



DEPARTMENT OF THE NAVY
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Ser N00/139
May 15, 2023

Grant Scavello
U.S. Environmental Protection Agency, Region 9
Red Hill Project Coordinator
75 Hawthorne Street
San Francisco, CA 94105

Kelly Ann Lee
State of Hawai'i, Department of Health
Red Hill Project Coordinator
P.O. Box 3378
Honolulu, HI 96801

Dear Mr. Scavello and Ms. Lee:

SUBJECT: CLARIFICATION OF SCOPE REQUIRED BY 2015 RED HILL ADMINISTRATIVE ORDER ON CONSENT AND SCHEDULE FOR CONSOLIDATED ENVIRONMENTAL SCOPE OF WORK FOR RED HILL BULK FUEL STORAGE FACILITY

This letter is a follow-up to the Department of the Navy's (DON) previous response to the U.S. Environmental Protection Agency's (EPA) February 17, 2023 letter related to clarifying the scope of the 2015 Red Hill Administrative Order on Consent (2015 AOC). In the DON's March 6, 2023 response, the DON generally agreed that it is beneficial to clarify the scope of release investigation and response work and the underlying authorities driving the effort. The DON also agreed that certain items from the 2015 AOC were no longer relevant or required, particularly those focused on efforts necessary to continue operating the Red Hill Bulk Fuel Storage Facility (RHBFSF), in light of the Secretary of Defense's decision to close the facility. Lastly, the DON requested an opportunity to discuss the specifics of EPA's February 17 letter and the complexities of the items identified and the multiple authorities cited.

The DON met with EPA pursuant to that request on April 10, 2023, and we believe that it was a fruitful discussion. As we continue to make progress towards pinpointing the various authorities for the items mentioned in EPA's February 17 letter and the appropriate mechanisms to address them, I wanted to provide a partial update on what the DON is doing with respect to the Aqueous Film Forming Foam (AFFF) release investigation, characterization, and remediation work called out in the EPA letter. As we discussed, the DON is committed to addressing AFFF releases and per- and poly-fluoroalkyl substances (PFAS) on DON installations. The DON has undertaken a comprehensive program to respond to PFAS releases across the country, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and its long-standing regulations. For Joint Base Pearl Harbor Hickam and RHBFSF, the DON has already initiated the CERCLA investigation process to identify the nature and extent of PFAS releases from DON activities, and determine the appropriate cleanup actions based on risk to human health and the environment. This process is occurring under an existing enforceable CERCLA Federal Facilities Agreement (FFA) Section 120, Administrative Docket Number: 94-05 of March 17, 1994, executed by the DON, EPA and the Hawaii Department of Health, that specifically covers RHBFSF.

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The petroleum releases from RHBFSF are being addressed under the 2015 AOC. Should those petroleum releases be commingled with PFAS, this would require an integrated process to address PFAS and petroleum at the same time, under both enforceable documents (i.e., the 1994 FFA and the 2015 AOC). Thus, releases of PFAS from DON activities will be addressed under the 1994 FFA and addressed with the fuel under the 2015 AOC (where PFAS and petroleum are commingled). In the end, the technical approach to investigating and responding to PFAS as well as petroleum releases, and the requirement for the DON to comply with all governing requirements, is the same under all enforceable documents, and the DON is committed to completing that work regardless of the operable document.

Sincerely,

S. D. BARNETT