REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO EXAMINE THE UNITED STATES ARMY’S PERMIT APPLICATION TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR HAZARDOUS WASTE MANAGEMENT AT MAKUA MILITARY RESERVATION

House Committees on Energy and Environmental Protection Water and Land Uses Planning

Joint Public Hearing - April 7, 1993 8:30 A.M., Room 1310 SOT

By

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This resolution addresses specific questions of procedural compliance with State and Federal Regulations related to the Army’s Resource Conservation and Recovery Act (RCRA) permit application for hazardous waste management at Makua Military Range. In particular, the resolution calls for an examination of why the State, as owner of record of the land, is not a signatory to the RCRA permit application as required by federal law. The resolution also calls for compliance with Section 343-5, HRS, which requires that any proposed use of state lands shall be assessed to determine whether that use may result in significant environmental impacts.

Our statement on this resolution does not constitute an institutional position of the University of Hawaii.

Irrespective of other controversies surrounding military activities in Makua Valley, it is crucial that the law be strictly adhered to by both Federal and State agencies. On the basis of the Environmental Center’s review of the Army’s RCRA permit application, there is good reason to believe that the deficiencies in process noted in this resolution are substantive. Hence, we view the public scrutiny of these issues as a constructive opportunity for confidence building. In particular, the protection...
of human and natural ecosystem health afforded by the baseline sampling and analysis program called for in the resolution is seriously overdue. We need to know the dimensions of contamination already present before we can make rational management decisions.

Use of State lands clearly requires assessment for potentially significant environmental impacts under Section 343-5 HRS. Since the Army is lessee of the land, there may be a reasonable basis for cost sharing in the preparation of the assessment.

Our reviewers suggest several amendments to the language of the resolution for clarity and accurate reflection of the legal basis on which it is premised. First, in the sixth "WHEREAS" clause, we suggest that the word, "training" be replaced with the word, "treating". Such a change ensures consistency with 40 CFR 270.1(c). Second, in view of the acknowledged contamination already present in the valley, we would recommend that baseline sampling be undertaken irrespective of the preparation of an environmental impact statement. Finally, to ensure that full accounting of actions undertaken pursuant to the resolution is rendered, we suggest including the following additional paragraph on page 3 before the last paragraph:

"BE IT FURTHER RESOLVED that the Board of Land and Natural Resources shall report to the Legislature its findings and progress on both the issue of permit signature and that of environmental assessment not later than 20 days prior to the commencement of the 1994 Legislative Session."