



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

ENFORCEMENT AND
COMPLIANCE ASSURANCE
DIVISION

VIA ELECTRONIC MAIL – READ RECEIPT REQUESTED

Vice Admiral John Wade
Commander
Joint Task Force - Red Hill
1025 Quincy Avenue, Suite 900
Joint Base Pearl Harbor Hickam, Hawaii 96860-5101
john.f.wade2.mil@us.navy.mil

Re: Approval of RHBFSF Defueling Preparedness Report

Dear Vice Admiral Wade:

The U.S. Environmental Protection Agency, Region 9 (EPA) has received the Defueling Preparedness Report submitted by the Joint Task Force – Red Hill (JTF-RH) on September 27, 2023. This Report documents key accomplishments by the JTF-RH in preparation for defueling the Red Hill Bulk Fuel Storage Facility (RHBFSF) as required by the 2023 Administrative Consent Order (“2023 Consent Order”) between EPA, the Department of Defense (DoD), and the Defense Logistics Agency (DLA). EPA has reviewed this report and determined that it accurately reflects completion of all requirements of the Defueling Preparedness Report as established by the 2023 Consent Order. JTF-RH has thus demonstrated preparedness for Defueling. EPA approves JTF-RH to initiate Tank Mains Defueling. With EPA’s approval, JTF-RH shall now begin Tank Mains Defueling within 15 days after receiving an approval by the Hawai’i Department of Health.

The 2023 Consent Order was an administrative action taken by EPA pursuant to its federal authorities to address and prevent releases of solid and hazardous wastes and protect drinking water, natural resources, human health, and the environment. It provides for the physical and mechanical process of removing all fuel from the RHBFSF Facility Subject to Closure (i.e., Defueling). The Statement of Work (SoW) for the 2023 Consent Order sets forth requirements that must be undertaken by the DoD and DLA. DoD has established the JTF-RH for the purpose of safely and expeditiously defueling the RHBFSF. Section 4.3 of the SoW establishes a requirement that the JTF-RH shall “...submit to EPA for approval a report that documents that all actions identified in the approved Defueling Plan, needed to begin Defueling safely and expeditiously, have been completed... in accordance with the schedule in the EPA-approved May 2023 Defueling Plan Supplement 2.” This requirement lists specific actions that must be certified as complete prior to the start of defueling:

- a. *Navy and DLA have implemented repairs, operational changes, training, and other actions described in the approved Defueling Plan (and any additional supplements);*

- b. Third-party quality assurance documenting the adequacy of repairs has been completed;*
- c. Navy and DLA have addressed the findings from EPA's August 17, 2021, Spill Prevention, Control and Countermeasure (SPCC) Plan Inspection Report for the Facility Subject to Defueling;*
- d. EPA has approved the Facility Response Plan (FRP) that covers the Facility Subject to Defueling; and*
- e. Navy and DLA have performed tank tightness testing on the Zone 7 Sump for FOR and the Main Containment, and any concerns associated with such tank tightness testing have been addressed.*

The Defueling Preparedness Report submitted by JTF-RH has certified that requirements a. through e., listed above, have been completed. EPA has reviewed these statements and concurs that each of the above requirements have been met.

In addition to the submission of the Defueling Preparedness Report, EPA previously clarified to JTF-RH that specific administrative actions must occur before Tank Mains Defueling begins. EPA's June 16, 2023, conditional approval of the Defueling Plan stated that JTF-RH must submit the following before beginning Tank Mains Defueling:

- i. Within the Defueling Preparedness Report, JTF shall state a specific day on which the activity is planned to occur and offer EPA the opportunity to witness the planned activity.*
- ii. Submission of Operation Orders (OPORDS), and demonstration that analysis of hazards and possible risks have been considered and addressed. Submission may occur at any time and does not need to be coordinated with the Defueling Preparedness Report.*
- iii. Adequate public engagement, which must include, at a minimum, a press release or equivalent distribution to the public describing the start of Tank Mains Defueling issued at least seven calendar days before fuel moves.*
- iv. Confirmation that all QV reports for repairs affecting Tank Mains Defueling have been approved by EPA.*

JTF-RH has met all requirements besides completion of adequate public engagement. JTF-RH is hosting a Defueling Open House on October 3, 2023 that will meet this requirement. EPA also requests that JTF-RH release a press statement at least seven calendar days before Tank Mains Defueling starts.

Defueling must be carried in a manner described in the Defueling Plan and applicable Supplements to the Plan; specifically, by a method documented by applicable CONOPS and OPORDS. If JTF-RH determines that changes to the form, fit, or function of the Facility Subject to Defueling (RHBFSF) are needed on the basis of unexpected issue(s) compromising the integrity of the system or operations occurring after the start of Tank Mains Defueling, JTF-RH will notify and/or consult with EPA in a manner clarified by the August 25, 2023 memorandum from Brigadier General M. Link to Amy Miller. EPA is committed to reviewing and responding to any changes requiring regulatory approval as soon as possible, with a goal of approving any changes within 24 hours after the request has been made. EPA does not anticipate deviation from

the approved CONOPS/OPORDS, but it prepared to respond swiftly to any changes that may be needed to continue safely defueling along the targeted timeline.

The 2023 Consent Order establishes a specific timeframe within which defueling must begin. Section 4.4 of the SoW states that, “[w]ithin 15 days of EPA and DOH approval of the Defueling Preparedness Report, JTF-RH, ...shall begin Defueling...” This notice constitutes EPA’s approval of the Defueling Preparedness Report; therefore, JTF-RH must begin defueling within 15 days of DOH issuing an approval to begin Tank Mains Defueling.

EPA is prioritizing staff availability for witnessing defueling. EPA plans to have employees either on-location, or available for rapid deployment to location, for every day that defueling will occur. I ask for your continued support ensuring that these employees can access all parts of Joint Base Pearl Harbor-Hickam that will be involved in this process. This is an essential component of EPA’s responsibility to ensure that defueling is carried out according to the approved plans.

Should you have any questions or concerns related to this approval, please contact me directly. Your team may send any questions to our Defueling and Closure Lead, Evan Osborne (osborne.evan@epa.gov).

Sincerely,

/s/ October 3, 2023

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

cc: Kathleen Ho, Hawai‘i Department of Health
RDML Stephen Barnett, U.S. Navy Region Hawaii
RDML Jeffrey J. Kilian, NAVFAC Pacific
David Kless, Defense Logistics Agency