



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

VIA ELECTRONIC MAIL – READ RECEIPT REQUESTED

Rear Admiral Timothy J. Kott
Joint Base Pearl Harbor-Hickam
Commander, U.S. Navy Region Hawaii
850 Ticonderoga St
Pearl Harbor, HI 96860-5101
timothy.j.kott@navy.mil

Re: Request for Information Pursuant to Section 1445(a) of the Safe Drinking Water Act for the Joint Base Pearl Harbor-Hickam Public Water System (#HI360)

Dear Rear Admiral Kott,

The United States Environmental Protection Agency, Region 9 (“EPA”) is requesting the United States Navy, Region Hawaii (Navy) to submit certain information about the Joint Base Pearl Harbor-Hickam (“JBPHH”) public water system (“System”) under section 1445 of the Safe Drinking Water Act (“SDWA”). As you are aware, EPA performed a System inspection on April 4 – 8, 2022 and provided the Navy with preliminary observations on April 8, 2022 during EPA’s exit conference. EPA is requesting follow-up information related to certain preliminary observations concerning the safety and structural integrity of the finished water storage tanks. Appendix A specifies the information requested and Appendix B provides the instructions and authorities for responding to this request. Please provide email confirmation immediately of your receipt of this letter. Your response to this request for information is due on or before May 6, 2022.

Please identify any information that you claim is confidential business information. If you make a confidentiality claim, and if EPA determines that the information you designated meets the criteria in 40 C.F.R. Section 2.208, we will disclose the information only to the extent, and by means of the procedures, specified in 40 C.F.R. Part 2, Subpart B. If you do not make a claim of confidentiality, we will assume that you are waiving confidentiality and the information you provide may be made public without further notice. If the Navy determines that information requested is classified in accordance with E.O. No. 13526, EPA will work with the Navy to protect such information. EPA has a “need to know” the information it requests. Information on the existence, absence, or level of contaminants in drinking water is not eligible for confidential treatment under the SDWA.

If you have any questions concerning this letter or the information being requested of you, please contact me or have your staff call Maria Alberty at (415) 972-3981.

Sincerely,

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

cc: Kathleen Ho, Deputy Director, Hawai'i Department of Health
Capt. Erik Spitzer, JBPHH Commanding Officer, U.S. Navy
Capt. Gordie Meyer, NAVFAC Hawaii Commanding Officer, U.S. Navy
Karnig Ohannessian, U.S. Navy

Enclosures: Appendix A – Information Requested
Appendix B – Instructions for Submission

Appendix A: Requested Information

1. Describe how the Navy has addressed or corrected the following preliminary observations presented on April 8, 2022 at EPA's exit conference. Provide a narrative response and photographic evidence demonstrating the effort performed, including the date of completion:
 - a. Animals present and nesting inside finished water storage tank hatches at both Halawa Tanks S1 and S2 which included evidence of geckos and their eggs.
 - b. Excessive vegetation and structural integrity concerns at the finished water storage tanks, including evidence of tree saplings with root systems living on top of the tanks or significant tree roots and/or vegetation impacting tank foundations.
2. If the Navy has not yet taken action on any or all the preliminary observations listed above, please describe any actions that the Navy intends to take to address or correct each item, a proposed date for commencing and completing such actions; or if it does not intend to take action on any of the items, describe the reasons why not.
3. In addition, EPA requested certain documents during the April 8, 2022 inspection, but the Navy failed to provide those documents. As a follow-up, provide the following documents requested initially at the inspection, or alternatively describe why such documents are not available:
 - a. List of water production operators, with certification levels and expiration dates (a similar list of distribution system operators was provided during the inspection).
 - b. A log of customer complaints that the managers from the housing communities received and, if applicable, any complaints that the water production or distribution system operators received from January 1, 2020 through present.
 - c. Redacted Command Duty Officer ("CDO") Logs pertaining to the Red Hill fuel release and drinking water System from November 20, 2021 through December 30, 2021.

Appendix B – Instructions for Submission

Section 1445 of the SDWA, 42 U.S.C. § 300j-4(a)(1)(B), provides, among other things, that every person who is subject to a national primary drinking water regulation under the SDWA shall provide such information as the EPA may reasonably require to determine whether such person has acted or is acting in compliance with the SDWA.

Failure to provide the information required by this letter may result in a civil penalty as provided in section 1447(b) of the SDWA, 42 U.S.C. § 300j-6 and/or an order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g). The information provided in response to this letter may be used by the EPA in administrative or criminal proceedings.

If additional information is required, you may receive another information request pursuant to the SDWA or another environmental statute. This letter does not constitute a waiver, suspension or modification of any provision of the SDWA or any of its implementing regulations. Issuance of this letter is not an election by EPA to forgo any administrative or criminal action otherwise authorized under the SDWA.

This request for information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is an exempt investigation under 44 U.S.C. § 3518(c)(1).

When providing the information requested in Appendix A, use the following instructions according to paragraphs 1 through 12, below.

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix A, with each response accompanied by photographic documentation.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response. With respect to the person(s) identified, state name, title, business address, business telephone number, electronic mail address, and position in the organization.
3. Indicate on the electronic title of each document produced (including photographic documentation) or in some other reasonable manner, the number of the question to which the document corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession or available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.

6. If information is not known or not available to you as of the date of submission and later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 7 through 12 below. These submissions are in lieu of a hard copy.

7. Provide all responsive documents, including photographic documentation, in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow documents to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
8. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image format.
9. Documents claimed as confidential business information (CBI) must be submitted separately from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI.
10. All required information made in response to this letter must be accompanied by the following certification, which is to be signed by a duly authorized representative in accordance with 40 C.F.R. §§ 144.32(b) and (d):

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

11. Your response to this information request must be submitted via email to Maria Alberty, USEPA at alberty.maria@epa.gov and Joanna Seto, HDOH, at joanna.seto@doh.hawaii.gov.
12. If, for some reason, materials cannot be transmitted electronically, submissions can be sent to USEPA and HDOH to the following addresses:

Maria Alberty USEPA, Region 9 Enforcement and Compliance Assurance Division Drinking Water Section (ECAD 3-3) 75 Hawthorne Street San Francisco, CA 94105	Joanna Seto, Chief Environmental Management Division Hawaii Department of Health 2385 Waimano Home Road Uluakupu Bldg 4, Ste. 110 Pearl City, HI 96782-1400
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