

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
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November 21, 2016

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Mr. Bob Pallarino
EPA Red Hill Project Coordinator
United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

and

Mr. Steven Chang, P.E.
DOH Red Hill Project Coordinator
State of Hawaii
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Dear Messrs. Pallarino and Chang:

Subject: Response to Cover Letter Enclosing Work Plan / Scope of Work, Investigation and Remediation of Releases and Groundwater Protection and Evaluation, Red Hill Bulk Fuel Storage Facility, November 5, 2016, Revision 01 Under the Administrative Order on Consent (AOC) Statement of Work (SOW) Sections 6 and 7

The Board of Water Supply (BWS) has reviewed the letter dated November 5, 2016 from the United States Navy (Navy) to the United States Environmental Protection Agency (EPA) and the Hawaii Department of Health (DOH) (collectively, the "Regulatory Agencies") enclosing the above-referenced Revision 01 to the draft *Work Plan / Scope of Work, Investigation and Remediation of Releases and Groundwater Protection and Evaluation, Red Hill Bulk Fuel Storage Facility* (the "Revised Work Plan") pursuant to Sections 6 and 7 of the AOC for the Red Hill Bulk Fuel Storage Facility (the "Facility"). While the BWS appreciates the Navy's attempt to cure the deficiencies in its initial disapproved work plan, the Navy's lack of any meaningful response to the detailed comments of the Regulatory Agencies and other stakeholders, including the BWS, is wholly insufficient and counterproductive to the objectives of the AOC.¹

The BWS was encouraged by the Regulatory Agencies' decision to not accept the Navy's initial draft work plan and believes that the Navy should have promptly followed the recommendations

¹ This letter does not directly address the substance of the Revised Work Plan. Rather, the BWS submitted its technical comments on the Revised Work Plan for your consideration and response under a separate cover, dated November 17, 2016.

from the Regulatory Agencies and other AOC Subject Matter Experts (SMEs) for revising the initial draft work plan so that the final work plan would be best equipped to protect our underground sources of drinking water. The Regulatory Agencies' apparent decision to allow the Navy to submit the Revised Work Plan without any response to the initial comments, however, is a step in the wrong direction. Notwithstanding the Navy's assertions to the contrary, it has never been the understanding of the BWS—during meetings among the Navy, the Regulatory Agencies, and the SMEs or otherwise—that the Navy would be exempt from the requirement that it respond to the important feedback of the Regulatory Agencies and the SMEs. In fact, the Regulatory Agencies' September 15, 2016 disapproval letter explicitly states that the Navy "must address the detailed comments included in attachment A (Regulatory Agencies Detailed Technical Comments and Observations) and attachment B (External Subject Matter Expert Comments)."

The iterative and collaborative approach contemplated by the AOC and the SOW requires the Navy to seek the technical advice of SMEs, including the BWS, for scoping and review of key deliverables. Consequently, the BWS was surprised and disappointed to read in the cover letter to the Revised Work Plan that the Regulatory Agencies will no longer be requiring the Navy to respond to the comments to the initial disapproved work plan. In the absence of further information clarifying when and how SMEs will be involved in project management and which prior comments will be addressed and, if so, when, the approach endorsed by presenting the Revised Work Plan in this fashion is neither iterative nor collaborative. Moreover, neither the Navy nor the Regulatory Agencies have identified a reasonable basis for the apparent reversal in position concerning the need (or lack thereof) to respond to the comments to the initial draft work plan, and the failure to do so demonstrates a lack of transparency troubling to the BWS and the public.

Finally, the Navy's decision not to address these comments only serves to obfuscate the very information necessary to ensure that a final work plan is based on sound science and site-specific data. As the Regulatory Agencies themselves have recognized:

The work to be conducted under Sections 6 and 7 of the SOW is critical for bounding the risk to drinking water resources from past and potential future releases at the Facility. To meet this objective, the Navy and DLA will need to gather sufficient data and conduct an analysis of the data to establish likely groundwater flow directions beneath and around the Facility in order to reasonably predict the movement of potential contamination. Achieving this objective in a manner that secures approval from the Regulatory Agencies and builds stakeholder acceptance will enable this analysis to be used to defensibly predict the probability of impact to drinking water resources from potential future releases.

Without a response to the detailed comments of the Regulatory Agencies and SMEs, like the BWS, it remains unclear whether the Navy's work plan revisions are sufficient to support an iterative and scientifically robust approach for achieving the AOC objective of adequately understanding subsurface conditions to characterize the consequences of past and future fuel

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releases from the Facility. The Navy's assurances that "responses to the various issues raised in the comments will be provided with each applicable derivative deliverable" are not reassuring in light of the significant errors and omissions identified in the initial draft work plan that threatened successful achievement of the defensible scientific and engineering work needed to protect our drinking water supplies from releases from the Facility. The Navy's chosen approach thus requires the Regulatory Agencies and other stakeholders, including the BWS, to once again review and analyze hundreds of pages of technical information to attempt to ascertain whether the Navy has adequately addressed the very same comments to which it could easily respond. This is not an efficient nor equitable outcome.

Accordingly, the BWS respectfully requests that the Regulatory Agencies exercise their authority under Section 7(b) of the AOC to approve the Revised Work Plan only upon correction of all identified deficiencies. In addition, the BWS respectfully requests that the Regulatory Agencies require the Navy to address all outstanding comments from the Regulatory Agencies and SMEs, including the BWS, to both the initial disapproved work plan as well as the Revised Work Plan.

If you have any questions, please feel free to contact me at 808-748-5061.

Very truly yours,



ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

cc: Bryan Andaya, Board Chair
Alexis Strauss, U.S. Environmental Protection Agency
Gina McCarthy, U.S. Environmental Protection Agency
Dr. Virginia Pressler, State of Hawaii Department of Health