

117TH CONGRESS
2D SESSION

H. R. 6714

To direct the Secretary of the Navy to close the Red Hill Bulk Fuel Storage Facility in Hawaii, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2022

Mr. KAHELE (for himself and Mr. CASE) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To direct the Secretary of the Navy to close the Red Hill Bulk Fuel Storage Facility in Hawaii, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Red Hill Watershed
5 and Aquifer Initiative Act” or the “Red Hill WAI Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Red Hill Underground Fuel Storage
9 Facility (in this section referred to as the “Red Hill
10 facility”) was constructed in September 1943.

1 (2) The Red Hill facility was constructed un-
2 derground in hollowed-out volcanic rock to allow for
3 maximum protection of the fuel supply.

4 (3) The Red Hill facility's 20 steel tanks are
5 encased by 2.5 to 4 feet of concrete and surrounded
6 by basalt bedrock.

7 (4) The Red Hill facility is the largest single
8 Department of Defense fuel storage facility in the
9 Pacific theater.

10 (5) The Red Hill facility can store approxi-
11 mately 250,000,000 gallons of fuel. The fuels stored
12 are marine diesel, F-76, and two types of jet fuel:
13 JP-5 and JP-8.

14 (6) The Red Hill facility is located approxi-
15 mately 100 feet above the basal groundwater table
16 and sits directly above the island of Oahu's federally
17 designated sole-source groundwater aquifer, the
18 Southern Oahu Basal Aquifer, which provides ap-
19 proximately 77 percent of Oahu's drinking water.

20 (7) Historic records compiled by the Navy in a
21 2008 groundwater protection plan indicate that the
22 Red Hill facility has had dozens of fuel leaks dating
23 back to 1947.

1 (8) The Red Hill facility’s fuel leaks pose an ex-
2 istential threat to Oahu’s federally designated sole-
3 source groundwater aquifer.

4 (9) The Navy and the Defense Logistics Agency
5 are responsible for protecting the public from un-
6 scheduled fuel leaks that may pose a risk to the
7 drinking water.

8 (10) Until the mid-1980s most underground
9 storage tanks (in this section referred to as
10 “USTs”) were made of bare steel, which is likely to
11 corrode over time and allow UST contents to leak
12 into the environment. The greatest potential hazard
13 from a leaking UST is that its contents (petroleum
14 or other hazardous substances) can seep into the soil
15 and contaminate groundwater, the source of drink-
16 ing water for nearly half of all Americans.

17 (11) To address a nationwide problem of leak-
18 ing USTs, Congress passed a series of laws to pro-
19 tect human health and the environment, including
20 the Solid Waste Disposal Act, the Superfund
21 Amendments Reauthorization Act, the Energy Policy
22 Act of 2005, and the American Recovery And Rein-
23 vestment Act of 2009 (commonly referred to as the
24 “Recovery Act”).

1 (12) The State of Hawaii obtained Environ-
2 mental Protection Agency State Program approval,
3 effective on September 2, 2002, for Hawaii's UST
4 program to operate in lieu of the Environmental
5 Protection Agency UST program.

6 (13) In January 2014, The Red Hill facility
7 leaked approximately 27,000 gallons of fuel.

8 (14) In 2015, the Environmental Protection
9 Agency and the State of Hawaii Department of
10 Health negotiated an enforceable agreement, an Ad-
11 ministrative Order on Consent, with the Navy and
12 the Defense Logistics Agency (EPA DKT NO.
13 RCRA 7003-R9-2015-01/DOH DKT NO. 15-
14 UST-EA-01).

15 (15) The 2015 Administrative Order on Con-
16 sent includes a Statement of Work that lays out the
17 specific tasks the Navy and the Defense Logistics
18 Agency must implement. The Statement of Work
19 consists of 8 sections on overall project management,
20 as follows:

21 (A) Tank inspection.

22 (B) Repair and maintenance.

23 (C) Tank upgrade alternatives.

24 (D) Release detection and tank tightness
25 testing.

1 (E) Corrosion and metal fatigue practices.

2 (F) Investigation and remediation of re-
3 leases.

4 (G) Groundwater protection and evalua-
5 tion.

6 (H) Risk and vulnerability assessment.

7 (16) On May 6, 2021, a burst pipeline in Red
8 Hill spilled fuel into the facility's lower access tunnel
9 and the Navy failed to recover the entirety of the
10 leaked fuel. While the Navy initially estimated that
11 1,618 gallons of fuel spilled, with all but 38 gallons
12 recovered, several months later, the Navy's esti-
13 mated amount of fuel spilled increased to 19,000
14 gallons, with most of the spilled fuel not recovered.

15 (17) On November 20, 2021, the Navy an-
16 nounced a spill of 14,000 gallons of a water and fuel
17 mixture from a fire suppression drain line located
18 0.25 miles downhill of the fuel tanks at Red Hill due
19 to operator error.

20 (18) On November 22, 2021, the Navy an-
21 nounced that the water and fuel mixture was re-
22 moved from the tunnel and put into a storage tank
23 above ground and that there were no signs that the
24 fuel had escaped into the environment. The Navy
25 communicated that the water was safe to drink.

1 (19) On November 28, 2021, military families
2 and civilians living in the Joint Base Pearl Harbor-
3 Hickam military housing installation began report-
4 ing contaminated tap water.

5 (20) Impacted families shared personal experi-
6 ences of the immediate and ongoing health impacts
7 of exposure to the contaminated water in their
8 homes including chemical burns, stomach and head
9 pain, dizziness and nauseousness, rashes and more.

10 (21) Families reported noxious odors in im-
11 pacted homes that continued to make this housing
12 unsuitable for many families.

13 (22) After it was definitively confirmed that the
14 Red Hill well was contaminated with petroleum, the
15 State of Hawaii Department of Health issued an
16 emergency order on December 6, 2021, to the
17 United States Navy to suspend operations and
18 defuel the Red Hill Bulk Fuel Storage Facility. That
19 emergency order was contested by the Navy in late
20 December, and on January 3, 2022, it was re-
21 affirmed by the State of Hawaii, Department of
22 Health in its final decision and order.

23 (23) The December 6, 2021, emergency order
24 has had broad support from the communities of
25 Oahu, the Governor, the Department of Health,

1 State Commission on Water Resource Management,
2 the City and County Board of Water Supply, city
3 council members, and State legislators. In short, the
4 whole-of-government in Hawaii believes that the
5 Navy should comply with the emergency order.

6 (24) On December 7, 2021 the Navy announced
7 that they will contest the State of Hawaii's order to
8 drain the fuel tanks.

9 (25) On December 10, 2021, the Navy con-
10 firmed samples taken from the Navy Red Hill Shaft
11 contained fuel levels 350 times more than the State
12 of Hawaii's safe drinking limit.

13 (26) On February 2, 2022, the Department of
14 Justice filed an appeal in both Federal and State
15 court over the State of Hawaii's order to defuel Red
16 Hill.

17 **SEC. 3. CLOSURE OF NAVY RED HILL BULK FUEL STORAGE**
18 **FACILITY, HAWAII.**

19 (a) CLOSURE REQUIRED.—The Secretary of the
20 Navy shall—

21 (1) discontinue all fuel operations at the Red
22 Hill Bulk Fuel Storage Facility in Hawaii;

23 (2) defuel all bulk fuel storage tanks located at
24 the facility by not later than December 31, 2022;
25 and

1 (3) permanently close the facility in accordance
2 with relevant Environmental Protection Agency reg-
3 ulations.

4 (b) NAVY RESPONSIBILITY.—

5 (1) IN GENERAL.—The Navy shall retain own-
6 ership and possession of the Red Hill Bulk Fuel
7 Storage Facility and the property on which such fa-
8 cility is located. Consistent with existing Navy and
9 legal requirements, the Secretary of the Navy shall
10 remain responsible for the environmental condition
11 of the property.

12 (2) CLEANUP COSTS.—The Navy shall be re-
13 sponsible for all cleanup costs associated with—

14 (A) the fuel spill that occurred at the Red
15 Hill Bulk Fuel Storage Facility in November
16 2021; and

17 (B) each prior spill or leak that occurred
18 at the Red Hill Bulk Fuel Storage Facility
19 since the opening of the facility.

20 (3) REIMBURSEMENT OF CERTAIN STATE AND
21 LOCAL ENTITIES.—The Secretary of the Navy shall
22 reimburse the Honolulu Board of Water Supply and
23 the Hawaii State Departments of Health and Edu-
24 cation for expenditures made in response to the
25 threats posed by operations at the Red Hill Bulk

1 Fuel Storage Facility, including expenditures made
2 to drill new drinking water wells and to install moni-
3 toring wells (both monitoring wells that were pre-
4 viously installed and to be installed).

5 (4) RESEARCH.—The Secretary of the Navy
6 shall conduct relevant near-to-mid term research, in-
7 cluding on hydrology and water monitoring.

8 (c) ESTABLISHMENT OF NEW FACILITIES.—The Sec-
9 retary of the Navy, in coordination with the Director of
10 the Office of Naval Research, shall establish, at the site
11 of the Red Hill Bulk Fuel Storage Facility—

12 (1) a water treatment facility; and

13 (2) a permanent water quality testing facility.

14 (d) MONTHLY REPORTS.—Not later than 30 days
15 after the date of the enactment of this Act, and every 30
16 days thereafter until all bulk fuel storage tanks located
17 at the Red Hill Bulk Fuel Storage Facility have been
18 defueled, the Secretary of Defense shall provide a report
19 and briefing on the progress toward such defueling to—

20 (1) the Committee on Armed Services and the
21 Committee on Appropriations of the Senate; and

22 (2) the Committee on Armed Services and the
23 Committee on Appropriations of the House of Rep-
24 resentatives.

1 (e) HAWAII DEPARTMENT OF HEALTH EMERGENCY
2 ORDER.—The Navy shall comply with the emergency
3 order of the Hawaii Department of Health issued on De-
4 cember 6, 2021, which directs the Navy to carry out the
5 following:

6 (1) Immediately suspend operations at the Red
7 Hill Bulk Fuel Storage Tanks, including fuel trans-
8 fers. The Navy must continue to maintain environ-
9 mental and monitoring controls.

10 (2) Take immediate steps to install drinking
11 water treatment system(s) at Red Hill Shaft to en-
12 sure distribution of drinking water conforms to the
13 standards prescribed by the Federal Safe Drinking
14 Water Act and applicable Federal and State regula-
15 tions. This action should also minimize movement of
16 the contaminant plume(s).

17 (3) Submit a workplan and implementation
18 schedule within 30 days, prepared by a qualified
19 independent third party approved by the State De-
20 partment of Health, to assess the operations and
21 system integrity to safely defuel the Bulk Fuel Stor-
22 age Tanks. Upon the State Department of Health's
23 approval of the assessment, workplan and implemen-
24 tation schedule, the Navy must make necessary cor-

1 rective actions to address any deficiencies as expedi-
2 tiously as possible.

3 (4) Within 30 days of completion of required
4 corrective actions, remove fuel from the Bulk Fuel
5 Storage Tanks at the Red Hill facility.

6 (5) Within 30 days, submit a workplan and im-
7 plementation schedule, prepared by a qualified inde-
8 pendent third party approved by the State Depart-
9 ment of Health, to assess operations and system in-
10 tegrity of the Red Hill facility to determine design
11 and operational deficiencies that may impact the en-
12 vironment and develop recommendations for correc-
13 tive action. Upon the Department's approval, the
14 Navy must perform work and implement corrective
15 actions as expeditiously as possible.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 such sums as may be necessary for each of fiscal years
19 2023 through 2028.

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