



REGION 9

SAN FRANCISCO, CA 94105

VIA ELECTRONIC MAIL – READ RECEIPT REQUESTED

Rear Admiral Marc Williams
Deputy Commander
Navy Closure Task Force – Red Hill
marc.f.williams.mil@us.navy.mil

David Kless
Deputy Commander
Defense Logistics Agency Energy
David.Kless@dla.mil

(Sent via Electronic Mail only)

Subject: Assessment of Stipulated Penalties for Failure to Attend the
December 12 2024 Community Representation Initiative Meeting

Dear Rear Admiral Williams and David Kless:

The U.S. Environmental Protection Agency (EPA), the Navy, and the Defense Logistics Agency (DLA) agreed to attend the December 12, 2024 Community Representation Initiative (CRI) Meeting as required by the 2023 Administrative Consent Order (2023 Order), as amended by Amendment 1. Amendment 1 requires the Navy and DLA to attend one CRI Meeting per quarter provided that the CRI members agree to participate pursuant to the Ground Rules attached to the Community Engagement Plan. The Navy and DLA did not attend the CRI Meeting as planned on December 12, 2024. EPA hereby assesses a \$5,000 stipulated penalty against Navy and DLA collectively for failure to attend the December 12, 2024 CRI Meeting in violation of the 2023 Consent Order, as amended by Amendment 1.

The CRI members agreed to follow the Ground Rules for the December 12 CRI Meeting notwithstanding the CRI members December 2, 2024 letter (CRI's December 2 Letter) petitioning EPA to put the Ground Rules in Amendment 1 out for public comment. After EPA received the CRI's December 2 Letter, EPA promptly informed Navy that the CRI members committed to participate in the December 12 CRI Meeting pursuant to the Ground Rules. Subsequently, Laura Ebbert, the EPA provided facilitator, worked with the Navy Closure Task Force, EPA, and the CRI members to develop the agenda for the December 12, 2024 CRI Meeting. On December 5, 2024, Laura Ebbert, finalized the date, time, location, and agenda for the meeting with sign off from Navy Closure Task Force. Olelo graciously agreed to provide its studios for the December 12 Meeting and agreed to broadcast it.

On December 10, 2024, **Laura Ebbert**, who was already on island preparing for the December 12 CRI Meeting heard that Navy Closure Task Force may back out of the meeting due to the CRI's December 2 Letter. On December 10, 2024, EPA provided confirmation to Navy that the CRI members committed to abide by the Ground Rules. On December 11, 2024, both Amy Miller and Martha Guzman informed the Navy that EPA will be attending the meeting on December 12, 2024, and that Navy Closure Task Force attendance is required by Amendment 1.

On December 12, 2024, after EPA staff arrived on island for the CRI Meeting, Navy Closure Task Force issued a press release indicating that Navy would not be attending the December 12 Meeting and indicating that Navy would attend a meeting in January after EPA addresses the CRI's December 2 Letter. EPA issued a written denial of the CRI's December 2 Letter petitioning EPA to put the Ground Rules out for public comment hours prior to the CRI Meeting (EPA's December 12, 2024 Letter). EPA's December 12, 2024 Letter states that EPA is not required to put the Ground Rules out for public comment and reiterates that the Navy and DLA do not have to attend CRI meetings if the CRI members are not willing to participate in the CRI meetings pursuant to the procedures and protocols in the Ground Rules.

EPA, the CRI members, Kathy Ho from the Department of Health, and members of the public participated in the CRI meeting pursuant to the Ground Rules without the Navy or DLA at Olelo's studio and virtually on Zoom. Navy and DLA violated the 2023 Consent Order, as amended by Amendment 1, by failing to attend the CRI Meeting. Pursuant to Section 15(a) of the Consent Order, EPA hereby assesses a \$5,000 stipulated penalty against Navy and DLA collectively for failure to attend the December 12, 2024 CRI Meeting. As provided in Paragraph 15(e), this penalty is due no later than sixty (60) days after this demand for payment unless Navy and DLA invoke Dispute Resolution pursuant to Section 14 of the 2023 Consent Order.

EPA is disappointed that Navy and DLA did not attend the December CRI Meeting, but looks forward to working with Navy, DLA, and the CRI members to schedule the January CRI meeting in accordance with the 2023 Consent Order and Amendment 1. If the CRI members agree to participate in the January CRI Meeting pursuant to the Ground Rules and Navy and DLA do not attend the January CRI meeting, EPA may assess an additional stipulated penalty.

Sincerely,

/s/ 12/18/2024

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

cc: Karnig Ohannessian, Deputy Assistant Secretary of the Navy, Environment and Mission Readiness
Brad Bunn, Vice Director, Defense Logistics Agency
Joshua Stout, Navy Project Coordinator
Eric Wiedemann, DLA Project Coordinator
Jamie Marincola, EPA Project Coordinator