

Transcript of Department of Health Public Hearing

- **For the proposed repeal of Hawaii Administrative Rules chapter 11-281 and adoption of chapter 11-280.1, Underground Storage Tanks**
- **May 31, 2018, 9:00am at the State Lab at 2725 Waimano Home Rd, Pearl City, HI**

Hearings Officer (NK): Good morning. Thank you for coming. My name is Noa Klein. I'm going to be the hearings officer for this hearing. I'm a Planner for the Solid and Hazardous Waste Branch [State of Hawaii Department of Health]. Today is May 31st 2018. It's 9 o'clock. And we are recording this. So I'm going to run through a few things that we are required to announce and the procedural stuff. Did everybody get a copy of this handout?—The one page back and front? If you need one raise your hand. [aside to staff] Okay, can you take that back there? Thank you.

So, this hearing is for the proposed repeal of Hawaii Administrative rules chapter 11-281 and proposed adoption of chapter 11-280.1 to replace it. These are rules regulating owners and operators of underground storage tanks [USTs] in the state of Hawaii. And the purpose of these rule changes is primarily to align the state regulations with updates to the U.S. Environmental Protection Agency's federal UST program.

I was just reading that off of the public notice which is on the back of the procedural information handout. I'm sure you've all already seen that. There are two handouts out in the lobby. Everyone definitely needs this one page one about the procedural information. The other handout, a lot of you probably already got this over e-mail. It's titled "Proposed Chapter 11-280.1, HAR Explanation of Changes made from December 2017 draft"—and that was the draft that we talked about in public meetings in January and I think our last meeting was February 1st—"to public hearing draft." So if you had looked closely at that December draft, this is just telling you what has changed since then. So we have a bunch more copies of that, if you need to grab one outside. I want to remind everybody to please sign in, if you haven't already signed in please sign in on your way out. We just really want to keep track of how many people are showing up.

Okay so I'm going to talk a little bit about the hearing procedures and, I apologize, if you very carefully read my handout, all of this is on there but I am going to tell you anyway. If you want to give oral testimony you need to sign in on one of the sign in sheets that says "Testimony" at the top. So if you are sitting in here and you didn't sign in on one of these, please go back out to sign on one of these so that we know that you want to come up here and speak.

We are also accepting written testimony today. We have a couple of big envelopes labeled "Testimony" at the sign-in table. Make sure that your testimony goes in those envelopes. If you are giving oral or written testimony I would really appreciate it if you can e-mail a copy if it is something that you have written out that you are saying. It will just save me the time of retyping it from the recording. My e-mail address is noa.klein@doh.hawaii.gov. It's not the last one on the bottom of the notice but it's the other one. I'm Noa. So you all have my e-mail all over the place.

We're going to limit oral testimony to three minutes per person. But it looks like we don't have too many people who want to speak so we're going start out with three minutes per person. And then if people want to say more and we have time, people can come back and say more. While other people are testifying please be quiet and courteous. We are doing an audio recording that's going to be transcribed. So please shut off your phone ringers. It's just really helpful to be able to transcribe it if there is not interfering noise. And I think that is pretty much it.

So I'm just going to call people in the order that people have signed up to give oral testimonies. And make sure that I can read your name and organization and your e-mail address on here. And that's it. So we can get started.

NK: The first person to give oral testimony is going to be Erwin Kawata, Board of Water Supply. Come on down.

EK: Good morning.

NK: Oh, you are going to sit right here. Sorry, I forgot to say that. So the recorders are here and you can sit right here to give testimony. Thank you so much for coming today. And we do have a time keeper for the three minutes.

EK: So just it here?

NK: Yep. So just talk normally. But the recorders are right in front of you, so we'll get a good recording.

EK: Alright. Thank you. My name is Erwin Kawata. I'm with the Board of Water Supply and we appreciate the opportunity to offer comments. We will be submitting written detailed remarks for the proposed Hawaii Administrative Rules chapter 11-280.1 but today I'd just like to present an overview of those comments. As the state's largest municipal water purveyor, we will always be concerned with the storage of more than 200 million gallons of fuel located 100 feet above a sole-source groundwater aquifer in single-walled underground storage tanks without secondary containment and interstitial monitoring. We believe this technology offers our groundwater the best protection in lieu of relocating away from the aquifer. As our primary source of portable water in Hawaii, groundwater must be preserved and protected as stated in Hawaii's constitution that mandates that all public natural resources are held in trust for the benefit of the people and that the state protect and conserve all natural resources, including water, for the benefit of present and future generations. As currently written, the organizational structure of the proposed DOH rules makes it difficult to compare requirements for field-constructed tanks to the current federal rules. All provisions should be cross-reference to the federal rules or identified as new provisions that do not appear in the federal regulations. Second, the Board does not support the 20-year secondary containment deadline for field-constructed USTs set forth in the proposed rules. The potential impacts the ground water beneath field-constructed USTs pose an unacceptable risk to our critical drinking water resources. The Department of Health should shorten the 20-year allowance for upgrading previously deferred systems with secondary containment to ten years. Third, BWS does not support provisions in the state rules that allow exemptions to the secondary containment requirements using an alternative tank design. If an exemption to the requirements for secondary containment for previously deferred systems is to be retained, the proposed rules should make explicit that any such exemption granted be justified solely by a scientifically sound engineering analysis that clearly demonstrates the alternative design would provide an equivalent degree of human health and environmental protection. Fourth, the Board views large underground storage system piping posing an unacceptable risk to

drinking water. DOH should require by the same deadline applied to previously deferred UST systems secondary containment for all piping that cannot be visually inspected, including piping in contact with soil or located within concrete cast against soil. Fifth, there is, we request the Department of Health provide justification for allowing its conformance to published codes of practice in lieu of site-specific engineering analysis for field-constructed UST systems with capacities greater than 50,000 gallons. Finally, DOH should not grant any variances to large field-constructed UST systems that operate without secondary containment. [alarm ringing]

NK: So if you can just finish up.

EK: BWS is not convinced that single-walled UST systems provide an equivalent level of protection to human health and the environment. Thank you for the opportunity to testify.

NK: Thank you very much.

EK: Thank you.

NK: Okay. Next, we are going to have David Kimo Frankel from Sierra Club. David, can you write your e-mail address on here for me?

DKF: Oh you don't need it.

NK: It's to provide you with a copy of the response to comments.

DKF: Okay, I'll get it to you later. The focus of my comments is narrow, dealing with field-constructed tanks and that section of the rules which is 11-280.1-21(d)(2)(B). More than 25 years ago, the legislature required the Department of Health to enact rules that required existing underground storage tanks be replaced or upgraded by December 22nd 1998. And rather than doing that the Department of Health is proposing to allow the Navy until 2038, forty years after the legislative deadline. We think that provision in the rules is inconsistent with its statutory duty and also the Department's public trust responsibilities. So we agree with the Department of Health [Board of Water Supply] that 20 years is too long. Ten years is a more appropriate deadline. And also as Board of Water Supply, well, there is a standard in that in your new rule that is not as strict as the state statute that allows the Red Hill tanks to avoid secondary containment. The standard articulated in the proposed rule is that whatever they do is protective of human health and the environment. That standard is inconsistent with the statutory provision in 342L-5 [Hawaii Revised Statutes] and therefore is invalid. You cannot have a rule that is inconsistent with a statutory standard and you need to use the language that is in the statute or not have any at all and just rely on the statutory standard. There'll be many more comments from other people with the Sierra Club. Thank you.

NK: Okay. Thank you.

NK: Alright. Next to speak Alan Burdick from Sierra Club.

AB: Thank you. Good morning.

NK: Good morning. Thanks for coming.

AB: Thank you. I'm Alan Burdick, also from Sierra Club, I wear other hats as well. I'm going to speak much more broadly. I want to express concern that this is nominally a 20-year project. I expect that deadline will slip as all deadlines seem to slip. My concern is that you are, under the law, our only eyes and ears, under our funny sort of federalism that environmental, the Clean Water Act, allows, under our environmental laws. I ask that you ensure that these regulations require the Navy to provide you in a timely manner all plans, all budgets, communications between the Navy and the Pentagon and anyone else, all actual budgets, all actual funding, reports of all actual funding, all contracting information, and all reports of actual work every step

of the way with complete transparency throughout this purported 20-year project. I would like to see at least as much detail as we expect and supposedly are receiving with the rail project. We want complete transparency. We want complete accountability. We do not want surprises. We don't want to be told 20 years from now that, "Oh no, no real progress has actually happened." You are our eyes and ears. You need to be our eyes and ears. You are the only ones who can hold the Navy accountable. I want to emphasize that the way things are set up Pearl Harbor brass rotate out after just a couple of years. You are the ones who are here all the time and must be our steady watchmen over them. Thank you.

NK: Thank you very much.

NK: Okay. Next, we have Nathan Yuen with the Sierra Club. Good morning.

NY: Hi. So I am Nathan Yuen. I am with the Sierra Club. I'm Conservation Chair. And our position is that the risks of the potential for leakage of the Red Hill storage tanks have been consistently underestimated and the ability of engineers to design and to maintain a leak-proof or leak-free facility is completely over-estimated.

NK: She's asking if can you speak louder.

NY: So arguably in 1992 when the state legislature instructed the Department of Health to develop administrative rules, had things been done on time by 1998, and had sufficient time passed for the Navy to actually upgrade the tanks, which was a period of 8 years, or 6 years, arguably in 2014 that leak could have been stopped or could have been prevented. So to continue to provide even more time for the upgrade to occur, another 20 years, presents way more risk than we can afford. The aquifer at Pearl Harbor developed over hundreds of thousands, if not millions, of years and it's an irreplaceable resource for our islands. Without the aquifer there, which is irreplaceable, how can we provide enough drinking water for all of the residents of Oahu? This is a very serious matter which I think the Navy overestimates its ability to control and to protect. So I would like to see actually the tanks not be there at all, in fact moved to another location, but it's really a matter of money, and whether the federal government has that money or has the will to do that. Short of that, I think we need the double storage tanks. And that we need to protect our water resources for future generations of Hawaii. So anyway that's my testimony.

NK: Thank you very much.

NK: Okay the next person to give testimony is Jun Shin with the Sierra Student Coalition. Thank you so much for coming.

JS: So I just talk into this?

NK: Yeah, just talk normally.

JS: Okay. My name is Jun Shin with the Sierra Student Coalition. And I'm here to speak against the 20-year plan because I want to emphasize what the previous speaker talked about and I just want to say if our island's main aquifer is permanently contaminated I'm very worried where the water will come from. And basically I'm looking at this as how will the lack of water not only affect our residents but also our tourism industry, because I live right next to Waikiki. And if the water runs out there then we are going to have to get all that water for all the many tourists who depend on Waikiki. And, I also want to speak as a young person, as an 18-year-old, in twenty years I'll be 38 years old and I really don't want to wait until I'm 38 to be dealing with this. And I don't want, you know, by then I expect to have kids, or at least plan to have kids, and so I don't

want to be in a position where I have to have my kids also deal with this problem. And so I hope to see some action right now. Thank you.

NK: Thank you very much.

NK: Okay. Next speaker is Marti Townsend with the Sierra Club.

MT: Aloha my name is Marti Townsend. I'm the chapter director for the Sierra Club of Hawaii. Thank you very much for this opportunity to present testimony. I wanted to take a moment to actually thank the Department of Health staff for taking on this challenge. You know, this Red Hill landed in your lap in many ways and it was, you know, a disaster. And you guys are rising to the challenge and I appreciate that. While we do have comments that will urge you to do more, I just wanted to take a moment to acknowledge all of you have done, many of our comments which you have accepted and changed in the current draft of the proposed regulations. So thank you very much for that. That said, as the other testifiers have noted, 20 years is too long. I just want to note that, for the record, the reason we are here today is the result of the litigation that the Sierra Club brought because the way the regulations were written previously was inconsistent with the statute. We granted, Department of Health granted basically an exception to all field-constructed tanks and as a result of that, these tanks are not up to snuff as they should be and we are now handing the next generation a problem that they may not be able to solve. The challenge before us today here is to try and address it now as opposed to pushing it off, pushing it down another 20 years. I want to emphasize that requiring in the rules consistency with secondary containment compliance with the expectations for all other underground storage tanks, requiring that sooner than 20 years is not inconsistent with the Administrative Order on Consent for Red Hill. This is because the way the order is written it sets the 20-year deadline as a far-out deadline, it says that action shall be taken within that period. And so it is possible for the Department of Health, because they want to meet their statutory requirements, because they want to satisfy their obligations under the public trust doctrine, see the need to require compliance with secondary containment sooner than 20 years. We've advocated for ten years as a reasonable expectation. And there are different approaches as a regulator the Department of Health can take to the Navy tanks that could help to strike the right balance between protecting public trust resources and public health and allowing the Navy to fulfill its mission. And in our written comments I can detail those a little more, it's too long here for this situation. Our bottom line is that the risk is too significant. This is the drinking water, future drinking water, for the majority on the island of Oahu [alarm ringing] and we just can't risk that water for this military purpose. The military's mission needs to operate in a context of ensuring that the public ...

NK: That's you're three minutes

MT: To ensure that public's health is fully protected. Thank you very much.

NK: Thanks Marti.

MT: Thanks.

NK: Okay, next we're going have Katie Adamson from Aloha Petroleum. That's right, right? Aloha Petroleum?

KA: Yep.

NK: Okay. It just says Aloha here.

KA: Yep. Thanks for the opportunity. Alright. I'm Katie with Aloha Petroleum. On March 19th Aloha submitted to DOH an alternative test procedure for containment sump integrity testing. We've all heard of this as low-liquid testing, we've had lots of discussion about it. It's an

alternative to the RP-1200 standard of testing sumps with water that goes four inches above the highest penetration. We believe that low-liquid testing is in line with RCRA's goal of waste minimization and is equally as protective, if not more, of human health and the environment because there is a component that results in immediate source control, so we just want to reiterate our request that DOH approves the method in line with our March 19th letter. And then from the last draft there was a change pertaining to under-dispenser containment sensors. This would be in §37(a)(3). It reads "sensing devices for UDC containment required in (another section) generate a record of the status of the UDC containment and the sensor's proper operation at least every 30 days." Just structurally the way some UDC sensors are configured, they're not electrically wired to the Veeder-Root, to the fuel management system, so they operate by just shutting down power to the dispenser instead of generating an alarm or a sensor report. So that's just not technologically feasible, so we recommend striking from the language. That's all I've got.

NK: Thank you.

KA: Thanks Noa.

NK: Okay. Next is Colleen Soares. Sorry if I mispronounced that.

CS: No. It's right. I'm here. I'm coming.

NK: Okay. Thank you for coming.

CS: Yeah.

NK: Are you representing an organization or just yourself?

CS: Well I'm Sierra Club, more or less, in many ways. And I've been looking at this issue for quite a while. So I just have some basic back-up comments to make about the process itself. The process of the study itself. Being a researcher, being an academic person, I was very conscious of the Board of Water, excuse me, the Department of Health, and the Board of Water Supply both in the last few months, February and March, putting out some fairly detailed letters which you can see on their websites, asking the Navy to actually do what they said they would do. That is share documents with the Department of Health and the Board of Water Supply. You might want to look at the Board of Water of Supply website, there's a six-page letter wherein they detail many of their objections having to do with the process of the study itself. In other words, they're questioning AECOM. I come guess AECOM is the main engineering facility that is in charge of this. I don't even know that yet, but it seems to be the main company, AECOM, A-E-C-O-M, something like that. It appears that the Department of Health is questioning their reliability, their substantiability about doing the study itself. In other words, they have real problems with the, I don't know if that organization, or having other members of the Department of Health and the Board of Water Supply on the study, so we can get a broader view, which is typical of good research. This is a very potentially catastrophic situation for Hawaii and it could happen a lot sooner than 20 years. You know, if we had a catastrophic leak, the Navy basically says, and I'm going to be controversial here, they can't clean it up. They don't know what to do. I'm sorry, but that's my limited view, after many, many pages of study. I encourage you to look at these studies. And basically at the end the Board of Water Supply says that "we continue"—this is in February, and they reiterated it in March, "we continue to ask the Navy distribute meeting handouts and other information documents two weeks prior to the start of each meeting" etcetera etcetera, "and that stakeholders"—us—"are afforded the opportunity to thoroughly review materials ahead of time. And we also request that the Navy and its contractors provide copies of all materials disclosed at the meeting that they committed to share with subject matter

specialists.” That hasn’t been done as far as I know [alarm ringing] as of March. So I’d like to know, and I think the Navy is here, I’d like to know where those studies are, what they say. I don’t begin to understand the scientific information here. I am not an engineer

NK: That was your three minutes.

CS: But I trust the Board of Water Supply and I hope that they have more input into the actual research. It’s not adequate. Thank you.

NK: Thank you.

NK: Okay. The next speaker is Alison Bhattacharyya [last name pronounced very slowly]. Sorry. Alison. Sorry.

AB: [inaudible]

NK: Thank you for coming.

AB: Thank you.

NK: And you are just yourself, you are not representing an organization?

AB: I’m kind of with the Sierra Club too.

NK: Oh okay.

AB: And I’m here as a cancer survivor and a mother of three kids, very concerned about the water quality. I look at the timeline, 2014 was the original leak. 2015 I got a letter from Earnest Lau saying, “did you guys know this is happening?” Which I didn’t. And immediately got sort of involved and agitated about the Red Hill fuel tanks. Now we are at 2018, we’re still deciding on which is the correct, most optimal solution and it’s, according to the Board of Water Supply, they must be double-lined which is, I think, option six. So it’s taken us four years to get to where we already know what’s the best and safest optimal solution is. Presumably we can’t shut them down. I think that’s taken a really long time. I think that the Navy has presented a very one-sided view. We don’t have a lot of other views. Is there a potential that some of the Navy fuel is stockpile and does not need to be there for operational purposes? Could we immediately cut the risk by 50% if we shut down half of the fuel tanks today? That would start seeing some action today without relying on more paperwork, more research, more meetings. Nothing is actually still being accomplished after four years past the original leak. So, there is a sense of very one-sided view, which is the Navy driving the whole operation and we’re relying on all of their information to solve this problem. I think there is not this sense urgency and I guess we’re relying on the Department of Health to hold their toes to the fire and put some urgency into solving this problem. It’s very sort of stagnant view of the process so far. That’s all I have to say.

NK: Thank you very much.

NK: Okay. Mark Edwards.

ME: I’m gonna pass for now.

NK: Oh okay.

NK: Melodie Aduja with the Democratic Party.

MA: Hi.

NK: Hi. Thanks for coming.

MA: Thank you. Good morning. Good morning everyone. I represent the Oahu County Democrats with regards to the legislative priorities and we have passed a resolution which would be urging the US Navy to go ahead with either retrofitting the 20 tanks with double-wall as per the recommendation of the Board of Water Supply or, if possible, to relocate the jet fuel so that it

would not sit above the aquifer. Now the concern is, of course, that this leak in 2014 had leaked 27,000 gallons and at the time the resolution was drafted we were unaware where that leak was coming from, at least that was the information that was put out by the Navy, that we were unaware where the leak was coming from, but since then it's been determined that the leak has come from tank #5. And it was an error by one of the subcontractors I believe in fixing or doing some repair to tank #5. Now I have spoken with, now this is myself, I have spoken with someone who is affiliated with the US Navy and it appears that their normal contracts are between four and five years and it will take a [hydrologist] as well as a structural engineer, an environmental engineer, and a chemical engineer, and this can be accomplished within four to five years. The resolution that was passed by the Democratic Party, the Oahu County, requires or would request and urge that the United States Navy do make those changes of the double-wall or relocating the jet fuel within five years. So I just wanted to testify to that on behalf of the party that that is our urging that the US Navy having the ability to do it, that funding be made so that it can be done. Three quarters of the island relies on the aquifer for its drinking water. From a Hawaiiana point of view, we have to protect our 'āina, mālama 'āina, aloha 'āina. But from other areas, our drinking water is our number one export for Island of Hawaii and once it gets known that it's contaminated in this regard, then our state product is, our income is going to decline. And I feel that the reason why we have these tanks in event of war, which is good, for RIMPAC exercises, I'm not sure about that if it's going to jeopardize our health and welfare of the people of Hawaii. Thank you.

NK: Thank you.

NK: [to staff] Can you check to see if we have anybody else signed in out there who wanted to speak? Thanks. [to all assembled] We are just going to take a little break. Actually, let us take an official recess for ten minutes so people can go to the bathroom and we'll figure out whether we need to have more time. [to staff] No more? [to all assembled] Raise your hand if you want to give oral testimony. We can take a break and continue. Including people who already spoke, does anybody want to give more oral testimony? Maybe? Let's take a ten minute break. Okay? We'll come back in ten minutes. Thank you. [9:35]

[9:45]

NK: There are a couple more people who want to provide testimony so we are going restart our official... This is the problem with taking a break. [laughing] Okay folks, we're going to restart the hearing. Please take a seat. Somebody named Kimiko signed up, no last name. Hi. What's your last name?

KLW: I have a long [inaudible]. I put it on the second line. [Kimiko Lattaela Walter]

NK: Oh, that's you. Got it! Okay. So, you're with the Sierra Club.

KLW: Yes, correct.

NK: Okay, go ahead.

KLW: Thank you for letting me speak. I'm sure everyone is excited to hear from someone else from the Sierra Club, but first and foremost I'm a water drinker like all of you. I have a four-year old daughter, I live on the south shore of Oahu, like many of you. And the concern for me is that these tanks have been violating state law for a couple of decades now, I think that was established. So the fact that we have to wait another 20 years feels to me like kicking the can down the road, waiting until the very last minute, as it might turn out to be, so I just want to go on the record as saying I appreciate all work the Department of Health has done and the other

agencies that are involved, but I do think that 20 years is too long for us to wait where every day there could be another, man-made or not, mistake where we have thousands, tens of thousands of gallons leaking into our environment. For me this is unacceptable. So please shorten the timeline. Thank you.

NK: Thank you very much.

NK: Okay. I apologize if I mess up this name. Next is Robinah Gibola. Also with the Sierra Club. Sorry if I mispronounced your name.

RG: [inaudible]

NK: Thanks for coming.

RG: Good morning. My name is Robinah. I'm with Sierra Club. I am interning there and I come from Uganda which is in east Africa. When it comes to water what I've been questioning is why are we not finding a solution faster? Looking back from where I come from, in northern Uganda, we have a water crisis and the leaders are not doing anything because we don't have the money, we don't have the technical support. But the fact that being here in Hawaii, the resources are there, we have the technological people to do something and 20 years is actually too much. When water is contaminated it's going to take more than that, it's going to take more than thirty years, it's going to continue affecting [inaudible] the whole ecosystem, food. It's going to affect the health of the people. So thinking about it the Army [Navy] is talking about, like 20 years to rectify the problem, and they want to protect the people in case of a war. But what's going to happen if the water is contaminated, people are sick, what's the point? You know, that's what I am thinking about, what's the point of trying to prolong these different issues? I think we have to look at this issue from a moral perspective, we need to find a solution. We need to think about the younger generation. We need to think about a hundred years from now. It is not about us. It is about thinking about the future generations. So to me I feel that the Navy has to update, they need to listen to what the people are saying, they need to listen to different ideas. Everybody who is concerned is not coming from a different point of view. They are looking at the problem and they want to find a solution. And as a young person I feel that this is really an important issue. And water has to do with everything. It has to do with our lives. If you don't have clean water to drink, there is the problem. Hawaii being an island, if the water is contaminated, where are we going to get it from? Are we going to take the ships to bring water in? We have to think about all these issues from personal points of view. And to me, I feel the Department of Health is doing a lot to listen to our testimonies, they are doing a lot to try to find a solution, but we need to come with a quicker solution. There are countries in Africa that are having major problems related to water. And if we have the resources you need to deal with it as soon as possible, because the more we dance around, the more we, take more time, the more the problem is going to become even greater, and even bigger. [alarm ringing] So thank you.

NK: Thank you.

NK: Okay that's it for people who signed in. Is there anybody else who wants to provide oral testimony? Come on down. Okay, Hi.

LB: My name is Liz Bogdanski. I'm in the industry but I'm speaking as a citizen. And it actually has to do with testing, and some of the requirements within the regulation where you state thirty days leak, tank and line testing, release. And it'd be better if it is within 31 days or monthly, just, are you following me with what I am talking about?

NK: Are you talking about the walk-through inspections?

LB: Walk-through as well as the line and tank release detection.

NK: Okay.

LB: To make those monthly or thirty-one days instead of thirty days, because it's on a short month and you miss a day you are all of a sudden out of compliance and a potential violation. So I know for the operators at the stations are all, "What day is it? What does the?" freaking out, so. Can you just?

NK: Is that all you want to say?

LB: Yes.

NK: Okay. Can you give me your e-mail address here?

LB: Let's see. Let me give you my citizen one.

NK: So you don't want this comment to be on behalf of?

LB: No, because I didn't talk to anybody.

NK: Oh, okay.

LB: I was actually hoping somebody else would be bring it up.

NK: Okay, alright. Thank you very much.

LB: Thank you.

NK: Okay. Is there anybody else who wants to give testimony? Come on down. Thanks for coming. Can I get your name?

JM: Yes. For the record Jodie Malinoski. I am the Oahu coordinator for the Sierra Club of Hawaii. I don't want to reiterate a lot of what of what's been already said by some of our great volunteers and our staff. But I had the opportunity to do a round of outreach on Red Hill at some of the neighborhood boards that would be directly affected if the water [were] to become contaminated and I just wanted to report back that we did attend several neighborhood board meetings and nine neighborhood boards did pass a resolution to urge the Navy essentially to upgrade their tanks in a way that is more protective of our water. And I'm happy to transmit those to the Department of Health but I just want to read the list of the boards that did pass this resolution that the Sierra Club presented. Kulio'o neighborhood board, Kaimuki, The Diamond Head-Kapahulu-Saint Louis Heights Neighborhood Board, the Palolo Neighborhood Board, Kalihi Valley Neighborhood Board, the Liliha-Alewa Heights Neighborhood Board, The Ala Moana-Kaka'ako Neighborhood Board, the Downtown-Chinatown Neighborhood Board, as well as the Moanalua Gardens Community Association. So I'm just here to demonstrate that there is broad community support to upgrade these tanks in a more urgent matter and happy to transmit any resolutions or be of a resource if you do want to more outreach into these neighborhood boards to communicate what's happening with the rule process.

NK: Thank you.

JM: Thank you.

NK: Okay.

NK: Anybody else? Okay, so I think we are going to go ahead and end our official public hearing. It's 9:54 right now. We did take a recess from 9:35 to 9:45. So as you all know, we're still accepting written testimony. It must be received by June 5th. I think that's next Tuesday? Does anyone have a calendar? June 5th, whatever day that may be. And to make sure that it's received by that date I strongly urge you to e-mail it to me rather than putting it in the postal mail. You can also hand deliver it to our office. Okay? Thank you so much for coming everybody. We are going to be posting the transcript of this hearing and the response to

comments document online when they are ready and then sending out a blast e-mail to everybody so please make sure that you signed in so we have your e-mail address. Thank you.