

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

○