



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

TOMMY WATERS
CHAIR AND PRESIDING OFFICER
DISTRICT 4
TELEPHONE: (808) 768-5004
FAX: (808) 768-1220
EMAIL: tommy.waters@honolulu.gov

December 15, 2021

TO: All Councilmembers

FROM: Chair Tommy Waters

RE: Red Hill Timeline

Please see enclosed a timeline for events involving the Red Hill Bulk Fuel Storage Facility from 1992-2021.

It is my hope that this timeline can provide some background as to the actions taken by the EPA, Department of Health, and the City and County of Honolulu via the Honolulu City Council and the Board of Water Supply.

Should you have any further questions, please contact Davin Aoyagi at 768-5044.

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Timeline

Date	Event Type	Event
1992	State	State Legislature amends law to require that pre-existing underground storage are upgraded and operated to prevent releases during the operational life of a tank or tank system by 1998.
2002	Federal	The Environmental Protection Agency (“EPA”) authorizes the Hawaii State Department of Health to regulate the Red Hill Bulk Fuel Storage Facility.
January 2014	Leak	27,000 gallons of fuel leaked from a single tank
April 2014	State	Senate joint resolution requesting DOH to create a task force.
January 2015	State	Report to the 28th Legislature, State of Hawaii, pursuant to Senate Concurrent Resolution 73 that double-lining the large and aging tanks provides one method of preventing future leaks capable of contaminating a major underground aquifer
April 2015	C&C	Resolution 15-84 passes council unanimously.
August 2015	Federal	The EPA negotiates an Administrative Order on Consent (AOC), with the U.S. Navy and the Defense Logistics Agency (DLA)
July 2016	State	DOH task force becomes law through Act 244
August 2017	Suit	Sierra Club sues DOH over the department’s exemption of Red Hill tanks from UST regulations
December 2017	State	DOH proposes amendments to Hawaii Admin Rules based on 2015 federal regulation changes and increased state oversight. FAQs on the rule amendments can be found here . More rationale here .
February 2018	State	First circuit court Judge Jeffrey Crabtree ruled in favor of the Sierra Club, finding that the state’s exemption of the Navy’s Red Hill fuel tanks violate state law

Date	Event Type	Event
July 2018	State	DOH adopts Hawaii Admin Rule amendments here .
2019	State	As a result of a lawsuit from Sierra Club, DOH requires the Navy to submit a permit application for the first time.
March 2019	Navy	Navy submits permit application
March 8, 2019	C&C	Honolulu City Council passes Resolution 18-266, CD1 urging the United States Environmental Protection Agency and the Hawaii State Department of Health to support the secondary containment tank upgrade alternative option, or to support the relocation of the fuel tanks away from the aquifer. Resolution further affirmed by Resolution 19-270, which was passed on November 11, 2019.
June 2019	C&C	BWS comments on the Navy's permit application, noting concern for proximity to aquifer and potential for Navy fuel tanks to leak. BWS and Sierra Club objections to Navy's permit leads to a series of contested case hearings which is still ongoing.
July 2019	State	DOH sends letter to the Navy saying they received objections and contested case hearing request. However, based on the Navy's timely application, the DOH intends to allow the Navy to continue to operate the subject UST system until its decision on the permit application is rendered.
November 2019	Suit	In November 2019, the Sierra Club filed suit against the Department of Health to prevent the automatic approval of underground storage tanks like the antiquated leaking tanks at Red Hill.
Sept. 28 through Oct. 9, 2020	State	DOH conducts a routine inspection. This inspection was the first one DOH conducted under these new rules. Note: Order of violation not issued until 1 year later.
May 2021	Leak	Another leak of 1,600 gallons occurred at the Red Hill facility.

Date	Event Type	Event
October 2021	State	DOH issued an order regarding a routine DOH inspection that occurred in October 2020 resulted in over \$300k in fines to the Navy due to, among other things, failure to operate and maintain rust protection of metal components of tanks and piping system.
Nov. - Dec. 2021	Leak	14,000 gallons of “water-fuel” mixture released from a drain line. Military families report odor, oil slicks in water, illnesses. Red Hill shaft is shut down without notifying BWS.
December 1, 2021	C&C	Council Chair Tommy Waters and Councilmember Radiant Cordero introduce Bill 48, which would prevent the operation of any underground fuel tank on Oahu unless it can be established that the tank will not release any regulated substance during its operating life.
December 6, 2021	State	DOH issues Emergency order to defuel here .
December 9, 2021	C&C	Council Vice Chair Esther Kia’āina introduces Resolution 21-276, which urges the permanent removal and relocation of the U.S. Navy Bulk Underground Bulk Fuel Storage Facility.
December 13, 2021	Suit	Sierra Club, represented by Earthjustice, file a motion to intervene in proceedings related to DOH’s emergency order