Message

**From**: Ichinotsubo, Lene K [lene.ichinotsubo@doh.hawaii.gov]
**Sent**: 12/17/2020 6:53:50 PM
**To**: Moutoux, Nicole [Moutoux.Nicole@epa.gov]
**CC**: Linder, Steven [Linder.Steven@epa.gov]; Tu, Lyndsey [Tu.Lyndsey@epa.gov]; roxanne.kwan@doh.hawaii.gov; Grange, Gabrielle Fenix [gabrielle.grange@doh.hawaii.gov]
**Subject**: RE: Next Steps for the TUA Proposal

Since Roxanne will be on vacation for the next couple of weeks, I can be the POC for the agenda. As for contracting issues, we have hit a delay on the execution of our purchase order. Until I can pay Peter for past work, I do not want to ask for additional services from him. If we can resolve this in the next couple of weeks, then I may be able to request another proposal from him. If EPA prefers to contract directly with Peter, I would support that.

**From:** Moutoux, Nicole <Moutoux.Nicole@epa.gov>
**Sent:** Thursday, December 17, 2020 8:46 AM
**To:** Ichinotsubo, Lene K <lene.ichinotsubo@doh.hawaii.gov>
**Cc:** Linder, Steven <linder.steven@epa.gov>; TU, LYNDSEY <Tu.Lyndsey@epa.gov>; Kwan, Roxanne S <roxanne.kwan@doh.hawaii.gov>; Grange, Gabrielle Fenix <Gabrielle.Grange@doh.hawaii.gov>
**Subject:** [EXTERNAL] RE: Next Steps for the TUA Proposal

Hi Lene
Thanks for your message and detail regarding HDOH's position about BAPT for the Red Hill tanks. Given what you've described, I continue to believe in order for our agencies to provide consistent direction to the Navy we will need to elevate. I think Peter Adler's facilitation of the meeting is important. We have some money that we could make available if that would help with your contract issues. In order to move forward, can you please provide your point of contacts for:

1. Planning the agenda for a meeting in January
2. Contracting for Peter's assistance

Steve will be our POC for the meeting agenda and Lyndsey will be our POC for contracting.

Take care and have a safe holiday.
Nicole

*Nicole G. Moutoux*
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**From:** Ichinotsubo, Lene K <lene.ichinotsubo@doh.hawaii.gov>
**Sent:** Friday, December 11, 2020 4:43 PM
**To:** Moutoux, Nicole <Moutoux.Nicole@epa.gov>
**Cc:** Linder, Steven <Linder.Steven@epa.gov>; Tu, Lyndsey <Tu.Lyndsey@epa.gov>; roxanne.kwan@doh.hawaii.gov; Grange, Gabrielle Fenix <gabrielle.grange@doh.hawaii.gov>
**Subject:** RE: Next Steps for the TUA Proposal

Hi Nicole,

In our conversation with Donald, he mentioned that the Navy intends to continue with the 1A proposal and recognizes that they will not be able to address all of our concerns in the letter of deficiency until most of the additional studies are complete, which could take a year or two. His argument for the submission of an updated TUA 1A proposal now without all of the information is that there are no other options for them at this time (although their TUA Decision Document had two options float to the top) and that the BAPT review will occur again in 5 years, at which time they will "update" their BAPT. He specifically explained that they could then "update" the tanks that receive the 1A BAPT now after 2037.

I have two concerns with this understanding.

1. Any agency approval of BAPT essentially allows those tanks under current contract to remain in operation beyond 2037 without any required subsequent upgrade, regardless of any subsequent proposal. This is contrary to what the Navy is alluding to when they say that BAPT can be "updated." Per the AOC, the "updated" BAPT will apply to the tanks under the next set of repair contracts. Based on past conversations, the Navy indicated that nearly half the tanks (up to 8) are currently under contract. Therefore, for us to approve the 1A option as BAPT for these tanks, we will want clear and strong justification that this is truly the best available practicable technology and that the groundwater is protected.

   I infer that the Navy is looking for a 2037 time extension based on the statement that they can "upgrade" the 1A approved tanks after 2037, and a quick approval of a 1A BAPT now will provide them with one, but there is no guarantee that they will "upgrade" any tank after receiving approval of a 1A BAPT, as any incentive will then go away, unless the Regulatory Agencies do the leg work in evaluating the alternatives ourselves. The agencies clearly responded to public comments that there is no intent at this time to extend the 2037 deadline.

2. If they intend to resubmit the same 1A proposal without addressing all of our comments, it is very likely that we will only be reiterating some of the same deficiencies. Why force them to submit something in six months, when they are already telling us that they need more time to answer our questions? There is flexibility in the AOC for the Regulatory Agencies to allow the Navy sufficient time to address our concerns. Why set them up for failure?

   The Navy is also claiming that the 1A option is the only option available, which is not correct based on their own TUA Decision Document that showed the new tanks as a viable option, except the concern for cost (our comment was that their cost comparisons were not evaluated appropriately). While this is not a required upgrade option, the Navy has put this on the table. If they were to choose a different proposal, not all of the deficiencies identified would be required for them to address. Donald also explained that the TUA Decision Document was due to the agencies prior to the completion of all of the work under the AOC. Thus, he was pushing for an approval without the completion of work. This could potentially be done if appropriate conservatism is placed where there is uncertainty. For example, we would never send in personnel into a release site in Level D PPE unless we clearly understood the risks and could appropriately mitigate them. Otherwise a Level A/B or C option would be preferred, if some of the risks could not be identified. Similarly, if not all of the risks or release response measure can be identified now, then greater control over releases is necessary. Per the Navy's report, that would be new secondary containment tanks (the next best option). But this is not the direction the Navy plans to pursue.

I'm open to a meeting in mid-January. We are working through some contract details with Peter for other work, and unless those issues are resolved, we may not be able to bring him on for this meeting.

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**From:** Moutoux, Nicole <Moutoux.Nicole@epa.gov>
**Sent:** Friday, December 11, 2020 12:23 PM
**To:** Ichinotsubo, Lene K <lene.ichinotsubo@doh.hawaii.gov>
**Cc:** Linder, Steven <linder.steven@epa.gov>; TU, LYNDSEY <Tu.Lyndsey@epa.gov>
**Subject:** [EXTERNAL] Next Steps for the TUA Proposal

Hi Lene,

I hope you and your family are safe and healthy. I am writing today about the Navy's response to agency comments on the TUA Proposal. After talking with my team I am concerned that it appears HDOH and EPA have different ideas as to how the Navy could/should respond to our comments. One of the key issues I hear has to do with the timeframe for the Navy's response. The Navy has indicated that they are working on addressing the deficiencies identified in our letter and would like to move forward to obtain approval for BAPT for Tank Upgrades. EPA's position is that Navy should respond soon, and would like to see the Navy resubmit the document in the near term (6 months). HDOH has indicated to EPA that they would like the Navy to complete other studies prior to resubmittal which could take up to 2 years. I'm not sure if this very fundamental difference can be resolved at the team level.

I'd like to suggest a meeting with HDOH and EPA teams that includes Jeff and Keith to work through some high level differences. This type of meeting could help in other areas of the project deliverables as well as, I am hearing that the teams have some key differences in their preferred approach to both the IRR and the Groundwater Modeling reports. However, initially, I think it makes sense to focus on the TUA. It could be helpful to ask Peter Adler to facilitate the meeting.

Please let me know your thoughts and we can start developing an agenda together shooting for a meeting in mid-January.

Thanks. Feel free to call me if you'd like to discuss.
Nicole

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