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GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
BOARD OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

March 3, 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.
- On February 17, 2022, the Board considered a proposed resolution to clarify the connection between the water contamination and public education and asks that the entities with jurisdiction work to find an effective solution quickly.
- The revised proposed resolution attempts to address comments and concerns Board members raised at the February 17, 2022 meeting.

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, DOH ordered the immediate suspension of operations at the Red Hill Bulk Fuel Storage Facility and removal of fuel from the tanks.

On December 14, 2021, the Board of Water Supply passed a resolution calling for the immediate removal of fuel from the Red Hill Bulk Fuel Storage Facility and to revisit long-term solutions to protect Oahu's drinking water.

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

¹ The January 20, 2022 minutes are available here: <https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/a15fa9df11029fd70a2565cb0065b6b7/835d4343b248b6170a2587e600766528?OpenDocument>

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 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

On February 14, 2022, DOH started declaring water in the first zone (Red Hill Housing Army complex and Red Hill Elementary) safe to drink.

On February 17, 2022, the Board held a general business meeting where it considered a proposed resolution that intended to clarify that the water contamination is having severe adverse effects on public education and to convey three things.⁴ 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. I further described each of these concepts and the reasons they were included in the resolution in my February 17, 2022 memorandum.⁵

Several Board members provided comments at the February 17, 2022 meeting. Board Member Lynn Fallin asked that the resolution support the Department's request for reimbursement for expenses relating to the Red Hill water contamination. Board Member Lyla Berg asked that the Board strongly urge the parties to work together, support and endorse statements made by other entities and elected officials, clarify that the water is located on Oahu, clarify that the entities should ensure and provide fresh water (not just protect it), clarify who the Department of Defense is, and specifically name the Department of the Navy. Each provided language to revise the resolution as show in the redline attached as **Exhibit A**.

The situation is ongoing.

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>

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.

⁴ The February 17, 2022 minutes are available here: <https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/a15fa9df11029fd70a2565cb0065b6b7/329e40875e4747010a2587f400716dab?OpenDocument>

⁵ My February 17, 2022 memorandum is available at: https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20220217_Action%20on%20Red%20Hill%20Statement.pdf

III. ANALYSIS

Clarify DoD and Navy. Board Member Lyla Berg asked for clarification on who the term “DoD” refers to and that the Navy be specifically named. The DoD is the parent agency charged with providing military forces to protect the security of the country. Multiple armed forces are under the DoD, including the Navy. While the Navy operates the Red Hill Bulk Fuel Storage Facility, the fuel supports operations of all branches of the military. DoD has called on multiple military branches to assist with the situation and the water contamination has impacted members of multiple branches of the military. The resolution originally referred more broadly to DoD, including the Navy, but has been revised to clarify when the reference is to the Navy and when it is to the larger parent agency.

Reimbursement for Expenses. I added the following language, as suggested by Board Member Fallin, to address her concerns about reimbursement: “BE IT FURTHER RESOLVED that the DoD reimburse the DOE for all state resources expended to protect and maintain the health, safety, and well-being of the students and staff in affected school areas” Exhibit A, Lines 35-37. The language appropriately references DoD and not the Navy because the request for reimbursement should to the larger entity which can then decide how to pay for the request.

Strongly Urge, Ensure, and Oahu. Board Member Berg asked that the Board adopt a more assertive position, strongly urging, instead of just urging the parties to work together. She also asked that the resolution not just urge the protection of the water, but also ensure clean water. Her suggested language is below and reflected in Exhibit A, Lines 17-21.

BE IT RESOLVED that the State of Hawaii Board of Education (“Board”) strongly urges all parties to work together to find effective and expeditious solutions to the Red Hill water contamination issue in order to ensure and protect the availability of state’s most precious resources, clean water for the children, schools, and residents on Oahu, its people, and most importantly its future, our children; and

Support Statements. Board Member Berg suggested that the resolution support statements made by other entitles and elected officials. I added the following language, as proposed by Board Member Berg to address her suggestion: “**BE IT FURTHER RESOLVED** that the Board strongly supports DOH’s emergency order to defuel the Navy’s Red Hill Bulk Fuel Storage Tanks and the statements made by Hawaii’s congressional delegation, Governor David Ige, and, Honolulu Board of Water Supply” Exhibit A, Lines 23-25. I also made revisions were also made to the paragraph regarding transmittal of the resolution to include Hawaii’s congressional delegation and Governor Ige (Exhibit A, Lines 39-41).

IV. RECOMMENDATION

Proposed Motion: “Motion to adopt the resolution attached as Exhibit B to Board Chairperson Payne’s memorandum dated March 3, 2022.

Exhibit A

Proposed Resolution with Revisions based on February 17, 2022 Comments
(Redline)



STATE OF HAWAII
BOARD OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

RESOLUTION OF THE BOARD OF EDUCATION

1 URGING ALL PARTIES TO WORK TOGETHER TO FIND SOLUTIONS TO PROTECT
2 HAWAII'S WATER, PEOPLE, AND CHILDREN
3

4 **WHEREAS**, The U.S. Department of Defense ("DoD") ~~maintains a fuel bunker~~has bulk
5 fuel storage tanks operated by the Department of the Navy ("Navy"), located in Red Hill in the
6 City and County of Honolulu, which sits directly above a groundwater aquifer.
7

8 **WHEREAS**, During the week of November 29, 2021, staff at seven State Department of
9 Education ("DOE") schools (Red Hill Elementary School; Nimitz Elementary School; Pearl
10 Harbor Elementary School; Pearl Harbor Kai Elementary School; Iroquois Point Elementary
11 School; Hickam Elementary School; and Mokulele Elementary School) notified the state office
12 that fuel-like odors were coming from potable water sources;
13

14 **WHEREAS**, The State Department of Health ("DOH") instructed staff at the seven
15 schools to stop using the schools' potable water sources; ~~now therefore,~~
16

17 **WHEREAS**, DOH issued an emergency order dated December 6, 2021 ordering the
18 Navy to, among other things, defuel the Red Hill Bulk Fuel Storage Tanks; now therefore,
19

20 **BE IT RESOLVED** that the State of Hawaii Board of Education ("Board") strongly urges
21 all parties to work together to find effective and expeditious solutions to the Red Hill water
22 contamination issue in order to ensure and protect the ~~state's most precious~~
23 ~~resources, availability of~~ clean water, ~~its people, and most importantly its future, our~~ for the
24 children, schools, and residents on Oahu; and
25

26 **BE IT FURTHER RESOLVED** that the Board strongly supports DOH's emergency order
27 to defuel the Navy's Red Hill Bulk Fuel Storage Tanks and the statements made by Hawaii's
28 congressional delegation, Governor David Ige, and Board of Water Supply ("BWS"); and
29

30 **BE IT FURTHER RESOLVED** that the Board requests that the DOH, U.S.
31 Environmental Protection Agency ("EPA"), ~~Honolulu Board of Water Supply ("BWS"),~~ and DoD
32 keep the DOE and the public informed about the status and timeline for resolution of the
33 contamination; and
34

35 **BE IT FURTHER RESOLVED** that the Board directs the DOE to keep the Board
36 apprised of the situation and effects of the contamination on students and staff; and
37

38 **BE IT FURTHER RESOLVED** that the DoD reimburse the DOE for all state resources
39 expended to protect and maintain the health, safety, and well-being of the students and staff in
40 affected school areas; and

41
42 **BE IT FURTHER RESOLVED** that the Board directs the Board Chairperson to transmit
43 this resolution to the Hawaii's congressional delegation, Governor David Ige, DOH, EPA, BWS,
44 DoD, and DOE.

This resolution was proposed and approved by the Board at its ~~February 17~~March 3,
2022 General Business Meeting.

Catherine Payne

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Exhibit B

Proposed Resolution with Revisions based on February 17, 2022 Comments
(Clean)



STATE OF HAWAII
BOARD OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

RESOLUTION OF THE BOARD OF EDUCATION

1 URGING ALL PARTIES TO WORK TOGETHER TO FIND SOLUTIONS TO PROTECT
2 HAWAII'S WATER, PEOPLE, AND CHILDREN
3

4 **WHEREAS**, The U.S. Department of Defense ("DoD") has bulk fuel storage tanks
5 operated by the Department of the Navy ("Navy") located in Red Hill in the City and County of
6 Honolulu, which sits directly above a groundwater aquifer.
7

8 **WHEREAS**, During the week of November 29, 2021, staff at seven State Department of
9 Education ("DOE") schools (Red Hill Elementary School; Nimitz Elementary School; Pearl
10 Harbor Elementary School; Pearl Harbor Kai Elementary School; Iroquois Point Elementary
11 School; Hickam Elementary School; and Mokulele Elementary School) notified the state office
12 that fuel-like odors were coming from potable water sources;
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14 **WHEREAS**, The State Department of Health ("DOH") instructed staff at the seven
15 schools to stop using the schools' potable water sources;
16

17 **WHEREAS**, DOH issued an emergency order dated December 6, 2021 ordering the
18 Navy to, among other things, defuel the Red Hill Bulk Fuel Storage Tanks; now therefore,
19

20 **BE IT RESOLVED** that the State of Hawaii Board of Education ("Board") strongly urges
21 all parties to work together to find effective and expeditious solutions to the Red Hill water
22 contamination issue in order to ensure and protect the availability of clean water for the children,
23 schools, and residents on Oahu; and
24

25 **BE IT FURTHER RESOLVED** that the Board strongly supports DOH's emergency order
26 to defuel the Navy's Red Hill Bulk Fuel Storage Tanks and the statements made by Hawaii's
27 congressional delegation, Governor David Ige, and Board of Water Supply ("BWS"); and
28

29 **BE IT FURTHER RESOLVED** that the Board requests that the DOH, U.S.
30 Environmental Protection Agency ("EPA"), BWS, and DoD keep the DOE and the public
31 informed about the status and timeline for resolution of the contamination; and
32

33 **BE IT FURTHER RESOLVED** that the Board directs the DOE to keep the Board
34 apprised of the situation and effects of the contamination on students and staff; and
35

36 **BE IT FURTHER RESOLVED** that the DoD reimburse the DOE for all state resources
37 expended to protect and maintain the health, safety, and well-being of the students and staff in
38 affected school areas; and

39

40 **BE IT FURTHER RESOLVED** that the Board directs the Board Chairperson to transmit
41 this resolution to the Hawaii's congressional delegation, Governor David Ige, DOH, EPA, BWS,
42 DoD, and DOE.

This resolution was proposed and approved by the Board at its March 3, 2022 General Business Meeting.

Catherine Payne

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