



**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
REGION IX
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**STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378**

May 10, 2021

Captain Gordie Meyer
Commander Navy Region Hawaii
850 Ticonderoga St., Suite 110
Joint Base Pearl Harbor Hickam, Hawaii 96860-5101

**Re: Preliminary Review and Request for Revised or Supplemental Scope of Work
Section 5.4 – Execution Plan, Decision on Need for and Scope of Modified Corrosion
and Metal Fatigue Practices dated 4 December 2020**

Dear Captain Meyer,

The United States Environmental Protection Agency (“EPA”) and the Hawaii Department of Health (“DOH”), collectively the “Regulatory Agencies,” have reviewed the document titled “Section 5.4 – Execution Plan, Decision on Need for and Scope of Modified Corrosion and Metal Fatigue Practices” (“Execution Plan”) dated 4 December 2020 and submitted by the U.S. Department of the Navy (“Navy”) and Defense Logistics Agency (“DLA”) to satisfy in part the requirements in section 5.4 of the Red Hill Administrative Order on Consent (“AOC”) Statement of Work (“SOW”).

In response to AOC SOW Section 5.3.3 Destructive Testing Results Report, the Regulatory Agencies concluded that the work under this section identified limitations of the non-destructive testing (“NDE”) process via the destructive testing effort, and identified uncertainty related to concrete conditions and corrosion mechanisms.

In our July 7, 2020 letter, we stated:

The Regulatory Agencies conclude that the Navy and DLA's effort satisfies the work requirements under AOC SOW section 5.3.3 on condition that the Navy and DLA work in good faith with the Regulatory Agencies to identify and implement practicable improvements to the NDE process with the specific goal of defining performance objectives that are protective of human health and the environment.

Although the proposed work products (deliverables) outlined in the Execution Plan generally appear to address the additional evaluation requested in our March 16, 2020 letter, the Execution Plan does not provide an adequate level of detail on how the deliverables will be developed in order to assure the Regulatory Agencies that this work will satisfy our requirement for additional evaluation.

We understand that at the time this Execution Plan was developed, only preliminary plans were in place for the additional studies and evaluations. Therefore, we ask that you provide a revised Execution Plan with additional detail and/or supplemental deliverables that provide sufficient detail and transparency in the data collection and evaluation processes in order for the Regulatory Agencies to adequately oversee and participate in these studies.

Specifically, the Regulatory Agencies need to understand how performance objectives that are protective of human health and the environment will be defined, what the required informational inputs are, and how the data will be collected and analyzed (e.g., data quality objectives and data validation procedures for each study) in order for this effort to be defensible and adequately support tank inspection, repair, and maintenance (“TIRM”) improvement decisions.

It is important for the Navy and DLA to keep in mind the objectives of Section 5.4 of the AOC SOW, which is similar to other sections of the AOC SOW in that it requires the Navy and DLA to seek improvement in a way that utilizes Best Available Practicable Technologies and procedures. The text from Section 5.4 of the -AOC SOW states:

5.4 Decision on Need for and Scope of Modified Corrosion and Metal Fatigue Practices

If the Parties determine that the results of the previous deliverables in this Section indicate the need for evaluation and implementation of potential changes in practices to control corrosion or metal fatigue, Navy and DLA shall, within sixty (60) days from the Regulatory Agencies’ approval of the Destructive Testing Results Report, schedule and hold a Scoping Meeting to be attended by the Parties for the purpose of developing appropriate modifications to the scopes of work and timelines in Section 2 and/or Section 3. Additional scoping meetings shall be conducted, and deliverables shall be modified or added using appropriate procedures in Section 2 and/or Section 3, as determined necessary by the Parties, to address any needs for further evaluation, development, or implementation of practices to control corrosion or metal fatigue. Once approved by the Regulatory Agencies, Navy and DLA shall implement the approved modifications in accordance with the approved schedule.

Overall, when developing recommendations for improving TIRM and corrosion control, the Navy and DLA need to gather and analyze data in order to demonstrate to the Regulatory Agencies that the improvements are considered the Best Available Practicable approach at the current time, and that other available options are inferior or impracticable.

The Execution Plan does not provide sufficient specific information about interim products that will be developed during the process to develop the final deliverable. The Navy and DLA’s

March 19, 2021 email transmitted an updated project schedule, provides the Regulatory Agencies ten days after the completion of each of the ten deliverables to review the documents. This ten-day timeframe does not provide adequate time for the Regulatory Agencies to develop final written comments or seek input from external stakeholders. The Regulatory Agencies suggest that the Navy and DLA setup meetings with the Regulatory Agencies after each deliverable is provided to the Regulatory Agencies in order to provide an overview of the deliverable and seek any preliminary comments that could result in a significant course correction.

Greater transparency for each of the proposed project development deliverables should be provided. As suggested earlier, the Regulatory Agencies suggest the Navy and DLA consider adding interim products to their list of deliverables and adding status meetings with the Regulatory Agencies. This will allow the Navy and DLA to solicit input from the Regulatory Agencies and other stakeholders during the process to develop final deliverables under the Execution Plan which will likely limit the need for significant revision and rework in order to get Regulatory Agency approval of proposed TIRM improvements.

The Execution Plan does not adequately define the expertise the Navy and DLA will use for developing each deliverable under the Execution Plan. Given the complex nature of each product under this Execution Plan, the Navy and DLA should include information on how the Navy and DLA will identify and utilize appropriate expertise to create these products. The Regulatory Agencies note that peer reviews will be performed on Documents 4, 5 and 6, but none on the others. The Regulatory Agencies suggest that the Navy and DLA consider third party peer reviews of all technical studies in order to improve defensibility of the work.

In addition, the Execution Plan should describe the process that will be used to consider all the information and findings from the various documents to evaluate and present improvement options and recommend the Best Available Practicable Technologies and practices, which will become the recommended TIRM improvements. Given that the objective of the overall AOC effort is to mitigate risk by implementing the best available practicable approach(es) for release prevention at the facility and to ensure environmental protection, the recommended TIRM improvements should be based on the current tank system and other risk mitigation measures. Should the selected tank upgrades change the design or operation of the tank system, the corresponding TIRM should also change to accommodate the design and operations at that point in time.

In order to respond to this letter, please schedule a meeting with the Regulatory Agencies within 30 days of this letter to discuss our comments and the Navy and DLA's suggested responses. At this point in time we believe a revised Execution Plan or supplemental workplan along with a revised timeline is needed to address the Agencies' comments, and we suggest submittal no more than 90 days from the date of this letter. We understand that the Navy and DLA has already issued contracts for the work described in the Execution Plan, and therefore much of this information we are requesting is likely already available.

As mentioned earlier, the Navy and DLA should obtain regulatory and stakeholder input through interim deliverables to ensure that agreed upon data quality objectives are achieved. If not achieved or if studies raise additional concerns, the Navy and DLA may be required to revise, rework, or perform additional follow-up studies.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Linder', with a long horizontal flourish extending to the right.

Steven Linder, P.E.
Red Hill Project Coordinator
EPA Region 9

A handwritten signature in blue ink, appearing to read 'Roxanne Kwan', with a stylized, cursive script.

Roxanne Kwan
Interim Red Hill Project Coordinator
State of Hawaii, Department of Health