 So I think that, you know, to say that you
14 are going to install more wells is not the intent here.
15 The intent is to protect the water and to put additional
16 wells in the appropriate spots that would protect the
17 ground water from any release at Red Hill.

18 MR. LAU: I think just to maybe add, I'm
19 not going to disagree with you, Mike.

20 CAPTAIN WILLIAMSON: Whoa.

21 MR. LAU: I won't be as negative. I think
22 that this is such a very technical issue here that we
23 really, one of our earlier recommendations in the
24 previous meeting was actually to create a technical
25 committee off of this Task Force with the right level of

1 experts, whether it be Navy, BWS, USGS, EPA, Department
2 of Health, to actually do the ground water modeling,
3 look at the geology and proposed sites for wells from a
4 scientific technical basis.

5 CAPTAIN WILLIAMSON: I wholly concur.

6 MR. LAU: So I don't think we disagree on
7 what the --

8 CAPTAIN WILLIAMSON: I wholly concur.

9 MR. LAU: I think the gist of this is that
10 there needs to be more wells than just two. How many
11 more and where, that's probably the determination of a
12 technical review committee which is one of the
13 recommendations that we suggested early on, a technical
14 committee off the Task Force.

15 MR. GILL: All right.

16 MR. LAU: Those are comments.

17 MR. YAMADA: See, this is why we discussed
18 this, so we can agree on stuff.

19 MR. GILL: Yes, I actually thought this
20 paragraph was reflective of the Navy's and Board of
21 Water Supply's concerns. I think that the driving point
22 on this bullet number four is it says both north and
23 south.

24 MR. LAU: Yes, more wells.

25 MR. GILL: Currently, the Navy has

1 installed two additional wells to the north, and we
2 reported about that today, and we very much appreciate
3 it and acknowledge it. I think that the contention has
4 been that we should see some wells on the south as well
5 at appropriate sites as you stated, Captain, driven by
6 data and best science.

7 CAPTAIN WILLIAMSON: Right.

8 MR. GILL: So I think that's the intent,
9 and we can do whatever wordsmithing is necessary to
10 reflect your concerns on that.

11 MR. YAMADA: We will make it better.

12 MR. LAU: Well, maybe, Gary, I can suggest
13 that if the members of the Task Force, if you have
14 better language for that recommendation to submit it to
15 the Department of Health to incorporate it into the
16 recommendation.

17 CAPTAIN WILLIAMSON: Yes, I think at the
18 end of this, we are seeing the value of a collaborative
19 discussion, that if we had this in advance, although I
20 am not saying we didn't, but if we have that, we can
21 still have that conversation, we can find the common
22 ground among all of us that yields a signature by all
23 parties on the back end of this.

24 MR. GILL: Okay, it is the intent of the
25 Chair to continue the collaboration for long as it

1 takes. I think that's what we are trying to do here.
2 Stuart, go ahead.

3 MR. YAMADA: We will move down to the
4 sixth, so strengthening the State's ground water
5 protection program by increasing surveillance and
6 identification of potentially contaminating activities
7 from other field constructed tanks.

8 MR. GILL: I just want to point this out,
9 because I think where this came from was our discussion
10 at the last meeting. The staff identified that there
11 are forty-six, in our records, forty-six other field
12 constructed underground storage tanks. That was news to
13 me. It came out from staff at this Task Force meeting.
14 They are certainly nowhere as large as the Red Hill
15 facility, but it was an indication that there may be
16 other similar problems at other field constructed tanks,
17 and the request of the Task Force for the Department of
18 Health to look into those as well. That's where this
19 point came from.

20 MR. YAMADA: Okay, the seventh point,
21 basically, calls for the Navy and Department of Health
22 to monitor drinking water sources and performing
23 duplicate samples and analyses, basically, kind of like
24 a QA, so it's -- I'm sorry?

25 MR. GILL: Spell it.

1 MR. YAMADA: What?

2 MR. GILL: Spell it out. What's QA?

3 MR. YAMADA: Quality assurance, sorry. Not
4 that we don't trust the Navy, but it's always good to
5 have an independent party as well.

6 Last point on the page: Navy should mitigate
7 existing contamination beneath the tanks starting with
8 the area adjacent to Red Hill ground water monitoring
9 well two and contain and prevent the contamination from
10 extending beyond the current location.

11 Last point for the first item is Navy should
12 develop a system to continuously monitor the soil vapor
13 probes with alarm set points. Currently, I believe they
14 are just manually sampled, if I understand correctly.

15 MR. GILL: Stuart, let me just, I suspect
16 this is something new to you folks, and we should
17 probably comment on it, and I think this was a
18 recommendation that came out of the Board of Water
19 Supply, I believe. So currently under a number of the
20 tanks at Red Hill, there are borings that periodically
21 the Navy sucks air from to assess whether there's
22 petroleum vapors in the bedrock underneath the tanks,
23 and that could be an indication that a tank is leaking
24 or that something is going on in the environment.

25 So this is actually a new thought here, and

1 I just wanted to flag it because the Navy currently has
2 developed a monitoring system based on the volume of
3 fuel in the tanks and is very closely monitoring that
4 level, and if that level drops, it's an indication that
5 there might be a spill, but this is suggesting that soil
6 vapors beneath the tanks could also be used as a kind of
7 monitoring or an alarm system to indicate that a spill
8 may have happened at any one of these tanks. So it's a
9 significant recommendation which I think is on top of
10 the Navy's existing monitoring system, and I don't know
11 how you folks feel about that.

12 CAPTAIN WILLIAMSON: No, we've thought
13 about that, we have thought about that, you know, along
14 with this as an enhancement during the filling process,
15 which is the dynamic process we spoke about where we
16 believe we are at higher risk than other, than a static
17 situation, so appreciate that, and we are looking into
18 that, and I think that that's a very good
19 recommendation.

20 MR. LAU: I'm not sure if it was our
21 original recommendation, but I don't want to take all
22 the credit for that, but --

23 MR. GILL: Hey, well, if you suggested
24 something that the Navy likes, we ought to just, you
25 know, declare a victory.

1 MR. YAMADA: That's two things that you
2 already agree on. It's way cool.

3 CAPTAIN WILLIAMSON: I just need to sit
4 next to Ernie next time.

5 MR. LAU: Yes.

6 MR. GILL: Okay, so those are the
7 recommendations under point one. I am going to ask EPA
8 on the phone, do you have any comments before we move on
9 to point two?

10 MR. LINDER: Not at this point, thanks.

11 MR. GILL: Okay, any comments from Task
12 Force members on those bullets and suggested deletions,
13 additions, corrections?

14 MR. LAU: Ernie, if I could add?

15 MR. GILL: Go ahead, Ernie.

16 MR. LAU: From BWS, we did, you know,
17 formally submit, wanted to submit more comments to the
18 Task Force, but related to, I think, the data, we feel
19 that that's a way to provide information, a lot of data,
20 very scientific information to the public and to members
21 of the Legislature in a more understandable fashion. We
22 would also recommend that the health effects, or
23 actually, that's under a different recommendation. I'm
24 sorry. I think I will just be quiet.

25 MR. GILL: Okay.

1 MR. LAU: I am rambling.

2 MR. GILL: Hold on to that second comment.

3 MR. LAU: I am still recovering from a
4 cold, so.

5 MR. GILL: Let's, Stuart, move on to point
6 two, the response strategies.

7 MR. YAMADA: Okay, task two, first bullet
8 is supporting the EPA regulatory changes to cancel the
9 deferral of field constructed underground storage tanks.

10 MR. GILL: Okay.

11 MR. YAMADA: Second bullet --

12 MR. GILL: Does anyone know what that
13 means?

14 MR. YAMADA: Okay.

15 MR. GILL: Moving on then.

16 MR. YAMADA: Second bullet is issue a
17 resolution to encourage Navy to install a double wall,
18 secondary containment, and real time leak detection at
19 Red Hill.

20 MR. GILL: So I have a question on that one
21 because I assume that's a recommendation to the
22 Legislature that the Legislature pass a resolution. Is
23 that the intent of this bullet?

24 MR. YAMADA: I believe so, as it's worded.

25 MR. GILL: Right, okay.

1 MR. POENTIS: Shouldn't that be part of
2 number five?

3 MR. YAMADA: Correct.

4 MR. GILL: Part of number five?

5 CAPTAIN WILLIAMSON: Right, your final.

6 MR. GILL: Right, okay.

7 MR. YAMADA: Item five.

8 MR. GILL: So it is kind of misplaced as
9 it's --

10 MR. YAMADA: Well, and technically, so is
11 the next bullet. The next bullet is more of a
12 statement.

13 MR. GILL: Right, I like that as well. So
14 I think the next bullet which says the DOH agrees,
15 that's not a recommendation, so that is kind of
16 misplaced in this document. I'm not sure if we even
17 need it, but --

18 MR. YAMADA: All right. Okay, so that
19 would leave the last bullet, which is amending the State
20 underground storage tank regulations to require
21 secondary containment and leak detection for field
22 constructed underground storage tanks.

23 MR. GILL: Okay, so that is actually a
24 recommendation to the Department of Health because we
25 are in charge of the State UST regulations, so that I

1 think it needs to be if the Task Force is making that
2 recommendation --

3 MR. YAMADA: Well, technically, the
4 Legislature could also effect statute to that effect
5 too.

6 MR. GILL: Possibly, all right, so it just
7 needs to be clarified in any case --

8 MR. YAMADA: Right.

9 MR. GILL: -- but the content is clear
10 enough.

11 MR. LAU: If I could explain maybe a little
12 bit of background on that recommendation. We also had a
13 recommendation on the original draft suggestions for the
14 Task Force was asking the Department of Health to look
15 at other state by state UST regs to see how they handle
16 it elsewhere like in New Mexico, California, and other
17 locations to give us a starting place, and then revise
18 the Department of Health's UST leak response to use the
19 RCRA, Resource Conservation and Recovery Act,
20 requirements for characterizing the nature and extent of
21 the contamination, and then we have a list of things
22 here. That's it. So just some background to that.

23 MR. GILL: Ernie, are you suggesting that
24 an additional point be put in here as a recommendation
25 from the Task Force?

1 MR. LAU: Well, you know, it's still the
2 suggestion that maybe the Department of Health should
3 look at other states and how they have handled it as a
4 starting place, so you don't start from scratch --

5 MR. GILL: Okay.

6 MR. LAU: -- and then look at the RCRA site
7 characterization process --

8 MR. GILL: Okay.

9 MR. LAU: -- as a possible way of
10 incorporating it into your State regs.

11 MR. GILL: Okay, so that was part of your
12 initial submittal --

13 MR. LAU: Yes.

14 MR. GILL: -- that my staff didn't
15 incorporate in here, so you are raising it as that you
16 would like to see it incorporated?

17 MR. LAU: Just as a suggestion.

18 MR. GILL: Okay.

19 MR. LINDER: Ernie, this is Steve Linder.
20 I would like to kind of add a little info to this
21 discussion. You know, when the Red Hill issue came up,
22 we did quite a bit of research on trying to figure out
23 what states have done elsewhere for large field
24 constructed tanks. I talked fairly extensively with
25 some of the folks in California, Warren Fisher. I

1 talked to Edwards office. I talked to a lot of experts
2 on tanks from our state, you know, our region, including
3 Warren Fisher who runs the prevention program for
4 California. And, you know, nobody has really
5 encountered a facility really all that similar to Red
6 Hill. It's a very uniquely constructed facility, so I
7 think it's going to be a challenge to use what other
8 states are doing and try to have that influence what
9 gets done at Red Hill, because, again, it's a unique
10 problem requiring a unique solution.

11 MR. GILL: Okay.

12 CAPTAIN WILLIAMSON: Thank you for those
13 comments. So, Steve, are you recommending that you
14 would waive the Red Hill tank facilities from the -- no,
15 I'm kidding. You don't need to answer that.

16 MR. LINDER: Well, really, you know, Red
17 Hill facility, in terms of how to handle that particular
18 facility, it really comes down to the implementing
19 agencies' kind of expertise and discretion in terms of
20 how to properly, essentially, manage those types of
21 facilities. So it really comes to DOH with our support
22 to come up with, essentially, a unique solution to this
23 unique problem, and looking at other states' regulations
24 probably would not be productive.

25 CAPTAIN WILLIAMSON: And so at the end of

1 the day, we need to manage the risk, and while the
2 existing UST regulations are designed to eliminate the
3 risk, we need, in this case, to appropriately manage the
4 risk, and we might take elements from that but not lock,
5 stock, and barrel the other requirements for USTs around
6 counties and around the states.

7 MR. GILL: Okay, thank you for that
8 comment. I would only add that whether we choose to
9 manage the risk of Red Hill or eliminate the risk of Red
10 Hill is a matter for this Task Force to recommend. It
11 is totally in order if any member of this Task Force
12 would like to suggest that in order to eliminate the
13 risk that the Red Hill facility close. The Navy may not
14 -- the Navy would not support such a recommendation, but
15 that's in order in terms of --

16 CAPTAIN WILLIAMSON: No, you are right, and
17 I think that, you know, just for clarity's sake, you
18 know, Admiral Harris has gone on record to say if you
19 could guarantee that nobody on that side of the Pacific
20 is going to start a squirmish or do anything out of
21 order, then so be it, but I don't think we can guarantee
22 that either, so.

23 MR. GILL: Okay, I think we are going to
24 move on to point three, recommendations on that.
25 Stuart, go ahead.

1 MR. YAMADA: Task three regarding improving
2 the communications, first bullet is to create and
3 maintain a public web site containing all information
4 from the Task Force, Navy, DOH, BWS, and other agencies.

5 Second bullet, continue the work of the Task
6 Force to ensure the long term management, information
7 access, decision making issues, decision making on
8 issues related to Red Hill.

9 MR. GILL: Let me flag this one because I
10 am not sure if the Task Force wants to continue. This
11 would be a recommendation that the members of the Task
12 Force would like to stay as a Task Force beyond the
13 submittal of this report, so I just want to flag that
14 one because we shouldn't just take that lightly. Now,
15 this may be an appropriate organization to continue,
16 especially in light of this work might be taking years,
17 even with the Navy's best efforts, or this Task Force
18 might say, here's your report, we are done, sayonara,
19 okay?

20 MR. ONOUE: Just keep it in mind, I think
21 from the community's standpoint, you know, we do have a
22 vested interest in what's being done, and we would like
23 to be kept abreast as to exactly what's being done to
24 make sure that the recommendations that are formed here
25 and the scope of work that is being done, you know, is

1 to ensure our community's, is in our community's best
2 interests to ensure that our water supply is safe and
3 our residents in our neighborhoods are safe at all
4 times.

5 MR. GILL: Okay, that was Steven Onoue,
6 EPA, a member of the Task Force. Anything else, since
7 we are on that point?

8 MR. ONOUE: It is either myself or our
9 representative that we choose to send to the Task Force,
10 but we would like to, our Community Association would
11 like to stay on the Task Force, and we may change
12 representatives, but we would like to have
13 representation.

14 MR. GILL: Okay.

15 REPRESENTATIVE LEE: Just very briefly,
16 Chris Lee with the Legislature. I just wanted to ask
17 whether this ought to be consolidated with the request
18 later on. To ask the Legislature to extend my
19 resolution and the Task Force itself seems similar in
20 nature.

21 MR. GILL: Yes, I guess it could be. Yes,
22 sure, as a style change. We are kind of on the
23 improving communications, so recommendation within the
24 communication.

25 REPRESENTATIVE LEE: Okay, understood,

1 understood.

2 MR. GILL: So it presupposes that this
3 forum is a good communication tool, which is kind of
4 open to debate.

5 REPRESENTATIVE LEE: No, no, that's great.

6 MR. GILL: Okay, Stuart, do you want to
7 move on?

8 MR. YAMADA: Okay, last bullet is utilize
9 notification systems to communicate future leaks and
10 incidents at Red Hill or other underground storage tank
11 facilities in the vicinity of drinking water sources.

12 CAPTAIN WILLIAMSON: Is there not one
13 already? I mean, aren't we required to report, and
14 then the report is made public? I mean, I am just
15 asking because I think that that's already happening, so
16 is it --

17 MR. GILL: It's a good point. I think we
18 should ask the Task Force. Currently, the law requires
19 that and our rules require that anyone who owns a
20 storage tank or anyone who spills petroleum, basically,
21 needs to report to the Department of Health and
22 including from an underground storage tank or if a
23 tanker flips over on the highway or a pipeline breaks.
24 So that's what the law currently requires.

25 In this case, when the Department of Health

1 received that notification from the Navy, we informed
2 the Board of Water Supply, and we worked with the Navy
3 to hold a press release, a press conference, and that's
4 how it was made public. So that's what the current law
5 -- the law doesn't require that a press conference be
6 held. The law didn't require that the Department of
7 Health inform the Board of Water Supply. It was a
8 courtesy. So, Ernie, maybe, I think --

9 MR. LAU: I think at the time that we made
10 this initial recommendation here in our draft, it was
11 that they use possibly Nixle where you receive
12 notifications, and the events, keep in mind that the
13 events related to this facility might not just be a
14 leak. It could also be a fire even, something to alert
15 the community on an automatic basis if there is an event
16 that happens at this Red Hill facility. And my
17 suggestion at the time was to utilize something like
18 Nixle, which is already being used by the City and
19 County of Honolulu here on Oahu.

20 MR. GILL: People may not be aware of what
21 Nixle is or what it stands for.

22 MR. LAU: It's on line, it's basically a
23 text to your cell phone or an e-mail notification that
24 anybody in the public can sign up for, and at the City,
25 we encourage people to sign up to keep aware of events

1 going on. Main breaks come out on there. Tropical
2 storm warnings come out on Nixle. Fires, traffic
3 disruptions all come out on Nixle, and that, the idea of
4 that is it is an existing mechanism that is basically
5 almost no cost. It's just that somebody needs to post
6 the information into the system, and it can get out to
7 the public.

8 MR. GILL: Okay. So further comment or
9 discussion on that point?

10 Okay, so the current draft doesn't name
11 Nixle as the methodology, if this sort of calls for a
12 notification system above and beyond what currently is
13 being employed. Stuart, do you want to move on?

14 MR. YAMADA: Okay, task four is the
15 implications of closing the Red Hill facility.
16 Recommendations, once again, these don't exactly read
17 like recommendations. First is operation of this
18 facility should only exist on the condition that the
19 aging facility be upgraded with secondary containment
20 and state of the art leak detection.

21 Second bullet, the Navy should have facility
22 wide implementation of secondary containment by December
23 31st, 2024.

24 Third bullet, in the interim, while Navy studies
25 available technologies, increased protection and

1 monitoring must be applied until secondary containment
2 can be implemented.

3 CAPTAIN WILLIAMSON: So if I could just
4 comment? Stuart talked about this a little bit. I
5 think 2024 is not feasible. It's just not feasible. So
6 I think coming out with something that is feasible that
7 benefits everybody I think would be a prudent way going
8 forward.

9 So in concert with keeping the Task Force
10 together, in concert with, I think, what some of the
11 things that Steve Linder and his team are looking at, I
12 think that we should stay sort of on the front end of
13 technology, and we should assess the tanks as they are
14 taken out of operational service or their service life
15 extension, and that we should have a discussion and a
16 report on the state of technology and, you know, agree
17 on the beginning of the implementation for double wall
18 or secondary containment, and I think that that is
19 something that is achievable, and then once you get into
20 that cycle, then you can discuss the date upon which you
21 would complete this effort.

22 And so all I am suggesting is instead of
23 throwing a date out there that's completely not feasible
24 just by the timing it takes to do this, I think focusing
25 our attention on driving technology and then driving the

1 team to come together to understand the technology and
2 then driving implementation is something that is
3 completely achievable, so I throw that out there as a
4 way to craft this to achieve the desired outcome.

5 MR. GILL: Any comments from members?
6 Ernie?

7 MR. LAU: I just want to be clear that,
8 Erwin, is it correct to assume that was not in our
9 draft? So I am not going to take credit for these
10 recommendations. Not that I don't disagree with them.

11 I think that at some point some analysis
12 needs to be completed on the options for this facility.
13 The continued operation is necessary for our national
14 defense, and those need to be presented to the Task
15 Force so that the Task Force can understand what are the
16 options and the time frame. I would defer to the
17 Department of Health and EPA on this recommendation if
18 they want to include it or not. It is a pretty tight
19 recommendation.

20 I know that, Mike, you only did the API 652
21 process on about five tanks over how many years now?

22 CAPTAIN WILLIAMSON: We have done five, six
23 tanks.

24 MR. POENTIS: I don't know exactly what the
25 time frame is.

1 CAPTAIN WILLIAMSON: Over the last eight
2 years.

3 MR. LAU: It took about eight years to do
4 just the API 652?

5 CAPTAIN WILLIAMSON: You know, I have been
6 quoted as saying it's taken, right now today, it's taken
7 us, we take three tanks down for a period of four years
8 to -- in various stages of open, clean, inspect, service
9 life extended, restore to service.

10 MR. LAU: So I'm not sure of how practical
11 a deadline like this is to double up all of the eighteen
12 tanks in that time frame.

13 MR. GILL: Okay, so this is a real
14 important issue for the Task Force to consider because
15 what, really, I think that the Legislature is looking
16 for is implications of closing the tank and under what
17 conditions the tank should remain open as a
18 recommendation from the Task Force. And on one side, I
19 think, and fair to say EPA, Department of Health, and
20 the Navy are struggling over exactly this issue as we
21 negotiate the statement of work. How could you extend
22 the life of these while you are trying to extend the
23 life of the facility, implement secondary containment
24 and leak detection, improve secondary containment and
25 leak detection systems? And it's not clear as we sit

1 here how that could be done or how fast that could be
2 done.

3 So let me just finish on that. We still
4 have, I mean, what this says, as I read it, is to the
5 extent that the facility is going to be opened by a
6 certain time, the part of that facility that's in
7 operation should be upgraded, and the Task Force can set
8 that as a goal, because we have a risk. We have a risk
9 to our ground water, which is amply documented in this
10 report and described by all the data that's been
11 collected. So the real question is how do you mitigate
12 that risk or eliminate that risk, and how fast do we
13 feel that that risk should be eliminated? In a perfect
14 world, you know, the US military, the US Government is
15 capable of amazing things. Putting a man on the moon,
16 for example, in ten years, okay? Could we double line
17 these tanks in ten years? If there was enough money and
18 resources and technology put to it, I would submit
19 probably we can. We have double lined every oil tanker
20 in the US Fleet that carries oil in the past, what,
21 fifteen years or so. Could we double line fifteen tanks
22 in the ground? Yeah, I am just saying, sure, it should
23 be possible, but it's not clear on how to do that right
24 now.

25 The alternative could be, you know, there

1 are -- and this has been presented by members of the
2 DOD, that a certain number of the tanks could be taken
3 temporarily out of service and replaced by an above
4 ground storage somewhere else. So there could be a
5 middle ground that the Navy facility possibly could
6 operate with fewer tanks than they are operating now, at
7 least for an interim period. So there's any number of
8 things that could be done, which could be done in
9 addition to what Captain Williamson is suggesting which
10 is basically, I think, ultimately, what you are
11 suggesting is following the existing upgrade strategy
12 and improving the tanks on your existing time line, so
13 there could be speeding up that time line or reducing
14 the total number of tanks or eliminating the tanks
15 entirely or open, you know, recommendations that the
16 Task Force, you know, could offer.

17 So it's -- it's a really difficult issue,
18 and I think it is stated this way mostly to get
19 discussion, right? So how does the Task Force really
20 want to deal with it, you know? If the Task Force feels
21 that the threat is not great based on the data, maybe we
22 can take twenty years or thirty years to upgrade the
23 tanks. If we feel that the threat is greater, maybe we
24 would like to propose something else.

25 So any further discussion on that? Ernie?

1 MR. LAU: I think the paragraph, the intro
2 paragraph under the recommendation, the Department of
3 Health does not know the implications of shutting down
4 this facility, nor is it for us to describe.
5 Ultimately, the storage of 187 million gallons of fuel
6 100 feet above a drinking water resource is inherently
7 dangerous to the environment.

8 I wouldn't disagree with that, but I think
9 maybe what is necessary is to, as a request, request
10 that between the Navy, Department of Health, and US EPA,
11 that a plan be formulated for the continuing operation
12 of this facility while at the same time preventing the
13 further contamination of the drinking water resources
14 maybe within a year or something, some type of time line
15 for the parties to come together and work out a game
16 plan for preventing further contamination of the
17 resources and maybe even a catastrophic release of fuel
18 in the future. As this facility approaches a hundred
19 years old, if it is going to take thirty years, it's
20 seventy years old right now, and it will be a hundred
21 years old, parts of it, by the time they are done.

22 So I don't know. Another recommendation
23 from the Task Force is to allow EPA, DOH, and the Navy
24 an opportunity to look at various options to come up and
25 report back to the Task Force a game plan for addressing

1 this very real concern.

2 MR. GILL: Okay.

3 MR. LAU: That's a suggestion.

4 MR. GILL: All right, so I leave it and
5 suggest that you actually, you know, as we continue to
6 work on this document, if you have additional wording
7 that you would like to suggest, then the Task Force can
8 review that as we finalize the document.

9 CAPTAIN WILLIAMSON: And I would only add,
10 Gary, that, you know, the Department of Health does not
11 know the implications of the shutting down of this
12 facility nor is it for us to describe. I think, you
13 know, when you look at the purpose of this facility,
14 where it is, I think to some extent you have to
15 describe, because this is implications of closing the
16 facility relative to the water source, it's not relative
17 to, you know, our national security, it's not relative
18 to the other elements, and I think that just when you
19 weigh those two, if you didn't have the need for this
20 facility, shutting it down is an easy choice.

21 But, clearly, there's a need for this
22 facility in the unique place that we are in the world
23 and the unique role that we play in the world, and so
24 because at the end of the day, you know, your commerce
25 flows through that portion of the world, the world's

1 population lives in that portion of the world, and so
2 taking it lightly, the volume of fuel that is required
3 in today's world to support the commitments that we have
4 made, I don't think you can take that lightly when you
5 are having this discussion about implications of
6 retaining or shutting down this facility.

7 MR. GILL: Yes, I want to state, I think
8 that this recommendation is clearly a first draft, and
9 it is not appropriate for, you know, a finding of this
10 Task Force. It certainly needs to be augmented by,
11 perhaps, the Navy and any member of the Task Force
12 because, you know, it is clearly written by the
13 Department of Health. Like we don't know. That's why
14 we put it in here. But the Task Force ought to and I
15 think the Navy as a partner ought to be encouraged to
16 improve this language to describe what the need of the
17 facility is. Okay? So clearly some work to be done on
18 this section.

19 MR. ONOUE: Well, I think the facility is
20 unique by itself. It is a one of a kind facility. It
21 is of strategic interest. I don't see it as a community
22 member going away. I don't see the threat as being less
23 than what it is. I think, in fact, it may be greater,
24 and the need for the facility to be up and running and
25 to be well maintained is there, and I think it's the

1 Navy's responsibility to ensure that they can keep the
2 facility up and running and in good working condition
3 and to meet the requirements of both the State as well
4 as the community to ensure our safety.

5 But, you know, the thing is we have to be
6 realistic also. We can't just tell them in ten years
7 you have got to double line all of your tanks. It's
8 just not going to happen. It takes them four years to
9 do, what, three tanks? You know, we just can't put a
10 hard date on that implementation, because it's not
11 feasible for them. They have the fuel in there. They
12 have to off load it. They have got to clean it. They
13 have got to inspect it. And, you know, if you had a ton
14 of money, yeah, sure, you can do that, but
15 realistically, it's probably not feasible. We would
16 like to see, you know, the Navy do its best, and like
17 you said, technology can change. Who knows what's going
18 to happen in the next five to ten years? Fossil fuel
19 ships may be out the door, but we don't know that at
20 this time. So, you know, it's still about best efforts
21 and doing things the right way and to ensure our safety,
22 that's the main characteristic of what should happen.

23 MR. GILL: Okay. We are going to the --

24 MR. LAU: I think the third bullet, you
25 know, in the interim, while the Navy studies the

1 available technologies, increased protection and
2 monitoring must be applied until secondary containment
3 can be implemented. So increased efforts to monitor and
4 repair the facilities in the interim until the final
5 solutions are in place I think are prudent, would be
6 prudent here.

7 MR. GILL: Okay.

8 MR. LAU: Sorry.

9 MR. GILL: Okay, we are just past noon, and
10 we are almost done. We have three more bullets left and
11 then some round up discussion, and then we will decide
12 how to move forward as a Task Force, so, Stuart, do you
13 want to finish up here?

14 MR. YAMADA: Okay, last task, Legislative
15 recommendations, the first bullet is passing of another
16 resolution that would extend the Task Force activities.

17 MR. GILL: Senator Gabbard?

18 SENATOR GABBARD: On the passing of another
19 resolution, I checked with our Senate attorneys, and
20 while it is not -- we could continue informally to meet
21 afterwards, it would be a good idea is what they are
22 saying is to pass on the resolution.

23 What I do want to bring up, though,
24 actually, is the first bullet and the last bullet,
25 perhaps we should be considering, we are talking about

1 forty-six field constructed tanks that are over seventy
2 years old, right? So the Task Force, the language of
3 Act 73 was to study the effects of the leak at the Red
4 Hill underground fuel storage facility, and maybe what
5 we should be doing is a new resolution looking at
6 getting off of Red Hill underground fuel storage
7 facility. So I mean, I am looking at this list, and I
8 haven't seen this list until today, you have Kuahua
9 Peninsula. That's in Pearl Harbor, right; is that
10 correct?

11 MR. LAU: Mm-hm.

12 SENATOR GABBARD: All right, there's over
13 half a million gallons capacity at those three, and then
14 that's how many? There's twelve tanks there. I think
15 it said there's forty-six total, that's the number,
16 right? Four are permanently out of use, so that leaves
17 forty-two, so twenty are at Red Hill, so we are looking
18 at twenty-two other tanks. And in the interests of the
19 bigger picture of looking at the well-being of our
20 citizens here in terms of clean water and in terms of
21 the environment, I really think we should be looking at
22 all of them. So maybe that would be something that we
23 should consider is broadening the resolution to include
24 all of them.

25 MR. GILL: Okay.

1 MR. LAU: I agree.

2 MR. GILL: Okay, Stuart, I guess you are on
3 the second bullet?

4 MR. YAMADA: Right. So second bullet
5 proposes the passing of an increase in environmental
6 response and remediation fund. Is that right?

7 MR. GILL: Response revolving fund.

8 MR. YAMADA: Revolving fund from the barrel
9 tax from the existing five cents to fifteen cents to
10 provide for additional staff and resources for the
11 branch to support oversight for Red Hill and all other
12 field constructed USTs in the State.

13 MR. GILL: So I may comment on that because
14 this is my favorite bullet.

15 MR. ONOUE: There's a lot of money.

16 MR. GILL: We have been asking the
17 Legislature for oil response funding for a long time, so
18 I couldn't resist throwing that one in there. Thank
19 you, staff. You know, that may or may not be
20 appropriate for the Task Force if you feel that that
21 level of political engagement isn't appropriate. But
22 the bottom line is that you should know that the ERF has
23 been at five cents since 1990, I forget, '6 or
24 something, and the original intent is for oil spill
25 response. We currently in the Department of Health have

1 forty-two different staff, mostly oil and chemical
2 response employees. They could be in drinking water or
3 our solid waste program, but they are dependent upon
4 that fund just to maintain the current level of
5 services. The second purpose of the fund is to have, if
6 you will, a rainy day response fund for oil and chemical
7 response and clean up.

8 The fund is essentially bankrupt. In fact,
9 we have had to move some funds from other parts of the
10 Health Department to make salary, and so if we don't see
11 an increase of these funds soon by some fashion, a large
12 part of the work that we do in oil and chemical response
13 and control and safety is going to be defunded. So the
14 Task Force may not want to jump in on that, but I think
15 it's important for you to understand the resources, the
16 resource restraints that we have. So maybe for a future
17 discussion, we will see if people --

18 CAPTAIN WILLIAMSON: Just as it brings us
19 more money, it will probably bring you more money,
20 right?

21 MR. GILL: Is that trickle down economics?
22 Okay, so it's twelve noon. We have had a good, a lot of
23 discussion and a rundown of this report. I think that
24 the Chair gets the sense quite clearly that this report
25 is not ready to be moved forward in its current form,

1 that there is work to be done on it. We have a time
2 line, basically, for the next couple of weeks to stay on
3 time line in order to be able to get this to the
4 Legislature about a month from now.

5 So there has been a suggestion that a
6 subgroup of the Task Force could meet to work out
7 revisions, and then those revisions could come back to a
8 whole Task Force meeting for final approval. I would
9 like to suggest that that be our pathway forward given
10 the discussion that I have heard today, but before we
11 move on that, let me just ask any thoughts or comments
12 or recommendations from Task Force members now that we
13 have gone through this, how you would like to proceed?
14 David?

15 MR. YOMES: To meet the Legislative
16 deadline, I would like to see the players involved work
17 on these recommendations, the Navy, the Board of Water
18 Supply, DOH, and even EPA, and you guys decide what we
19 can -- what would be a good recommendation, and we meet
20 in early December, the entire board, and we take a vote
21 and send this to the Legislature to meet their deadline.

22 MR. GILL: Okay. So that's a
23 recommendation that you have suggested four members of a
24 sub Task Force group, being the Navy, DOH, EPA, and the
25 Board of Water Supply?

1 MR. ONOUE: And their legal representation,
2 their legal aides. You know, you are going to have to
3 talk about language and legalese and, you know, make
4 sure you folks have good understanding of exactly what
5 you folks are saying, and everybody comes into agreement
6 with that. Because we don't want to have somebody
7 object, well, that depends, what is it, you know? You
8 don't want to have that. You have to make it very
9 specific and have both sides agree with their legal
10 staff. I'm sure that would please the Navy.

11 CAPTAIN WILLIAMSON: Absolutely. I just
12 want to make sure it is clear. I want to make sure it
13 is clear and we all understand what we are talking
14 about, and, you know, I don't want, you know, at some
15 point in time to have, you know, conflicting guidance,
16 right? Clear, concise, understood guidance on the way
17 forward is very helpful, especially as players turn
18 over.

19 MR. GILL: Okay, so we have had members
20 nominated to a committee. Let me ask does anyone
21 suggest additional members working on a subcommittee to
22 work on a final draft, or are the representatives of the
23 Board of Water Supply, the Navy, the EPA, and DOH
24 agreeable to work on a final draft in the near future?
25 EPA, any comment?

1 MR. LINDER: No specific comment, but I
2 think, you know, since we are planning to come out, it
3 sounds like at this point that we could be, A,
4 suggesting that maybe we put aside part of that week to
5 put any kind of final touches on the document or even
6 not so final touches on the document.

7 MR. GILL: Well, my only comment on that is
8 if we are going to actually get this to the Legislature
9 by the end of December, there is a process that it needs
10 to go through the Department of Health, our planning
11 office, you know, be signed off by the director and
12 stuff, and we are kind of in a transition period. We
13 don't know who the director of Health is going to be in
14 December. We don't know if there will be a director of
15 Health in December. It is up to the new governor or any
16 of the deputies, for that matter, so I just anticipate
17 it is going to take some time. I wouldn't -- I would --
18 I would guess that this will not get to the Legislature
19 on time, unless this Task Force finalizes it in the
20 first week of December at the latest.

21 CAPTAIN WILLIAMSON: Can I ask a question?
22 I mean, the Legislative session maybe for Senator
23 Gabbard or Representative Lee, you all start on the
24 20th?

25 SENATOR GABBARD: 21st.

1 CAPTAIN WILLIAMSON: 21st of January, so
2 sort of reverse planning, when --

3 REPRESENTATIVE LEE: Well, reverse
4 planning, I see where you are going with this. We
5 actually start before then when the work starts, so we
6 need to have bills being drafted and ready to go. We
7 need to rally support from our colleagues if we are
8 going to do anything, so realistically we are moved up
9 before then. So I mean, at the latest, we need a real
10 solid idea of where we are going probably like early,
11 first week of January, I would say, at the latest.

12 CAPTAIN WILLIAMSON: And so my line of
13 questioning is lined up on if we have a discussion, and
14 it's just a matter of getting the appropriate signatures
15 on the document, but if you have the meat behind the
16 document, and we have consensus on that document going
17 forward, that can be tasked to you in advance of the
18 final signatures that allows you to do the preparatory
19 work and things you need to do so you hit the ground
20 running?

21 REPRESENTATIVE LEE: Yes.

22 MR. GILL: Okay, so I guess what I would
23 like to do is getting back on agenda, perhaps somewhere.
24 Where did it go? There it is, it flipped over. We are
25 on to next steps, so the date of the next meeting and

1 the agenda for the next meeting, what I am hearing is
2 that we should set a date for the subcommittee. I will
3 call it the final report drafting subcommittee of the
4 Task Force sometime in the next couple of weeks and no
5 later than a couple of weeks after that. Another
6 meeting of the full Task Force, the point of the agenda
7 would be to review the proposed final draft of the Task
8 Force report. Okay. Well, maybe, let's start backward
9 to people. Anybody want to suggest a time for the next
10 full Task Force meeting? Looking at all of your various
11 calendars.

12 CAPTAIN WILLIAMSON: I think after the -- I
13 think the 8th of December is sort of a critical date
14 because that's the broader picture when it all comes
15 together and some preliminary discussions and then the
16 meeting with EPA, and, Steve, if I heard you correctly,
17 you plan on traveling out here for that?

18 MR. LINDER: Correct, the week of the 8th.

19 CAPTAIN WILLIAMSON: Okay, so I am thinking
20 something immediately following that visit would be a
21 great opportunity to bring this team back together and
22 sort of close things up, and we can use the preparatory
23 meetings leading up to that to gain consensus on this
24 document and get us a lot closer as well on the
25 statement of work and administrative order of consent,

1 and that way we are consistent. What are your thoughts
2 on that?

3 MR. LINDER: Well, I agree that we need to
4 do the work leading up to that, the week of the 8th.
5 I'm not sure in terms of what consensus we are going to
6 reach on all of the points of the document. I am
7 thinking during that, we can all be out there with
8 several members of my team and my lawyer, that it may be
9 good to actually have the broader meeting actually
10 during that week while we are out there, so we can be
11 there that week to finalize what this document may look
12 like and who is signing what, so we have to incorporate
13 that into our bid of the EPA.

14 MR. GILL: Okay, Steve, are you still going
15 to be in town on Thursday the 11th?

16 MR. LINDER: Thursday the 11th, yeah,
17 correct.

18 MR. GILL: Okay, so I am hearing a
19 suggestion that we schedule the next and potentially the
20 final Task Force meeting on the 11th of December, ten
21 o'clock as usual. Any objections to that
22 recommendation? Hearing none, Task Force members, we
23 will schedule such a time.

24 Then between now and then, we need a
25 subcommittee meeting. Again, under the Sunshine Law,

1 the subcommittee of this Task Force is going to have to
2 put out an agenda, public notice, and meet in a public
3 forum to go over all of these recommended changes, so
4 anyone want to suggest a time for that in the next
5 couple of weeks? Thanksgiving is coming up. Holiday
6 season is notoriously difficult to get quorum.

7 UNIDENTIFIED WOMAN: 13th of November is a
8 Thursday.

9 MR. GILL: November 13th, going once.

10 MR. LINDER: Back up on second. November
11 13th was?

12 MR. GILL: That's next week.

13 MR. LINDER: Next week. Bob will be
14 available. I will be meeting in the State of Nevada in
15 Carson City on the 13th.

16 MR. GILL: EPA will be in Nevada meeting in
17 Carson City on the 13th. Do you have a different time
18 to suggest, Steve?

19 MR. LINDER: The following week is much
20 better for us, the beginning of the following week.

21 MR. GILL: Choose a date.

22 MR. LAU: It's getting tight.

23 MR. GILL: Yeah.

24 MR. LINDER: I would say Monday, the 17th.

25 MR. GILL: Monday, the 17th. Ernie, can

1 you do that?

2 MR. LAU: Yeah, we'll be there.

3 MR. GILL: Somebody from DOH can do that.

4 Is that all right with the Navy.

5 MR. POENTIS: We will try to accommodate
6 it.

7 MR. GILL: Okay, let's say tentatively
8 November 17th, Monday. Off line, we can coordinate and
9 make sure that every member of the subcommittee can make
10 that at a given point of time, and we will post notice
11 appropriately with the Lieutenant Governor's office
12 pursuant to the Sunshine Law.

13 MR. LINDER: What time of day? I am just
14 looking at my calendar that day.

15 MR. GILL: We don't know. We will have to
16 get back with you on the time of day and work out a time
17 that works for everybody.

18 MR. LINDER: I actually have more
19 flexibility on the 18th, which is Tuesday.

20 UNIDENTIFIED WOMAN: You don't.

21 MR. GILL: All right, we are going to do
22 this off line, okay? We will target some day that week,
23 either Monday or Tuesday, because everybody is looking
24 through their iPhones right now, so we will give
25 appropriate notice, but just to be aware, one of those

1 days, sometime in there we are targeting? What's that?

2 MR. YAMADA: It's the ceremony.

3 MR. GILL: Ceremony for what? Oh, we have
4 some business with the Board of Water Supply that day.
5 That's not going to take that long.

6 Okay, so with that, I think we are at the
7 end of our agenda. Any other comments before we
8 adjourn?

9 MR. POENTIS: Can I make one real quick
10 comment.

11 MR. GILL: Yes, Aaron.

12 MR. POENTIS: I think on the signature
13 page, Mr. Onoue's name is spelled incorrectly.

14 MR. GILL: Who did we misspell?

15 MR. YAMADA: Noted. Yes, we saw that.

16 MR. POENTIS: Okay.

17 MR. GILL: Okay. Oh, yeah, it's like a
18 Hawaiian name. Okay, we will correct that. Thank you.

19 CAPTAIN WILLIAMSON: You spelled Poentis
20 correctly.

21 MR. GILL: Yes, declare victory. There
22 being no further business, thank you, everyone, for
23 attending. This meeting is adjourned.

24 (Meeting adjourned at 12:17 p.m.)

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C E R T I F I C A T E

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

I, PATRICIA ANN CAMPBELL, CSR 108, Notary Public, State of Hawaii, do hereby certify:

That on November 6th, 2014, the meeting was taken down by me in machine shorthand and was thereafter reduced to typewriting under my supervision; that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 16th day of November, 2014, in Honolulu, Hawaii.

PATRICIA ANN CAMPBELL, CSR 108
Certified Shorthand Reporter

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