



REGION 9

SAN FRANCISCO, CA 94105

VIA ELECTRONIC MAIL ONLY - READ RECEIPT REQUESTED

Mr. Karnig Ohannessian
Deputy Assistant Secretary of the Navy
(Environment & Mission Readiness)
Department of the Navy (Navy)
Karniq.H.Ohannessian.civ@us.navy.mil

Mr. David Kless
Deputy Commander, DLA Energy
Defense Logistics Agency (DLA)
David.Kless@dla.mil

Subject: Joint Base Pearl Harbor-Hickam Proposed Joint Resolution of Dispute Between the Environmental Protection Agency (EPA), Navy and DLA pursuant to the Red Hill Bulk Fuel Storage Facility 2023 Consent Order, as Amended by Amendment 1

Dear Messrs. Ohannessian and Kless:

On December 18, 2024, EPA assessed a \$5,000 stipulated penalty against Navy and DLA asserting that Navy and DLA did not attend the December 12, 2024 Community Representation Initiative (CRI) meeting as required by the 2023 Administrative Consent Order, as amended by Amendment 1 (2023 Consent Order). On January 15, 2025, Navy and DLA submitted a Statement of Dispute (Statement of Dispute) invoking dispute resolution pursuant to the Section 14 of the 2023 Consent Order asserting that Navy's and DLA's failure to attend the December 12, 2024 CRI meeting was not a violation of the 2023 Consent Order due to a Petition by CRI members challenging the Ground Rules and communications indicating that their participation was "under duress." On February 14, 2025, EPA provided its Statement of Position in response to the Navy and DLA Statement of Dispute and proposed setting up the next CRI meeting. On February 28, 2025, Navy and DLA responded to EPA's Statement of Position requesting to resolve the dispute prior to scheduling the next CRI meeting.

As we discussed on our March 17, 2025 call, EPA is willing to forego the \$5,000 stipulated penalty and resolve the dispute without determining whether Navy's and DLA's failure to attend the December 12, 2024 CRI Meeting was a violation of the 2023 Consent Order, if Navy and DLA agree to attend the April 24, 2025 CRI meeting as provided herein. Navy and DLA may accept the terms proposed herein by signing this Joint Resolution below my signature.

EPA agrees to forward the attached CRI Ground Rules Agreement (Agreement) to the elected CRI members and request that each member sign the Agreement by March 27, 2025, in order to participate in the April 24, 2025 CRI meeting. CRI members that sign the Agreement may participate as members of the CRI. If a CRI member does not sign the Agreement, they may still attend the CRI meeting as a member of the public. If new CRI members are added in the future, or added to replace existing members who are unwilling to sign the Agreement, the new members must sign the Agreement in order to participate. The EPA provided facilitator will be responsible for conducting CRI meetings in accordance with the Ground Rules.

In the future, Navy and DLA agree to provide a written notification to EPA no later than seven days prior to any CRI meeting that the Navy and DLA will not attend and request EPA's concurrence prior to cancelling. If an unforeseen issue arises seven days or less before the CRI meeting, then Navy and DLA agree to request EPA's concurrence no later than the day after the issue arises. If EPA does not grant Navy's or DLA's request not to attend the CRI meeting, then Navy and DLA shall either attend the meeting or invoke dispute resolution no later than the day after EPA's denial of the request.

My hope is that the April 24, 2025 CRI meeting will be constructive and productive with the application of the Ground Rules and Navy's and DLA's participation. I will have the EPA facilitator work with Admiral Marc Williams, Deputy Commander Navy Closure Task Force, to schedule the April 24, 2025 CRI meeting if the CRI members sign the attached Agreement to follow the Ground Rules by March 27, 2025.

EPA hereby proposes to resolve the dispute through this Joint Resolution by having Navy and DLA **sign** below my signature by March 21, 2025.

Sincerely,

/s/ 3/21/2025

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

By signing below Navy and DLA agree to resolve the dispute pursuant to this Joint Resolution:

/s/ Katy Bloomberg for

Karnig Ohannessian
Deputy Assistant Secretary of the Navy (Environment & Mission Readiness)

/s/ 03/21/2025

David Kless
Deputy Commander, DLA Energy
Defense Logistics Agency