



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

ENFORCEMENT AND
COMPLIANCE ASSURANCE
DIVISION

April 17, 2023

VIA ELECTRONIC MAIL – READ RECEIPT REQUESTED

Vice Admiral John Wade
Commander
Joint Task Force, Red Hill
1025 Quincy Avenue, Suite 900
Joint Base Pearl Harbor Hickam, Hawaii 96860-5101
john.f.wade2.mil@us.navy.mil

Re: Comments on Integrated Master Schedules

Dear Vice Admiral Wade:

The U.S. Environmental Protection Agency, Region 9 (EPA) recently received a set of draft Integrated Master Schedules (IMS) from the Joint Task Force – Red Hill (JTF) for defueling the Red Hill Bulk Fuel Storage Facility (RHBFSF). JTF has specifically asked for feedback from EPA on the IMS. We look forward to further coordination on the items identified in the Enclosure. Any questions or concerns may be submitted directly to me, or at a staff level through our Defueling and Closure Lead, Evan Osborne (osborne.evan@epa.gov).

Sincerely,

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division

Enclosure (1) - **Comments on Potential Impacts to the Defueling Timeline**

cc: Kathleen Ho, Hawai'i Department of Health
RDML Stephen Barnett, U.S. Navy Region Hawaii
RDML Jeffrey J. Kilian, NAVFAC Pacific
David Kless, Defense Logistics Agency

Enclosure (1) – Comments on Potential Impacts to the Defueling Timeline

This enclosure highlights work to be completed prior to defueling. These comments are not inclusive of all defueling preparations that must occur before EPA will consider approving the start of defueling, but do highlight significant tasks and milestone that EPA expects JTF and the Navy to complete leading up to defueling. EPA has provided suggestions for ensuring close coordination moving forward and, for each category, provided staff points of contact.

Review and Approval Windows of Defueling Plan Supplement 2 and Defueling Preparedness Report

When the 2023 Consent Order takes effect, EPA will assume a formal approval role for defueling preparedness, which includes review and approval of the Defueling Plan and supporting documents. The most aggressive timeline allows approximately 30 days for review and approval of Defueling Plan Supplement 2, expected for submission by May 15, 2023. If Defueling Plan Supplement 2 is inadequate or requires significant revisions, then EPA may not be able to approve it within 30 days. EPA suggests providing 45-days for review and approval of Supplement 2, rather than 30, to accommodate for a comment resolution cycle that may be needed. Please notify EPA if Supplement 2 will not be delivered by the May 15, as this may affect EPA's internal work planning regarding approval of the Defueling Plan.

Similarly, JTF assumes EPA will approve the Defueling Preparedness Report by October 1, 2023. This assumption does not include a deadline by when the Defueling Preparedness Report shall be submitted to EPA, so EPA cannot determine whether there is sufficient time for review and approval. Thus, as part of the Defueling Plan's supplement, include a deadline for submission of the Defueling Preparedness Report and then EPA can better determine whether EPA can approve the Defueling Preparedness Report by October 1, 2023. While EPA anticipates that most of the information forming the Defueling Preparedness Report will have been submitted far in advance of October, there is no formalized schedule for submittal in parts. Approval to defuel may be delayed if EPA is not provided ample time to review and response to submittals forming this Report. EPA suggests that the JTF create an action plan for submitting key components of the Defueling Preparedness Report, as specified in the Statement of Work of the Proposed 2023 Consent Order, so that both parties can stay informed and prepared for necessary review periods. The components requiring approval which should be included in this action plan are contained in Section 4.3 of the Statement of Work for the Proposed 2023 Consent Order and pasted below for reference:

...Navy and DLA shall certify in the Defueling Preparedness Report that: (a) Navy and DLA have implemented repairs, operational changes, training, and other actions described in the approved Defueling Plan; (b) third-party quality assurance documenting the adequacy of repairs has been completed; (c) Navy and DLA have addressed the findings from EPA's August 17, 2021 Spill Prevention, Control and Countermeasure ("SPCC") Plan Inspection Report for the Facility Subject to Defueling; (d) EPA has approved the Facility Response Plan ("FRP") that covers the Facility Subject to Defueling; and (e) Navy and

DLA have performed tank tightness testing on the Zone 7 Sump for FOR and the Main Containment Sump for FOR and any concerns associated with such tank tightness testing have been addressed...

EPA's primary contact for repair work and validation, operational improvements, and overall defueling preparedness is Evan Osborne (osborne.evan@epa.gov). Pete Reich (reich.peter@epa.gov) is the primary contact for SPCC and FRP review and approval. Rick Sakow (sakow.rick@epa.gov) is the primary contact for tank tightness testing sumps in the Lower Access Tunnel.

Unanticipated Events Concerning Health, Safety, and the Environment

Repairs and other infrastructure activity presents risks of schedule delay. JTF is currently carrying out repair/enhancement activity and quality assurance/validation processes. Should repair validation be unclear or fail to demonstrate that repairs/enhancements have been performed properly, needing to repeat, correct or clarify repairs may result in delayed and/or compressed evaluation time periods for EPA. Please ensure quality validation reports are submitted monthly to maximize the review time periods for EPA. EPA has received Quality Validation Reports in February and March, 2023, and looks forward to receiving submissions including the remainder of repair validations in the coming months. We recommend that you notify EPA of any failed repairs or unexpected repair results as soon as possible so that mitigations and/or re-scheduling can be coordinated without impacting the defueling timeline.

During prior inspection work at the RHBFSF in February 2022, EPA identified two underground storage tanks in the Lower Access Tunnel that, as required by the Proposed 2023 Consent Order, go through tank tightness testing before defueling. EPA understands that one of two sumps was tested the week of April 3, 2023. EPA awaits a proposed testing method and a proposed test date for the second sump (i.e., "Zone 7"). Please share the results as soon as possible for compliance determination. Should one of these tests fail to pass regulatory criteria, or should other concerns emerge, mitigating measures may need to be made as quickly as possible to avoid impacting the defueling timeline.

EPA awaits delivery of multiple reports and/or updates related to infrastructure that could impact defueling readiness. This includes the investigation report into the 2022 Aqueous Film Forming Foam (AFFF) spill near Adit 6, a description of the proposed fire suppression method to be used during defueling, and a description of the proposed repair and integrity testing procedures for the AFFF Retention Line. This information, once submitted, may necessitate further comment and response to ensure defueling preparedness. EPA encourages submission of these reports or updates as soon as practicable so that EPA has sufficient time to review and respond accordingly. Evan Osborne and Grant Scavello (Scavello.grant@epa.gov) should be notified when any anticipated or unanticipated reports/updates regarding defueling preparedness are distributed.

Public Involvement

EPA requests that JTF continue to improve on sharing information in a timely manner to ensure anticipated—and unanticipated—developments can be addressed as expeditiously as possible. This affects not only EPA’s ability to provide technical and policy support, but also the Agency’s ability to prepare and disseminate information to the public concerning the Agency’s role in the various components of defueling and closure. EPA has committed to provide the public frequent and transparent information sharing before major defueling milestones and cannot fulfil this duty without receiving well-timed information sharing before and following completion of repacking, spill response exercises, operational walk-throughs, and other major defueling milestones. This will allow EPA to conduct accurate and timely stakeholder engagement in preparation for defueling.

JTF must continue providing public updates on the status of defueling preparation before commencing fuel movement. EPA expects JTF to conduct public engagement consistent with the Proposed 2023 Consent Order, which requires quarterly public updates offering the public with the opportunity to ask questions about or comment on the work occurring at the RHBFSF. We request early and frequent coordination with our community engagement staff to ensure these milestones are being met to not impact the start of defueling. Our key contact person for public engagement is Dominique Smith (smith.dominique@epa.gov), the Red Hill Environment Justice Coordinator.

Source Water Protection Plan

The Navy must submit a Source Water Protection Plan 60 days before defueling begins. EPA recommends that JTF or Navy Region Hawaii assign a point of contact for this requirement for coordination with EPA’s Drinking Water team. Our point of contact is Corine Li (li.corine@epa.gov).

Spill Response Preparedness

The Oil Pollution Prevention program establishes multiple requirements that must be addressed before defueling commences. This includes approval of a finalized Facility Response Plan (FRP) or Integrated Contingency Plan, and the submission of a finalized Spill Prevention, Control, and Countermeasure (SPCC) plan certified by a Professional Engineer. Both plans are under review by EPA and the Agency anticipates providing a response to by the end of April. Pete Reich is the primary point of contact for this work.

Environmental/Release Detection

During defueling, it will be critical to have early environmental detection systems, response actions, and notification protocols in place. To facilitate release identification and response, EPA has identified the following actions for Navy to complete prior to defueling, which should be included in the updated IMS. If the Navy is unable to complete these actions prior to defueling,

EPA is willing to discuss alternative actions the Navy will take. Lynn Bailey is the primary contact for these actions (bailey.lynn@epa.gov).

- **Fuel sampling:** EPA understands that Navy/DLA is collecting fuel samples during the dewatering effort to be carried out April 17-19, 2023. The Navy/DLA must submit fuel product laboratory data to EPA prior to defueling so that EPA is better prepared to provide technical assistance regarding release characterization and risk evaluations in the event of a release.
- **Release detection monitoring:** EPA has recommended continuous monitoring to significantly reduce the time needed to detect and respond to releases. The Navy should continue to improve the continuous soil vapor monitoring (CSVM) field instrumentation and report data in real time. Expanding the existing CSVM system—from underneath tanks 2, 5 and 7 to all tanks or potential release points—is a priority for the regulatory agencies before defueling commences. Down-well water quality monitors would also provide real-time data monitoring that will act as early leak detectors during defueling.

Alternatively, the Navy should increase the frequency of current environmental data-collection and reporting, or propose other actions that will provide timely and consistent data to promptly detect releases.

- **Groundwater Protection Plan supplement:** Navy last supplemented the 2014 Groundwater Protection Plan in 2018. EPA requires that Navy prepare an additional supplement for EPA and DOH review. Since the 2021 releases, we have learned that fuel can impact groundwater more quickly than previously anticipated. The supplement would confirm or update trigger action levels and associated response procedures for detection of fuel constituents in environmental media (groundwater, soil vapor, drinking water). The supplement would also include other relevant information that will help inform how to protect groundwater resources and human health in the event of a release.
- **Release migration pathways:** The Navy should ensure that field studies of the aquifer system below the RHBFSF, such as in-well borescope and tracer studies, are completed and reported—as draft, if necessary—prior to defueling. EPA acknowledges planning for these studies is underway in coordination with University of Hawaii. These data points are key to improve understanding of the local hydrology and potential transport of groundwater contamination that may occur in the event of a release. This information would support any early-stage assessment of spill impacts to groundwater and risk evaluations at the RHBFSF.

Continued Coordination

Certain regulatory requirements and/or requirements contained in the Proposed 2023 Consent Order may require coordination across DOD groups working on Red Hill-related projects. This includes environmental and drinking water topics, which may need to be addressed by Navy

staff, and questions and concerns regarding fuel movement, which requires involvement by the Defense Logistics Agency. Please continue involving these Agencies in regular staff-level meetings as appropriate to ensure EPA's information gathering needs can be met. EPA's central Red Hill Project Coordinator is Grant Scavello.

Integration of Requirements under the Final 2023 Consent Order

EPA anticipates finalizing the Proposed 2023 Consent Order prior to defueling and it is critical that we continue to work together to ensure that EPA can approve defueling. Thus, you should ensure your team has reviewed the Proposed 2023 Order and the associated Statement of Work, and that all deadline deliverables are introduced into the proposed IMS and any other internal planning needs. EPA also requests that, once the order is finalized, DOD update planning documents and public-facing documents to accurately state that both DOH and EPA have formal approval roles for relevant activities.

Completing the NEPA Process on Fuel Movement

EPA requests frequent and transparent updates regarding ongoing reviews under the National Environmental Policy Act (NEPA) as it related to the RHBFSF. We appreciate the information that has been shared thus far and understand that time constraints prohibit DOD from offering EPA an opportunity to review a pre-public or administrative draft Environmental Assessment. EPA will continue to seek opportunities to provide early input, based on the information that DOD provides, as early inter-agency involvement is a known NEPA streamlining strategy. We note that we have requested the written Description of Proposed Action and Alternatives to facilitate such early input. EPA's primary point of contact for NEPA-related work is Karen Vitulano (vitulano.karen@epa.gov).

Regulatory Input on Tanker Acquisition Strategy

JTF's recent IMS drafts all incorporate a decision point called, "Go/No-Go," which, as it has been explained to EPA, is a point in time when DOD will need to decide whether to contract tanker vessels that will move fuel from the RHBFSF to other fuel storage locations. In this case, "Go" refers to moving forward with awarding a contract, and "No-Go" would result in a delay to the tanker contract award. EPA appreciates that by mid-June the JTF would solicit the Agency's confidence in JTF's ability to meet defueling preparedness as it affects tanker acquisition. At this point in time, EPA will be prepared to share the Agency's internal status of ongoing review items, but will not be able to provide any indication of whether JTF will be able to defuel on a given date or along a certain timeline. EPA cannot approve defueling preparedness requirements until all required information is submitted, reviewed, and approved. Relatedly, as we near the proposed start of fuel movement, approval to defuel will not hinge on whether tankers are in position to receive fuel. – EPA's decision to approve defueling will hinge on the merits of the submissions required by the Proposed 2023 Consent Order.

EPA also requests that the JTF change the language used to describe the tanker acquisition decision to avoid creating confusion—or unintentionally creating the implication—that a “Go” decision means that defueling has been approved. Suggestions for a replacement term is “Tanker Acquisition Decision Point” or “Proceed/Do Not Proceed.”