

Red Hill FTCA Filing FAQ

Why did BWS take this action?

Litigation was a last resort and comes only after BWS's filing of an administrative FTCA claim in October of 2023 which was denied by the Navy on January 10, 2025. BWS is obligated to take all reasonable, necessary, and responsible actions to protect O'ahu's critical sole source drinking water supply from contamination and to minimize the burden on O'ahu water ratepayers for BWS's past, current and future response, mitigation, restoration, and remediation costs incurred as a result of the Navy's contamination of the drinking water supply and impact on BWS's water sources.

The statute of limitations for filing the complaint ends on July 10, 2025.

How did you come up with the \$1.2 billion figure?

The Navy has caused BWS to incur significant past, ongoing, and future costs to respond to the Navy's actual and threatened contaminant releases. To protect against and limit contamination of its own water sources, BWS made the difficult but necessary and reasonable decision to shut down the Hālawā Shaft and the 'Aiea and Hālawā wells. And, in keeping with its commitment to responsible stewardship of O'ahu water sources and protection of those who use and consume BWS's drinking water, BWS also implemented enhanced water quality testing, started planning for additional groundwater monitoring wells and development of replacement wells, and shifted to alternate water sources to make up for lost water supplies, all in response to the Navy's contaminant releases. The cost to replace these wells and take other actions to respond to the Navy's releases from Red Hill make up the total amount of damages the BWS is seeking to recover from the Navy in this litigation.

What happens next?

The BWS and its legal team will now follow the court process for these types of claims, which will be decided by a Federal Judge. There is no timetable for a final decision— we expect litigation to last at least a couple of years if not longer. We also anticipate there will be requests for information, documents, depositions, and motions for legal rulings.

How long will this matter take to resolve?

We do not have any timeline for when this matter will be resolved. However, we expect the legal proceedings to take at least two (2) years. We also anticipate there will be requests for information, documents, and depositions, as well as motions for legal rulings. A final decision from the judge and any potential appeals could take even longer.

How much does litigation of this nature cost?

Given the dynamic nature of litigation, it is not possible to provide an accurate estimate of the costs BWS will likely incur to resolve this dispute, especially since the Navy's litigation conduct will significantly affect the litigation costs incurred by BWS.

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