

Transcript of Department of Health Public Hearing

- **For the proposed amendment of Hawaii Administrative Rules chapter 11-280.1, Underground Storage Tanks**
- **December 2, 2019, 9:00am at the State Lab at 2725 Waimano Home Rd, Pearl City, HI**

Transcription notes:

- Some hesitations, self-corrections, and verbal habits such as “um,” “you know,” and “yeah?” have been omitted.
- [Actions, expressions, and audible but indecipherable speaking are described in brackets.]
- (Unclear speech heard on the audio recording and guessed at by the transcriptionist is in parentheses.)

Hearings Officer (Noa Klein): Okay. Good morning everybody. Thank you so much for coming. Sorry for people who had trouble finding their way here. I think the Google map might have changed. But we heard that feedback loud and clear and I’m definitely going to either get Google to change that or put a line in the public notice explaining to people that you need to come inside the gate. So now that you know where this is, this is where Solid and Hazardous Waste Branch usually does public hearings for rulemakings, just because there’s a lot of free parking and the room is free to us and our office is up the hill. So, if you want to come visit our office it’s just further up, basically all the way at the top and then on the left. We’re in the shorter building.

So, my name is Noa Klein. I’m going to be the Hearings Officer for this hearing. I’m a Planner in the Solid and Hazardous Waste Branch for the State of Hawaii Department of Health. Today is December 2nd. It’s 9:06. And we are recording this.

So I’m going to ask people who are giving oral comments to come up here and speak right in front of the tape recorder so that we can get a good quality recording. It’s going to be transcribed and posted online. [pause] Did everybody get a copy of the handout? It’s just one page and we have a bunch of copies. Does any— raise your hand if you need one. [no one raises their hand] Ooh we’re good. Thank you. I love that. Okay, so, I’m going to just give a few introductory remarks that are essentially required in the rules for how you hold a hearing on the rules.

So, this is a public hearing for the proposed amendment of Hawaii Administrative Rules chapter 11-280.1, which is the rule chapter on Underground Storage Tanks or USTs. The proposed amendments are primarily designed to increase the protections that chapter 11-280.1, HAR, affords Hawaii’s environment and public health by requiring all field-constructed USTs and USTs that are part of airport hydrant fuel distribution systems to have secondary containment by July

15th, 2045. Amendments are also proposed to improve the clarity of existing requirements and ensure that the state regulations are fully consistent with the federal UST regulations.

So that was basically straight out of the public notice. The entire public notice is on the back of the handout. So included in that notice— sorry, you’re looking at a blank piece of paper because I’m not actually holding the handout. But you are. In the middle paragraph that says “The proposed amendments can be viewed...” there’s a website health.hawaii.gov/shwb – that’s for Solid and Hazardous Waste Branch – /ust-har. Everything is posted on that website if you want to go back and take a look at the proposed changes or the summary of the proposed changes, it’s all there. And then there’s also the e-mail address that you can send the written comments to. So there’s a postal mail address, and it’s for our office up the hill, you can also hand deliver them there if you want to, but there’s also thing long e-mail address: DOHustprogram@HawaiiOIMT.onmicrosoft.com. That’s the address where we’re collecting all of the written comments for this proposed rulemaking. And the deadline for the written comments is December 16th. So you have a couple more weeks if you want to go look online and submit your written comments there. [pause]

Okay. So I’m going to go over the hearing procedure a little bit. I’m not going to say everything that’s on the handout, [pause] but bear with me. Okay, so the first one is please sign in. If you didn’t sign in, please sign in on your way out. It just really is helpful for us to keep a count of how many people are here. And also by putting your e-mail address on there we’re going to add you to the mailing list for our future announcements about UST Program-related things, which would include any proposed rulemakings. If you want to give oral testimony then you need to sign in on one of the sheets that says “Testimony” on the top in red. So if you do want to give oral comments and you didn’t sign in on one of those sheets with the red on top, you can go back outside and see Thu, she’s still sitting out there. Just—it helps us to be able to keep track that way. So we’re going to limit the oral comments to three minutes per person and then if we have time at the end and people want to say more, then people can come back and say more. While other people are testifying please be quiet and courteous. We are doing this audio recording that we’re going to transcribe. Please shut off your phone ringers. The other thing that’s not written down on the handout, which most of you already heard me say, is that the Building Manager, or somebody who works in this lab building, told me that they’re doing an emergency generator test this morning, so the lights might go out at some point. [small laugh] So that should be really fun. [laughing] I had a good suggestion from someone to just have everybody turn on the flashlights on their cell phones. We could do that or we could just take a little break. We’ll kind of see where we are if the lights do go out while we’re in the hearing.

Audience: [indecipherable]

NK: That’s just a total coincidence. The people who run this building, the State Lab Division, have nothing to do with this hearing, and I was just informed this morning. They said that the test was supposed to be done by 9am, but then, you know, this was at like 8:30 and the guy wasn’t here yet. So I’m just saying, it may happen. It shouldn’t interfere with our hearing. So

we'll just kind of see where we're at at that point. I think we've got plenty of time, so maybe we'll take a break if that does happen.

And then, I'm also going to be accepting written comments at the end, at the close of the oral comment, you know, once we end the hearing. So if you have written comments that you want to submit, you're going to hand those directly to me after the hearing concludes. As I said, you can also e-mail them, mail them in, or hand deliver them to our office. But please make sure that if you're handing in a piece of paper with your comments on it, that you've included your name and what organization you're representing, if any, and your e-mail address. Okay, I already said deadline December 16th.

And then, the last thing is, I'm going to call people up to give their oral testimony in the order that people have signed in. And that's it. Okay. So, Helen Nakano, please come on down.

Thank you for coming. So you're just going to sit over here. Okay, and so it says here individual, so you're not representing a group.

Helen Nakano: [overlapping] Yes. Right.

NK: Okay. Go ahead.

HN: I'm a grandmother, a mother, I am a member of a disaster preparedness group, and also I've been a member of the stakeholders advisory group at the Board of Water Supply. All of them are voluntary positions, and I don't represent these organizations, I'm speaking as an individual. But they have certainly influenced my attitude towards water. And I consider it the most vital, important thing in any disaster. So I want to do all I can to protect what we have. I believe in prevention and preparation instead of reaction and I feel that the amendments proposed by the Navy to extend their removal of the tanks to 2045 is [pause] simply pushing the ball forward and not handling the situation which requires, to me, immediate concern. And so, we have a chance to prevent this disaster from happening, whereas if it were hurricanes or tsunamis, we can't do anything about it, all we have to do is react, but we can prevent this. Now, I understand that in Manchester, the State of Washington, the tanks that they have were underground, they were built during World War II, same time as ours, and they [small laugh] are taking those tanks out. I mean, [small laugh] let's follow them and do the right thing and get those tanks out of here. The aquifer is only a hundred feet, you know, that's about two buildings of this particular building, it's very close.

Tyrone Tahara: Sorry we can't hear.

HN: Thank you.

[multiple people speaking in overlap, mostly indecipherable]

Audience: Can we get a microphone?

TT: [overlapping] Sorry auntie, but I can't hear.

Audience: [overlapping; indecipherable] ...microphone.

NK: I don't know whether that microphone is working because I didn't ask the lab for a—
[pause] Sorry! [small laugh]

[Multiple people speaking in overlap.]

NK: Can you all just come sit closer?

Audience: Can't she just stand up (then)?

Ellen Sofio: [standing in audience] If we can't get a microphone, this hearing should be immediate canceled and rescheduled. (This is absolutely ridiculous.)

NK: [overlapping] Hold on a second. Hold on a second. Everybody calm down.

[End of overlapping speech]

NK: The purpose of this hearing is for the Department of Health to collect public comments from the public. That's basically the sole purpose of the hearing. So everyone who wants to give their comments is going to have their chance to come up here and do that. The important thing is that the tape recorder hears those comments because this is going to be transcribed and compiled together with all of the written comments that the Department will respond to before it completes the rulemaking. If you're having trouble hearing, I invite you to please come sit down closer. There are a lot of empty seats in the first few rows here.

Audience: [indecipherable] Why can't we act as witnesses? If we can't hear then
[indecipherable]

NK: Come— please come sit down closer.

ES: [standing in audience] I would object that this is a violation of our rights to know as citizens what other people at the hearing are saying.

NK: [overlapping] Please. Come. Sit. Closer.

ES: [overlapping; standing in audience] This hearing was intentionally scheduled on a week day
[end of overlapping speech] when people are working and can't come. We had to take time off work and we're supposed to sit here for how long, and we can't even hear what's being said by our fellow citizens?

NK: Once more—

ES: [overlapping] (This is totally) unacceptable.

NK: Once more, [small laugh] I am going to invite everyone to move closer if you're having trouble hearing. [pause; no one moves to a new seat] Right now.

Audience: [indecipherable]

NK: [overlapping] We're taking a pause from the testimony.

Audience: The best way to do it—

NK: [overlapping; audience continues speaking in overlap] I'm going to ask her to give her testimony again so that people can hear it. [small laugh] Please come closer. Okay?

[Multiple people speaking; indecipherable]

ES: Is this the normal procedure for a hearing that you have in an audience and then you don't let the audience hear it? (I mean) [continues speaking; indecipherable]

NK: [overlapping] I'm sorry that you can't hear her. I'm asking you to come closer so that you can hear.

ES: [overlapping] I know. (I'm just wondering) what the usual procedure is [indecipherable] hearings.

NK: [overlapping] To be honest—

NK: This is the usual procedure for hearings that I've been the Hearings Officer for and I have not had this objection or problem. I understand that she's not speaking as loudly as I am [small laugh] so it's a little harder to hear her, so—

ES: [overlapping] Don't blame her! [continues speaking; indecipherable]

NK: [overlapping] So I'm asking you to please come closer so that you can hear.

[Multiple people speaking in overlap, indecipherable]

Audience: Can you get the microphone turned on?

NK: [Multiple people continue speaking in overlap throughout] To be honest, I don't know the answer to that and I don't want to spend the amount of time it's going to take to ask the lab building staff to handle that. [pause, multiple people continue speaking] There's a lot of empty seats up here, if you would just move down. So that you can hear.

ES: So then the people (that come on) the back won't be able to hear and that's okay with you?

[audience speaking in overlap]

NK: [Audience continuing to speak in overlap throughout] I'm also going to— Again— I'm also going to ask that the people who are testifying speak as loudly as they can, but the main thing is that this tape recorder can pick them up. Okay? Everyone who's here who has signed in with their e-mail address will receive an e-mail when the comments received by the public, including the transcript of this meeting, are posted online, everyone will have access to that. Okay?

ES: [overlapping] That's not satisfying to me.

[Multiple people speaking in overlap, indecipherable]

NK: Well I'm sorry that you're not satisfied. I—

Audience: [overlapping] They don't want to hear.

NK: [audible exhale] Alright. Hold on a second—

Audience: [overlapping] They do not want to hear what we have to say.

NK: [overlapping] I would like to hear what you have to say.

Audience: [overlapping] They don't care what we say.

NK: [audience continues speaking in overlap throughout] I would like to hear what you have to say in an orderly fashion. [pause, audience continues speaking, indecipherable] with the procedures that I've set for this hearing. So, again, I'm going to invite people to move down—we're still taking a pause—and I'm going to ask Ms. Nakano to give her comments again. Okay? We're going to go through the people who've signed in to give comments [pause, audience speaking, indecipherable] With the—

Audience: Can she switch seats with you so that her voice can project (to the room.)

[multiple people speaking in overlap]

NK: Sure! That's easy. We can do that.

[multiple people speaking in overlap]

Audience: So her voice [indecipherable]

Roxanne Kwan: [multiple people speaking in overlap] Is there someone by the name of Tanya in here? [end of overlapping speech] Because Thu told me Tanya, who is testifying today, is also in charge of the lab here. Maybe she can help us with the mic?

NK: Oh, I don't think she signed in. But if you want to go ask

RK: [overlapping] Okay I'll go ask

NK: if they can get somebody to make that mic work.

RK: Is there anybody named Tanya? Okay. I'll check.

NK: I think she's at the front desk Roxanne.

RK: I'll check.

[long pause]

NK: Okay. Does anybody else want to move closer? I don't bite.

[audience laughing]

Audience: You took a shower, right?

NK: I did!

Audience: [indecipherable] Good girl.

NK: Yeah. [small laugh]

[multiple people continuing to speak in overlap, indecipherable]

Audience: [multiple people speaking in overlap throughout] [indecipherable] should have had a mic ready, you know? [indecipherable] a hearing with no preparation.

NK: But— This is a hearing of your voices by the Department of Health.

Audience: No, it's [indecipherable]

Audience: [overlapping] Yeah but still you need [indecipherable]

NK: [overlapping] It is. That's because the—

Audience: all hear.

NK: I—you know,

Audience: You know

[multiple people speaking in overlap throughout]

NK: I apologize once again. It— it—

Audience: [overlapping] Yeah. Next time get it.

NK: It didn't really occur to me because for me this is a pretty small room and I have no problem projecting my voice to the back of it. So—

Audience: [overlapping] That's your opinion.

NK: [multiple people speaking in overlap throughout] Well, right, so I'm saying I apologize, it didn't occur to me because for me it has never been a problem. And I—

Audience: Come on [multiple people speaking in overlap, indecipherable]

NK: I would like to do that, yeah.

[multiple people continuing to speak for several seconds, indecipherable]

NK: Okay. [small laugh; pause] Okay, so we're going to— I'm sorry. [laugh] If you can try to summarize the same thing you said. [pause] We're going to give her another three minutes, [small laugh] okay?

HN: All I want to say is that in Washington State the Navy built fuel tanks, underground fuel tanks during World War II, the same kind of fuel tanks that we have over here. They're taking them out! And putting them above ground. Now! Why are we waiting for twenty-five more years to do it over here? I belong to disaster preparedness group and I know that if we prevent something instead of waiting until that disaster happens and then reacting to it, it makes so much more sense to me. We cannot jeopardize the health of our children and our grandchildren because of stupidity, apathy, and simply not caring. We gotta do it now. Thank you.

NK: Thank you very much.

[audience clapping]

NK: The next person is Megan Kimsel. Come on down.

Megan Kimsel: I think I talk pretty loud so.

NK: [laughing] Thank you so much for coming.

MK: [small laugh] Thanks for having me.

NK: Okay. So can you explain these organizations that you represent.

MK: Yeah. So, again, my name is Megan Kimsel. I'm here on behalf of Faith Action for Community Equity. We're a non-profit organization. I am also here on behalf of YPDA or Young Progressives Demanding Action. Also here for my husband and my children, my family, and for myself as an individual. So that's who I am. [pause] I'll just go head with my testimony. So on behalf of the YPDA, we stand on our written testimony in opposition to the proposed amendment of Hawaii Administrative Rules chapter 11-280.1 that would extend the deadline for upgrading field-constructed storage tanks to 2045. The Red Hill facility should be shut down and the fuel move to a location that doesn't hurt our water, hurt nearby communities, and takes the effects of climate change into account. Faith Action also opposes the proposed amendment for upgrading storage tanks. My 'ohana, my husband, my four children, we oppose the proposed amendment to upgrade storage tanks. And as a Native Hawaiian, I strongly oppose the proposed amendment. E ola ka wai. Mahalo.

NK: Thank you.

[audience clapping]

NK: Okay. Next we have Kim Watts. [long pause] Thank you so much for coming.

Kim Watts: You're welcome. Thank you. Good morning everyone.

NK: Are these the same organizations?

KW: Yes.

NK: Okay. Go ahead.

KW: My name is Kim and I'm an intern organizer with Faith Action for Community Equity and I'm also a graduate student at UH Manoa getting my master's degree in social work. Also served in combat, I'm a military veteran, and so this is very dear to me. On behalf of YPDA, we oppose the extension of the relocation of the tanks. 2038 is still long for the risk of these tanks to bring to, what it brings to Oahu's drinking water, but 2045 is even worse. That's another twenty-something years. Water is life. And the Red Hill aquifer provides water to so many community on Oahu's primary drinking water supply, from residents to visitors and no doubt many members of the United States Navy, who are also stationed on the island. Water is a central component of many of our policy initiatives as (a) state, from diversifying our agriculture to growing our own food, but we cannot achieve these goals when we can't even ensure that basic access to our water resources is secure. The State of Hawaii Department of Health needs to join governmental bodies such as the Board of Water Supply and the Honolulu City Council in demanding accountability from the United States Navy. Now is the time. We need to remove those tanks so we can ensure for future generations for clean water. Clean water is a human right. Thank you for your time.

NK: Thank you very much.

[audience clapping]

NK: Okay, next is Jodi Malinowski. Malinoski. Sorry. [pause] Thank you for coming.

Jodi Malinoski: [indecipherable] Hi Noa. [pause] Aloha, good morning everyone, I'm Jodi Malinoski, I'm the policy advocate for the Sierra Club. Sierra Club writes objecting to these proposed rules and the extension to 2045 for upgrading the Red Hill tanks. We've been in a lot of hearings like this, so you've kind of heard my spiel, but to go over it again: We kind of know the history of Red Hill, we know that there have been over 30 documented leaks from these tanks, the largest was in 2014 that kind of triggered this entire process. We know that there is petroleum-based contamination in groundwater monitoring wells near the facility. We know that beneath 19 of 20 tanks there is petroleum-based staining in the soil samples taken. So we know these tanks have leaked in the past. From recent corrosion testing we know that there is corrosion occurring on both the inside and the outside of the tanks, especially problematic for the outside of the tanks as you can't actually visibly inspect and repair those pieces that are corroding. And then most recently the Navy's 2019 Risk and Vulnerability Assessment that cited that there is a 27.6 percent chance of a leak happening up to 30,000 gallons. This risk is every year, that we're going to have another leak similar to the 2014 leak that kind of brought us all here together. Also in that risk report is anticipated release of 5,800 gallons every year coming from these tanks. So we know that the risk for these tanks leaking in the future is also very concerning to us. And this is particularly problematic because the Department of Health is the agency that has the legal authority and also the constitutional and statutorily obligated to prevent fuel releases from the environment and to protect our water. So it's been repeatedly

articulated in our constitution that we must protect our water, and in the statute of course, the State Legislature directed the Department of Health to adopt rules protecting fuel releases from occurring into the environment. And it took 20 years for the Department of Health to adopt rules that affected the Red Hill tanks, and we were here July of last year, when that rulemaking process happened, and Sierra Club objected to the rules. At that time the proposal was for these tanks to be upgraded with 20 years and when the Sierra Club asked can we shorten that time frame, we were told by the Department of Health that 20 years is a very reasonable time frame. And now we're here and it's a year later and now we're extending that time to 2045. And the Department of Health has really provided no justification for that extension. The Navy of course wants it to be extended to 2045 but that has not been approved by a regulatory agency, so I think adopting this rule would be quite premature in light that nothing has really happened with the Administrative Order of Consent. Furthermore, the Department of Health can adopt rules that are more stringent than the Administrative Order of Consent. So we don't need to wait for this to happen. We can adopt rules today that would require the relocation of these tanks, which is really what we're pushing for. That's the only long-term solution to ensure the protection of our water and it fulfills the Department's mission to protect our water and prevent fuel releases. And lastly, it also provides the Navy with the justification that they need to go and start procuring some of this funding needed to, the massive amount of funding that it will be, to start relocating these tanks. For those reasons, we object. Thank you.

NK: Thank you.

[audience clapping]

NK: Okay I'm—I'm going to—

Alison Bhattacharyya: [overlapping] Alison Bhattacharyya.

NK: Yes. I was going to apologize in advance for butchering your last name Alison. Come on up. [pause] Thank you for coming.

AB: (Aloha.) Thank you.

NK: Okay. So, B H A T T A C H A R Y Y A.

AB: Yes.

NK: Okay.

AB: Aloha. My name is Alison Bhattacharyya. I'm testifying against these rules. I'm a cancer survivor. And somehow this water tank fiasco is somehow tied in to my feeling about it. I'm very concerned about the leaks. The EPA created rules in 1988 requiring all underground storage tanks to be double lined if they contain hazardous substances. 1988. In 1992 the State of Hawaii adopted rules, said we must follow EPA rules. The Navy has had over 30 years to think about how they can make their underground storage tanks legal and safe and they haven't

done a thing. They had a massive leak in 2014. They have still not done anything to prevent leaks. There are—they've painted the inside of the tanks, and they look nice when you show them on videos, but you can't see the outside of the tanks where they're rotting and rusting and the destructive testing has shown that these have— are completely rotting away from the outside. And there is no way to repair those tanks because of the way they were built. So all of this talk about maintenance and monitoring, monitoring does not prevent a leak. Report writing does not prevent a leak. We have to do something today to shut down the tanks. 2045 is way too long. There is absolutely no reason if they can shut it down in 2045 that they can't shut it down today. And that's the plan that they need to make. It's a strategic reserve, a strategic stockpile of fuel that needs to be shut down. We don't need— who's deciding that this fuel is more important than the water in the ground? It's not! The Department of Health needs to stand up and say our water is the number one priority, it's the most important thing that we have, and if we lose that water we're just ruined everything. And it's something they can prevent by standing up now and saying this is wrong, you can't do this anymore. So why is the Department of Health proposing this 2045 right after the Navy says that they need till 2045? The Department of Health should be telling the Navy this is not okay, you need to shut it down now.

Audience: Yes.

NK: Thank you very much.

[audience clapping]

NK: Okay, next is Ernie Lau. [pause] Hey. (Thanks for coming.)

Ernie Lau: Thanks. [pause] First of all I just want to say I really appreciate everybody coming out on a morning, on a working day, at 9 o'clock in the morning here to Pearl City at this laboratory to share your mana'o about the Red Hill underground fuel storage tanks. Whether you're for or against it, I appreciate everybody taking the time to come out. So I'll just read my testimony and I would agree, I think, Noa, maybe a suggestion for the future, to have a loudspeaker system so everybody can hear the testimony clearly would be helpful for everybody taking the time away from their busy lives to come out here. The Honolulu Board of Water Supply appreciates the opportunity to offer the following testimony concerning the subject revisions to HAR Title 11 Chapter 11-280.1 proposed by the Department of Health in support of its— we have already submitted written comments previously and this is just additional testimony. Today, I would like to present an overview of our comments. Number 1: Upgrading large, field-constructed underground storage tanks with secondary containment is long overdue. The BWS strongly urges the Department of Health to shorten its proposed 2045 deadline for upgrading USTs with secondary containment to ten years from the effective date of the current rules; that is, July 15, 2028. [pause] I'll just add this. By the year 2045, the Red Hill facility will be 102 years old since it was completed. Number 2. For all large, field-constructed USTs, secondary containment should be defined to expressly require an inner and outer barrier separated by an open space of sufficient width to enable inspection, maintenance, testing, and physical repair of

the exposed faces of the inner and outer barriers. Something the single walled tanks cannot do right now. Inspection can only occur from the inside. And through scanning technology the Navy is using, we found from their tests of the ten square feet of samples they took out of one of the tanks, that the process is unreliable. And we can't bet our future of our drinking water on that unreliable process. We need to change that. [pause] Number 3. The proposed amendments require that upon secondary containment deadline existing field-constructed USTs with a capacity greater than 50,000 gallons must be monitored for releases at least every 31 days. The language allowing monitoring at 31-day [intervals] should be replaced with a continuous monitoring requirement. Number 4. The Department of Health should eliminate all discretionary exemptions for large, field-constructed USTs from the UST rules, specifically those allowing for exemptions to tank construction and corrosion protection requirements and/or permitting variances. Number 5. The BWS urges the DOH to strengthen the closure requirements for USTs and UST systems that do not meet the secondary containment upgrade requirements. Oahu's state-designated drinking water aquifer is one of a kind and cannot be replaced. As an island community, we must be vigilant in protecting this resource from contamination. We all deserve, and the law requires, for all USTs to be upgraded now so as to prevent releases for their operational life. Thank you for the opportunity to testify.

[audience clapping]

NK: Thank you. (C)ould you e-mail me a copy of that?

EL: Sure.

NK: Thank you. [pause] Okay, next is Ashley Nishihara. Come on down.

[long pause]

Ashley Nishihara: Hi.

NK: Thank you for coming.

AN: Thank you. [pause] Alright, I think I'm pretty loud—

NK: [overlapping] Are you representing an organization?

AN: Yeah, uh, no. Myself. The organization of myself.

NK: Okay. [indecipherable; laughing]

AN: [laughing] The individual organization of myself. My name is Ashley Nishihara. I'm going to read my testimony here, I'm going to add a little something afterwards too. I am here to protest the extension of the deadline from 2038 to 2045 for the Navy to implement secondary containment. I propose that the Navy find a solution and implement it now, completing it within the next three years, whether it be secondary containment or removing and relocating the fuel altogether to another location, above ground, on military territory. Now you may be

thinking, that number is oddly specific and pretty bold to put out there. Why three years? It only took from Christmas 1940 to September 1943 to complete the construction of the tanks. That's actually 2 years and 9 months. A common argument often given by the Navy to reason why they might need 26 years to implement a secondary containment solution is that the technology needed for the most secure solution, the tank within a tank proposal, simply does not exist at this current moment in time. But I disagree with this assertion. This is because the construction of the tanks themselves, and the reason why it was completed at the blisteringly fast pace of three years, was completed with the technology already available nearly 80 years ago in 1940. This project would also not have been possible without the resourcefulness of the engineers involved, specifically James P. Growden, who had made a proposal that turned out to be an unprecedented feat of engineering. According to a document titled Red Hill Fuel Storage Tanks by J. David Rogers from the Carl F. Hasselmann Chair in Geological Engineering at the University of Missouri—Rolla, his proposal was innovative because it suggested quote "excavating large vertical tank chambers instead of horizontal tunnels." This a) "increased the volume of material that could be excavated simultaneously," b) "decreased the number of heavy equipment needed for hauling muck," and c) "decreased the unit cost for rock removal substantially." Now in layman's terms this just means that it would essentially allow gravity to do literally most of the dirty work. So excavated muck would travel downwards to pool at the base of each cavity, reducing the need to spend money and time on its removal. If the technology and the resourcefulness existed already in 1940 to not only plan but also construct the tanks in 3 years, why then would it take 26 years from 2019 to 2045 to even think of a solution to remove them? In addition, this project cost 42 million dollars, and that's 772,038,000 dollar today, according to the US Inflation Calculator, and took 16 human lives to construct. What this suggests is that if the technology and resources are already available to us, and have been for a long time, then all that's missing is the human spirit and the will to do the right thing. Please do what's right and do it now. Thank you.

[audience clapping]

AN: And, I want to add a little something. A couple of people have already mentioned the tank being rusted. This is a picture of one of the samples, one of the steel plates cut from one of the tanks. I wish I could have made it bigger in time, but all you need to know is if you just see a brown blob, that's basically what the tank looks like. This is from tank number 14 I think, cut out. Okay. That's all I have to say.

NK: Thank you. [audience clapping in overlap] Would you e-mail me a copy of that?

AN: [audience clapping in overlap] Yeah, this?

NK: This.

AN: Ooh I have a copy of my—

NK: [overlapping] If you could e-mail it to me, that way I don't have to transcribe the whole thing and I can see where the quote ends.

AN: [overlapping] Oh okay. Oh okay. [indecipherable]

NK: That would be—

AN: [indecipherable]

NK: I'll take that too.

AN: I will e-mail it to you.

NK: Thank you. That's very helpful.

AN: At this—at the e-mail that's on here?

NK: Yeah.

AN: Okay.

NK: Thank you. [pause] So for anybody who's reading from written comments, sorry I should have said this to the people who had their phones out, if you can e-mail that to me, it'll just help the transcript be available faster, because I don't literally have to type out everyone that you were reading. That would be helpful.

[multiple people speaking; indecipherable]

NK: The e-mail on the public notice will work great. [pause] Okay. Laura Thielen is next. [long pause] Thank you for coming.

Laura Thielen: (What was your name again?)

NK: My name is Noa.

LT: Noa. Okay. Thank you Noa. Before we start I just was wondering if we could have a clarification, I may have missed it when you were speaking, but I know you mentioned you were going to be transcribing the comments, but is this like an EIS where the Department of Health if we ask questions is also going to be providing information about their decision making? Because I had some questions on the rule.

NK: No I'm sorry it's not.

LT: Okay.

NK: This is just to receive public comments.

LT: Okay. Well I guess I'll send a letter to the Director asking for responses and maybe, folks, if you're submitting your comments, if you have questions you may want to also put it in a letter to the Director. And I guess I'd like to make a request today that if people do submit questions

that the Department of Health in addition to doing the transcript of the comments, if it's going to be making a decision, would also respond to the questions and the testimony.

NK: Yeah, so all of the comments will be responded to by the Department before the Department completes its rulemaking.

LT: [overlapping] Okay. Okay. So—

NK: [overlapping] And so as long as you've signed in with your e-mail address you'll definitely be added to that list. You can also go on the UST Program website and there's a little box at the top for subscribe to UST Program announcements, where you just put in your e-mail and click subscribe, that will add you to that e-mail list. So it all gets posted online.

LT: Okay. Okay, so I oppose the proposed rule that would extend the deadline date for the underground storage tanks—

NK: [overlapping] Sorry, can you just say who you are?

LT: Sure. To be upgraded to 2045. My name is Laura Thielen. I'm a State Senator for the District 25 for the State of Hawaii, which is Waimanalo, Kailua, a little bit of Hawaii Kai. I'm representing myself and as my Senator position today, I'm not representing the entire State Senate or the Legislature for the State of Hawaii. One of the reasons that I'm coming forward is Oahu is the only island that has an integrated water system. So what that means is if one area of the island, the water is compromised, the Board of Water Supply can draw from other areas of the island to be able to provide that water. So if this aquifer under the Red Hill fuel tanks, which supplies a quarter of the water supply, drinking water, for the island of ahu is compromised, Board of Water supply will have no choice but to draw from other areas. And windward Oahu recently, many of you may remember, has a constitutional State Supreme Court decision that returned some of the water back to the streams in the windward area to protect the nearshore waters and the fisheries and the muliwais. If this aquifer is compromised, Board of Water Supply will have no choice but to draw that stream water back to serve urban Honolulu. And so one of the constitutional concerns that I have is the impacts that this decision to extend the upgrade of the fuel tanks would seem to be a decision that would violate the Hawaii State Constitution to protect both drinking water supplies as well as our stream water supplies and for our nearshore waters. So my first question for the Department of Health is: Given the risk that has been put forward under the studies that have done since the recent release that these tanks will continue to leak, how can the Department of Health extend the deadline date for upgrading the tanks to 2045 when the Department of Health as a state agency has an obligation to protect the state waters, both the drinking waters and the nearshore waters, for the state of Hawaii. Because it seems that that decision is in contrast accepting that 25 percent risk of leakage. So that's the first question. The second question is: If the tanks extension date is up to 2045, those tanks will be, as somebody said earlier, 102 years old at the time, so the upgrades that are proposed under the AOC are still saying that those tanks are not going to be at the current required standards for fuel tanks, or any underground fuel tank whatsoever, so is the

Department of Health saying that it's okay for a 102 year old tank to have sub-standard upgrades and to continue operating at that distance above our primary drinking water aquifer. And the third question I have is would the Department of Health consider, given the recent information that's come out in that risk study, instead of these proposed amendments, amend the rules to require either the upgrades be completed sooner than what's in the existing rules, which is 2038, and to require demonstrated progress in between now and the 2038 deadline, to ensure that all of the Red Hill fuel tanks will be completed, upgraded by that time, and if there is no demonstrated progress that they will be required to be taken out of service no later than that 2038 date. [pause]

NK: Thank you.

LT: (Those are) my questions.

NK: Thank you.

[audience clapping]

NK: Okay. Ronald Yasuda is next. [long pause] Thank you for coming out.

Ronald Yasuda: I sent you these notes (over) e-mail.

NK: Oh great, thank you.

RY: So if it's easier for you I'll just read what I have.

NK: Or you can speak. It's fine.

RY: Okay.

NK: Either way.

RY: My name is Ronald Yasuda. And I'm here as a concerned individual. My concern is what would happen if there is a catastrophic leak in the fuel tanks. There is a consensus that the Navy does provide adequate and timely fuel spill reaction training. However, few will admit that the equipment and material needed for the cleanup are not on island. I speculate it would take at least a week to get the necessary equipment on island. Would the fuel be retained somehow until the cleanup equipment arrived? What is the present plan to retain the fuel spill? Time is of the essence in such an emergency. Thank you.

NK: Thank you.

[audience clapping]

NK: Okay next we have Jan Pappas. Pappas? Sorry. [long pause] Thanks [indecipherable; pause]

Jan Pappas: Hi. My name is Jan Pappas and I'm a mother and a concerned citizen, and, you know, hope to be grandmother someday, so that's why I'm really here.

[multiple people speaking in overlap]

Audience: [indecipherable] (Can you use the microphone) It's hard to hear.

JP: Oh okay. [indecipherable] There's no microphone. I'll—

NK: [overlapping] I think that's just hooked up to somebody's recorder, sorry. (Do you want to stand up?)

JP: [overlapping] I'll speak up. I can speak up louder.

NK: Okay.

JP: Okay. Okay. Anyway, my main concern is that we don't pass this problem and this issue down to our progeny, our grandchildren. I just don't think that that's fair to do. I think is a problem that we need to solve and we need to solve now. I'm opposed to extending the deadline because, as others have said, I think we've had plenty of time to decide what to do and when to do it. Washington State is doing something about their tanks, as someone else pointed out, and I think we need to follow suit, and as soon as possible. There's no way to allay the fear of imminent disaster from the Red Hill fuel tanks as long as these 75-year-old single walled corrosion-prone tanks holding millions of gallons of fuel sit atop Oahu's major source of fresh water. Such a disaster is unthinkable, akin to a nuclear attack. Please heed the council from our local experts— I really have to applaud Ernest Lau for his sticking to this project through everything that's gone on. I believe he has the answers that we need. And, like I say, the State of Washington is actually making these changes to their similar underground tanks, they're moving them above ground, and that's their solution. I know they have more land, they probably wouldn't cost as much, I mean, theirs won't cost as much as ours will— I know ours is going to be expensive, but when you only have one source of water that has to be protected. That's why I'm so concerned. Thank you.

NK: Thank you very much.

[audience clapping]

NK: How's everybody doing? Is it time for a bathroom break? [pause] We have one, two, three, four, five, six, seven more people.

[multiple people speaking]

NK: Break?

[multiple people speaking]

NK: Eight more people.

[multiple people speaking]

NK: Keep going? Okay. Next is Michael Ulm. [long pause] (Thank you) [indecipherable]

Michael Ulm: Good morning.

NK: (Good morning.)

MU: Yes, good morning all. My name's Michael. I'm a military veteran and over the course of my career in the military I had the opportunity to be exposed to a number of different locations where construction in World War II created extreme hazardous conditions, whether it be test sites for jet engines or burying iridium in the ground in the golf course in the number one hole at Norton Air Force Base. They told you if you had a pacemaker to avoid that particular hole. So the Navy and the military has a history of trying to bury their hazardous. And you have to kind of consider a context, where we were as a country when this tank was installed. We had a world war that was looming, we had a need for a strategic fuel supply, we had an island with a light population center. And this made sense at that time to put the fuel in the ground, to protect and provide a forward resource for the military to be able to project their power across the Pacific. Now this is a major population center. This no longer has a place here, underground, above our aquifer. So we really need to consider that from a common sense perspective that it no longer makes sense to put this stuff in the ground and keep it there. And especially with the track record and the risk assessment going forward. You know, tourism is the life blood of our economy, and you can't do that if everybody's going to be suspicious of what the water is, if it's going to be safe to drink out the tap. My wife and I have been to Louisiana. You turn the water on there, brown water comes out of the faucet. We don't want that happening to us. That will really kill our economy. And so it's a matter of fiduciary responsibility. I'm paying for this either way, right, I'm going to pay for it with my tax dollars to either remove it now or pay for it in the future to provide some sort of water cleaning system to be able to get this fuel out of our water before we're able to consume it. So my vote is to get it out of the ground now. [pause]

[audience clapping]

NK: [indecipherable] Is your last name U L M?

MU: It is. (Yes.)

NK: [indecipherable]

Audience: (I just want to) mention that (Menehune Water)

NK: Oh—

Audience: gets their water [indecipherable] bottles (from the)

NK: [overlapping] Who's speaking? I'm sorry. Do you—Do you want to sign up to testify?

Audience: I should because [indecipherable]

NK: Yeah, it's not too late. Please— [small laugh]

Audience: [indecipherable]

NK: Okay. Because that's probably not going to make it to the transcript. That's why I ask.

Audience: [indecipherable] up there

NK: [audience speaking in overlap] If you— If you want to testify you should. Yeah, okay. Don't worry we have plenty of time and, in fact, if we reach 11 o'clock and we're not done yet, then I'm going to announce a continued time and place of the hearing. So if you want to speak, you can. It's not too late. [pause] I'm sorry I cannot really read somebody's handwriting. [pause] Gordon? Maybe? [pause] Gordon. [pause] What's your last name?

Gordon Lee: Lee.

NK: Lee. Thank you for coming. Okay.

GL: My name is Gordon Lee. My background is I was the engineering officer in charge of Hickam Air Force Base 30 years ago. I want to tell you all you all have very good reasons to testify, but you're not organized. I spent six years as a contingency planner for the Air Force at Hickam and at the JCS level. And I was the base engineer at Hickam for two and a half years. During that time we had to contend with a fuel leak. It was called the (Waikakalā) [Waikakalaua] Fuel Tanks. DOH never even heard of it. It contained all the jet fuel for the Air Force on the island of Oahu. After I retired I ran Parsons Engineering Corporation, which is Parsons Engineering Science. I wish some of the Navy here guys would raise their hands. We monitored and remediated the (Waikakalā) [Waikakalaua] fuel. So I have experience remediating fuel. We never found the fuel, okay. So the solution for the Air Force was move the fuel, which was JP-4, now JP-8, to Red Hill. Shut the tanks down at (Waikakalā) [Waikakalaua]. Why? It endangered the Navy or the US Military fuel system, which feeds 70 percent to 90 percent of the water the Navy drinks. I want to rebut some of the testimony on TV of Lieutenant Commander (Fain). He's a Lieutenant Commander. I'm a retired Colonel. He didn't want to give me the professional courtesy of returning my call. The only people that returned my call was the Water Department. Not even the Sierra Club, not any one of my legislators or senators returned my call. You've got to organize, you've got to have someone, other than you all, that have experience and expertise on this. My father helped build those tanks. Back in those days, the military didn't have to report leakage. [pause] He was a welder. He went into that tank to repair that tank many, many times. He said the tanks are haunted. By the bodies that are still buried in the wall.

[audience speaking]

GL: Now, he wouldn't have gone in there to repair the tanks if there wasn't a problem, correct?

[audience speaking]

GL: He said, soon after the tanks were built there was a 200,000 gallon leak that is documented somewhere. Now, unless you're organized, you can't ask the Navy or the military pointed questions. What is your strategic reserve requirement? Your future tanks that you are building

across the world, are they underground or aboveground? The answer is, in the Pacific, all the future tanks they build are built above ground. One was just completed on the island of Guam. Okay. Now, the next question is, you need political willpower to get all this information. How much fuel do you have stored for the Pacific war? Used to be for two wars. Now it's one war because we can't fight two— well, it's two and a half, we can't fight that. So what is the total tankage in the Pacific? And my answer that I did the research—I'm too old to go look this up—is 800 million gallons in the Pacific Rim. So we store about 25 percent of it. And they are in the second phase of a four phase tank build up on Guam. The Navy says it's strategic. Well for the European theater, all the tankage are in Europe or close on the East Coast. Guess where all our tankage is? The biggest tank farm in the Pacific is on the island of Guam. It supported the B-52s bombing North Vietnam. The second largest is at (U-Tapao) Air Base, Thailand. And I bet you we still have fuel there. The reason I know that, I was the engineer in (Taiwan). We left a million gallons of fuel there. The reason—we weren't generous—we had no way to take it, in 1979, all the tanks were filled. So the government of (Taiwan) said you can leave it there. So add up all the tankage and ask the strategic planner, what's the total you get? The Navy's going to have a hard time removing or moving the fuel. Your Lieutenant Commander (Frame) says, you could store it on the island. What's the difference between JP-8 and the fuel that the airlines—the (JA) fuel? There's very little difference. If there's a war, half the airlines, airliners, the airplanes that you fly, will be commandeered by the military. It's called the craft system. The government paid for that, so if there's a war the troops can be carried on United Airlines, used to be Pan-Am Airlines.

NK: Gordon, can you wrap it up please?

GL: Okay. Thank you. But if you guys want to be organized, I'll help you to be organized and I'll tell you where to get all the information. But you've got to be organized. If you're not [pause] they're organized. The Navy's organized. EPA, I don't know what they're doing.

[audience laughs]

NK: Thank you.

[audience clapping]

NK: Thank you. [pause] Okay the next is Gina Hara. [pause] Gina? [pause] Oh. Hi.

Gina Hara: Hi. [pause] Thank you for listening. [pause] Speak in here?

NK: Oh, yeah, it's actually this one. You're fine. Just speak.

GH: [voice emotional] So, I've been going to every meeting since 2014. From the Moanalua School to these kinds of places. I want to offer some solutions because the past five years nothing the public says has any effect on anything. I want to say that every time we do a one-way three minute talking system like this, there's no answers and our concerns are not addressed. And I've got to take off work and hire somebody else to take my place. [pause]

Thank you for listening. [pause; voice more even] I want to say that the State of Hawaii doesn't seem to have an advocate on behalf of Hawaii. I understand that the Department of Health is a regulatory agency and that the higher ups believe that they only follow the law. But this situation requires a heartfelt desire to do something. That something requires an understanding of ecology and health. And you need to, Department of Health needs to look at the Department of Ecology in Manchester, Washington and see how they got all this done in one year, including the funding, and they've already started building. The sites that are suggested by the Navy themselves, of the 14 alternative sites, the Board of Water has looked into C and L and this other one called A, which are above the caprock, which are not above an aquifer, hopefully not over a water system that is integrated with our ocean. The Department of Health, this is just—I'm trying to be constructive and suggestive—don't think I'm trying to attack you, but it's very frustrating. The Department of Health, if you need help, should—this is a suggestion—should be looking at hiring the Department of Ecology as advisory, for example. Do s—have an urgency about [voice emotional] what will happen to everybody's water when there is an accident. Because it is not if there's going to be a leak, it's going to be when is a leak going to happen. So, I just want to say that, I'm a small-time property manager. My phone is filled with water leaks from [voice more even] water tanks. And it's all in that area. And it's just a matter of time before something leaks. Every condo association has a 30-year plan on how to redo their entire plumbing, because the leaks happen, not just in the tank but in the piping. Everything is connected. Without this kind of planning, it's going to happen. Even with this kind of planning, it happens. And there should be actually like a fire engine type of system where they're ready with like a P60 activated charcoal when it happens. Even the piping below when you design a new place should have this activated charcoal, a lining, even the new Kaka'ako buildings have a lining in case their water leak happens.

NK: Can you wrap up please, Gina?

GH: Okay, got to wrap up. [long pause] Okay, so, let me just wrap up with—since I'm at the Department of Health—I just want to say that I don't understand why the TPHD, which is the total parts for the, this minimal safe level of hydrogen, or let's just say petroleum in the water, has been changed last year in October, and that answer hasn't been gotten. It's a hundred parts per— a hundred parts UL, U over L, so per liter. But I don't understand why now it's 400. It just looks really bad on the part— not only bad, but it's wrong to do that without us knowing about it. Because 1600 was found in a well. Thank you.

NK: Thank you.

[audience clapping]

NK: Okay next we have Ellen and I'm sorry, I'm not going to try with this last name.

[indecipherable]

NK: Thanks. [small laugh; pauses] Hi Ellen.

Ellen Sofio: Hi.

NK: Can you say your last name?

ES: [overlap] And your name is?

NK: My name is Noa Klein.

ES: Noa. Okay. My last name is Sofio. It's S O F I O.

NK: S O F I O.

ES: Yes.

NK: Do you have some letters after your name?

ES: M D.

NK: Ah. Okay.

[pause]

ES: Yes. [pause] Okay. [pause] I hate public speaking. But I was inspired by Gina, who just sat down, when I went to the hearing at Moanalua on November 19th, and she said, after attending every meeting since 2014, I am no longer afraid to speak in front of hundreds of people. I counted only about 60 people here earlier today when I came in and at the hearing at Moanalua there were about 350 according to the paper, but, this issue is actually potentially affecting half a million people if you don't include our tourist visitors, who also drink our water. So I think that we should, if necessary, filibuster this meeting until 11 so we're sure that we're going to have another public hearing, and that it should be in a much bigger public venue with media coverage in evidence. [pause] So I want to apologize for seeming angry today, but as a physician, I've previously worked at Kalihi-Palama Health Center in town, and then seven years ago, I went out to Wahiawa and started working in a legacy plantation clinic. And during my seven years there, in Wahiawa, just below the Schofield and Wheeler military base, I have experienced growing anger, frustration, and sadness witnessing the suffering of many patients, both in the historical medical records and amongst my own patient population. There's epidemic cancer in the area, there's epidemic kidney failure, half of which is in non-diabetics, and is over nine times the national rate. Nothing has been done to research or to understand why this is happening even though all the doctors affiliated with Wahiawa General Hospital over 40 years ago tried, in vain, to get the Department of Health to collaborate with them, look at their individual data, and do something about this. They all agreed that it was the chemicals in the water. And the pattern is continuing, the epidemics are continuing. It's solvents from the military base that have not been mitigated in the civilian water supply because of negligence on the part of our Department of Health and the military. Trichloroethylene, tetrachloroethylene, both acknowledged carcinogens, as well as a slew of pesticides and herbicides, including glyphosate and trichloropropane, a very potent carcinogen, from the plantations. I'm here to

strongly oppose the proposed amendment to extend the deadline for definitive action to shut down Red Hill, or to mitigate the current risk to our aquifer here in Honolulu, because I don't want to see the same thing happen to half a million people here in Honolulu that I see has happened over the last 40 years, and I consider to be a crime, a white collar crime of the highest level, in the Wahiawa watershed, which has been irreparably devastated by this negligence. And I want to say, probably the biggest thing that set off my adrenaline at that Moanalua hearing was hearing that 27 percent risk of another catastrophic leak every year. So if you put that into concrete terms, if you took a dice in Las Vegas, and every year rolled it and bet that you weren't going to come up with either a 2 or a 4, or that you weren't going to come up with either a 3 or a 6, every year for the next 25 years, that's the bet we're making that we're not going to be desecrating forever our water supply here in Honolulu. [pause] I don't think we want to take that risk. We need to shut these tanks down. Immediately. Thank you.

NK: Thank you.

[audience clapping]

NK: Okay, next we have Tyrone Dihara? [long pause] Thanks for coming.

Tyrone Tahara: [indecipherable]

NK: [overlapping] Is your last name—

TT: [overlapping] Tahara. Tahara.

NK: Tahara. T A.

TT: Yeah. T A.

NK: Oh, got it. T A H A R A.

TT: Yeah.

NK: Thank you.

[pause]

TT: Hi. I just represent myself, my family. No organization or anything. But just basic common sense. Thanks for all you guys coming, thanks for speaking. I got some ideas that were rolling in my head after this, but some of the things that were brought up, I just wanted to comment that, you know the [audible exhale; pause] To have a hearing session like this at this time during the working hours needs to be changed.

[audience speaking]

TT: The location needs to be changed. Something central, someplace where everybody can attend, like after hours, after pau hana. I think that needs to be addressed and looked at. I'm kind of surprised with the amount of people that came way up here but, we got our die hards,

and wherever there's a hearing I know most of you folks are going to be here. This is only my second hearing. My first one was at Moanalua. But that needs to be changed, so, just addressing that as a comment. I come from the Big Island, Hilo, born and raised. Plantation life, Hamakua coast. And I'm not speaking military, I'm just speaking business, when the plantation guys kind of wrapped up and sugar was done with and all that fertilizer that they put in the ground, certain camps were getting— the employees in the plantation camps were getting cancer. But it couldn't be proven that was the company's fault. (But) the company made their millions and they left. Okay. We need the military though, in this situation, we all know that. It's a political war right now. I'm not really a politician kind of guy, but, it's all politics and money. So just tying in those two, politics and money, it's a battle. It's a tough battle. Guy with experience, worked with the military, he's willing to help, but how far are we willing to go the distance, that's the question. I strongly feel I'm opposed to the extension. Something has to be done quickly. When I say money, the cost(s) of money, replacing these tanks, how much does it (work) versus if there is a leak that continues and people are starting to get sick here (within) certain areas of the island, but more so close to Red Hill, Moanalua, etcetera. What is the value of the cost to fix that? You can't fix it already, it's done. How much money would it cost where we would have to pump water from a certain district, run those lines all the way to Red Hill and that community, if there was that something happened with the aquifer at Red Hill? What would happen? How much is the cost for that? And I know that the cost would be a lot greater to do all those things, to try and help somebody who's dying and their family, or try to transport water from another community or area on this island, or the outer islands to this island. I mean, that money's so great that it's way above the money to replace these tanks. Just common sense, just common sense, that's basically it. Now, politics, we've been— I guess the politicians been looking at this, this is a sensitive area, but they only gonna to do something if there is community push. I gonna use that word, push. And today, with what a hundred guys or whatever, that's not a push. What I'm saying, I'm not blaming all you guys, but, it's very important to educate the public, have a proper location and a proper time, and then you're gonna hear the public. So all I'm saying is this comment, we got to educate the public more. Spend money in that area to get more comments. But at the same time, I can't really comment as much because I'm not educated, I'm just going on common sense. [pause] So—

NK: [overlapping] Tyrone can you wrap up please?

TT: So I'm just trying to share with you folks that, if you're into EPA, if you're into environments and Board of Water, I mean, somebody got to, you got to spread the word somehow. A little clippage in the newspaper ain't gonna do it. So just a heads up on that. But more so time, location, that'll do, to me, my opinion, as a regular guy, that feels that how we can stop this thing. Or shut it down. That's the word you guys use, shut it down. Thank you.

NK: Thank you.

[audience clapping]

NK: Okay, I'm going to call it for a bathroom break, because I really need one.

[audience laughing] Five minutes, okay? [mall laugh] I'll just leave the recorders running.

Audience: Where are the bathrooms?

NK: They're right back here.

[Adjourned at 10:20. Approximately 5 to 6 minutes of loud overlapping, indecipherable speaking on recording. Restarted hearing at 10:25.]

NK: [audience continues speaking throughout] Okay, we're going to try to get started again, if people could take their seats please. [long pause] The next speaker is Carol Fukunaga. [long pause]

Carol Fukunaga: [audience continues speaking throughout] Good morning.

NK: [audience continues speaking throughout] Hi Carol.

CF: [audience continues speaking throughout] [indcipherable]

NK: [audience continues speaking throughout] [indcipherable] (Can you) please take your seats, we're going to continue. [long pause] I'm going to have to ask you guys to stop please. [laugh; pause; audience quiets down]

NK: Thank you. [pause] Okay.

CF: Good morning. My name is Carol Fukunaga, City Council Member, and I represent the Red Hill area. On behalf of the Honolulu City Council and in support of Honolulu Board of Water Supply, we oppose the amendment amending the deadline requiring all field construction underground storage tanks and USTs that are part of airport hydrant fuel distribution systems to have secondary containment by July 15, 2045. We believe that the 2045 deadline is unrealistic and does not protect our drinking water. I'm going to reading briefly some excerpts from my testimony this morning to speed this process along. As the Board of Water Supply has already testified, relocation to a location that is not located over Honolulu's sole source aquifer or secondary containment for the existing UST are the preferred means for preventing contamination of Honolulu's water supply. Based on testimony that was provided at the November 19th meeting, the technology to pursue aboveground storage tanks is well within the Navy's recent expertise and experiences at two major fuel storage facilities, in Manchester Fuel Depot in Washington State and Point Loma Defense Fuel Support Point in California. The Naval Base Kitsap's Manchester Fuel Depot included 33 concrete USTs that were constructed during the 1940s and 50s and this fuel depot was located near aquatic and nearshore areas, and Manchester Regional Fuel Manager Glenn Schmitt explained that USTs have inherent environmental risks. They changed to aboveground storage to allow the Navy to continue servicing the fleet while being environmentally sound and providing good, responsible stewardship. Construction for those ASTs will begin as soon as 2021 and continue for 6 years to

2027. It would cost an estimated 186 million to construct the new tanks and decommission the original tanks. If the Navy recognizes the importance of being good, responsible stewards regarding the largest fuel storage facility in the continental United States, why is the State of Hawaii Department of Health accepting a less comprehensive alternative for the Red Hill underground storage tanks, which are the same ages as the Manchester USTs. In the second instance of Point Loma Fuel Depot, the Navy did report that 500,000 to 1.5 million gallons of fuel had seeped into (a) ground below the fuel depot at Point Loma in 2006. The Navy also responded with a plan that required less than 10 years to implement. In 2008, the Defense Logistics Agency committed 195 million to modernize and replace the existing facilities and infrastructure. The project to demolish the old site and replace it with upgraded, environmentally sound facilities took 5 years and was completed in 2014. If the Navy could respond so quickly to prevent future spills and releases at Point (Lemda) it should be able to respond in a comparable manner to identify aboveground AST alternatives to the current Red Hill facility. Thank you for the opportunity to come [indecipherable]

[audience clapping in overlap]

NK: Okay, next is Coleen Sores. Soares. Sorry. [long pause] Hi Colleen.

Colleen Soares: Good morning.

NK: Thank you for coming.

CS: Thank you.

NK: How do you spell your last name?

CS: Soares. S O A R E S.

NK: S O A R E S.

CS: That's right.

NK: And are you representing an organization?

CS: Not really.

NK: Okay.

CS: But I'm firmly with the Sierra Club as well, but I'm here as my own water drinking person.

NK: Okay.

CS: And you know what? I'm 71 years old and I will be dead in 2038. I hope. That step just went by me. What happened to 38—how'd we get there? I'm sorry, I'm kind of stupid, but I read, and I've read all of the Navy's mumbo jumbo to keep us in the dark. It doesn't say enough! They don't—on two studies that are on an alternate EPA website, the Navy finally admitted that they, that the tanks have been leaking since they built, since, in the process of building

probably, they've been leaking, and now they're leaking, and they're leaking every single day. In our pristine water. This is Hawaii. This paradise for God's sake! Little story: Give you an idea, this double containment, that's garbage, I think, I'm sorry. That fuel needs to be out of there. It can't be there! The double containment, in my somewhat educated brain, I'm a former university teacher, done a lot of reading, that double containment is impossible. And that's what the Navy knows. It's impossible. They've already admitted they don't have the technology. But also, okay, the story: I went on a tour of the Red Hill facility and I wonder if they're still giving tours. They won't let me tour anymore although I didn't do anything—I didn't get arrested. But, they only allowed one picture when I was in front of the "This is a wonderful facility! This is a—" what, this was a big hoopla when those tanks were built. It was, you know, best thing since Christmas. And held up as an engineering marvel. Not so. They needed engineers. Obviously. Quick story, I'm getting to the story, so I went on this tour and we went through a big room, which is fairly new, I think, I get the impression, twice, about as big as this room, filled with computers and all the tanks listed on the computers, what's leaking, how much, (where) [indecipherable] And I said, what happens when that goes down? Little bit later. Nobody else of these fifteen people asked any questions, they looked foggy. There were five military men there and I talked with them a lot. [audible exhale] Breathe. [pause] So I asked them what happens when all this measuring equipment, computers right?, [small laugh] goes down? And he said well, he said— actually said this, the leader of our group, somebody goes in with a ruler, climbs up in the tank and measures how much it's leaking. Have you seen the size of the tanks? Does the Navy think we're total idiots? I'm sorry, that just won't work. Because I figured it out and I spread all my news around to all the Sierra Club people, they probably said oh her again! But I sent a three page letter listing my— you know, what I've discovered, and, sorry this is a bit mixed up but anyway, I don't know if that guy was— if the leader was joking. I don't think so, [small laugh] I think that's what they do, because I read in another article recently, a Navy report, that they use mechanical measuring means. The ruler.

NK: Colleen, can you wrap up (please)?

CS: [overlapping] Okay, wrap it up. Yeah, what was I gonna wra— Thank you all for coming out. I also oppose the meeting place. I mean, the place is okay. Big room, quiet, water. But the timing? Half the people are working, that's why they're not here, you know. [audience speaking in overlap] I don't understand why that— the timing here. There's something keeping us out— The Navy hasn't been giving us information until 2014. I'm going to run over just— ten seconds. [pause] And then they opened up a few documents which the Board of Water Supply's been trying to get for years and begging them, you know, and the Navy says, yeah, we'll give you the reports. Have, have not, whatever. They were all secret. We couldn't even get them until 2000 probably. Anyway, [pause]

NK: Okay, [indecipherable]—

CS: [overlapping] Basically, I oppose this increase. '38, I oppose '38! I want it tomorrow! Start moving that fuel, put it in a ship and put it offshore, whatever.

NK: Thank you.

CS: Thank you.

[audience clapping]

NK: Okay next we have Paula Nokes?

Paula Nokes: Nokes.

NK: Nokes. [long pause] Thanks for coming.

PN: So you're the?

NK: I'm the Hearings Officer for this hearing. I'm a Planner for the Solid and Hazardous Waste Branch.

PN: Oh, okay.

NK: So I work on writing the rules.

PN: Okay. So I—

NK: [overlapping] Oh— if you could sit here that would be really helpful. [pause] Thanks.

PN: Okay. So my name is Paula. I'm originally from California. And I know that access to water is one of the pressing global issues of the 21st century. Water availability, quality, it's all under stress from climate change, land use decisions, industry, mineral processing, and pollution of fresh water, okay? My question is who do you trust with your water supply. So I'm from California. How many people know what a Superfund site is? [pause; audience speaking] Okay, for people who don't know what it is, it's like, if there is land and water that's been really severely contaminated by chemicals, metals, then something has to be done. The EPA comes in. So how many Navy Superfund sites are on this island? [pause] Does anybody know?

Audience: [indecipherable] (Pearl Harbor)

PN: Okay. So there are three Navy Superfund sites on Oahu. So there is the Navy Transmitter Radio Facility, which is on leeward Oahu, near the Navy munitions command base. Does anybody know about that one?

[audience speaking]

PN: Okay that's one of them, okay. Then there's another one in Wahiawa at the Naval Computer Telecommunications Area Master Station of the Pacific. So we all know that's the one that's underground in Wahiawa. Okay that's one. Another one of course is Pearl Harbor. There's others that have to do with agriculture and also the military at Schofield Barracks, but these are just the Navy ones. So we already know about the tanks when they were restored and maintained in 2015. Twenty days after that occurred, 27,000 gallons leaked. 27,000 gallons. So

[pause] exposure to these jet fuels, which are in this, have been [pause] associated with neurological affects in humans, including headache, nausea, vomiting, dizziness, fatigue, coordination difficulties, irritability, problems with attention, memory, narcosis, and gait disturbances. Is that the stuff we want leaking into our water? So I'm definitely in favor of these things being shut down and moved. And if they can— if the Navy can do it in San Diego and in the State of Washington, they can do it in Hawaii.

[audience speaking]

PN: So thank you very much.

NK: Thank you.

[audience clapping]

NK: Okay, next is Margaret Ulm. [long pause] (Thanks for coming.)

[pause]

Margaret Ulm: Well good morning everyone. This is my first meeting! After hearing it, like I said, about five years ago, I thought they resolved a lot of that and had it underway. But when we saw that next meeting (coming about), then we saw the exchange of how many years it's going to be. Well I live in Halawa Heights, and so I'm drinking that water already, I'm bathing in it, my children already grew up in it, and so I'm saying this, is that over the weekend, I saw a bottle company, I don't know if I should name the company because it's a large one, and he says he takes the water from our mountain and bottles it, and then sends it throughout the whole state. Not just our area, but the whole state. And so everybody's drinking our water. [pause] Now I hear that we should kind of get together and join a group. Well we're already in the group, it's all of us now that you know you're drinking their bottled water. And so it sounds like this individual, who wasn't prepared for us, who didn't notify us— I only found out because of the news station saying come down here. Well she didn't have a speaker, she wasn't ready for us. And so, is she the one that we need to say, get their act together? Because they weren't getting their act together just for us now. [pause] Is that right? Are you the individual we need to say to get their act together? And if that is, aren't we paying her salary? Aren't we paying all their salary? And then on top of it, is it the State? Because that's all I heard was who's going to be doing this? It was five years ago. So, I'm a military brat, I have everybody in my family was almost all military, so we definitely want them to keep protecting us, like they have been. And so I'm saying they should continue to protect us. You're here to protect us. The State's here, the military's here, to (continually) to protect us. Now, we're talking about water, and so if you're watering and you have a garden, you're eating it. And if you're a farmer, you're now distributing the food that everybody else is eating. And so I'm saying that if they don't want to get their act together, the State doesn't want to get their act together, the federal government doesn't want to get their act together, then we have the Board of Water supply who's giving us the poisoned water and we're paying for that. So now do we stop getting water from the Board

of Water Supply? Because now, aren't we showering in it and cooking in it and drinking it from the Board of Water Supply? So Board of Water Supply, fight for us, because we pay for you. Right? And so everybody's drinking it, no longer just Red Hill, now that you know the largest bottle company bottles from our area.

[audience speaking]

MU: [audience continuing to speak] Don't— well it was at Blaisdell Center. I won't mention it. He might sue me. But, anyway, the mere fact of the matter is we're all drinking it. Everybody's drinking it. No matter where you live, in Kaneohe. Maybe the outer island. Farmers. And the farmers think they're doing fine by going organic. Well they're not organic if they're using the water. So I'm just here to say enough is enough! Right. You need to step up for all of us. You are the first person, right, the first person to say, hey, let's fix this. And then go down the line to all of us, to the Board of Water Supply and just, every time, say, hey military, you want 125 million, didn't we just give that to Ukraine?

NK: Margaret, can you wrap up please?

MU: So go ahead and, if you need money, Navy, I'll be willing to give another dollar, I'll be willing to give whatever. If we did this in one year, everybody gave two dollars—because I'm here for a cure already—everybody on our island gave two dollars, including the tourism, then we'll just collect that \$2, give it right to the Navy and say let's go, (we're) collected the money, you can do it in your three years. Is that right? Because we already know they're not going to do it, they did five years, now they want up to what year? So everybody, \$2, \$5, I'd be the first one to give it.

[audience speaking]

MU: I would. Because don't we do that and say, support the, what do you call it?, the elections? So go ahead and put in my taxes, support Red Hill, support Hawaii's water. And I'll give my tax dollar to that, immediately, this coming January. April. I'll do it. And then get that money and give it right to the Red Hill to get it cleaned. Right? Because they're not going to do it if we don't collect money for it, they just won't. It'll wait till they collect the money. [pause] Thank you.

NK: [overlapping] Thank you.

[audience clapping]

NK: Okay. Next is Kealohilani Wong. [pause] Come on down. [long pause] Thanks for coming.

Kealohilani Wong: Aloha everyone. Kind of emotional.

Audience: Aloha.

KW: [voice emotional] I heavily oppose the fuel tank project and this proposal. My name is Kealohialani Wong. I'm 21 years old. I'm from Mo'ili'ili. And I stand here as a concerned citizen,

a concerned 21-year-old, a concerned farmer. I work at a kalo farm on the windward side. I stand here as a concerned future mother, maybe a child that's the same age as one of your child or a grandchild of yours. The people listening to this, maybe your child as well, that generation, because I will be the one(s) drinking the water. I appreciate everyone of you who are here. [voice more even] Especially those who might not be here in 2037. I'm going to be—I did the math—I'm going to be 39 years old in 2037, and I don't want to have to be at another public hearing talking like this about the same problem that's happening right now in 2019. I'm going to be 47 in 2045. So the first time I actually heard about this was two years ago when I was at KCC from a classmate who works for a construction company who was operating with the Red Hill project. And I had no idea what was going on and I still—maybe I'm not educating myself—but the same reason why it was difficult for me to come today is because I'm a college student, I have a group project, but my coworker told me about this meeting, and I was like, (okay no) the water is more important than my group project. But for a lot of us here, working student, working parents, working citizens, we're not able to make it today, because of the time, because of the accessibility of this location. And so I would like for the project or the Department of Health to maybe make that more available to the parents, to grandparents, whoever it is, because everyone will be affected by this, by this water crisis. And so I'd like to question the Department of Health if they are following and pursuing their mission statement, which is to protect and improve the health and environment for all people in Hawai'i. As we just heard from the previous speaker, the water is going to affect not just the kona district but everyone in Hawai'i. As a farmer on the windward side, we provide food for thousands of families every year. And we also do organic farming, like she mentioned, and we cannot declare that we farm organic if the water is not clean. And so, again like I said before, Department of Health, what is your mission statement? And I guess in 2045 or 2037, there will be no need for fuel if there is a poisoned people statewide. And so, that's what I have to say today. Thank you guys for coming.

[audience clapping]

NK: Okay, we've come to the end of the people who signed in, so is there anybody else who wants to speak? Come on down. [long pause] I'm sorry?

Danielle Espiritu: I put my name and e-mail name on the list outside.

NK: Oh okay. Can you say and spell your name (please?)

DE: Absolutely.

NK: Thanks.

DE: My name—Aloha mai kākou. My name is Danielle Espiritu. E S P I R I T U. I'm from Kane'ohe, O'ahu and I current live in Waimalu. Ho'opili mai: Hawai'i.

NK and a few audience: Hawai'i.

DE: Hana hou: Hawai'i.

NK and more audience: Hawai'i.

DE: In the middle of that is wai. Yeah? And that word wai I think [voice emotional] demonstrates the importance of fresh water to our people and to this place. And so everybody who chooses to call Hawai'i home, I would implore you to think deeply about what that means, [voice more even] and what wai can do to restore, what wai can do to promote health, what wai can do to bring life. In Hawaiian the word ola doesn't just mean health. The word ola doesn't just mean to survive. It means those things; it also means to thrive, it also means to be healed, it also means to bring life and to be renewed. [voice emotional] And so embedded in our language and embedded in our thought process is all of these things that our people knew for generations about how to care for this place, how to care for these islands. And so one of my questions to the Board of Health is what does this extension do to promote and to protect the health of our people? And to promote and protect the health of these islands? And the generations, like Kealahi is sharing. The generations that are not born yet that will need to bathe in and drink the waters. I too work with a kalo farm on the windward side and I personally know the family members who have fought to get the restoration of their streams. So like Senator Thielen in saying, they will be affected. Everybody in the entire kona moku from Moanalua, Kapūka'akī [or Kapūkakī], which is the actual name of Red Hill that was erased, or attempted to be erased, all the way to Maunaloa—which we call Hawai'i Kai today because Henry Kaiser wanted to name it after himself and Hawaiianize it—all of that water, it will be compromised. Do those people know that? Are we doing everything that we can to educate the people? And so what will an extension do to protect and to bring life to those families that are trying to thrive in those areas? And furthermore, what will any extension past today do to protect and to bring life in those areas? [voice more even] Recently, the beginning of this school year, there was a conservation conference that was held, and for the first time there was a panel that happened in 'ōlelo Hawai'i, and it was a beautiful thing, and one of the panelists had posed this question to the audience, 'O wai 'oe? Yeah, 'o wai 'oe? 'Oe means you. So, 'o wai 'oe? Who are you? But embedded in that is the idea of wai. [voice emotional] And when you introduce yourself in Hawaiian language, often, you connect yourself to your mountain. 'O Ko'olau ku'u mauna, Ko'olau is my mountain range. 'O 'Āpuakea ku'u ua. 'Āpuakea is the name of my rain. Do we know the names of our rains? Do we know the names of our streams? Do we know the names of the waters, in Wai'anae, those waters that run underneath the ground that make us up. I think sometimes in our culture today we've forgotten that. But I would ask you folks who are here today and you folks who have decision-making power in all of this, 'o wai 'oe? Who are you? Who do you want to stand for? What do you stand for? Who are you protecting and who— what are you doing with your position and what are you doing with your power to make sure that Hawai'i will be thriving. For generations. Mahalo.

NK: Thank you.

[audience clapping]

NK: Oh, okay. Thanks. Next we have Kapua Keli'ikona? [pause] Or Keli'ikoa? [pause] Handwriting is [pause] not clear. Kapua? Hi. [long pause] Thank you for coming.

Kapua Keli'ikoa-Kamai: Mahalo.

NK: Is your last name Keli'ikona or -koa?

KK: Keli'ikoa-Kamai.

NK: Okay.

KK: Aloha. 'O wau Kapua Keli'ikoa-Kamai. No ka 'āina ho'opulapula ka awāwa ('o) Wai'anae mai au. [pause] 'O Ka'ala (i) ko'u mauna. Ka alawai Kaupuni (i) 'ekahi alawai. I kēia 'āina i ko'u 'āina hānau, 'āina noho, 'āina make. Akā 'a'ole makemake au make early no ka mea ka pilau wai. 'A'ole pono pēlā pilau wai. (We) need to mālama mākou 'āina, mālama mākou wai, mālama mākou alawai, alawai, mauna, nā mea a pau Hawai'i. Mālama mākou. [pause] Aloha. I'm Kapua Keli'ikoa-Kamai from Wai'anae Valley Homestead. My mauna is Ka'ala. One of my streams is Kaupuni Stream, which runs through Wai'anae Valley. Too many times, we have choices to make and too many times the wrong choices are being made. Not necessarily by us. But it's being made by those other people that have other interests. I want to take Kaupuni Stream as an example. Several years ago we discovered that people were sending their sludge to our Kaupuni Stream. When they had gone through a process of how they were going to dispose of their sludge, but they made a decision that despite all of the palapala, all of the permits, all of the process that they went through, they were going to make a change, because that's what suited them. That's not what suited the 'āina, that's not what suits the people, but that's what suited those decisionmakers. And fortunately, we discovered it, and that got stopped. And the City Council, through our councilwoman Kymberly Pine, and others that work with her, created a process that hopefully ensures that it is not repeated. But that's only true when the process is followed. That's only true when people make proper decisions that's for the people, about the people, and takes care of the land. Too many times the process is changed, it's circumvented, often times legally. And because it's a legal process it's okay. But it is not okay. It is not okay that just because a legal process has been changed to circumvent the people, it is not okay. And that's what brings me here today. Too often the process is circumvented. It's waived.

NK: [overlapping] Kapua, can you wrap up (please)?

KK: Oh I'm sorry.

NK: Can you wrap up please?

KK: Oh sure. It's waived. There's exemptions. Changes are made that don't benefit the people. So I want to reiterate what Dani had said. This is hewa. If they can't fix it, if they can't ensure, absolutely ensure, that our water will never be contaminated, then they need to shut it down. We don't need to wait another 15 years, another 20 years, another 35, 40 years. By then it's too late. So if you can't fix it the right way, just shut it down. Mahalo.

NK: (Thank you.)

[audience clapping]

NK: Kapua, is there a u in your name or is it just o a?

KK: Keli'ikoa hyphen Kamai. K E L I I K O A

NK: Oh okay. And then—

KK: [overlapping] dash K A M as in Mary

NK: Oh this is still your last name.

KK: K I.

NK: Got it.

KK: Yeah.

NK: And your e-mail is just d kapua.

KK: 'Ae.

NK: Okay. Thank you.

KK: [overlapping] Mahalo.

[pause]

NK: Okay, how are we on time? [pause] Oh! I do have one more person signed up who wants to speak. Is there anybody else who wants to speak? Because if there is then I'm going to continue the meeting so we take a break until noon. But if this is the last person then we can do this and be done.

Audience: [indecipherable]

NK: Yes. Okay. So here's what we're going to do. We're going to close the official hearing right now so that people have time to go get some food, because you have to drive down the hill, there's no food up here, and we'll continue at noon. Is that enough time? Where's Thu?

Audience: [indecipherable]

NK: Yeah. Or we could do 12:30.

Audience: [indecipherable]

NK: Yeah. So if you have more comments, please submit written comments. You have until December 16th to do that.

Collen Soares: Could you lay out what's going to happen now after you—well, what's going to happen now, what's the Board going to do, who's making the decision really?

NK: Yeah. So there's not a Board of Health.

CS: Department of Health.

NK: Yeah. So, the Department— So the first thing is to compile all of the comments after the deadline of the 16th and the transcript with all the oral comments. And then, before the Department makes a decision about completing the rules, all of those comments are reviewed and responded to. It's kind of a complicated, like who actually makes the decision, but there are a number of staff in the Solid and Hazardous Waste Branch who work on this and then we also have an attorney who works with us from the Department of the Attorney General, and so, you know, it sort of— there's not like one person who is responsible for the decision-making.

CS: [indecipherable] EPA and the Department of Health.

NK: No, because this hearing is about the Hawaii Administrative Rules. So it's just the Department of Health.

CS: Right, today. But I mean the overall decision.

NK: Okay, I'm not sure which decision you're referring to now.

CS: The de— I'm sorry, I'm off of your subject

NK: Yeah I can't s—

Audience: [overlapping] And onto Navy saying, you know, we're only going to double-wall it but it won't be till '45.

NK: I'm sorry I can't speak to that.

CS: [in overlap] I know.

NK: Yeah I don't work on that stuff.

CS: [in overlap] I know.

NK: I work on rules. So, yes?

Ellen Sofio: Could you tell us who is the attorney [indecipherable]

NK: Yeah. Our Deputy Attorney General is Wade Hargrove [pause] for the Underground Storage Tank Program.

ES: Who does he represent?

NK: He represents the Department of Health for [pause] that Program. [pause] Does that make sense?

ES: [indecipherable; question was regarding the Safe Drinking Water program]

NK: I don't believe he's the Deputy Attorney General for that Program. I don't know who that is. [pause] Yes?

Audience: The guy who's above the Board of Health is the Governor, right?

NK: I would have the look at the org chart. But certainly up to Dr. Bruce Anderson, who's the Director of Health. I think it might be Keith Kawaoka after that, who's the Deputy Director of Environmental Health and then the—

Audience: [indecipherable]

NK: [audience continues speaking in overlap throughout] No, the other way. See. Can't ask me questions. [small laugh] I don't know the answers. You know what, I've decided, 12:30, because I want to make sure everybody has time to go get food. Okay? So we will continue at 12:30.

Audience: Who is the last person?

NK: I've got Georgie, I'm sorry I can't read the last name.

Georgiana Navarro: Navarro.

NK: Navarro. And then we'll have more time for additional people and I—somebody indicated they wanted to provide more comments. Okay?

Audience: Now or after?

NK: After. Yeah. We—

Tyrone Tahara: Are you saying we're going to have lunch, come back at 12:30

NK: 12:30.

[multiple people speaking in overlap]

TT: One person on that list [indecipherable]

NK: But somebody else said that they wanted to speak again.

NK: [audience speaking in overlap throughout] So that— no— o— okay. [pause] Yes.

NK: And you can still provide written comments until December 16th. Yes?

Audience: There's no possible (way) to schedule for another date [indecipherable]

[audience members speaking in overlap]

NK: I encourage people to provide written comments. There's another two weeks to be able to provide comments.

TT: Can we just run the meeting? Without having lunch?

NK: If only a couple more people want to speak, but I don't want the time to be limited.

[multiple people speaking in overlap]

TT: Yeah, I hear you. I hear what you're saying.

GN: 'Anakala, it's maika'i, it's okay, because Kapua represented us very well. I'm also from the Wai'anae Valley Homestead Association. So that it our ahupua'a that [indecipherable] everywhere else. So it's okay, I will give up my time to someone else, but I think we should continue this meeting.

[multiple people speaking in overlap]

NK: Okay. We're going to stop the official hearing right now. And we're going to start again at 12:30. Okay? If you want to come back at 12:30 please do. [multiple people speaking in overlap throughout] I remind you again that we are taking written comments until December 16th. All the information is online. If you didn't get the handout, you can take extra copies, give them to your friends. [volume of overlap noise increases] Okay we're ending the hearing now. You can come up and ask me but I'm going to stop the tape recorders.

[Recording ended at 11:03 AM. Recording started at 12:36 PM.]

Collen Soares: Do you have the name of the Navy person who will make that ultimate decision?

NK: I do not. Like I said, I don't really work on Red Hill. So, yeah.

CS: [overlapping] Right. Right. I hear you. Hmm.

[pause]

CS: [indecipherable]

NK: Okay. Oh, did somebody stay out there in case somebody else comes in?

Roxanne Kwan: Oh I'll stay out. [indecipherable]

NK: [overlap; audience talking] Can—can one person stay at the sign in table and come and let me know if somebody else wants to speak please? [pause] Thank you.

CS: [overlapping; indecipherable] speak. I've already spoken so (I'll just) [indecipherable]

NK: [overlapping] Well that's okay.

CS: You need more than three minute(s) [indecipherable] (and it gets kind of boring)

NK: [overlapping] Some— some people to—well, right, so that was the idea. Some people seemed to think that we really needed more time. That's why I decided, let's take a lunch break, so that you can have basically as much time as you want.

CS: Yeah, well, I—don't worry. [NK laughing] No, I just went to the library to print up my letter that you'll see.

NK: Oh, okay.

CS: To you guys. I guess—will you get that?

NK: Yeah, if you mail it to that address.

CS: Yeah. I e-mailed it.

NK: You e-mailed it to [pause] which address?

CS: God knows.

NK: I will give you my e-mail address so you can e-mail it to me.

CS: [overlapping] Okay. Please. I'll do it again. [end of overlap] Yeah. I just wanted—Colleen again. I just wanted to mention one other thing, which I'm sure you've all heard about. Naval audit report in 2010. How many of you have heard about that or read that? Okay, so I'm speaking to the choir. Singing to the choir? But what they said is fairly [pause] critical, very critical. [pause] Excuse me. I'm just going to read a little bit of it. So this is what the—am I taking three minutes? I don't want to read all this.

NK: [overlapping] Oh no, you can just go ahead.

CS: So, [pause] The audit said, the Naval audit said, quote: "Based on the results of the audit work, we determined that the environment in the Pearl Harbor area"—and this is about Red Hill, this was audit of the Red Hill facility, 2010 it was published—"we determined that the environment in the Pearl Harbor area has not been sufficiently protected. Specifically, we identified four areas of concern: groundwater contamination resulting from irregular maintenance and insufficient inspection, delays"—excuse me [clearing throat] "2. Delays in completion of the maintenance cycle due to operational and time constraints. 3. The effectiveness of current leak detection methods." So they didn't have that big room full of computers back then, that's fairly new! For us, before we went on our tour, right, to show us. Okay. Sorry. So, "the effectiveness in detecting slow, chronic fuel releases and non-compliance with terms of the GPP."—whatever that is, lots of acronyms—"With regard to irregular maintenance, we found that maintenance records were incomplete. The last entry on record dates from 27 to as much as 46 years ago." That was before, you know, all the hoopla started with 2014. [long pause] "For six" [pause] "The record dates up to 46 years ago for 6 of the 18 active tanks." Continuing, quote: "Groundwater contamination exists around the underground storage tanks. At RH"—that's an area, a tank area—"because of irregular maintenance and insufficient inspection over the life of the fuel tanks." [pause; clears throat] "Additionally we determined that the inspection and maintenance schedule in place at the time of our site visits was infeasible because fuel requirements and time constraints limit the rate at which this work can be performed"—it interrupts lunch. [pause] Sorry. "The Navy cannot—" Okay. Blah blah

blah. Basic— and then what they said is, “According to CNIC, at this”—the end of that 2010 report, they must have done another check. “According to CNIC and FISC Pearl Harbor, the proposed 2016 maintenance schedule is not being executed.” So it’s just with all of our hollering, yeah? And all the good, articulate—well, not me, but—articulate testimony that we heard today. And that’s an important report. I don’t know what happened to it. It was probably (round) filed. But [pause] I understand, from talking with the head of Sierra Club, now I don’t know what the (meet)—That’s what I was trying to ask you, but you don’t do that. You do all this other stuff. Who’s going to make the ultimate decision. There’s EPA, the Navy, and the Department of Health. And she said that it would be the Navy, ultimately, if there’s a disagreement, that the Navy would make the [audible exhale] So we’re f— [overlapping indecipherable speech] I didn’t want to spend Christmas in jail. However. [pause] I don’t know what I’d do, you know, to get—but you need more than one person. And [pause; audible exhale] They listen to big crowds, they do, that’s the economic, which Ellen or somebody was talking about so articulately. That’s all I have to say.

NK: Thank you Colleen. Okay.

CS: Thank you.

NK: Georgie?

Georgiana Navarro: Yes.

NK: Okay.

GN: Aloha everybody [indiscipherable]

NK: [overlapping] Oh—can you please come down here so the tape recorder will pick you up?

[indiscipherable speaking; long pause]

GN: Aloha.

NK: Thank you for coming back.

GN: What is your name?

NK: Noa.

GN: Noa. [small laugh] Go figure. [pause] Hi, aloha. Just for the record, my name is Georgiana Ho’oulu Navarro. I am resident now of Wai’anae Valley Homestead. I did live in Kapahulu. So I can’t speak on Kapahulu and Wai’anae side. But mostly I’m here to speak on behalf of my children, my grandchildren, and my great grandchildren. Because they have no inclination about what’s going on, but every day when I leave my house, I always say, I’m going to leave my house to do things for you. This is, you know, we always hear that it’s hewa. I cannot tell my children, it’s hewa. What they need to listen to is what is going on now. And water is very important. Without water there is no life. Well right now it sounds like with the water being

supposedly protected, and supposedly not protected, we have to sway both ways. You know. If you understand what I'm saying. But, [pause] if it's mostly about our health, then most definitely, we really gotta be concerned about the wai. Because without the wai, we dead. Everything around us will be dead. But we do have people that want to prevent that, maika'i. That's good. But we have all of us, and we need to come out and [pause] let everybody know, that's too busy in their life, to know things like this. Right? We're all busy in our lives. Do you go home to your children and talk to them about this? I don't think so. Because I try to, but they don't listen, but until something happens, then they going listen. And, like anything else, they're gonna say, I should have when listen to my mother, to my tutu, to my grandma, or whoever. I think the learning, educational part of it, it has to touch our school system. I always did believe in this, maybe I'm getting off track, but, but we learn from school. Well why can't we learn something like this in the educational system? Every little thing that we are learning today our kids don't know about it. All they know is how to turn off the water, or how to turn this on and dah-dah-dah-dah. But, I really want to thank all the people that came earlier. I missed half of their testimony and all that, but I'm here mostly because of my grandchildren and my great grandchildren. I think about them. What do they know about Red Hill? Nothing. They know nothing about Red Hill. What do they know about the water? The only water they know about is the water we getting, or trying to get, even out in Wai'anae. I advocate for the water a lot. Because, again, if we don't have this, we need to have this corrected. If it regards our health, that's the bottom line, but we, I don't see the people from the Health Department here, you know, the other people that's supposed to be here. So if this is all about our health all I got to say is that once the water is contaminated [pause] what are we going to do? In my household, what can I do, if the water is contaminated? I can just hear the kupunas telling me, boil the water. Boil the water, try get all that contamination out. But all I want to do, all I want to say here is that, again, I was told to drink water from the bottle. Because I have cancer. [pause] Now, don't feel sorry, because I don't feel sorry for myself. When I found out about this and when I heard it from the doctor, he says, drink the water from the bottle. Ho! I go, what? I drank the water from, you know, from your house. Because it's supposed to be filtered, blah blah blah, and all this kind of stuff. You know, till today I don't drink the water from my fountain, from my house. So, I don't know, what does that tell everybody? When the doctor tells you drink the water from the bottle. [pause] Okay, so, again, if this means health, situation, and I drinking, I have to drink water from the bottle? Oh my gosh. That's something.

Audience: (that's the same water) [indecipherable]

GN: [overlapping; audience continues speaking throughout] Yes, it is. And they're just bringing it in from somewhere else. Again, what does that tell you? That's all I have to say. Sorry.

NK: No, thank you.

GN: (You're welcome.)

[audience continues speaking throughout this dialogue]

NK: Can you just spell your first and middle name for me so I get them right on the transcript.

GN: [laughs] G E O R G I A N A. [pause] Navarro. Ho'olulu. H O O U L U. Navarro. N A V A R R O.

NK: Thank you.

GN: Yeah, you're welcome.

NK: Is there anybody else who wants to speak? [long pause; indecipherable audience talking]
Thank you for coming.

Meleana Kamai: Thank you for being here.

NK: Can you say and spell your name first?

MK: [audience continues speaking in overlap] Okay. Aloha. My name is Meleana Kamai. Spelled M E L E A N A. Kamai, K A M A I. I'm from Wai'anae Valley. And my mom is one of those people who come home and tell us everything that goes around in our community and the lāhui. [overlapping talk ends] And after learning about the 2014 jet fuel leak that happened at Red Hill and because these are 80, 70, 80 year old tanks, containers, storage containers, I don't think they belong here. Or, especially above our main water aquifer that feeds the whole island. Because ola i ka wai. Water is life. And water gives life. And without water, especially our main source of water, we can't live. And our plants can't live and our 'āina can't live. So the only solution I find to this, because what I also read and heard, the US Navy is taking the cheapest way to monitor and to track the tanks, is to shut it all down. Because I'm not going to wait for another jet fuel leak that, maybe 2014 it didn't contaminate our water, but because of how old these are and there's what, 13, 12, tanks out there? [pause] 20 tanks out there. If they all leak, or if we had a natural catastrophe, like an earthquake, it could all leak and it could all break, and they don't have a solution for that. And there's no way to clean, hundred percent, all of the water that was contaminated. So my solution is to shut it down. So shut down Red Hill. And I don't understand why the US Navy was even given permission to put jet fuel tanks and storage containers above our main source of water. That's it. Mahalo.

NK: Thank you.

MK: Do you want to me write (it) my name?

NK: Oh yeah, if you didn't sign in, that would be great, actually.

MK: I don't have a pen [indecipherable]

NK: Is there anybody else who wants to speak?

Kapua Keli'ikoa-Kamai: [indecipherable] we go again?

NK: Yeah.

KK: Okay.

[long pause]

NK: Yeah, I know some people were upset that we continued until after lunchtime, but I really did that because people seemed to want more time and I didn't want the time to be limited.

[long pause] Thank you. [long pause] Can you remind me your name again?

KK: Sure. Kapua Keli'ikoa-Kamai.

NK: Thank you.

KK: So it's a hyphenated last name. So thank you for giving me this opportunity for a second round. I disagree with your extended lunch. The reason for that, there are people that took off from work. It's very, very disheartening when government decides to have community hearings and testimony and meetings during business hours. If you're working for the government, the government needs to go to the people, during the people's time, and that's not when they're at work. And so, while you had some concern for people and eating, extending a lunch period is not the way to resolve that concern. Several people had indicated that they would have rather let's just finish this and then go eat. Or in those cases, other people can go back to work. So I really want to just make it clear that your statement of trying to be sensitive to the people who wanted more time to speak, probably half of them aren't here because they needed to get back to work. I've also heard that a follow-up meeting is going to occur on December 30th. This is another governmental ploy that discourages and dissuades people from participating in this so-called process. Because, again, it's an inconvenient time. It's during the holidays. Why do you want to do it just before New Year's Eve and Christmas? Why not push it closer up? To maybe two weeks notice. Unless there's a thirty day notification, in which case it should have been notified earlier. So, when there's a process it really needs to be transparent that the purpose is to obtain the people's testimony, their mana'o, their opinions on it. So I wholeheartedly oppose this process that we are currently in. Again, I've also heard that the Navy has the final say if there is a disagreement between any of the parties. That is like having the fox watch the hen house. When the people have a problem with the process, you don't let the fox determine that process. So, again, the process is definitely flawed. And it may not be within the budget, but when you're talking about lives, budget doesn't matter. When you go to war and they spend millions of dollars of foreign soil, and here America claims Hawai'i to be their soil and yet they're too cheap, too cheap to take care of my land, to take care of the people that are here now? Budget has no say in this process of life, which is what water gives us, and babe this is not personal, I'm just speaking. So, the budget is irrelevant. Budget is irrelevant when it comes to not only one life but to thousands of lives, to almost a million lives here on O'ahu, and in time to come it may exceed a million lives here on O'ahu. So while this aquifer does not sustain everybody a hundred percent of their water, it does affect a good percentage of the population here on this island, and maybe in the future it may be even more impactful. [long pause] Very concerned about the selection of the option, the option that the people are saying that must be done is double containment. If we cannot have double containment, which would show us how much has leaked and not wait till it's in the water, then it's really too late. Because once any

contamination has occurred, it's only a matter of time before the other thousands of gallons will flow through the land, will flow through the 'āina into the aquifer. So we cannot afford to have anything less than double containment, within the pre-determined time, and I think there was [pause] in 2030, 2035 or so. So there should not be any extensions, any waivers, any exemptions to what was already stated. The people have come forward. But when you put it during their business hours, you put it at an inconvenient place, inconvenient time, you're saying that we really don't want your participation. Even though you can take it in writing. As you know when you go before anything that's meaningful, people want to do, especially Hawaiians, and people, they want to speak face to face. And you are the messenger that gets to convey it back to the administration, and so we thank you for your patience and tolerance of what you're hearing today, but the angst is not on you, not to you, but it is to this process and to the decisions that are being made which is contrary to what the community and what the majority of the people are saying. Because this will not affect me in my lifetime. This will affect my baby, her babies, and their babies. So it's definitely not about us here today. It's about them that are to come. And I find their lives are way too significant, too important, to even contemplate any possibility of water contamination that cannot be rectified. And desalination is not an option when we have beautiful, clean water. So we like our water to stay clean. And if they can't fix it in their previously agreed upon time, with double containment, make it easy, make it affordable, and just shut it down. Mahalo.

NK: Mahalo. [pause] Is there anybody else who wants to speak? [long pause] Okay, if there's nobody else who wants to speak I'm going to go ahead and close the public hearing. One more chance. [long pause] Colleen? Are you good? Do you want to speak more? [small laugh] Okay. You can still submit written comments. Okay. [audience speaking in overlap] Okay. Thank you.

CS: [indecipherable]

NK: Let me just write my e-mail for you, that'll be easier. You can also send it to the

[Recording ended at 12:59 PM]