**To:** Reynolds, Rebekah[Reynolds.Rebekah@epa.gov]
**Cc:** Sugerman, Rebecca[Sugerman.Rebecca@epa.gov]; Miyamoto, James A CIV NAVFAC HI, DOP[(b) (6) [redacted]]
**From:** Daugherty, Steven A CIV NAVFAC Pacific, 09C
**Sent:** Mon 10/26/2015 7:31:14 PM
**Subject:** RE: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information
RH AOC.EPA Contractors.NDS.rev.10-20-15.doc
smime.p7s

Rebekah,

Redline attached. Primary change is to reference AOC and make applicable to everything under AOC instead of just the tank upgrade task order. Scoping meetings will be covering all of the AOC/SOW sections, not just the tank upgrade section. I am available to discuss.

v/r,

Steven Daugherty
Associate Counsel, NAVFAC PAC
(b) (6) [redacted]

-----Original Message-----
From: Reynolds, Rebekah [mailto:Reynolds.Rebekah@epa.gov]
Sent: Monday, October 26, 2015 9:24 AM
To: Daugherty, Steven A CIV NAVFAC Pacific, 09C
Cc: Sugerman, Rebecca; Miyamoto, James A CIV NAVFAC HI, DOP
Subject: RE: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

Hi Steven,

Today is my first day back in the office.

I have to step out for a minute but I will review these documents as soon as I return. In the meantime, can you please highlight what has changed since the contractors signed the last version?

I will need to run the changes by our contracts folks so I think getting these signed today would be very ambitious. As you know, our existing contract with our contractor does cover release of documents and the conflict of interest statements in the last executed NDA seem like they could be broad enough to cover today's meetings. I am therefore unclear what the urgency of finalizing this document today is.

Rebekah Reynolds
Assistant Regional Counsel
Office of Regional Counsel
Environmental Protection Agency - Region 9
(415) 972-3916

-----Original Message-----
From: Daugherty, Steven A CIV NAVFAC Pacific, 09C [(b) (6) [redacted]]
Sent: Monday, October 26, 2015 10:39 AM
To: Reynolds, Rebekah
Cc: Sugerman, Rebecca; Miyamoto, James A CIV NAVFAC HI, DOP
Subject: FW: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

Rebekah,

Understand you are back in the office today, attached is the final NDA for contractors, it was my understanding that EPA concerns were limited to the EPA employee documents and that there were no concerns with the contractor documents. 2 of the contractors are supposed to participate in today's scoping meetings, could you discuss with Tom Huetteman and get signed copies to Jimmy? I am available to discuss. We are ok with EPA employees proceeding at this meeting without having final signed NDA's from them but feel that it is important to have the agreements from contractors since they are not directly subject to Ethics & Procurement statutes & regulations.

v/r,

Steven Daugherty
Associate Counsel, NAVFAC PAC
(b) (6)

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-----Original Message-----
From: Rongone, Marie [mailto:Rongone.Marie@epa.gov]
Sent: Friday, October 23, 2015 4:47 AM
To: Yee, Corinne S CIV NAVFAC HAWAII
Cc: Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor; Ahuna, Andre CIV NAVSUP FLCPH, Code 03; Daugherty, Steven A CIV NAVFAC Pacific, 09C; 'James.Diliberti@dla.mil' ((b) (6) ) ((b) (6) Coker, David C CIV NAVFAC PAC, 09C; Reynolds, Rebekah; Miyamoto, James A CIV NAVFAC HI, DOP; Sugerman, Rebecca; Minor, Dustin
Subject: RE: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

I also am out of the office today and was yesterday as well. Rebekah does indeed return on Monday so I plan to let her handle this.
-----Original Message-----
From: Yee, Corinne S CIV NAVFAC HAWAII [m(b) (6)
Sent: Wednesday, October 21, 2015 7:29 PM
To: Rongone, Marie <Rongone.Marie@epa.gov>
Cc: Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor <(b) (6)>; Ahuna, Andre CIV NAVSUP FLCPH, Code 03 <(b) (6)>; Daugherty, Steven A CIV NAVFAC Pacific, 09C <(b) (6)>; 'J(b) (6)(Ja(b) (6)
(b) (6)) <(b) (6)>; Coker, David C CIV NAVFAC PAC, 09C <(b) (6)>; Miyamoto, James A CIV NAVFAC HI, DOP <(b) (6)>
Subject: FW: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

Marie,

I'm forwarding to you the latest revised drafts of the Non-Disclosure Statements (NDS) for EPA employees, EPA contractors, and EPA SEE. It appears that both Rebecca Sugerman and Rebekah Reynolds are out of the office for the rest of the week, although Rebecca said that Rebekah will return next week (her out of office says she returns on November 2, 2015, though). These forms need to be signed by the three classes of EPA affiliated people who will be attending the Red Hill AOC scoping meetings starting next week. Could you please provide the EPA legal review and let me know if the revised documents are acceptable? The latest revisions are relatively minor, and Rebecca had no

comments on the drafts prior to these revisions.

I believe Steve Daugherty will be back in the office tomorrow, so he should be able to continue the discussion on these NDS documents, as may be necessary. Thanks for your assistance.

Corinne

Corinne S. Yee
Associate Counsel/09C
Office of Counsel
Naval Facilities Engineering Command Hawaii
400 Marshall Road
JBPHH HI 96860-3139
[redacted]

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-----Original Message-----
From: Yee, Corinne S CIV NAVFAC HAWAII
Sent: Wednesday, October 21, 2015 4:17 PM
To: Reynolds, Rebekah (Reynolds.Rebekah@epa.gov)
Cc: Sugerman, Rebecca (Sugerman.Rebecca@epa.gov); Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor; Ahuna, Andre CIV NAVSUP FLCPH, Code 03; Daugherty, Steven A CIV NAVFAC Pacific, 09C; [redacted] Miyamoto, James A CIV NAVFAC HI, DOP; Coker, David C CIV NAVFAC PAC, 09C
Subject: FW: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

Rebekah,

I'm forwarding the email and drafts I sent to Rebecca Sugerman today, in case you didn't already receive them from her.

Corinne

Corinne S. Yee
Associate Counsel/09C
Office of Counsel
Naval Facilities Engineering Command Hawaii
400 Marshall Road
JBPHH HI 96860-3139
[redacted]

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-----Original Message-----
From: Yee, Corinne S CIV NAVFAC HAWAII
Sent: Wednesday, October 21, 2015 3:39 PM
To: 'Sugerman, Rebecca'
Cc: Daugherty, Steven A CIV NAVFAC Pacific, 09C; Ahuna, Andre CIV NAVSUP FLCPH, Code 03; '[redacted] Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor; Hommon, Rebecca M CIV CNRH, N00L; Miyamoto, James A CIV NAVFAC HI, DOP
Subject: RE: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

Rebecca,

Thanks for your response. Please find attached the latest revised drafts of the Non-Disclosure Statements for EPA employees, EPA contractors, and EPA SEE. Please let me know if these are acceptable to EPA. I believe the NDS forms need to be signed by the three classes of EPA workers and consultants prior to the start of the Red Hill AOC scoping meetings beginning next week.

According to Steve Daugherty's out of office message, I believe he should be back tomorrow.

Corinne

Corinne S. Yee
Associate Counsel/09C
Office of Counsel
Naval Facilities Engineering Command Hawaii
400 Marshall Road
JBPHH HI 96860-3139
[redacted]

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-----Original Message-----
From: Sugerman, Rebecca [mailto:Sugerman.Rebecca@epa.gov]
Sent: Wednesday, October 21, 2015 2:31 PM
To: Yee, Corinne S CIV NAVFAC HAWAII
Cc: Daugherty, Steven A CIV NAVFAC Pacific, 09C; Ahuna, Andre CIV NAVSUP FLCPH, Code 03; [redacted], Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor; Hommon, Rebecca M CIV CNRH, N00L; Miyamoto, James A CIV NAVFAC HI, DOP
Subject: RE: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

I didn't get to this today, and starting tomorrow I am out of the office until Tuesday at a law conference.

I have not provided comments to Steve or anyone, but I did not see anything of concern in the contractor or SEE employee drafts.

Rebekah Reynolds will be back in the office next week, I will forward her the drafts.

Rebecca Sugerman

Assistant Regional Counsel
415-972-3893

-----Original Message-----
From: Yee, Corinne S CIV NAVFAC HAWAII [r[redacted]
Sent: Wednesday, October 21, 2015 9:48 AM
To: Sugerman, Rebecca
Cc: Daugherty, Steven A CIV NAVFAC Pacific, 09C; Ahuna, Andre CIV NAVSUP FLCPH, Code 03; [redacted]; Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor; Hommon, Rebecca M CIV CNRH, N00L; Miyamoto, James A CIV NAVFAC HI, DOP
Subject: RE: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

Rebecca,

Thanks for coordinating with Wade and the State. I saw an email from Steve mentioning that you planned to provide by last week some minor comments on the Non-Disclosure Statement forms for the EPA employees and EPA contractors. However, I didn't see an email with your comments. Did you provide comments to Steve and, if so, could you please send them to me? I have a few revisions on the forms that I will send you later today.

Thanks for your help.

Corinne

Corinne S. Yee
Associate Counsel/09C
Office of Counsel
Naval Facilities Engineering Command Hawaii
400 Marshall Road
JBPHH HI 96860-3139
[redacted]

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-----Original Message-----
From: Sugerman, Rebecca [mailto:Sugerman.Rebecca@epa.gov]
Sent: Tuesday, October 20, 2015 12:11 PM
To: Yee, Corinne S CIV NAVFAC HAWAII
Cc: Daugherty, Steven A CIV NAVFAC Pacific, 09C; Ahuna, Andre CIV NAVSUP FLCPH, Code 03; [redacted]; Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor; Hommon, Rebecca M CIV CNRH, N00L; Miyamoto, James A CIV NAVFAC HI, DOP
Subject: RE: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

I will reach out to Wade. He and I started this conversation bit, he had said that he does not work directly with the folks who represent DLNR. He said he would contact that division and try and get the name of the appropriate attorney.

Rebecca Sugerman
Assistant Regional Counsel
415-972-3893

-----Original Message-----
From: Yee, Corinne S CIV NAVFAC HAWAII [redacted]
Sent: Tuesday, October 20, 2015 2:31 PM
To: Sugerman, Rebecca
Cc: Daugherty, Steven A CIV NAVFAC Pacific, 09C; Ahuna, Andre CIV NAVSUP FLCPH, Code 03; [redacted], Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor; Hommon, Rebecca M CIV CNRH, N00L; Miyamoto, James A CIV NAVFAC HI, DOP
Subject: RE: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

Hi Rebecca,

For State DLNR employees that will be participating in the scoping meetings, Steve Daugherty proposed using a memorandum similar to the attached guidance previously issued by Wade for State DOH employees. However, the form of the memorandum needs to be revised to apply to DLNR employees vice DOH employees. Also, the DLNR employees may need to have the memorandum issued to them by a State of Hawaii Deputy Attorney General that is different from Wade. Could you please check with Wade on making the appropriate revisions to change the type of State employees and replacing Wade's name with the name of the appropriate attorney, if required? Thanks for your help.

Corinne

Corinne S. Yee
Associate Counsel/09C
Office of Counsel
Naval Facilities Engineering Command Hawaii
400 Marshall Road
JBPHH HI 96860-3139
[redacted]

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-----Original Message-----
From: Daugherty, Steven A CIV NAVFAC Pacific, 09C
Sent: Wednesday, October 14, 2015 3:01 PM
To: Sugerman, Rebecca
Cc: Ahuna, Andre CIV NAVSUP FLCPH, Code 03; Yee, Corinne S CIV NAVFAC HAWAII; [redacted]; Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor; Hommon, Rebecca M CIV CNRH, N00L
Subject: FW: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

Rebecca,

As discussed, attached is the guidance previously issued by Wade for DOH employees. I think that we can probably continue to use this for DOH and that a similar approach should work for DLNR. It will not

work for the BWS however because they do not receive their legal advice from the State AG's Office. The direction could be improved by specifically referencing the final AOC and section 10(d) of the AOC, but I don't think it is necessary at this point unless other's disagree.

v/r,

Steven Daugherty
Associate Counsel, NAVFAC PAC
[redacted]

-----Original Message-----
From: Wade.H.Hargrove@hawaii.gov [mailto:Wade.H.Hargrove@hawaii.gov]
Sent: Monday, June 01, 2015 4:35 PM
To: Daugherty, Steven A CIV NAVFAC Pacific, 09C; Whitacre, Jan M CIV NAVSUP FLC Pearl Harbor; james.diliberti@; Miyamoto, James A CIV NAVFAC HI, DOP
Cc: Reynolds, Rebekah
Subject: Fw: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

Navy folks,

Forwarding you a copy of the email and attached memo I sent to DOH staff that has been working on the Red Hill issue thus far.

Thanks,

Wade

Wade H. Hargrove III
Deputy Attorney General
Health and Human Services Division
465 South King Street, Room 200
Honolulu, Hawaii 96813
(808) 587-3050 - phone
(808) 587-3077 - fax
wade.h.hargrove@hawaii.gov

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----- Forwarded by Wade H Hargrove/AG/StateHiUS on 06/01/2015 04:30 PM -----

From: Wade H Hargrove/AG/StateHiUS
To: keith.kawaoka@doh.hawaii.gov, "Yamada, Stuart H" <stuart.yamada@doh.hawaii.gov>, steven.chang@doh.hawaii.gov, roxanne.kwan@doh.hawaii.gov, "Perry, Thu" <Thu.Perry@doh.hawaii.gov>, richard.takaba@doh.hawaii.gov
Date: 06/01/2015 04:24 PM
Subject: Red Hill memorandum re: conflicts of interest and disclosure of sensitive information

---

Team Red Hill,

Please read the attached memo carefully and feel free to ask me any questions you may have about it.

Respectfully,

Wade

Wade H. Hargrove III
Deputy Attorney General
Health and Human Services Division
465 South King Street, Room 200
Honolulu, Hawaii 96813
(808) 587-3050 - phone
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wade.h.hargrove@hawaii.gov

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