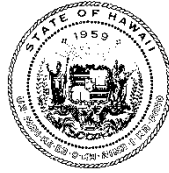


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CATHERINE PAYNE
CHAIRPERSON

**STATE OF HAWAII
BOARD OF EDUCATION**
P.O. BOX 2360
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February 17, 2022

TO: Board of Education

FROM: Catherine Payne
Chairperson, Board of Education

AGENDA ITEM: Board Action on Board Resolution on Red Hill water contamination

I. EXECUTIVE SUMMARY

- Students, staff, families, and the communities in the Aiea-Moanalua Radford Complex Area are being negatively affected by the contamination of their water supply by the Red Hill Bulk Fuel Storage Facility.
- The proposed resolution clarifies the connection between the water contamination and public education and asks that the entities with jurisdiction work to find an effective solution quickly.

II. BACKGROUND

The Department of Defense (“DoD”), Department of the Navy maintains the Red Hill Bulk Fuel Storage Facility located in the City and County of Honolulu, which sits directly above the Moanalua-Waimalu groundwater aquifer. During the week of November 29, 2021, multiple Department of Education (“DOE”) schools notified the state office that their potable water was emitting a fuel-like odor. The Department of Health (“DOH”) instructed staff at seven DOE schools (Red Hill Elementary School, Nimitz Elementary School, Pearl Harbor Elementary School, Pearl Harbor Kai Elementary School, Iroquois Point Elementary School, Hickam Elementary School, and Mokulele Elementary School) to stop using potable water sources. The state office and relevant complex area offices coordinated with staff at affected schools to shutdown contaminated water supplies and arrange for the delivery of clean, potable water. DoD worked with DOE’s tri-level system (state office, complex areas, and schools) to provide potable water to affected schools. From December 15, 2021 through January 2022, DOE spent approximately \$15,000 to provide potable water to affected schools. DOE’s support of affected schools is ongoing and these costs will continue to accrue.

During December 2021, thousands of families were displaced from their homes or were forced to use alternative water sources because their potable water was contaminated.

On December 6, 2021, Governor David Ige and DOH ordered the immediate suspension of operations at the Red Hill Bulk Fuel Storage Facility and removal of fuel from the tanks.

On December 15, 2021, the Honolulu City Council passed a resolution calling for the permanent closure, defueling, and removal of the fuel tanks at the Red Hill Bulk Fuel Storage Facility.

On December 16, 2021, Hawaii's congressional delegation asked House and Senate leaders to ensure the military uses all available resources to address the water contamination.

December 20, 2021, the Navy began flushing its water system.

On January 11, 2022, the Navy stated that it would comply with the order to remove fuel from the fuel tanks at the Red Hill Bulk Fuel Storage Facility.

On January 13, 2022, the Interagency Drinking Water System Team (including representatives from the Hawaii State Department of Health, Environmental Protection Agency, Department of the Army, and Department of the Navy) finalized the process that the Navy would use to flush its water system to attempt to rid it of contamination. The flushing process was designed to remove the contamination, which would allow families to move back into their homes and make affected schools' potable water systems usable.

On January 20, 2022, the Board of Education ("Board") held a general business meeting where it received a presentation from DOE on the effect of the Red Hill water contamination on DOE schools, staff, students, and community.¹ The Board also received written² and oral testimony from concerned community members. At the meeting, Board Members expressed their concerns and their desire to make a statement regarding the Red Hill water contamination. At the meeting, Board

¹ The January 20, 2022 minutes are available here:

<https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/a15fa9df11029fd70a2565cb0065b6b7/835d4343b248b6170a2587e600766528?OpenDocument>

² Written testimony received before the deadline is available here:

<https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/2022-01-20%20GBM%20Testimony.pdf>

Military Representative Colonel Angenene Robertson stated that the Navy posted flushing timelines, which are subject to change based on progress, and offered to assist the Board with accessing this information.³

The situation is ongoing.

III. **ANALYSIS**

I drafted this resolution to make it clear that the water contamination is having severe adverse effects on public education and to convey three things. First, that the Board does not have jurisdiction over the primary issues in this situation, but instead urges the entities that do to find effective solutions quickly. Second, request that the parties keep the public informed about the status and timeline for resolution. Third, to convey the Board's appreciation for everyone working toward a solution.

Jurisdiction.

The Board does not have expertise in, authority over, or jurisdiction over the preservation of water resources, remediation of water contamination, or fuel storage safety. These matters are under the jurisdiction of other governmental entities, like EPA, DoD, EPA, DOH, and BWS. As such, the resolution I have proposed does not provide a specific remedy, like permanent defueling of the tanks, because the Board does not have the necessary expertise to determine the most appropriate course of action. I believe that the Board needs to leave decisions about the best way to resolve the situation to these other entities.

The Board has jurisdiction over people who are being negatively affected by the water contamination. This includes Hawaii's public education system and the students, staff, and schools that are a part of its system. The draft resolution is intended to notify the entities of the negative effects that the water contamination is having on Hawaii's public education system and urge them to effectively and quickly work on solutions.

Adverse Effects on Public Education.

Because of the contamination of water systems, staff at affected schools modified operations to accommodate the shutdown of their potable water systems. This included modifications in food preparation, additional duties for all school staff, including custodians, teachers, cafeteria staff, and administrators. These

³ After the meeting, Col. Robertson provided the link to this website, www.navy.mil/jointbasewater, which contains the current schedule for flushing, information for families and communities, testing results, instructions on filing claims, and a map with dates, among other things.

modifications resulted in additional burden on staff who were already dealing with COVID-19 pandemic related challenges.

The contamination of the water system also affected thousands of families in the immediate area. While many of these families have children that attend the seven affected schools, these families also include students and staff that attend and work at schools other than the seven schools whose potable water was contaminated. The water contamination displaced families from their homes and has forced them to endure massive, continuing disruption to their daily lives.

All of this has negatively affected student attendance rates in the complex area, student learning, and the health and well-being of everyone affected by this water contamination. The draft resolution is an attempt to give voice to the students, staff, and families who are affected.

Appreciation.

Board Members have expressed the desire to convey their appreciation to everyone that is working on a solution. Students, staff, and families have been dealing with upheaval and additional stress. Many of our students, staff, and their families had to find other places to live and continue to face transportation and logistical challenges because of lack of clean water. I would also like to acknowledge that this situation is layered on top of the COVID-19 challenges that students and staff are already grappling with. The DoD, EPA, DOH, BWS, DOE and local, state, and federal elected officials have all been working toward a resolution of the contamination and ensure that appropriate resources are available.

IV. RECOMMENDATION

Proposed Motion: “Motion to adopt the resolution attached as Exhibit A to Board Chairperson Payne’s memorandum dated February 17, 2022.

Exhibit A
Proposed Resolution

