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DEPARTMENT OF HEALTH
STATE OF HAWAII

DEPARTMENT OF HEALTH, STATE OF)	Docket No. 21-UST-EA-02
HAWAII)	
)	DECLARATION OF WAYNE
Complainant,)	TANAKA
)	
vs.)	
)	
UNITED STATES DEPARTMENT OF THE)	
NAVY,)	
)	
Respondent,)	
)	
vs.)	
)	
SIERRA CLUB and HONOLULU BOARD)	
OF WATER SUPPLY,)	
)	
Intervenors.)	
)	

DECLARATION OF WAYNE TANAKA

I, Wayne Tanaka, declare that if called as a witness in this action I would testify of my own personal knowledge as follows:

1. I serve as the director of the Hawai‘i Chapter of the Sierra Club, and I am also a member of the Sierra Club. If called as a witness, I could and would testify competently to the matters set forth herein.

2. Protecting O‘ahu’s drinking water from contamination from the Red Hill Facility is one of the Sierra Club’s primary campaigns in Hawai‘i. The Sierra Club’s many years of advocacy on this issue have included: lobbying federal, state, and local government entities and officials to shut down the Red Hill Facility; building public awareness and support through emails, newsletters, social media, public events, presentations, and fundraising activities; and actively litigating to require the State of Hawai‘i Department of Health (“DOH”) to stop the threat to our drinking water posed by the United States Department of the Navy’s (“Navy’s”) Red Hill Facility in agency proceedings and civil lawsuits. In connection with its advocacy, the Sierra Club has invested hundreds of hours researching and documenting factual issues related to the threats posed by the Red Hill Facility.

3. Specifically with respect to litigation regarding the Red Hill Facility, the Sierra Club was or is a party in:

- a contested case regarding the Navy’s Application for an underground storage tank (“UST”) permit to continue operations at the Red Hill Facility, which is currently pending before DOH, *see In re US Navy’s Application for a UST Permit for the Red Hill Bulk Storage Facility*, Docket No. 19-UST-EA-01 (Dep’t of Health);
- a civil suit against DOH to prevent the automatic approval of USTs pursuant to HAR § 11-280.1-327(b), which was settled in the Sierra Club’s favor, *see Sierra*

Club v. Dep't of Health, Civ. No. 1CCV-19-0002098 (Environmental Court, 1st Cir.);

- a civil suit against DOH to invalidate exemptions from rules regulating pollution from the Red Hill Facility, in which Sierra Club was the prevailing party, *see Sierra Club v. Dep't of Health*, Civ. No. 17-1-1350-08 JPC (Environmental Court, 1st Cir.); and
- a civil suit against DOH to obtain government records relating to a fuel leak from the Red Hill Facility pursuant to HRS chapter 92F, *see Sierra Club v. Dep't of Health*, Civ. No. 1CCV-21-0001307 (Environmental Court, 1st Cir.).

4. Exhibit S-1 is a true and correct copy of the Order Granting Plaintiff's Motion for Summary Judgment in *Sierra Club v. Dep't of Health*, Civ. No. 17-1-1350-08 JPC (Environmental Court, 1st Cir. Mar. 23, 2018).

5. The Sierra Club has more than 2,700 dues paying members that live on O'ahu. A substantial portion of those members lives and/or works in the areas between Hālawā and Maunaloa and relies upon drinking water from the Southern O'ahu Basal Aquifer for their health and livelihoods. I am one of those members, as I primarily reside in Maunaloa, and the Hawai'i Chapter office is in downtown Honolulu.

6. The Sierra Club's mission includes the protection of natural resources, including the purity of groundwater. The Sierra Club and its members seek to preserve and enjoy a clean, healthy and natural environment.

7. The Sierra Club and its members (including myself) are adversely affected when the water that members drink is to be polluted with petroleum from the Red Hill Facility. This threat is not hypothetical or speculative. The water that Sierra Club members drink has already

been poisoned by petroleum that the Navy acknowledges was released from the Red Hill Facility in late November 2021, causing adverse health impacts. The groundwater aquifer that has already been contaminated by the Red Hill Facility's petroleum is also the U.S. Environmental Protection Agency Region IX sole source aquifer, on which the Honolulu Board of Water Supply relies to meet the needs of O'ahu residents and Sierra Club members from Hālawā to Maunaloa.

8. Sierra Club members are also adversely affected when the nearshore waters of Pu'uloa are contaminated by leaks from defuel lines that are connected to, and a part of, the Red Hill Facility. Sierra Club members, including myself, fish from the waters of Pu'uloa, into which at least 7,600 gallons of fuel leaked from a defuel line near the Hotel and Kilo Piers in 2020 and 2021.

9. The interests of the Sierra Club and its members are jeopardized by the continued operation of the underground storage tanks at Red Hill. To prevent future fuel releases that would further contaminate the Southern O'ahu Basal Aquifer and the nearshore waters of Pu'uloa, the Sierra Club and its members are committed to securing the orderly defueling and permanent closure of the Red Hill Facility.

10. Exhibit S-2 is a true and correct copy of a news article that appeared in the Honolulu Civil Beat ("Civil Beat") on December 10, 2021, entitled "State Finds Red Hill Contamination Far Above Health Thresholds for Drinking Water," which is available at Civil Beat's publicly accessible website: <https://www.civilbeat.org/2021/12/state-finds-red-hill-contamination-far-above-state-standards-for-drinking-water/> (last visited Dec. 17, 2021).

11. Exhibit S-3 is a true and correct copy of a November 29, 2021, news release from DOH entitled "Hawai'i Department of Health advises Navy water system consumers not to drink, consume tap water," which is available at DOH's publicly accessible website:

<https://health.hawaii.gov/news/files/2021/11/21-165-DOH-advises-Navy-water-system-consumers-not-to-drink-consume-tap-water.pdf> (last visited Dec. 17, 2021).

12. Exhibit S-4 is a true and correct copy of a December 10, 2021 news release from DOH entitled “Hawai‘i Department of Health Confirms High Levels of Petroleum Contamination in Navy’s Red Hill Shaft,” which is available at DOH’s publicly accessible website: <https://health.hawaii.gov/news/files/2021/12/21-177-Hawaii-Department-of-Health-confirms-high-levels-of-petroleum-contamination-in-Navys-Red-Hill-Shaft.pdf> (last visited Dec. 17, 2021).

13. Exhibit S-5 is a true and correct copy of a December 8, 2021 news release from DOH entitled “Petroleum Contamination Reported in Navy’s Aiea Halawa Shaft,” which is available at DOH’s publicly accessible website: <https://health.hawaii.gov/news/files/2021/12/21-174-Petroleum-contamination-reported-in-Navys-Aiea-Halawa-shaft-.pdf> (last visited Dec. 17, 2021).

14. Exhibit S-6 is a true and correct copy of DOH’s October 26, 2021, Notice of Violation and Order, NOVO No. 21-UST-EA-01 Re: Violations at the underground storage tank system located at Red Hill/Pearl Harbor-Hickam on the Island of Oahu, aka the Red Hill Bulk Fuel Storage Facility, which is available at DOH’s publicly accessible website: <https://health.hawaii.gov/shwb/files/2021/10/SHWB-NOVO.21-UST-EA-01-signed.pdf> (last visited Dec. 17, 2021).

15. Exhibit S-7 is true and correct copy of a December 3, 2021 news release from the Board of Water Supply, City and County of Honolulu (“BWS”) entitled “Board of Water Supply Shuts Down Halawa Shaft in Response to Red Hill Contamination,” which is available at BWS’s

publicly accessible website: <https://www.boardofwatersupply.com/news-events/news-releases/2021/halawa-shaft-shutdown> (last visited Dec. 17, 2021).

16. Exhibit S-8 is true and correct copy of a December 9, 2021, memorandum from the Headquarters of United States Army Pacific entitled “Authorized Evacuation of Personnel, Dependents, and Employees Impacted by Water Contamination,” which is available at the Army’s publicly accessible website: https://home.army.mil/hawaii/application/files/5916/3919/0540/TFO_EvacOrder-20211209.pdf (last visited Dec. 17, 2021).

17. Exhibit S-9 is true and correct copy of a December 10, 2021, memorandum from the Headquarters of United States Army Pacific entitled “Addendum - Authorized Evacuation of Personnel, Dependents, and Employees Impacted by Water Contamination,” which is available at the Army’s publicly accessible website: https://home.army.mil/hawaii/application/files/3616/3919/0556/TFO_AddendumEvacAuthorization-20211210.pdf (last visited Dec. 17, 2021).

18. Exhibit S-10 is true and correct copy of a December 11, 2021, memorandum from the Headquarters of United States Army Pacific entitled “Addendum II - Authorized Evacuation of Personnel, Dependents, and Employees Impacted by Water Contamination,” which is available at the Army’s publicly accessible website: https://home.army.mil/hawaii/application/files/8216/3936/1766/TF_Ohana_-_Addendum_II.pdf (last visited Dec. 17, 2021).

19. Exhibit S-11 is excerpts from a true and correct copy of the National Defense Authorization Act for Fiscal Year 2022, which is available on the House of Representatives’ publicly accessible website at: <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117S1605-RCP117-21.pdf> (last visited Dec. 17, 2021).

20. Exhibit S-12 is a true and correct copy of a December 15, 2021, press release from Hawai‘i Congressman Ed Case entitled “Congress Passes \$768 Billion Annual National

Defense Authorization Act with Major Reforms Impacting Country and Hawai'i: The bill reforms military sexual assault investigations and prosecutions, improves military readiness and quality of life for the troops, and addresses Red Hill fuel safety and civilian-military relations in Hawai'i," which is available on Congressman Case's publicly accessible website at: <https://case.house.gov/news/documentsingle.aspx?DocumentID=727> (last visited Dec. 17, 2021).

21. Exhibit S-13 is excerpts from a true and correct copy of a December 1, 2021, KHON newscast entitled "Petroleum-like substance found in water at Red Hill Elementary; Navy sets up clean water distribution locations," which is available on KHON's publicly accessible website at: <https://www.khon2.com/local-news/watch-live-doh-deputy-director-of-environmental-health-on-navy-water/> (last visited Dec. 17, 2021).

22. Exhibit S-14 is excerpts from a true and correct copy of a November 30, 2021, Hawai'i News Now newscast entitled "A military family invited us in to see (and smell) their water firsthand. Here's what we saw," which is available on Hawai'i News Now's publicly accessible website at: <https://www.hawaiinewsnow.com/2021/12/01/military-families-show-oily-smelly-sheen-water-hnn-sends-samples-independent-lab/> (last visited Dec. 17, 2021).

I declare under penalty of law that the foregoing is true and correct to the best of my knowledge.

DATED: Honolulu, Hawai'i, December 18, 2021.


Wayne Tanaka