



## REGION 9

SAN FRANCISCO, CA 94105

August 13, 2024

Karnig Ohannessian  
Deputy Assistant Secretary of the Navy  
(Environment and Mission Readiness)  
Pentagon 4A674  
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**Subject:** Extended Drinking Water Monitoring Plan (EDWM) - Additional Work Pursuant to the 2023 Administrative Consent Order (Paragraph 8(b)) Red Hill Bulk Fuel Storage Facility Defueling, Closure and Joint Base Pearl Harbor-Hickam Drinking Water System

Dear Mr. Ohannessian:

This letter responds to your July 23, 2024 letter regarding the Extended Drinking Water Monitoring Plan (EDWM). The Navy's proposal to bifurcate the enforceable versus the voluntary aspects of the EDWM is unacceptable. The Long Term Monitoring Plan (LTMP) was developed in response to the November 2021 release from the Red Hill Bulk Fuel Storage Facility which formed the basis for the 2023 Administrative Consent Order (2023 ACO). The EDWM is a continuation of the LTMP and addresses LTMP total petroleum hydrocarbon detections, citizens' health concerns, and documented sheen in their drinking water. The EDWM must be enforceable to ensure the protectiveness of the drinking water system during defueling and closure.

EPA has consistently insisted that the entire EDWM be incorporated as additional work pursuant to Paragraph 8(b) of the 2023 ACO as indicated in our letters dated February 2, and March 6, 2024. The entire EDWM is, consistent with the 2023 ACO, designed to ensure the drinking water system is able to provide safe drinking water during defueling and closure after it was taken off line to address the jet fuel release. On June 20, 2024, the Navy agreed to provide an additional work proposal within 30 days that would contain the elements of an enforceable drinking water monitoring plan extracted from the EDWM. On July 23, 2024, the Navy proposed limited aspects of the EDWM as additional work, e.g., drinking water monitoring limited to volatile organic compounds while excluding the other contaminants. A complicated and partially enforceable EDWM will only create confusion and add to concerns the public is already experiencing regarding the adequacy of the Navy's efforts to ensure safe

drinking water. For all of these reasons, the entire EDWM needs to be a deliverable subject to EPA's regulatory oversight.

If the Navy is not willing to have the entire EDWM incorporated by reference as additional work under paragraph 8(b) of the 2023 ACO, as the LTMP was under Statement of Work (SOW) Section 6.2, then EPA will be forced to invoke dispute pursuant Section 14 of the ACO. Since we have been going back and forth on this issue since February, I propose we have one more meeting with you next week to attempt to resolve this dispute informally.

If we are not able to resolve it, EPA will provide the initial written statement of dispute pursuant to Paragraph 14(d) and request that we expedite the dispute since we are already months into the EDWM.

EPA oversight of the entire EDWM is essential to ensure that the Navy is taking all steps necessary to ensure safe drinking water and build on the lessons learned from LTMP. EPA looks forward to continuing its work with the Navy to promptly resolve this dispute so that we can reassure the public that the EDWM is being implemented in a protective manner with appropriate regulatory oversight.

Sincerely,

/s/

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

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