

From: [Patti Choy](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Written Testimony for CWRM Meeting on September 20, 2022
Date: Friday, September 9, 2022 10:14:42 AM

Dear Commissioners,

Please move expeditiously to rectify all matters regarding the Red Hill crisis and the Navy's blatant abuse of our water, land, sea and people, including their own personnel.

Your slow moving discussions that drag on month after month are aggravating. You show no sense of urgency about the disaster we are living with and your pace makes me question your working relationship with the Navy. You come across as protecting the Navy and I wonder if you are working hand in hand to drag out this crisis in hopes of letting them off the hook or hoping the public will forget about the Red Hill disaster.

You have heard from the community: the Navy must be stopped from exceeding their daily allotment of water and they must not be given permission to tap into another well. What more do we need to say or do for you to hear us?

Thank you.

Patrice Choy
Honolulu, HI

From: [michael weidenbach](mailto:michael.weidenbach@dlnr.cw.dlnrcwrm)
To: DLNR.CW.DLNR.CWRM
Cc: contactus@hbws.org
Subject: [EXTERNAL] Re: Red Hill fuel storage facility; Commission meetings with the Navy
Date: Monday, September 12, 2022 12:01:02 PM

Re: BWS participation in Commission meetings

Good morning Chair Case and Deputy Director Manuel,

As a private citizen, I have a question:

Why hasn't the Commission on Water Resource Management invited active participation, and the opportunity to provide expert commentary, by Board of Water Supply Manager/Chief Engineer Ernie Y. W. Lau (and others) during Commission meetings with the Navy concerning the Red Hill Fuel Storage Facility issue?

I was alarmed to learn today, as I watched a past BWS board meeting broadcast on Olelo, that the BWS doesn't "have a seat at the table" during Commission meetings with the Navy concerning aquifer contamination and closure of the Red Hill facility.

Why is that?

Please, do invite BWS participation?

Respectfully,

Michael Weidenbach
A very concerned citizen

CWRM Meeting: September 20, 2022

To: Commission On Water Resource Management
From: Rebekah Garrison, Hawai'i Peace and Justice

Re: Agenda Item D-1 Red Hill Informational Briefing

Good afternoon Chair Case and members of the Water Commission,

My name is Rebekah Garrison and I am a community organizer with Hawai'i Peace and Justice and a member of the O'ahu Water Protectors and the Shut Down Red Hill Coalition. I would first like to recognize that the Commission is doing an important job and thank each of you for remaining steadfast in your efforts to protect the sacredness of clean, unpolluted drinking water.

As you all are keenly aware, the history of settler colonial power, wealth, and violence in Hawai'i is inextricably tied to land, water, and theft. Whether we, as settlers—those of us without a genealogical connection to Hawai'i—choose to acknowledge these historical violences or not, it is undeniable that legalized settler frameworks imposed over an illegally occupied land, and backed by U.S. military force, has led us into the disaster we all now find ourselves in today. Whether Kanaka, settler, or however one chooses to self-identify, we are together a concerned public that keeps showing up because like all of you, it is our kuleana in-service to the broader community to remind the Commission that the harm the U.S military continues to cause all of us has not gone away. They lie to us. We do not trust them.

While we, the public, are asked to go to extreme lengths to conserve just 10% of our water consumption—whether that be through capturing cold water before it turns warm at the beginning of a shower or only watering plants during certain hours—the U.S. military seemingly balks at our efforts. Rather than conserve they ask for more. They refuse to place meters on homes and instead prefer unrestrained access to more water for their golf courses and car washes. It is insulting. The military's ambivalence to the public's water safety is nothing less than maddening. We recognize very clearly that they really don't care about any of us. Their sense of entitlement to the very source of life they themselves poisoned is both remarkable and yet not surprising.

The U.S. military should not be beneficiaries of Hawai'i's public trust. Cut them out and mandate they reduce deployment to Hawai'i by 10%. In the name of fairness, the Commission must enforce its own rules. If these rules are inadequate then create new rules. If not, each one of you is setting a dangerous precedent in which federal agencies, corporations, and individuals are rewarded and not penalized for poisoning and over pumping the island's sole-source aquifer. While continued struggle and conflict over control of water in Hawai'i is nothing new, what could be new is how well the Commission lends itself to a healing process centered in placing people over profit and water over war.

Thank you for the opportunity to testify.

Sincerely,
Rebekah Garrison
Hawai'i Peace and Justice

From: [REDACTED]
To: [DLNR.CW.DLNRCWRM](#)
Cc: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Agenda Item D-1 Red Hill Informational Briefing
Date: Saturday, September 17, 2022 2:01:32 PM

CWRM Meeting: September 20, 2022

To: Commission On Water Resource Management

Re: Agenda Item D-1 Red Hill Informational Briefing

Aloha Chair Case and members of the Water Commission,

My name is Sherry Pollack and I am a concerned citizen and water-drinker.

Mahalo nui for efforts you have made to protect our precious drinking water. I am writing to urge you to stop the Navy from exceeding their daily allotment of water, and to ensure they are not given permission to tap into another well. The Navy has lied over and over to us, and has caused, and continues to cause serious harms—not only to their own people, but to the civilian community as well. The Navy's actions have been criminal, and it must be stopped.

Your Commission has the power to help make things pono. Stopping the Navy's theft of our water and ensuring expeditious draining of the jet fuel tanks that sit 100 feet over our sole-source aquifer are action steps towards that effort.

Ola I Ka Wai. Water is Life.

Respectfully,
Sherry Pollack

From: [ann Wright](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Ann Wright's testimony on the Red Hill update portion of the September 20 Commission on Water Resource Management
Date: Saturday, September 17, 2022 2:37:21 PM
Attachments: [SAFE flier for Sept 20.png](#)
[OWP at White house.png](#)

Testimony for September 20, 2022 Commission on Water Resource Management Hearing

I am providing testimony on the Red Hill update portion of the September 20 Commission on Water Resource Management hearing.

I am a 20-year resident of Honolulu. I served 29 years in the U.S. Army/Army Reserves and retired as a Colonel. I was a U.S. diplomat for 16 years in Nicaragua, Grenada, Somalia, Uzbekistan, Kyrgyzstan, Sierra Leone, Micronesia, Afghanistan and Mongolia.

Several countries I served in had severe drinking water issues. The drinking water catastrophe the O'ahu faces of the Navy jet fuel tanks contaminating a portion of our water supply should never have happened. The numbers of persons who have been sickened by contaminated water is very large.

Today, Tuesday, September 20, I will be in Washington, DC participating in a national conference on military and other pollution that causes cancer and other illnesses and diseases. The conference is SAFE -Scientists, Activists and Families for a Cancer Free Environment. Persons who have been harmed by military and corporation pollution are travelling to Washington from all over the country. We will have several military family members who have been sickened by the contamination and have moved out of Hawaii in order to remove themselves from military housing that they believe are still contaminated.



SAFE - Scientists, Activists, and Families for Cancer-Free Environments

Our children are getting sick and many are dying from environmental contamination. We blame the EPA for much of our suffering and we are determined to make our case to EPA Administrator Michael S. Regan, the Biden Administration, and Congress.

September 20, 2022

9AM

Freedom Plaza

**1301 Pennsylvania Avenue NW,
Washington, D.C.**

(Archives Metro station on the Green and Yellow Lines)

We will march to EPA Headquarters

A delegation from the Oahu Water Protectors are in Washington this week and will be having meetings with our Congressional delegation as well as other members of Congress. The water protectors will hold a rally/vigil at the White House calling for a faster defueling timeline than the Navy currently has.



For this meeting of the Commission on Water Resources Management, I call on the Commission to demand that the Navy stop over pumping millions of gallons of water beyond their permit and to fine the Navy for their over pumping that could put our aquifer at risk for further contamination of our drinking water.

The Navy has been over pumping million gallons of water from our aquifer every day beyond their permit with the state. The Navy is essentially stealing our water, which is illegal. This over pumping could put our drinking water at risk for further contamination.

The Commission of Water Resource Management issues the water use permits to the Navy and can fine them \$5,000 per day for over pumping, but so far the Commission has not told the Navy to stop over pumping nor has it fined the Navy for stealing our water.

I ask that the Commission order a stop to the Navy's over pumping and begin fining the Navy if they continue to over pump.

Thank you,

Ann Wright

[REDACTED]

Honolulu, HI
96826

[REDACTED]

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Ann Wright
Dissent: Voices of Conscience
www.voicesofconscience.com

From: [David Mulinix](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Requesting to Testify live on line regarding Red Hill at CWRM Meeting: Sept 20, 2022
Date: Saturday, September 17, 2022 2:47:14 PM

To: Commission On Water Resource Management

Re: Agenda Item D-1 Red Hill Informational Briefing

Aloha Chair Case & Water Commission Members,

On behalf of Our Revolution Hawaii's 5,000 members and supporters statewide I am testifying in writing and online in opposition to the Commission on Water Resource Management expanding the Navy's water use permit. The Navy has hidden critical information and has been caught blatantly lying to the public and our elected representatives, and have been irresponsibly over pumping millions of gallons of our precious drinking water beyond their permit which could irrevocably contaminate our sole-source aquifer.

The Navy has limitless funding and resources to get water, while We The People of Oahu have limited financial resources and only one aquifer, that once contaminated by the Navy will never be usable by the People of Hawaii again.

Your Commission has the power to help make things pono. Stopping the Navy's theft of our precious wai and ensuring expeditious draining of the jet fuel from the tanks that sit 100 feet above our sole-source aquifer are action steps towards that effort.

Mahalo for your kind attention. Ola I Ka Wai. Water is Life.
Dave Mulinix, Hawaii Statewide Organizer, Our Revolution Hawaii
Phone: 808-239-8276
Email: OurRevolutionHawaii@Yahoo.Com

From: [Kelsey Amos](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony for the CWRM meeting on Sept 20, 2022
Date: Sunday, September 18, 2022 9:00:17 AM

Aloha,

As a community member born, raised, and intending to live the rest of my life on O‘ahu, I ask that the Navy stop over pumping millions of gallons of water beyond their permit. I ask that the CWRM begin to fine the Navy for their over pumping that could put our aquifer at risk for further contamination of our drinking water.

The Red Hill disaster is highly distressing, and instead of quickly cleaning it up and refueling the tanks, it is outrageous that the Navy is over pumping water. Meanwhile O‘ahu residents were asked this summer to conserve water and reduce our use. Please do your part to hold the Navy accountable.

Thank you,
Kelsey Amos

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Kelsey Amos, PhD
she/her
Co-founder, [Purple Mai‘a](#)
808-222-5247 (cell)

September 20, 2022 meeting

Written testimony - Commission on Water Resource Management (CWRM)

Submitted by:

Diane Choy Fujimura

Telephone: 808- [REDACTED]

Red Hill Water Crisis

Having listened to the appalling and escalating information and updates from Ernie Lau and the Board of Water Supply as the Red Hill water crisis continues with little end in sight, I have the following comments:

1. The Navy, on their own admission, continues to OVER-PUMP their daily allotment of water and has the nerve to request access to MORE WATER, while they continue to WASTE water on their golf-courses, yards, and who knows what else. They are violating the terms of their water permit . . . what has been done to address this? NOTHING! While overall water usage by the general community shows the effort to conserve this precious resource, the Navy appears to be turning its back on any effort to also conserve water, and like an arrogant, self-righteous, blind and deaf autocrat, has the effrontery to ask for MORE WATER.

2. The Commission on Water Resource Management (CWRM) has a duty to protect our sole-source aquifer, our water, our LIVES. By not acting on behalf of the public trust for months on end, CWRM is betraying its constitutional duty and is setting a precedent that may very well cause the final catastrophe of the Red Hill water crisis, the permanent closure of this irreplaceable water resource. SHAME ON CWRM! You have the authority to hold the Navy accountable for its actions and INACTIONS. You can and must place specific conditions on the Navy's use and misuse of our water. Fine the Navy for its blatant violations of YOUR requirements. Be the PROTECTORS you are meant to be. Step up to the plate and go to bat for the people you are meant to advocate for and protect. Follow the lead hitters, Neil Hannahs and Mkke Buck, who have stepped up to the plate and contributed hits to this on-going crisis. We need that home run from CWRM, NOW!

PROTECT OUR WATER! POW!!

From: [Dyson Chee](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testifying on Commission on Water Resource Management meeting
Date: Sunday, September 18, 2022 5:30:12 PM

Aloha,

My name is Dyson Chee, I am a senior at the University of Hawai'i at Mānoa, and I am submitting testimony on behalf of the Hawai'i Youth Climate Coalition (HYCC).

We urge the Commission on Water Resource Management to fine the Navy \$5,000 per day for over-pumping our precious water. What the Navy is doing amounts to the theft of our water, and this is an illegal action that the Commission must take action on to protect the public interest. Fresh water is the basis of human life, and without a healthy aquifer—which will already come under further threat due to climate change—our generation sees no future for ourselves in Hawai'i.

Thank you for the opportunity to testify,
Dyson Chee

Dyson Chee

Executive Director

The Hawai'i Youth Climate Coalition

www.thehycc.org



From: [Victoria Ami Shirriff](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Written Testimony
Date: Monday, September 19, 2022 12:49:51 AM

Aloha Chair Case and Members of the Water Commission,

Thank you for considering these comments regarding agenda item D-1.

The Water Commission has a constitutional duty and the legal authority to protect our public trust resources. The Hawai'i Supreme Court has found that all agencies – state and county - have broad authorities under the constitution to protect the public trust – including and especially public trust water resources. If the county planning commission in [Kaua'i Springs](#) can place conditions to uphold the public trust in water when deciding on land use permit applications - as affirmed by the Hawai'i Supreme Court - the Water Commission can and must place conditions on the Navy's use of our water, to reflect the unprecedented gravity of the Red Hill crisis, ensure that the Navy acts with true urgency, and protect our island's aquifer from the risk of permanent contamination.

Accordingly, please urge Commission staff to ensure that they act expeditiously to allow you to enforce the water code to the fullest extent, including by declaring the Navy to be in violation of its Waiawa Water Use Permit, and levying the full amount of fines authorized under law.

In addition, please urge Commission staff to ensure that the following conditions are included in any modification to the Navy's Water Use Permit Application(s) for the use of our public trust water resources:

- 1) A comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis, beginning no later than October of this year;
- 2) A plan, to be developed and submitted for approval by CWRM no later than October of this year, and with implementation to begin no later than November of this year, to cease the wasting of water from the Red Hill shaft, and to put such water to a reasonable beneficial use;
- 3) Unless and until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, and the current contamination crisis is deemed resolved with respect to the impacts to our water resources:
 - a. No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses;
 - b. A 24-hour hotline shall be maintained by the Navy to help identify potential water waste and inappropriate uses of water from the Navy's water system, and any water waste complaints shall be addressed

promptly; a monthly report of all hotline calls and detailed information regarding the Navy's response to such calls shall be provided to CWRM;

c. All reports and information relating to the contamination status of our groundwater aquifer shall be fully disclosed to CWRM **and the public**; and

d. A monthly **public briefing** and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.

4) Funding for an on-island water testing lab; and

5) Provision of alternative drinking water, housing, and mental health and medical support for those who have been exposed to water from the Navy's water system.

Mahalo nui loa for your consideration of this matter,

Victoria

From: [Waikiki - Hawaii Condo](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Water Commission Hearing 9/20/22
Date: Monday, September 19, 2022 6:59:53 AM

Aloha Chair Case and Members of the Water Commission,

Thank you for considering these comments regarding agenda item D-1.

The time for the Navy to act in the best interest of all stakeholders on Oahu has long passed, but it is not too late for the Water Commission to get control of the crisis.

Accordingly, please urge Commission staff to ensure that they act expeditiously to allow you to enforce the water code to the fullest extent, including by declaring the Navy to be in violation of its Waiawa Water Use Permit, and levying the full amount of fines authorized under law.

In addition, please urge Commission staff to ensure that the following conditions are included in any modification to the Navy's Water Use Permit Application(s) for the use of our public trust water resources:

- 1) A comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis, beginning no later than October of this year;
- 2) A plan, to be developed and submitted for approval by CWRM no later than October of this year, and with implementation to begin no later than November of this year, to cease the wasting of water from the Red Hill shaft, and to put such water to a reasonable beneficial use;
- 3) Unless and until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, and the current contamination crisis is deemed resolved with respect to the impacts to our water resources:
 - a. No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses;
 - b. A 24-hour hotline shall be maintained by the Navy to help identify potential water waste and inappropriate uses of water from the Navy's water system, and any water waste complaints shall be addressed promptly; a monthly report of all hotline calls and detailed information regarding the Navy's response to such calls shall be provided to CWRM;
 - c. All reports and information relating to the contamination status of our groundwater aquifer shall be fully disclosed to CWRM **and the public**; and
 - d. A monthly **public briefing** and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.
- 4) Funding for an on-island water testing lab; and
- 5) Provision of alternative drinking water, housing, and mental health and medical support for those who have been exposed to water from the Navy's water system.

Mahalo nui loa for your consideration of this matter.

Kim Jorgensen
Honolulu

From: [Boisvert-Jorgensen](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Water Commission Hearing 9/20/22
Date: Monday, September 19, 2022 7:12:49 AM

Aloha Chair Case and Members of the Water Commission,

Thank you for considering these comments regarding agenda item D-1.

While the Board of Water Supply begs regular people on Oahu to conserve water due to the ongoing drought and the devastation caused by the 'omnipotent' Navy's decades-long disregard and denial of their contaminating our most valuable resource, the Water Commission is in the unique position to salvage and protect what is left in our aquifer. And to do that, the Navy must be called to task - finally and immediately.

Accordingly, please urge Commission staff to ensure that they act expeditiously to allow you to enforce the water code to the fullest extent, including by declaring the Navy to be in violation of its Waiawa Water Use Permit, and levying the full amount of fines authorized under law.

In addition, please urge Commission staff to ensure that the following conditions are included in any modification to the Navy's Water Use Permit Application(s) for the use of our public trust water resources:

- 1) A comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis, beginning no later than October of this year;
- 2) A plan, to be developed and submitted for approval by CWRM no later than October of this year, and with implementation to begin no later than November of this year, to cease the wasting of water from the Red Hill shaft, and to put such water to a reasonable beneficial use;
- 3) Unless and until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, and the current contamination crisis is deemed resolved with respect to the impacts to our water resources:
 - a. No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses;
 - b. A 24-hour hotline shall be maintained by the Navy to help identify potential water waste and inappropriate uses of water from the Navy's water system, and any water waste complaints shall be addressed promptly; a monthly report of all hotline calls and detailed information regarding the Navy's response to such calls shall be provided to CWRM;
 - c. All reports and information relating to the contamination status of

our groundwater aquifer shall be fully disclosed to CWRM **and the public**; and

d. A monthly **public briefing** and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.

4) Funding for an on-island water testing lab; and

5) Provision of alternative drinking water, housing, and mental health and medical support for those who have been exposed to water from the Navy's water system.

Mahalo nui loa for your consideration of this matter.

Denise Boisvert

Waikiki

From: Cheryl B [REDACTED]
Sent: Monday, September 19, 2022 9:09 AM
To: DLNR.CW.DLNR.CWRM
Subject: [EXTERNAL] Fwd: Protect our water Support testimony to Water Commission Tuesday 9/20/22

Protect our Water 9/20/22 testimony

----- Forwarded message -----

From: Cheryl B [REDACTED]
Date: Mon, Sep 19, 2022 at 8:48 AM
Subject: Protect our water Support testimony to Water Commission Tuesday 9/20/22
To: <raeann.p.hyatt@hawaii.gov>

Aloha,

Each day, living on O`ahu is an issue waiting to happen regarding our water and the effects of the Red Hill Fuel tanks on our island. Our hale is demanding that the Water commission take action and put strong and enforceable conditions on the Navy to protect our aquifer.

We are past the time for waiting and setting a dangerous precedent. That the Navy can continue to flaunt its' negligence, waste water and contaminate and pollute water sources is unacceptable and the Water commission MUST take a stand. To continue to defer to the Navy on this issue is an affront to all of the people of these islands.

It should not take a major catastrophe to make a change. It should take a responsive group of people in the Water commission to understand and uphold their kuleana to this place.

We are not asking, we are demanding strong action be taken immediately.

C. Burghardt

W. Green

Kou, O`ahu

From: ayamehirame@hotmail.com
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony for D1
Date: Monday, September 19, 2022 9:15:58 AM

Aloha Chair Case and Members of the Water Commission,

Thank you for considering these comments regarding agenda item D-1.

We feel that the Commission should not allow more water for the Navy unless it improves its water use practice, conserves water, and give full disclosure of the past and ongoing problems.

The Navy has caused massive amounts of water pollution and resultant sickness to many families and children. It has continuously violated its water use permit, and failed to reduce its ongoing waste of public trust water from the Red Hill Shaft (now likely exceeding one billion gallons). Hawai'i's precious water needs careful guarding but the Navy has no capacity to maintain a drinking water system in compliance with state and federal standards.

For example, the recent EPA report highlighted longstanding systemic failures that go way beyond the animals and plants that were found in their drinking water tanks – including the lack of numerous required written procedures and safeguards; an inability of leaders and water system operators to understand how to even follow safe drinking water laws; and a general culture of negligence and disregard for the importance of drinking water safety.

Any modification to the Navy's Water Use Permit Application(s) for the use of our public trust water resources should come with the minimum of the following conditions:

- The Navy must provide a comprehensive and quantified accounting of all water uses by the Navy water system on a monthly basis
- The Navy must submit a plan to cease wasting of water for approval by CWRM
- No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses
- The Navy should fund an on-island, water testing lab that is open to the public
- The Navy should provide services needed to those exposed to contaminated water from the Navy's water system.
- The Navy should be required to disclose all reports and information relating to the contamination status of our groundwater aquifer to CWRM and the public.
- The Navy should include non-Navy people from the State for its planning committee for defueling. In addition, it should hold a monthly **public briefing** and question-and-answer session for members of the public.

Mahalo nui loa for your consideration of this matter,

Aya Kimura

Co-Chair, Peace, Justice and Stewardship of Creation Mission Team, Church of
the Crossroads, Honolulu



Aloha Water Commission,

The issue regarding contamination from Red Hill Bulk Fuel Storage Facility of our water supply here on Oahu is of the utmost importance and we appreciate your meeting monthly and for taking our written and oral testimony. We all share the commonality, with every living creature here on Oahu, that none of us can live without clean water. The United Nations has designated clean, drinkable water to be a human right, and yet here on Oahu that right is under threat from our own Navy. The CWRM is in the monumental position and has the legal authority and moral responsibility to put conditions on the water permit that you grant to the Navy, and to deny their request for even more water. The Navy caused our water shortage and they should not be rewarded with additional water. They have shown themselves to be incapable of being a steward of our aquifer and waterways and have done nothing but annihilate them through negligence and mismanagement.

We would like to thank you, Neil Hannahs, for suggesting that CWRM should be the ones setting deadlines and not asking the Navy to do so, as they have month after month shown an incapacity to commit to any action.

We respectfully request that the CWRM put the following permit conditions on the water permit requested by the Navy:

- 1) A comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis, beginning no later than October of this year;
- 2) A plan, to be developed and submitted for approval by CWRM no later than October of this year, and with implementation to begin no later than November of this year, to cease the wasting of water from the Red Hill shaft, and to put such water to a reasonable beneficial use;
- 3) Unless and until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, and the current contamination crisis is deemed resolved with respect to the impacts to our water resources:
 - a. No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses;

- b. A 24-hour hotline shall be maintained by the Navy to help identify potential water waste and inappropriate uses of water from the Navy's water system, and any water waste complaints shall be addressed promptly; a monthly report of all hotline calls and detailed information regarding the Navy's response to such calls shall be provided to CWRM;
- c. All reports and information relating to the contamination status of our groundwater aquifer shall be fully disclosed to CWRM **and the public**; and
- d. A monthly **public briefing** and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.

4) Funding for an on-island water testing lab; and

5) Provision of alternative drinking water, housing, and mental health and medical support for those who have been exposed to water from the Navy's water system.

Suggested Demands for Enforcement:

1) Immediately declare that the Navy, through its own repeated admission, has violated its Waiawa water use permit and levy the full amount of fines, including daily fines, authorized under the law.

Sincerely,

Susan Gorman-Chang

Chair, Environmental Justice Task Force, Faith Action for Community Equity
Member, Shut Down Red Hill Coalition

Public Testimony to the Water Commission
September 20, 2022, Agenda Item D-1
By Ellen Godbey Carson

Chair Waters and Members of the Water Commission,

Aloha and Mahalo for helping Oahu secure clean water access today and for our future generations. We face a potential catastrophic water crisis from the Navy's Red Hill Water Tanks, and ask that you take the strongest measures to protect from that harm

Please place the following conditions on the Navy's Water Use Permit Application:

- 1) A comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis, beginning no later than October of this year;
- 2) A plan, to be developed and submitted for approval by CWRM no later than October of this year, and with implementation to begin no later than November of this year, to cease the wasting of water from the Red Hill shaft, and to put such water to a reasonable beneficial use;
- 3) Unless and until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, and the current contamination crisis is deemed resolved with respect to the impacts to our water resources:
 - a. No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses;
 - b. A 24-hour hotline shall be maintained by the Navy to help identify potential water waste and inappropriate uses of water from the Navy's water system, and any water waste complaints shall be addressed promptly; a monthly report of all hotline calls and detailed information regarding the Navy's response to such calls shall be provided to CWRM;
 - c. All reports and information relating to the contamination status of our groundwater aquifer shall be fully disclosed to CWRM **and the public**; and
 - d. A monthly **public briefing** and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.
- 4) Funding for an on-island water testing lab; and

5) Provision of alternative drinking water, housing, and mental health and medical support for those who have been exposed to water from the Navy's water system.

Mahalo

Ellen Carson, Honolulu, Hawaii

From: [pete doktor](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] CWRM testimony for 9/20 meeting
Date: Monday, September 19, 2022 10:53:15 AM
Attachments: [CWRM Red Hill testimony.pages](#)

Mahalo Raeann for ensuring the delivery of this public testimony for tomorrow's hearing, as i am not able to attend due to work and `ohana kuleana.

Thanks for your service,

Pete Doktor

pasting below in case attachment doesn't work:

2168A Maha Place
Honolulu, Hawai`i 96819
September 18, 2022

Attn: CWRM

Aloha e Commission for Water Management,

Mahalo for your public service, and for your consideration ref: Agenda item D-1.

I appeal to you as an `ohana living a mile away from Red Hill reserve underground fuel tanks that have been deeply worried about the integrity of our water since the 2014 leaks. I also plead to you as a former military servicemember, for whom my own personal experience that had led to a complete lack of confidence of the US military's integrity in terms of protecting public health and safety, as well as an awareness of its general incompetence and blatant disregard for local civilian concerns that views them as lower priority "collateral damage." The Navy's request for even more water is arrogant and infuriating: failure to act firmly will continue the enabling by past policies that have created the crisis that we're in and perpetuate the Navy's recklessness when the Navy has proven itself to have no business setting terms onto the public.

As you know, the US Constitution explicitly outlines the primacy of civilian control of armed forces, which in Hawai`i as we see with Red Hill to name just one ecological threat to the public, seems to have been reversed. Thus, I implore the Commission to protect our true wealth — our waiwai, and stand firm on enforcing water codes, such as citing the Navy in violation its Waiawa Water Use Permit as legally authorized.

Please protect our public trust water resources by requiring terms in any modification to the Navy's Water Use Permit Applications including:

- 1) Deny public trust water to the Navy except as needed for public and military health and safety until the fuel tanks are drained and decommissioned.
- 2). Accounting of all monthly water use by the Naval water system, as

soon as feasible;

3) CWRM plans assuring the cessation of pump-and-dump water waste from the Red Hill shaft and utilizing that water efficiently as soon as feasible;

4) Implement and fund a water testing lab locally;

5) Fully provide alternative drinking water, comprehensive medical support and housing if needed to all impacted communities, both military and otherwise

6) Regular, e.g., monthly, briefing from all agencies responsible for the defueling of fuel tanks at Kapūkakī to the public, including a forum to address questions and concerns by the public and its agencies with reports addressing contamination status to both CWRM and public

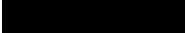
Mahalo piha for exercising your mandate and trust, as this is more than legalities, but a matter of kuleana for past, present and future generations, civilian and otherwise. Clean water is our security, existentially, economically and otherwise.

E Mālama Pono,

Pete Doktor `Ohana
Moanalua

From: [Nancy S. Young](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Water use by the Navy in Honolulu
Date: Monday, September 19, 2022 11:10:06 AM

The irresponsible US Navy has with knowledge poisoned the water of Honolulu. They should remove the jet fuel from the tanks under Red Hill immediately. If they kept it there for use, it must be quickly removable. They have taken the use of wells from Honolulu citizens so our water supply is limited. They should not use up large amounts of our water that is needed by citizens.

Sincerely,
Nancy S. Young
 96819

19 September 2022

Aloha Chairperson Case & Water Commission Members,

Thank you in advance for your ongoing consideration, careful deliberation, and diligent attention to agenda item D-1. Like many others, we have deep and continuing concerns related to the Red Hill Bulk Fuel Storage Facility. By way of introduction, my name is **Lana Sue I. Ka'opua**; I am a retired University of Hawai'i-Mānoa professor with a doctorate in social welfare and a specialty in the social determinants of health and disparities. Also I am a licensed health/mental health care provider and an active member of the National Association of Social Workers-HI, Sierra-Club-HI, and the Hawai'i Public Health Association. My co-authors **Gordon Lee and Richard Rothschiller** are doctoral-trained and licensed psychologists. Both practice with individuals, groups, and communities. Together the three of us share a deep concern with the **bio-psycho-social and spiritual health of communities who experience environmental trauma**. Thus, we all are troubled by environmental dangers precipitated by water contamination such as that which has occurred at Kapūkakāi /Red Hill. Together we share a **collective work experience in communities** of about 70 years!

Our concerns relevant to Kapūkakāi /Red Hill include:

- the need for satisfactory resolution of fuel contamination and the groundwater aquifer,
- the deleterious impact of fuel-contaminated water on the physical environment of our island home, and
- the very real consequences this situation has for the health/mental health of those who have lived in Aliamanu and its immediate neighboring areas.

Thus, we stand with those advocating for the **de-fueling and decommissioning of the Red Hill Bulk Fuel Storage Facility, the remediation of the groundwater aquifer, and the protection of our water resources from overuse and waste**. Should you have any questions, please contact the first author at: lskaopua@hawaii.edu

Sincerely,

Lana Sue I. Ka'opua

Dr. Lana Sue I Ka'opua, PhD, DCSW, LSW

Professor Emeritus & Guest Lecturer, University of Hawai'i-Mānoa

Community-Based Practitioner, Researcher, Educator, & Author

Recent Past Indigenous Scholar, Charles Sturt University-New South Wales, Australia

Co-convenor, Social Work & Health Inequalities Network (SWHIN)

Board Member-At Large, NASW-Hawai'i

From: [Sam Ikehara](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony for tomorrow's CWRM meeting
Date: Monday, September 19, 2022 1:39:08 PM

Aloha RaeAnn,

I've pasted my testimony below.

Mahalo,
Sam

Water Commission:

I am writing today to request that you use the full extent of your power to take a more active, leading role in the ongoing Red Hill water contamination crisis. Like Commissioner Neil Hannahs once suggested, CWRM should be setting the deadlines. We all know that, left to their own devices, the Navy will delay, lie, gaslight, and continue to put all life on these islands in danger. The Water Commission is in a privileged role to be able to intervene in this in meaningful ways and I thus implore you to do so.

I fear that a failure to act immediately will set an awful precedent that will haunt the commission, and all people in HI who rely on water, far into the future. If the commission allows the Navy to continue what it is doing--delaying meaningful action, choosing its own deadlines, and openly violating the law--then this sets an awful precedent. Any future violators will inevitably point to this crisis and seek leniency from the Water Commission. I thus ask that the Water Commission do what is right and enforce the rules that are already in place to protect our public trust resources. Section 174C-15 (b) of the State Water Code makes clear that violations of any provisions are subject to a fine imposed by the commission. The Navy admitted to overpumping millions of gallons a day. As a continuing offense, every day the Navy overpumps should be considered a separate violation. Fine the Navy for its gross misuse of water. It then follows that the Navy should absolutely not be allowed further access to water resources.

Even though all attempts to demand transparency from the Navy have thus far not been successful, we cannot afford to stop this demand. For this reason, I ask that CWRM demand from them comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis. We have a right to know exactly how much water they have wasted and they should be required to immediately put that water to a reasonable and beneficial use. The Navy needs to be required to submit a plan that details how they will do so.

Further, until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, the Navy should not be allowed to use water for any purposes that are not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses. Lastly, as the community that will continue to live with this crisis long after stationed military families leave these islands, we deserve answers. I ask that CWRM demand a monthly public briefing and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor

Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.

I appreciate all that CWRM has done thus far in the struggle to shut down Red Hill. The path ahead of us is, unfortunately, still long. But it can be made shorter if CWRM takes a more bold approach to dealing with the Navy by setting the deadlines and demanding more transparency. The Navy's track record is beyond abysmal. We cannot trust that they will do the right thing and act with the urgency necessary of the situation--their own track record points to their history of lies and mismanagement. No more leniency for them as they continue to endanger us all. I thank you for taking seriously the concerns, requests, and demands I have outlined above.

Mahalo,
Sam Ikehara

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sam ikehara
ph.d. candidate, department of american studies & ethnicity
university of southern california

September 19, 2022

To: Commission on Water Resource Management

Email: raeann.p.hyatt@hawaii.gov

Re: September 20, 2022 meeting at 9:00 am; Red Hill Items, Agenda item D-1

Dear Commissioners,

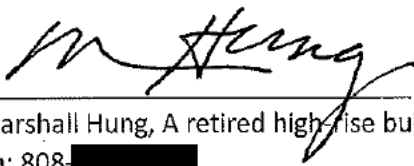
It is sad to be a 70-year-old American citizen that believed in the U.S. Navy and now learn of their lies about the safety of their fuel tanks and its leakage into Honolulu's primary aquifer of drinking water.

Now, to learn that the U.S. Navy uses Honolulu's water source so wastefully is not acceptable when there are droughts occurring in Hawaii and all over the world.

The U.S. Navy must have its water use regulated and they must pay for their usage at the same rate as all customers of the Honolulu Board of Water Supply. This is 2022 and world scientist have proven a drinking water shortage occurring from the heating of the earth.

Being from the Construction industry, the emergency timetable for safely draining the Red Hill Fuel Tanks should be no longer than six months. This is a "joke" for the U.S. Navy to be making this emergency representation. Hopefully, the 3-star Admiral to be appointed will have access to engineers and contractors with experience and knowledge.

Sincerely yours,



Marshall Hung, A retired high-rise building developer

Ph: 808- [REDACTED]

Aloha Chair Case and Members of the Water Commission,

Thank you for considering these comments regarding agenda item D-1.

The Hawai'i Supreme Court has found that all agencies – state and county - have broad authority under the constitution to protect the public trust – including and especially public trust water resources. Along with this authority comes the legal obligation to take action. As such, the Commission on Water Resource Management can and must place conditions on the Navy's use of our water to reflect the unprecedented gravity of the Red Hill crisis, ensure that the Navy acts with true urgency, and protect our island's aquifer from the risk of permanent contamination.

Accordingly, please urge Commission staff to ensure that they act expeditiously to allow you to enforce the water code to the fullest extent, including by declaring the Navy to be in violation of its Waiawa Water Use Permit, and levying the full amount of fines authorized under law.

In addition, please urge Commission staff to ensure that the following conditions are included in any modification to the Navy's Water Use Permit Application(s) for the use of our public trust water resources:

- 1) A comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis, beginning no later than October of this year;
- 2) A plan, to be developed and submitted for approval by CWRM no later than October of this year, and with implementation to begin no later than November of this year, to cease the wasting of water from the Red Hill shaft, and to put such water to a reasonable beneficial use;
- 3) Unless and until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, and the current contamination crisis is deemed resolved with respect to the impacts to our water resources:
 - a. No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses;
 - b. A 24-hour hotline shall be maintained by the Navy to help identify potential water waste and inappropriate uses of water from the Navy's water system, and any water waste complaints shall be addressed promptly; a monthly report of all hotline calls and detailed information regarding the Navy's response to such calls shall be provided to CWRM;
 - c. All reports and information relating to the contamination status of our groundwater aquifer shall be fully disclosed to CWRM **and the public**; and
 - d. A monthly **public briefing** and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor

Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.

4) Funding for an on-island water testing lab; and

5) Provision of alternative drinking water, housing, and mental health and medical support for those who have been exposed to water from the Navy's water system.

Mahalo nui loa for your consideration of this matter,

Kelsey Mills, MSW

From: [Joseph Han](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony for CWRM meeting
Date: Monday, September 19, 2022 2:53:10 PM

Dear RaeAnn,

I've included my testimony below.

Mahalo,
Joseph

Water Commission:

I am writing today to request that you use the full extent of your power to take a more active, leading role in the ongoing Red Hill water contamination crisis. Even though all attempts to demand transparency from the Navy have thus far not been successful, we cannot afford to stop this demand. For this reason, I ask that CWRM demand from them comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis. We have a right to know exactly how much water they have wasted. The Navy should be required to remediate water to a reasonable and beneficial use. The Navy needs to be required to submit a plan that details how they will do so.

Further, until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, the Navy should not be allowed to use water for any purposes that are not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses. Lastly, as the community that will continue to live with this crisis long after stationed military families leave these islands, we deserve answers. I ask that CWRM demand a monthly public briefing and question-and-answer session shall be held for members of the public to receive answers from Indo-Pacific Command leadership, Joint Base Pearl Harbor Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.

I appreciate all that CWRM has done thus far in the struggle to shut down Red Hill. CWRM must be bolder and steadfast in dealing with the Navy by setting deadlines and demanding more transparency. The Navy has betrayed everyone's trust and continues to endanger us all.

Mahalo,
Joseph Han

--

Joseph Han | he/they | [@hanjoseph](#)

Author, *Nuclear Family* (Counterpoint Press, [available now](#))

Ph.D. in English & CW, University of Hawai'i at Mānoa

West Editor, [Joyland Magazine](#)

<http://joseph-han.com/>

From: [Liz Nelson](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony for Water Commission
Date: Monday, September 19, 2022 3:14:54 PM

Aloha Chair Case and Members of the Water Commission,

Thank you for considering these comments regarding agenda item D-1.

This seems the time for the Water Commission to be bold. The Commission has a constitutional duty and legal authority to protect our public trust resources.

A failure to act decisively will send the exact wrong message.
The Navy's request for more water is outrageous. The Water Commission must defend our dignity.

Thank you for all that you have done and are doing.

Elizabeth Nelson
Kaneohe

From: [Keili McEvilly](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Comments from D - 1
Date: Monday, September 19, 2022 4:09:20 PM

Aloha Chair Case and Members of the Water Commission,

Thank you for considering these comments regarding agenda item D-1.

My belief is that we are all on the same side of this fight. We all want to do the right thing. Clean water is not an infinite resource. It is extremely limited and valuable. Especially here, in Hawai'i, to the kanaka maoli. We need to give this treasured resource back the respect it deserves.

Mike Buck has noted the military's overpumping of this resource. A resource that they have polluted with fuel, dumped (untreated) into the ocean, and poisoned their people with.

It is clear that the Navy will take all the time given to them to fix this issue. As Neil Hannah Suggested, we need to give the leaders of the Navy deadlines now to see any real restrictions on their water use and respect for the resource they are borrowing from the Hawaiian people.

If the demands of the community are not met, the Navy will be faced with millions against them. Why not work together while we can? Why not do the right thing?

Sincerely,
Keili McEvilly | O'ahu Chapter Coordinator | [Surfrider Foundation](#)
t: 760.546-8856 | kmcevilly@oahu.surfrider.org
Pronouns: she/her/hers [what's this?](#)

September 19, 2022

Aloha Chair Case and Members of the Water Commission,

Thank you for considering these comments regarding agenda item D-1.

If there is ever a time that the people of Hawai'i need bold leadership, it is now and it is you. The fate of our water, our health, our families and our future hangs in the balance. The Water Commission can and must use all tools at its disposal to the fullest extent to protect the public and prevent further damage to our waters and our island.

Accordingly, please urge Commission staff to ensure that they act expeditiously to allow you to enforce the water code to the fullest extent, including by declaring the Navy to be in violation of its Waiawa Water Use Permit, and levying the full amount of fines authorized under law.

In addition, please urge Commission staff to ensure that the following conditions are included in any modification to the Navy's Water Use Permit Application(s) for the use of our public trust water resources:

- 1) A comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis, beginning no later than October of this year;
- 2) A plan, to be developed and submitted for approval by CWRM no later than October of this year, and with implementation to begin no later than November of this year, to cease the wasting of water from the Red Hill shaft, and to put such water to a reasonable beneficial use;
- 3) Unless and until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, and the current contamination crisis is deemed resolved with respect to the impacts to our water resources:
 - a. No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses;
 - b. A 24-hour hotline shall be maintained by the Navy to help identify potential water waste and inappropriate uses of water from the Navy's water system, and any water waste complaints shall be addressed promptly; a monthly report of all hotline calls and detailed information regarding the Navy's response to such calls shall be provided to CWRM;
 - c. All reports and information relating to the contamination status of our groundwater aquifer shall be fully disclosed to CWRM **and the public**; and
 - d. A monthly **public briefing** and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor Hickam, NAVFAC, and other agencies tasked with actions necessary to

defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.

4) Funding for an on-island water testing lab; and

5) Provision of alternative drinking water, housing, and mental health and medical support for those who have been exposed to water from the Navy's water system.

Mahalo piha,

LaurieAnn Takeno



SIERRA CLUB OF HAWAI'I

Testimony to
COMMISSION ON WATER RESOURCE MANAGEMENT

September 20, 2022

9 AM

Room 132

COMMENTS on D-1:

CWRM STAFF UPDATES ON TIMEFRAME FOR WATER USE PERMIT MODIFICATION PROCESS AND ENFORCEMENT RECOMMENDATIONS

Aloha Chair Case and Members of the Water Commission,

The Sierra Club of Hawai'i, on behalf of its 20,000 members and supporters, offers the following **comments** concerning agenda item D-1, urging you to ensure timely enforcement action and the imposition of robust conditions necessary to protect the permanent loss of O'ahu's primary water source and our very way of life.

As the Sierra Club noted in its prior testimony (attached), the Hawai'i constitution, in addition to and in conjunction with the State Water Code, grants the Commission on Water Resource Management (CWRM) broad authority and responsibility to protect the corpus of our most important public trust – the public trust in water.

With O'ahu's groundwater aquifer now in existential jeopardy – for the first time in its millenia of providing for life on this island – it is incumbent upon all of us to do whatever it takes to protect this life-giving resource from irreversible contamination. However, CWRM, with its constitutional authorities and obligations, is uniquely positioned to support the Hawai'i-wide movement to defend our water and our way of life from destruction. Specifically, CWRM can take decisive action to declare the Navy in violation of our water code – as Navy officials' self-incriminating presentations have already admitted – and impose water use permit conditions that will ensure transparency and accountability for past and ongoing harms, and to the public trust. Ultimately, these actions may be critical to motivating the expedient, emergency actions necessary to prevent a disaster before it is too late. For example, water use permit conditions should minimally require:

- 1) A comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis, beginning no later than July of this year;
- 2) A plan, to be developed and submitted for approval by CWRM no later than October of this year, and with implementation to begin no later than December of this year, to cease the wasting of water from the Red Hill shaft, and to put such water to a reasonable beneficial use;

- 3) Unless and until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, and the current contamination crisis is deemed resolved with respect to the impacts to our water resources:
 - a. No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses;
 - b. A 24-hour hotline shall be maintained by the Navy to help identify potential water waste and inappropriate uses of water from the Navy's water system, and any water waste complaints shall be addressed promptly; a monthly report of all hotline calls and detailed information regarding the Navy's response to such calls shall be provided to CWRM;
 - c. All reports and information relating to the contamination status of our groundwater aquifer shall be fully disclosed to CWRM **and the public**; and
 - d. A monthly **public briefing** and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system;
- 4) Alternative water sources, alternative housing, and medical and mental health services for those who may have been exposed to the Navy's contaminated drinking water system; and
- 5) Funding for an EPA-certified water testing laboratory to be established on-island, by no later than November of this year.

As the Honolulu Board of Water Supply reminds us, there is no substitute for pure water. There is no substitute for Hawai'i. Please take every opportunity at your disposal to take bold action to defend our water, our island, and our way of life for ourselves, our future generations, and the 'āina that we all have the kuleana to protect.

Mahalo nui for your consideration of this testimony.

Sincerely,



Wayne Tanaka, Director

Sierra Club of Hawai'i



SIERRA CLUB OF HAWAI'I

Testimony to
COMMISSION ON WATER RESOURCE MANAGEMENT

June 14, 2022 9 AM Room 132

COMMENTS on C-2:

TAKE ACTION ON THE RECOMMENDED ACTIONS PROPOSED BY THE RED HILL PERMITTED INTERACTION GROUP TO THE COMMISSION ON WATER RESOURCE MANAGEMENT FORMED AND IN ACCORDANCE WITH THE SCOPE OF INVESTIGATION DEFINED UNDER ITEM B-1 AT THE JANUARY 7, 2022 MEETING, REGARDING THE RED HILL BULK FUEL STORAGE FACILITY EMERGENCY

Aloha Chair Case and members of the Water Commission,

The Sierra Club of Hawai'i, on behalf of its 20,000 members and supporters, offers the following **comments** concerning agenda item C-2, highlighting the constitutional obligations and authority omitted by the permitted interaction group report and urging the Commission on Water Resource Management (CWRM) to consider any and all regulatory actions, including permit conditions, to ensure the protection of its public trust corpus.

As a preliminary matter, the Sierra Club notes that since the last CWRM meeting, a highly redacted report from a Navy contractor has nonetheless demonstrated that the years' worth of superficial assurances by Navy leaders and spokespeople regarding the safety and integrity of the Red Hill Facility have been **patently false**. With over 100 million gallons of fuel still perched a mere hundred feet over our primary groundwater source, and a contamination plume that is migrating within our aquifer in unknown directions – wholly due to the Navy's failure to develop promised groundwater and contaminant fate and transport models and a workable spill response plan – **there is absolutely no reason to repeat our past mistakes, and continue to take Navy leaders' assurances at face value.**

This same report has further, and most disturbingly, indicated that up to two years' worth of repairs may be necessary in order to safely defuel a facility that until November of last year was actively used to deliver fuel to Pu'uloa. As the Department of Health itself has found, this facility is "inherently dangerous" and is a "ticking time bomb" that threatens our primary drinking water source. **Two years – or longer – is far, far too long to allow a "ticking time bomb" to threaten our water and our very way of life.** With a Department of Defense FY2023 budget of over **\$770 billion**, there is no reason why this timeline cannot be significantly shortened through the appropriate reallocation

of human and financial resources and the expedition of procurement processes as would be done if the Navy and the Department of Defense treated this situation as the existential environmental, humanitarian, and national security emergency that it truly is.

In addition, as Navy representatives admitted in the last CWRM meeting, they have over-pumped their Waiawa shaft by over **365 million gallons** over the past year, including well before the current contamination crisis; are continuing to use up to 3 million gallons of water per day water for “irrigation”; and have no apparent plan to utilize the nearly 5 million gallons of “essentially drinkable” water a day (or **1.8 billion gallons** per year) that is being pumped from the Red Hill shaft and dumped into Hālawea stream, despite the months’ worth of time they have had to identify a less wasteful disposition of our public trust water. **Their blatant disregard for the essential nature of water, as well as state laws intended to protect our water, belies any assertion from Navy officials that they truly understand the importance of water to our islands.**

As the primary trust agency tasked with protecting and managing our islands’ most precious resource, CWRM must use any and all tools at its disposal to mitigate the existential threat of the Red Hill Facility and the impacts to our water supply and other water use permit holders that have and will continue to occur. Notably, the Hawai’i Supreme Court has found that **all** agencies have the broad authority and obligation to uphold the public trust, which includes the protection of the public trust corpus and the protection of waters in their natural state, **notwithstanding the lack of explicit statutory authority**.¹ For example, the supreme court has found that the public trust authorizes a county planning commission to impose public trust conditions in building permit applications for a water bottling facility.² **If a county planning commission making a building permit decision can take action to protect the public trust in water, there is no reason why CWRM cannot take actions, including through the imposition of water use permit conditions, that are reasonably tailored to ensure that the Navy and Department of Defense prioritize the need to defuel the Red Hill Facility and to address the ongoing contamination of our groundwater as a true emergency.**

Accordingly, the Sierra Club respectfully urges the Commission to go beyond the recommendations of the permitted action group, and not forego this opportunity to impose transparency and accountability conditions that will motivate the expeditious action needed to prevent disaster for ourselves and our future generations, before it is too late. This includes conditions that would require:

- 1) A comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis, beginning no later than July of this year;

¹ *In Re Water Use Permit Applications*, 94 Hawai’i 97 (2000), HAW. CONST. ART. XI SECS. 1, 4.

² *Kaua’i Springs, Inc. v. Planning Comm’n of Kaua’i*, 133 Hawai’i 141 (2014); *Kelly v. 1250 Oceanside Partners*, 111 Hawai’i 205, 224 (2006).

- 2) A plan, to be developed and submitted for approval by CWRM no later than August of this year, and with implementation to begin no later than September of this year, to cease the wasting of water from the Red Hill shaft, and to put such water to a reasonable beneficial use;
- 3) Unless and until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, and the current contamination crisis is deemed resolved with respect to the impacts to our water resources:
 - a. No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses;
 - b. A 24-hour hotline shall be maintained by the Navy to help identify potential water waste and inappropriate uses of water from the Navy's water system, and any water waste complaints shall be addressed promptly; a monthly report of all hotline calls and detailed information regarding the Navy's response to such calls shall be provided to CWRM;
 - c. All reports and information relating to the contamination status of our groundwater aquifer shall be fully disclosed to CWRM **and the public**; and
 - d. A monthly **public briefing** and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.

Mahalo nui for your consideration of this testimony.

Sincerely,

A handwritten signature in black ink that reads "Wayne Tanaka". The signature is written in a cursive, flowing style.

Wayne Tanaka, Director
Sierra Club of Hawai'i

From: [Choon James](#)
To: [Hyatt, RaeAnn P](#); [Choon James](#)
Subject: [EXTERNAL] Agenda item (D-1) - Water Commission MUST protect Oahu's water resources
Date: Monday, September 19, 2022 4:52:07 PM

Water Commission 9/20

Hearing Agenda here:

<https://files.hawaii.gov/dlnr/cwr/agenda/2022/ag20220920.pdf>

STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

COMMISSION ON WATER RESOURCE MANAGEMENT

P.O. BOX 621 HONOLULU, HAWAII 96809

M. KALEO MANUEL DEPUTY DIRECTOR

AGENDA FOR THE MEETING OF THE COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: September 20, 2022 TIME: 9:00 am

PLACE: DLNR Boardroom, Kalanimoku Bldg. 1151 Punchbowl Street, 1st Floor & Online via Zoom / Meeting ID: 865 1822 6020 / passcode: 697583

Aloha to all,

We thank you for your contributions and participation in preserving and protecting Hawaii's finite environment and natural resources.

We also thank the Navy's service and its contributions to our national security here and in the Indo-Pacific areas.

But we also expect the DLNR, CWRM and US States Navy to be accountable and responsible in its stewardship and duty to Oahu.

There is no time to slack.

This water contamination issue is unequivocally top priority and requires your urgent attention and courage to do what is right.

As you know, this most monumental and important issue affects not only our present residents but also the future of this small island.

We know you can boldly stand up for Hawaii and its concerned citizens.

At this point in Hawaii's history. We have no option but to protect our finite and precious water sources. There is no other choice.

Time is of the essence.

CLEAN WATER IS LIFE.

Mahalo

Choon James



Laie, HI, 96762

From: [Brennan Takayama](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Agenda item D-1
Date: Monday, September 19, 2022 5:04:07 PM

Aloha Chair Case and Members of the Water Commission,

Thank you for considering these comments regarding agenda item D-1.

Thank you for your leadership in protecting Hawaii's water. Water is life, and I want my grandchildren and future generations to live with clean water. Now is the time to act boldly.

Please urge Commission staff to ensure that they act expeditiously to allow you to enforce the water code to the fullest extent, including by declaring the Navy to be in violation of its Waiawa Water Use Permit, and levying the full amount of fines authorized under law.

In addition, please urge Commission staff to ensure that the following conditions are included in any modification to the Navy's Water Use Permit Application(s) for the use of our public trust water resources:

- 1) A comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis, beginning no later than October of this year;
- 2) A plan, to be developed and submitted for approval by CWRM no later than October of this year, and with implementation to begin no later than November of this year, to cease the wasting of water from the Red Hill shaft, and to put such water to a reasonable beneficial use;
- 3) Unless and until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, and the current contamination crisis is deemed resolved with respect to the impacts to our water resources:
 - a. No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses;
 - b. A 24-hour hotline shall be maintained by the Navy to help identify potential water waste and inappropriate uses of water from the Navy's water system, and any water waste complaints shall be addressed promptly; a monthly report of all hotline calls and detailed information regarding the Navy's response to such calls shall be provided to CWRM;
 - c. All reports and information relating to the contamination status of our groundwater aquifer shall be fully disclosed to CWRM and the public; and
 - d. A monthly public briefing and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.
- 4) Funding for an on-island water testing lab; and
- 5) Provision of alternative drinking water, housing, and mental health and medical support for those who have been exposed to water from the Navy's water system.

Mahalo nui loa for your consideration of this matter,
Brennan Takayama
Makiki

From: [Ryan Dadds](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Shut down Red Hill Testimony
Date: Monday, September 19, 2022 8:01:29 PM

Hello,

This testimony is written to state my concern for Oahu's water supply. The government must take responsibility for its careless actions and remove the fuel leaking into our water supply, before we have a major health crisis. People's well being are at stake.

Ryan Dadds, MMS, PA-C, WCC