

US EPA, US Navy, and DLA Joint Statement on Modifications to the 2023 Red Hill Administrative Consent Order

July 2024

In 2023, in response to substantial public comment on EPA's proposed Administrative Consent Order ("ACO") with the Department of the Navy ("Navy") and Defense Logistics Agency ("DLA"), the Parties added the Community Representation Initiative ("CRI") to the ACO to provide an avenue for public participation in decisions that impact community members. The intent of the CRI was to include representatives from the community who could engage with Navy, DLA, and EPA to review and provide input on key decisions and serve as liaisons to the wider community. At the time, the ACO did not contain a list of ground rules to ensure productive and collaborative discussions and instead left it to the Parties and CRI elected members to determine how to proceed.

Since its formation in September 2023, the CRI has held regular monthly meetings which have been open to the public. Meeting agendas, locations, format, and facilitation have all been set by the CRI elected members. In response to challenges after having participated in four meetings, the Navy and DLA requested to revise the ACO to better achieve the community engagement objectives. Instead of moving forward with modifications, EPA, Navy, and DLA offered mediation to all parties of the monthly meetings to establish ground rules in order to have more productive meetings. Although the CRI elected members declined to participate in mediation, they did offer comments to the EPA on the proposed ground rules.

EPA has now agreed to move forward with modifying the Consent Order. The goal is to create an inclusive engagement plan that promotes an interactive relationship with the community and provides additional opportunities for engagement with the broader community regarding defueling and closure of the Red Hill Bulk Fuel Storage Facility ("Red Hill") while ensuring the safety of the Joint Base Pearl Harbor Hickam drinking water system ("JBPHH").

While the EPA, Navy, and DLA are currently in negotiations on the revised language, the Parties intend to modify the ACO to establish a more formal community engagement plan that includes CRI meetings and recognizes additional community engagement forums provided by the Navy and DLA. The revised ACO would include:

- One quarterly CRI meeting using the new ground rules for the forum along with the additional engagements identified below. The Navy and DLA will not be obligated to participate in the CRI meetings until ground rules are adopted, including the use of an EPA provided facilitator to ensure productive meetings for all. Additionally, the CRI elected members, the Navy, and DLA will provide input for the meeting agenda which will ultimately be facilitated by the EPA. The Hawaii Department of Health will also be invited to participate in these quarterly meetings. The meetings will allow the CRI elected members and the public to learn about and provide input regarding the defueling and closure of Red Hill and actions being taken by the Navy to ensure the delivery of a safe and resilient supply of drinking water for JBPHH consistent with the scope of the ACO;

- Specific community engagement efforts conducted by Navy Closure Task Force (“NCTF”) on behalf of Navy and DLA:
 - Quarterly open houses;
 - Quarterly topic-specific webinars;
 - Regularly meetings with neighborhood boards

The revisions to the ACO will take effect once agreed to by the Parties.

The Navy and DLA remain committed to safely and expeditiously defueling and closing Red Hill and protecting drinking water at JBPHH with close regulatory oversight by EPA pursuant to the 2023 ACO.