



DEPARTMENT OF THE NAVY
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Ms. Gabriela Carvalho
Red Hill Project Coordinator
U.S. EPA, Region 9
Pacific Islands Contact Office
300 Ala Moana Blvd, Room 5124
Honolulu, HI 96850

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Ms. Roxanne Kwan
State of Hawaii Department of Health (DOH)
Environmental Management Division
Solid and Hazardous Waste Branch
2827 Waimano Home Road
Pearl City, HI 96782

Dear Ms. Carvalho and Ms. Kwan:

**SUBJECT: NAVY RESPONSE TO REGULATORY AGENCIES' SEPTEMBER 2, 2021
NOTICE OF DEFICIENCY LETTER REGARDING ADMINISTRATIVE
ORDER ON CONSENT SECTION 8.2 RISK/VULNERABILITY
ASSESSMENT SCOPE OF WORK AND REQUEST FOR EXTENSION TO
SUBMIT REVISED SOW.**

The purpose of this correspondence is to respond to the U.S. Environmental Protection Agency (EPA) and Hawaii State Department of Health (DOH) letter dated September 2, 2021, which gave notice of deficiencies of the Section 8.2 Risk/Vulnerability Assessment (RVA) Phase 2 Scope of Work (SOW) dated December 23, 2020. The Navy submitted the initial Section 8.2 SOW on November 10, 2019 as required by the Administrative Order on Consent (AOC).

Since receiving the letter, the Navy has met with staff from both EPA and DOH on four occasions to discuss comments in the letter. The Navy has been encouraged by the spirit of collaboration during the face-to-face meeting on August 13th and the subsequent phone calls on September 20th, September 30th and October 26th, 2021. Prior to these discussions, the Navy was fully prepared to provide a revised SOW that met the intent of both the EPA and DOH. However, as discussions continued over the past several months, the Navy now understands the desire of the regulatory agencies to continue to collaborate to achieve the desired end state – an approved SOW that will clearly define the requirements of the RVA and meet the intent of all

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regulators. The Navy understands the necessity for clarifying ambiguities in the descriptions of the product the RVA will produce, the methodology employed to produce that product, the compatibility with a future contaminant fate and transport model, and the rationale for the roles of the various participants in conducting the RVA.

The Notice of Deficiency letter from EPA/DOH gives a deadline for submittal of a revised SOW of November 1, 2021. The Navy has determined additional time will be required to produce a SOW acceptable to both regulatory agencies. With that in mind, the Navy would like to request an extension for the deadline to submit the revised SOW until March 4, 2022. Subject to EPA and DOH approval by November 8, 2021 (an emailed letter from both regulators is acceptable), and an agreement for all parties to meet for collaboration every two weeks, the Navy believes an approvable SOW can be submitted by that date.

The Navy appreciates the collaboration with both agencies so far and looks forward to future meetings to develop a SOW that meets the requirements of the AOC. The Navy is conscious of the AOC/SOW requirement for the RVA document deliverable due within 18 months of the approval of the SOW. The Navy believes the above approach will address public concerns about transparency and collaboration.

If you have any questions, please contact CDR Darrel Frame, Naval Facilities Engineering Systems Command Hawaii at darrel.e.frame.mil@us.navy.mil or by phone at (808) 312-2652.

Sincerely,



J. G. MEYER
Captain, CEC, U.S. Navy
Regional Engineer
By direction of the
Commander