

1 RED HILL TASK FORCE SUBGROUP MEETING # 3

2 Wednesday, December 3, 2014

3 10:07 a.m. to 11:25 a.m.

4 919 Ala Moana Boulevard, Second Floor

5 Honolulu, Hawaii 96814

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7 MR. GILL: I think I'm going to convene  
8 this meeting of the subgroup. I think this is our  
9 third subgroup meeting, if I recall correctly,  
10 subgroup of the task force on Red Hill.

11 So I'd like to begin with introductions  
12 as we do. As you know, I'm Gary Gill.

13 On the phone from EPA, we have who,  
14 please?

15 MR. HUGERMAN: Tom Hugerman.

16 MR. SHALEV: Omer Shalev.

17 MR. GILL: Okay. And subgroup members to  
18 my left?

19 CAPTAIN WILLIAMSON: Captain Mike  
20 Williamson, NAVFAC --

21 What am I?

22 -- NAVFAC Pacific.

23 MR. GILL: I'm glad you know who you are.  
24 To my right?

25 MR. LAU: Ernie Lau, BWS, and Erwin

1 Kawata, BWS.

2 MR. GILL: And that's it for the official  
3 task force members.

4 In the back?

5 MS. SHIMABUKU: June Shimabuku, Navy.

6 MR. GIBBONS: Jerry Gibbons, NAVFAC, FLC  
7 civil engineer.

8 LT. COMMANDER LOVGREN: Lt. Commander  
9 Lovgren, FLC Pearl Harbor.

10 MS. KWAN: Roxanne Kwan, with Underground  
11 Storage Tank Program.

12 MR. GILL: And to my right along the  
13 wall?

14 MS. PERRY: Thu Perry, DOH.

15 MR. CHANG: Steven Chang, Department of  
16 Health.

17 MS. SETO: Joanna Seto, Safe Drinking  
18 Water Branch.

19 MS. KANAGY: Julie Kanagy, DOH.

20 MR. TAKABA: Richard Takaba, DOH.

21 MR. CLEMENTS: Tom Clements, Navy.

22 MR. MATSUNAGA: Mark Matsunaga, Navy.

23 MS. HOMMON: Becky Hommon, Navy.

24 MR. GILL: Okay. That's it. So I think  
25 the basic agenda for today is just to go over the

1 latest subgroup combined draft as it's circulated.  
2 It's dated January 3rd? So I'm not quite sure why  
3 we're behind time.

4 MS. PERRY: First type.

5 MR. GILL: So the first typo is to  
6 correct the date on the subgroup combined report.  
7 It's actually December --

8 MR. LAU: December 3rd. December 2nd.

9 MR. GILL: Well, today is December 3rd.  
10 So if you want to just add the digit 2 after the  
11 first 1, you'll get 12, which is December instead  
12 of January.

13 Okay. So I read through this. I have  
14 two little comments myself, but my impression is  
15 that we're getting very close. We've had a lot of  
16 input from the task force subgroup members. I  
17 think staff has done an admirable job of trying to  
18 piece it all together with the formats that we had  
19 recommended, the format changes from the last  
20 meeting. So what I'm hoping personally is that we  
21 can shoot through this pretty quick, make any last  
22 substantive changes or even stylistic changes, and  
23 then have this draft report ready to be sent for  
24 full approval from the full task force in a meeting  
25 which is next Wednesday. Is that right?

1 MS. PERRY: Next Thursday.

2 MR. GILL: Okay. Next Thursday. So if  
3 there's no objections, I'd like to ask staff just  
4 to sort of walk us through this. We have a  
5 projection on the wall which we might have to --

6 MS. PERRY: It's going to be dark. So  
7 that's the best we can do in terms of the lighting.

8 MR. GILL: Thu, if you can maybe come up  
9 closer so EPA can hear on the phone.

10 MS. HOMMON: I have two flashlights.

11 MR. LAU: You come prepared.

12 MS. HOMMON: I do.

13 MS. PERRY: So the only objection on the  
14 first page was the date. Sorry about that.

15 Second page, we did have a comment by BWS  
16 about a 1.2 million gallon release which we cannot  
17 really confirm. So we took that out and we  
18 replaced it with some language about amounts not  
19 being able to be confirmed. Do you have any  
20 objections to that at all, the recrafting of that  
21 language?

22 LT. COMMANDER LOVGREN: If I can just say  
23 a quick comment here. On the bottom of page 1, I  
24 noticed that you put in there the quarter inch  
25 steel plates. I did want to confirm from our last

1 meeting that we did look into that, and that is an  
2 accurate statement. There is one panel which is  
3 half of an inch, but that is only a 20-foot  
4 diameter and it's the very bottom, the base plate.

5 MR. LAU: Where the pipe connects to?

6 LT. COMMANDER LOVGREN: Correct. So it's  
7 more accurate and I agree with this statement that,  
8 according to construction, it's quarter inch steel  
9 plates. That's accurate.

10 MR. LAU: And, Andrew, is the 2 to 4 feet  
11 of concrete accurate?

12 LT. COMMANDER LOVGREN: That is.

13 MR. LAU: That's the range?

14 LT. COMMANDER LOVGREN: It is.

15 MR. GIBBONS: No. Two and a half feet is  
16 minimum thickness.

17 MR. LAU: I'm sorry?

18 MR. GIBBONS: The minimum thickness is  
19 two and a half feet.

20 MR. LAU: Oh, so it should be 2.5 to 4  
21 feet?

22 MR. GIBBONS: Yes.

23 MR. GILL: Jerry, can you tell us your  
24 title? I'm not sure --

25 MR. GIBBONS: Civil engineer with the

1 FLC.

2 MR. GILL: All right. So that's page 1  
3 of the red-lined version. Scrolling down.

4 MS. HOMMON: Could I -- sorry. This is  
5 Becky Hommon with the Navy.

6 Andrew, saying that they're presently out  
7 of use, is that accurate?

8 LT. COMMANDER LOVGREN: Yes.

9 MS. HOMMON: Two are presently out of  
10 use?

11 LT. COMMANDER LOVGREN: Correct. We have  
12 two tanks, 1 and 19, that are out of service at  
13 this time.

14 MS. HOMMON: Out of service?

15 LT. COMMANDER LOVGREN: Out of service.

16 MS. HOMMON: Do we want to just say that,  
17 that they're out of service? Whatever. Okay. But  
18 what my concern is is to say that of the 18  
19 operational tanks, the two that are presently out  
20 of service are operational. They're just not  
21 presently in use?

22 LT. COMMANDER LOVGREN: Yes, that would  
23 be a way. They're operational tanks, but we are  
24 currently not using them at this time.

25 MS. HOMMON: Okay.

1 MR. LAU: This doesn't read that way.

2 MS. HOMMON: Yeah, it doesn't read that  
3 way exactly.

4 MR. GILL: I'm not even sure -- that's  
5 news to me. I thought they had been retired, not  
6 that they're ready to be used. They're just not  
7 being used.

8 LT. COMMANDER LOVGREN: Well, they're not  
9 ready to be used. They're assets that could be --

10 MR. GILL: That could be rehabilitated?

11 LT. COMMANDER LOVGREN: -- brought back  
12 into service. Exactly.

13 MR. GILL: But they're not ready to be  
14 put into service?

15 LT. COMMANDER LOVGREN: But they are  
16 still considered operational assets. If we had  
17 some encounter where we had to utilize them, we  
18 could put them back into service. So how you want  
19 to phrase that, it's --

20 MS. HOMMON: Yeah. It's just that third  
21 line of the 18 operational tanks, there really are  
22 20 operational tanks, but it's of the 18 presently  
23 in use, three are empty. Okay? Sorry to --

24 CAPTAIN WILLIAMSON: That's a good --  
25 there are 20 -- there are currently 20 tanks of

1           which 18 are operational and two are presently out  
2           of use.

3                       MS. PERRY:   Okay.  I'll make that  
4           clarification.

5                       MR. GILL:   So is that four that are empty  
6           the way you are saying it?

7                       CAPTAIN WILLIAMSON:  No.  There are 18  
8           tanks, 18 of which are operational.

9                       MS. HOMMON:  No.  20 are operational.

10                      CAPTAIN WILLIAMSON:  Excuse me.  Excuse  
11           me.  Coffee hasn't kicked in yet.  There are 20  
12           tanks, 18 of which are operational, two are  
13           presently --

14                      MS. HOMMON:  No.

15                      MR. GILL:   She wants to say that 20 are  
16           operational.

17                      MS. HOMMON:  20 are operational.

18                      MR. GILL:   We're getting stuck on the  
19           term "operational."

20                      MS. HOMMON:  Right.

21                      CAPTAIN WILLIAMSON:  I don't think they  
22           are operational.

23                      MR. TAKABA:  Well, 20 years ago, right,  
24           was the last time they were in use?

25                      MS. PERRY:  During my notes of the last

1 meeting, Navy was going to recraft the background  
2 in general.

3 LT. COMMANDER LOVGREN: Yes.

4 MS. PERRY: So if you'd like, I mean,  
5 that's something that --

6 MR. LAU: Maybe you should take --

7 LT. COMMANDER LOVGREN: So yes. We  
8 are -- actually, we have a thing that's been  
9 drafted. It needs a couple more chops, and we can  
10 obviously help out with this section. It's not a  
11 problem.

12 MS. PERRY: So it's not particularly this  
13 section, though, that you guys have crafted  
14 already? It's not this background?

15 LT. COMMANDER LOVGREN: It's history.  
16 Yeah. You asked for the history of the tanks too.

17 MS. PERRY: To be included in this  
18 section?

19 LT. COMMANDER LOVGREN: Correct. In this  
20 section here, yes.

21 MR. GILL: Okay. So as chair of this  
22 subgroup meeting, let me make sure I understand for  
23 the record what is going to happen with this  
24 description of the operational capacity of the 20  
25 tanks. The Navy will be crafting clarifying

1 language to describe the status of the tanks and  
2 submit that to us for inclusion in this draft?

3 LT. COMMANDER LOVGREN: Correct. We can  
4 say 20 operational assets, you know, with two of  
5 them currently out of service, 18 that are in  
6 service and then go down and say, hey, three are  
7 always out in a maintenance cycle at the current  
8 time. That is our plan.

9 MR. GILL: I'd like to suggest that it  
10 might be clearer because I don't know if the lay  
11 reader is going to understand the term  
12 "operational" the way that the Navy uses it. And I  
13 don't want to run afoul of whatever the Navy wants  
14 to say to describe this, but put it in lay terms,  
15 you have a total of 20 tanks. Of those 20 tanks,  
16 tank No. 19 and tank No. 1 are --

17 LT. COMMANDER LOVGREN: Currently not in  
18 use.

19 MR. GILL: -- currently not in use.

20 LT. COMMANDER LOVGREN: Sure.

21 MS. HOMMON: Not in use.

22 MR. GILL: And in addition, there are a  
23 number of tanks that have been taken out of service  
24 for maintenance.

25 LT. COMMANDER: For maintenance. Okay.

1 We can do that.

2 MR. GILL: Is that clear enough?

3 LT. COMMANDER LOVGREN: Yes.

4 MR. GILL: So as we sit here right now,  
5 there are 15 tanks currently filled with product?

6 LT. COMMANDER LOVGREN: Correct.

7 MR. LAU: There might be a clearer way of  
8 stating it. Well, Andrew?

9 LT. COMMANDER LOVGREN: What's that?

10 That there are 15 tanks that we can fill  
11 with product. That's the way I have to phrase it.

12 MR. GIBBONS: What Gary just said is  
13 correct.

14 LT. COMMANDER LOVGREN: Yeah, everything  
15 Gary said, Mr. Gill, is correct.

16 MR. GILL: And let's just use that for  
17 everything I say from here on forward and the  
18 meeting will go really quick.

19 All right. So we will ask the Navy to  
20 craft that language more clearly and submit it, but  
21 I think we all understand it in this room.

22 Okay. Can we move forward then on this  
23 draft?

24 MS. PERRY: So the next paragraph  
25 describing the monitoring wells, BWS had suggested

1 that we also include the Commission of Water  
2 Resources Management on Halawa deep watering well.  
3 So that was added for clarification.

4 Yes, Becky?

5 MR. GILL: Becky, hold on.

6 MS. HOMMON: Okay.

7 MR. GILL: Board of Water Supply wanted  
8 to --

9 MR. LAU: No. Actually, it does properly  
10 include the Halawa deep watering well which is  
11 being tested by the Navy. And listing all our  
12 wells out, that's correct. There weren't any  
13 errors on those wells being identified here.

14 MR. KAWATA: This is Erwin Kawata. No.  
15 There are no errors for the Board of Water Supply  
16 wells.

17 MR. LAU: The five wells that we continue  
18 to monitor.

19 MR. GILL: So Board of Water Supply is  
20 satisfied with the drafted language as it's posted?

21 MR. LAU: Yes.

22 MR. GILL: Becky Hommon had a question on  
23 this page?

24 MS. HOMMON: Yes. If we wouldn't mind,  
25 and I know this is one of Board of Water Supply's

1 regular statements, but in the sentence that says  
2 "environmental sampling over the years has shown,"  
3 rather than the word "history," because to me that  
4 indicates it's a chronic situation, and instead say  
5 "has shown a number of fuel releases." Both are  
6 accurate, but one --

7 Is that all right, Ernie?

8 MR. LAU: For you Becky, it's okay.

9 MS. HOMMON: Okay. Thank you. It's just  
10 a bit -- it's a bit less inflammatory. That's all.

11 MR. LAU: I know. We're trying. This is  
12 Ernie from BWS. We are very passionate about this  
13 and we tend to be inflammatory, but we understand  
14 history versus numbers is basically the same thing.  
15 Different tone, though.

16 MS. HOMMON: Thank you. I'm just tone  
17 smithing. Thank you.

18 MR. LAU: As a lawyer.

19 MR. GILL: But a large number. Never  
20 mind.

21 MS. HOMMON: Oh, stop.

22 MR. LAU: No. I like that better.

23 MR. GILL: Apparently, I'm correct now.  
24 So let's move along.

25 MS. PERRY: The last parts of this

1 section are the description of the tank 5 release  
2 as well as description of the Senate Concurrent  
3 Resolution. The only things from the last meeting  
4 was to confirm the dates of notification of release  
5 and that was confirmed as correct.

6 We can move on to the findings. Anybody  
7 else -- if that's okay.

8 Section 1, short-term and long-term  
9 effects. So in the finding, Navy has commented  
10 several times about whether or not DOH's EALs  
11 should be referenced at all since the site specific  
12 or risk based levels supersede. That's something  
13 as a topic of discussion, I guess, because I can  
14 leave it in or take it out.

15 MR. LAU: I think if it's left in --

16 This is Ernie from BWS.

17 If it's left in, then it really will  
18 confuse the reader when you talk about EALs and  
19 then suddenly the SSRBLs that are substantially  
20 higher than the EALs, that DOH had provided a  
21 pretty layman's explanation what is an EAL, how it  
22 was developed, what is the basis, and why was it  
23 allowed to be increased under the SSRBL to 4,500  
24 for diesel, or else this is really going to kind of  
25 confuse people. And I know also, likewise, the

1 statements from the Navy in Appendix C will also  
2 confuse the readers and legislators. So there  
3 needs to be really some clarification language  
4 added to it in layperson's terms.

5 MR. GILL: Ernie, this is Gary Gill. So  
6 your point is that we should perhaps spend some  
7 time in this document describing what an EAL is and  
8 what the SSRBL is before just referring to them  
9 just to give it some context?

10 MR. LAU: Yes. And, specifically, the  
11 DOH personnel here can perhaps answer the  
12 questions, the basis and analysis that led the  
13 SSRBLs to be established, particularly for this  
14 facility, and are quite a large amount higher than  
15 the EAL. I guess the example here is --

16 Maybe Rich from DOH can explain. It  
17 looks like the EAL for TPH diesel is typically 100,  
18 but at this facility, DOH, probably the UST program  
19 allowed it to be raised to 4,500.

20 MR. CHANG: Yeah. Let me explain. Steve  
21 Chang.

22 The environmental action levels comes  
23 from a review of much scientific literature that  
24 has anything to do with chemical constituents. So  
25 Roger Brewer from our emergency response

1 evaluation --

2 Emergency response has an evaluation.

3 -- looked at all these and came up with a  
4 starting point for -- to begin assessing  
5 contamination, and the focus was that in the case  
6 of the action level for TPH diesel, he looked at  
7 literature and said that if you were to find levels  
8 at 100 parts per billion, it would be a nuisance or  
9 you would be able to taste it in the water. So  
10 using that as a criteria for all our actions, so if  
11 we go to any site and find these levels, this is a  
12 point where we begin -- we're looking for a  
13 collection information that shows it is about that  
14 number. If it is, then we look at the site  
15 specific area and begin looking it up, and I  
16 believe the 4,500 was based on solubility of diesel  
17 in water as the premise.

18 MR. TAKABA: Well, Roger said it means --

19 MR. CHANG: Rich Takaba.

20 MR. TAKABA: 4,500 means that jet fuel or  
21 diesel-free product is in contact or very near to  
22 be in contact with the aquifer. So it's a red  
23 flag, and the contingency table details the actions  
24 that the Navy will take in the event that any well  
25 hits 4,500.

1                   MR. GILL: Okay. So let's just get to  
2 the point here if we're trying to translate that  
3 description into lay terms for the legislature and  
4 the public. So we have an environmental action  
5 limit which is a standard flag, if you will, that  
6 there is a significant contribution of contaminant  
7 in the area that we're measuring, and then what  
8 that does is it triggers a deeper review, a  
9 scientific study and a site specific level based on  
10 the environmental conditions of that specific site.  
11 And if we could boil that down just to explain what  
12 these two different levels are, and I think we can  
13 refer to them in the document, because I think the  
14 concern from the Board of Water Supply is that we  
15 talk about EALs and SSRBLs and we don't really  
16 define for the reader what the difference between  
17 those are and it could be confusing.

18                   CAPTAIN WILLIAMSON: Could I make a  
19 suggestion? Mike Williamson here. For those  
20 things that may require further explanation,  
21 perhaps adding an appendix with definitions.  
22 "Operational use" would be one or "operational"  
23 would be one definition that we could add to it.  
24 EALs could be another definition we could add to  
25 it. SSBLs (sic), you know, the definition, we

1       could add to it. I think cataloguing these things  
2       so we can go back to the underlying reference would  
3       be helpful to the reader if something comes into  
4       question.

5               MR. LAU: In the beginning of the report,  
6       it might be helpful, because we tend to use a lot  
7       of acronyms, to have like an acronym table.

8               CAPTAIN WILLIAMSON: So for definitions  
9       and acronym table there.

10              MR. LAU: And also a reference where in  
11       the document you could find more information. So I  
12       think that's a good suggestion. Just -- this is  
13       Ernie from BWS.

14              In simple terms, and I'm not an expert in  
15       EALs and SSRBLs, but it almost looks like DOH in a  
16       way said it's okay to pollute -- allow  
17       contamination and pollution of this resource, and  
18       we're talking about a drinking water resource, to a  
19       much higher degree from 100 to 4,500. So just in a  
20       lay person's term, this is pretty confusing and may  
21       be a little bit alarming, and I think this needs to  
22       be clarified.

23              We will offer comments later in our area  
24       that we, BWS, views concerns later in this report  
25       that we want to expand on the need to do much more

1 toxicity studies to determine if this is  
2 appropriate for a drinking water aquifer as opposed  
3 to any groundwater that you might find.

4 You can find groundwater all over the  
5 place, but it may not be drinking water quality.  
6 Here we're talking about a drinking water resource,  
7 and objective No. 1 in the Task Force Resolution,  
8 the resolution from the legislature, was to look at  
9 the health effects on people, on drinking water and  
10 the environment.

11 MR. GILL: Okay. So what I think we have  
12 are two suggestions. Maybe there's three  
13 suggestions here. One is to add a little bit more  
14 context to the wording here to describe the  
15 difference between an EAL and an SSRBL and what  
16 those two numbers represent and are used for.  
17 Second suggestion is to add an acronym table, and  
18 the third suggestion was to add a definition of  
19 terms as an appendix. And I think we have all of  
20 those suggestions noted and we can deal with that.

21 MR. LAU: This is Ernie from BWS. I  
22 think in the appendix, it talks about the  
23 definition of the EAL and SSRBL. There should be a  
24 brief layperson description on how those were  
25 developed by the Department of Health and maybe

1           referencing some documents or studies that was used  
2           to develop the basis for those numbers.

3                   MR. GILL:   Okay.   So noted.   We will try  
4           to have staff do that as we put the final draft  
5           together.

6                   MR. CHANG:   We may be able to get Roger  
7           Brewer.   We asked him to be here, but I'm not sure  
8           if he's available, at 11:00 today if people would  
9           like to have a discussion after the meeting to get  
10          more clarification.

11                   MR. GILL:   Okay.   With that, I think we  
12          can move on.

13                   MS. PERRY:   To wrap up the short-term,  
14          Navy also wanted some -- let's see.   They wanted to  
15          insert some language that the Navy is working with  
16          DOH and EPA to update the Groundwater Protection  
17          Plan; also some wording about using certified labs.  
18          They also want to emphasize that the Red Hill Shaft  
19          does not have any petroleum presence since the  
20          January release, even under EALs.

21                   Moving on to long-term finding of facts,  
22          BWS had asked to insert quotes from a TEC report  
23          talking about the northwesterly component of the  
24          groundwater flow.   There is a copy of this report  
25          here if you want to take a look at it.   It's 28

1 pages. But I don't know if anybody has any  
2 suggestion to that. We can certainly add it to the  
3 appendices.

4 MR. LAU: This is in the section for BWS  
5 and DOH comments and recommendations?

6 MS. PERRY: Yes. I'm sorry. So in this  
7 draft, it has the actual citation.

8 MR. LAU: For the ease of the reader, we  
9 were going to suggest that the actual TEC April 15,  
10 2010, letter from TEC to the Navy actually be  
11 included in the appendix just to make it easier for  
12 readers to look at that.

13 MR. GILL: So the suggestion is to  
14 include the 28-page report referenced in this  
15 bullet as an appendix. Other than it will make the  
16 report double its existing length, I don't know how  
17 many people are going to -- or legislators are  
18 really going to want to read that, but I don't  
19 object other than it's just more paper as opposed  
20 to having a reference on-line to go and get the  
21 document.

22 CAPTAIN WILLIAMSON: So -- Mike  
23 Williamson. My comment would be to the extent you  
24 want to draw attention to it, you can put in an  
25 appendix. But to the extent if we put everything

1 in the appendix that needs to be in the appendix,  
2 this thing is going to being like the -- you know,  
3 the healthcare plan. It's going to be so big that  
4 nobody's going to read it. So my only comment is I  
5 think it's important to have a reference and people  
6 to be able to get to it. Whether you put it in the  
7 appendix or not, I don't -- I don't personally -- I  
8 don't see the value of putting it in the appendix.  
9 I see the value of people being able to get their  
10 hands on it, but I don't see the value of spending  
11 taxpayer dollars to print all this stuff out so  
12 many times.

13 MR. LAU: It's for the issue of  
14 transparency to the public, but we're okay with  
15 compromising on having a actual web link with a URL  
16 to the actual PDF of the full document on the  
17 website, but we maintain strongly that we believe  
18 the quotes should be kept in this report.

19 MR. GILL: Okay. So let's do that. I  
20 think we're in agreement that the actual document  
21 does not need to be made -- that April 15th, 2010,  
22 TEC report in its entirety does not need to be  
23 included, but we will include a reference to how to  
24 get it on-line. And I just suggest that we may, as  
25 we deliver this report to the legislature, have

1       some copies of that report available in hard copy.  
2       So it would need not be included as the entire  
3       package of the task force report, but we could have  
4       those available for key members of the legislature  
5       and their staff or members of the public who are  
6       interested.

7               MR. LAU: I think as long as we can get a  
8       commitment from the Department of Health that the  
9       website or web page with these documents will be  
10      there for years to come because the report is going  
11      to be part of the public record here, and if we're  
12      going to refer to links to a PDF, those documents  
13      need to be kept up by the health department as long  
14      as necessary on this issue.

15              MR. GILL: I think we can commit to that  
16      pending the crash of our internet system.

17              CAPTAIN WILLIAMSON: At least to the end  
18      of the month.

19              MR. GILL: Yeah. Okay. I think we can  
20      move on.

21              MS. PERRY: Continue on with BWS and DOH  
22      comments to the Navy. There was a suggestion  
23      during the last meeting to add an appendices  
24      listing the total field-constructed tanks in  
25      Hawaii, their location, status and drinking water

1 utility. We did attach something to the back.  
2 It's not complete in terms of the drinking water  
3 utility. We're still working on that.

4 MR. GILL: So just to be clear, in this  
5 draft, there is an appendix. It has a list of the  
6 46 tanks, field-constructed tanks, but the column  
7 regarding whether they're over drinking water  
8 assets or not is incomplete.

9 MS. PERRY: It's incomplete.

10 MR. GILL: Is that something we can  
11 complete before we file this report or something  
12 that is going to remain an unknown?

13 MS. PERRY: Somebody's working on it.

14 MS. SETO: Wasn't that what we gave you?

15 MS. LAU: Joanna Seto, Safe Water  
16 Drinking Branch, DOH.

17 MS. SETO: Yes. That will be done before  
18 the time -- before the end of today.

19 MR. GILL: So we can complete the table  
20 with the listings of whether or not a drinking  
21 water asset is being potentially threatened by  
22 these historic tanks, and that will be done before  
23 the -- before next week.

24 MS. SETO: Correct.

25 MR. GILL: Okay.

1 MS. PERRY: The next item I wanted to  
2 highlight is actually not in your draft. It was in  
3 the previous draft, and there was talk about  
4 whether or not we should keep it in, take it out,  
5 change it, because it is similar to the first  
6 paragraph in terms of free product removal,  
7 mitigating. So the Navy has some issues with the  
8 word "mitigate."

9 MR. LAU: Roxanne, are you there?

10 MS. KWAN: She says she's not --

11 MR. LAU: It's not there.

12 MR. GILL: But it's in this section that  
13 we're looking at?

14 MR. LAU: In the earlier version.

15 MS. PERRY: It's in the earlier version.

16 MR. GILL: So, Thu, what is the proposal?

17 MS. PERRY: The Navy should mitigate  
18 existing contamination beneath the tank starting  
19 with the area adjacent to the Red Hill groundwater  
20 monitoring well to contain and prevent  
21 contamination from extending beyond the current  
22 location. In other words, active remedial  
23 activities like pump and treat and vapor  
24 extraction.

25 So the question was whether or not the

1 first recommendation had already addressed that in  
2 terms of removing free product to the maximum  
3 extent practicable or if there was a necessity to  
4 specify further active remediation.

5 Is there any comments on that? In this  
6 current draft, again, the paragraph is -- I just  
7 took it out, but it is --

8 MR. GILL: Can you show us on the  
9 projection the language that remains in there?

10 MS. PERRY: That remains is the first  
11 bullet regarding free product removal.

12 MS. KWAN: This one?

13 MS. PERRY: Yes.

14 MR. GILL: Okay. So I think the Navy's  
15 point is the bullet -- the second bullet should be  
16 struck because its repetitive to this first bullet.  
17 Is that the Navy's comment?

18 MS. PERRY: Actually, the Navy's comment  
19 is, "Mitigation when based on risk assessment and  
20 potential impact to drinking water resources."

21 MR. LAU: So if it doesn't -- this is  
22 Ernie from BWS. So I guess based on that, maybe  
23 the Navy can clarify the concept is even if it gets  
24 into the groundwater, if it doesn't reach a  
25 drinking water well, either BWS or Navy, then

1           there's no need to mitigate.

2                   CAPTAIN WILLIAMSON:  No.  I don't think  
3           we're --

4                   MR. LAU:  I don't want to put words in  
5           your mouth.

6                   CAPTAIN WILLIAMSON:  I don't think we're  
7           suggesting that.  I think what we're suggesting is  
8           the Groundwater Monitoring Plan with the SSRBLs has  
9           laid out a structure that said the Navy would take  
10          action when we reach certain levels.  That document  
11          is refreshed on a recurring basis.  It's, I think,  
12          right now up for -- it's sort of submitted for  
13          review right now.  And so I think all we're saying  
14          is, you know, based on the Groundwater Monitoring  
15          Plan, we would take actions to mitigate if the risk  
16          levels were there moving in the direction of our  
17          drinking water resource -- drinking water well or  
18          any drinking water well.

19                   MR. LAU:  You mean, including BWS?

20                   CAPTAIN WILLIAMSON:  I stand corrected.  
21          Any drinking water well.  So that's where I think  
22          the mitigation comes in, and whether that's pump  
23          and treat, bioremediation or other means, vapor  
24          extraction or other means, I think that would be  
25          contained within the Groundwater Monitoring Plan.

1           That's sort of our position.

2                       MR. LAU:  Yeah.  I think where we are  
3           coming from on this is there's evidence of  
4           contamination in the groundwater around the  
5           facility or below the facility based on your  
6           monitoring well data that it's almost like a  
7           preventive measure if there is going to be leakage  
8           from the tank in the future, past or future, that  
9           you should try to contain it on your property and  
10          remove it before it can migrate off your property  
11          in the direction of any wells or in the direction  
12          of the environment even.  So it doesn't really  
13          travel.  It just stays there in the area of the  
14          facility and is contained as a kind of prevention.  
15          The idea of prevention, you know, would be some  
16          kind of secondary containment system to prevent the  
17          tanks from even leaking to begin with, but until  
18          that can get installed, if it ever will, then the  
19          secondary, next best preventive measure might be to  
20          mitigate any contaminants reaching the groundwater  
21          by trying to remove it there at Red Hill before it  
22          migrates elsewhere.

23                      CAPTAIN WILLIAMSON:  So maybe someone  
24          smarter on the Groundwater Monitoring Plan than  
25          me --

1           Isn't that the purpose of the Groundwater  
2 Monitoring Plan?

3           MS. HOMMON: Steve just left.

4           CAPTAIN WILLIAMSON: Isn't that the  
5 stated purpose? That's why we have that monitoring  
6 plan.

7           MR. TAKABA: Yeah. I suggest everyone  
8 has to read the 2008 --

9           This is Richard Takaba.

10          -- the 2008 and the 2010, and then that  
11 April 15th is an addenda to that -- that document.  
12 Yeah, you know -- you know, I gotta say this,  
13 though. Nobody's talking about this. One of the  
14 things that the Navy's consultant found is even if  
15 jet fuel was sitting on the groundwater and  
16 creating a high-dissolved situation, that within  
17 1,090 feet in a dry season or 1,200 feet, it would  
18 degrade to the 100 micrograms, which is the EAL,  
19 the taste version. So looking at the map, I think  
20 Roger approved it based on the fact that even the  
21 Navy's pump station, the closest part of the  
22 gallery, is more than 1,200 feet away. But the BWS  
23 has a point. I mean, you know, a small vicinity is  
24 being contaminated at a somewhat high level.

25          MR. GILL: So the question before us is

1       should this paragraph, which begins "The Navy  
2       should mitigate existing contamination beneath the  
3       tanks," be removed from the document or should it  
4       stay in the document, and this is under the  
5       category of "Recommendations from the Board of  
6       Water Supply and DOH," I believe.

7               MR. LAU: Right. So for BWS, we would  
8       say keep it in. It's our recommendation or --

9               MS. HOMMON: You may want to then move it  
10       so that it's purely a BWS.

11              MR. LAU: Well, the question, I guess,  
12       I'll pose to Gary is does DOH agree with that  
13       recommendation? Put you on the spot.

14              MR. GILL: I think my staff needs to  
15       discuss that. I think --

16              MR. LAU: We'd be glad to have that in a  
17       BWS position or category, if necessary, if the DOH  
18       doesn't agree with it.

19              MR. GILL: In the spirit of this document  
20       where we've decided that people can have their  
21       recommendations listed even if not everybody else  
22       on the task force agrees, I think if the Board of  
23       Water Supply is stating that they'd like to retain  
24       this, it should be retained in the document, and  
25       then I'll have to clarify with my staff offline

1           whether that's something the Department of Health  
2           would like to also recommend, and we'll have that  
3           fixed in the next version of the document. Is that  
4           fair enough?

5                     MR. LAU:    Okay.

6                     MS. PERRY:  Should we move to the Board  
7           of Water Supply comments? Navy has a comment on  
8           the first bullet requesting the Navy to graph  
9           monitoring well data and analyze water quality data  
10          trends. Navy agrees to provide data, but graphical  
11          representation can be done by regulatory agencies  
12          for assessment. The Navy will conduct its  
13          assessment in consultation with regulatory agencies  
14          in a manner that is appropriate to evaluate  
15          impacts, migration, potential monitoring well  
16          locations and possible mitigation action.

17                    CAPTAIN WILLIAMSON:  Thu, Mike Williamson  
18          here. You know, if this is in a BWS comment and  
19          that's purely a comment, I'm fine with it.

20                    MS. PERRY:  Okay.

21                    CAPTAIN WILLIAMSON:  It's a comment and,  
22          you know, it's a valid -- it's a valid -- you know,  
23          it's a valid, you know, comment, and I think if,  
24          you know, graphing the data is something you want  
25          to do, we ought to be providing the data that

1 allows for that to happen.

2 MR. LAU: Easily done by the Department  
3 of Health.

4 CAPTAIN WILLIAMSON: Easily or otherwise  
5 is a sort of -- because there are many different  
6 ways to graph. There are many different ways to  
7 interpret. So I think having a specified graph,  
8 that's up to the needs of the user and who's using  
9 it. So the data -- you can't dispute the data.  
10 How it's presented is a different matter. So if  
11 it's a comment, I'm fine with it.

12 MR. GILL: Okay. So I think we will  
13 leave the Board of Water Supply comment, and I  
14 suppose we can add a note there under the comment  
15 that, basically, says the Navy is committed to  
16 providing the data and --

17 CAPTAIN WILLIAMSON: I think you could --  
18 sure, you could put a Navy comment in there under  
19 the Navy comment section that says the Navy's  
20 committed to providing the data in accordance with  
21 DOH requirements.

22 MS. PERRY: Okay.

23 MR. LAU: Which might be -- instead of a  
24 PDF, it could be an Excel spreadsheet or something.

25 MS. PERRY: How do you feel about the

1 next comment? It's regarding the health studies as  
2 well, and Navy comment is sampling and testing is  
3 done by a certified lab using EPA-approved test  
4 methods. The selection of test methods is based on  
5 comparing EALs or NCLs. Is that something that  
6 needs to be added to the report at all or is it  
7 just something --

8 MR. LAU: This is under the BWS's  
9 recommendations. We feel strongly this should be  
10 kept in there.

11 MS. PERRY: Yes.

12 MR. LAU: The health effects study, we  
13 believe there are a number of contaminants being  
14 detected in the groundwater that has no groundwater  
15 NCL. So the health effects study could become the  
16 basis for establishing a future or local or state  
17 NCL for those contaminants. It will also provide  
18 some assurance to us on the basis for the -- I'll  
19 use the letters EALs and SSRBLs that the Department  
20 of Health established that there's actually a  
21 toxicological study that's done on the human health  
22 effects of these contaminants.

23 MS. PERRY: Thanks for that  
24 clarification, Ernie, but, actually, I was just  
25 wondering if the Navy would like the comment about

1 this --

2 CAPTAIN WILLIAMSON: I don't see --  
3 again, I don't see the need for us too truly  
4 comment on that. I think, you know, it's unclear  
5 to me who funds the health effects study. Is that  
6 a Navy thing? Is that a DOH thing? Is that a  
7 state thing?

8 MR. LAU: Mike, if we wanted the Navy, we  
9 would say the Navy should conduct a health effects  
10 study, but we're not saying that.

11 CAPTAIN WILLIAMSON: I understand. I  
12 just wanted clarification.

13 MR. LAU: I'm just saying for the  
14 legislature recommendation, a health effects study  
15 should be done, and the logical candidate is  
16 actually the guy sitting next to me.

17 CAPTAIN WILLIAMSON: Next to me?

18 MR. LAU: Yeah, next to you and me.

19 CAPTAIN WILLIAMSON: I'm fine with that.  
20 I think that's a prudent --

21 MR. LAU: Actually, the health department  
22 should actually be the one conducting this, but  
23 we're going to leave it blank and let the  
24 legislature decide.

25 MR. GILL: So it's a Board of Water

1       Supply recommendation and it will be retained in  
2       the document, and I'm hearing that the Navy doesn't  
3       feel the need to comment on that recommendation in  
4       the document; correct?

5               MS. PERRY:   Yes.

6               CAPTAIN WILLIAMSON:   Right.

7               MR. GILL:    So we can move along.

8               MS. PERRY:   We can actually move on to  
9       No. 2.  There are no other questions about No. 1.  
10       No. 2 is response strategies to mitigate the  
11       effects of future releases.

12               CAPTAIN WILLIAMSON:   So can we just  
13       review real quickly what we all agree on in the  
14       task force?  I'm talking to Roxanne.

15               MS. PERRY:   Right before No. 2.

16               CAPTAIN WILLIAMSON:   There we go.

17               MR. GILL:    Just one paragraph.

18               CAPTAIN WILLIAMSON:   You got two points.

19               MR. LAU:    Mike, are you okay with --  
20       This is Ernie.

21               On that first bullet, it says --

22               CAPTAIN WILLIAMSON:   Yep.

23               MR. LAU:    -- historical data and current  
24       studies conducted by USGS, BWS and Navy, but  
25       there's no health department in that list there.

1 MS. PERRY: Because of studies?

2 CAPTAIN WILLIAMSON: Historical data and  
3 current studies conducted by USGS, Board of Water  
4 Supply and the Navy. I thought DLNR --

5 MR. LAU: Or DLNR Water Commission.

6 CAPTAIN WILLIAMSON: -- made a comment  
7 from --

8 MS. SHIMABUKU: I have a question to  
9 that. What BWS studies do you have that we're  
10 supposed to be incorporating?

11 This is June.

12 MR. LAU: This is a worker with,  
13 actually, the USGS.

14 MS. SHIMABUKU: Is it published or posted  
15 that we can pull the data?

16 MR. LAU: Not at this time.

17 MS. HOMMON: Okay. How about if I --

18 This is Becky.

19 If I can offer an editing suggestion then  
20 just to fix that. The number of additional wells  
21 will depend upon a technical discussion of  
22 available historical data and studies, period.

23 MR. TAKABA: And current data.

24 MS. HOMMON: And current -- yeah.

25 Historical and current data and studies?

1 MR. TAKABA: Yeah.

2 MS. HOMMON: How's that work?

3 MR. TAKABA: There are ongoing studies.

4 MR. LAU: But there are ongoing work  
5 being done by Navy and BWS right now.

6 MS. HOMMON: Right. And then just delete  
7 whoever -- yeah.

8 CAPTAIN WILLIAMSON: That way it's all  
9 encompassing.

10 MS. HOMMON: Everybody's information.

11 MS. SHIMABUKU: I just don't know what  
12 you're doing. I haven't seen a draft. So I don't  
13 even know how to incorporate it.

14 CAPTAIN WILLIAMSON: That's fine. If a  
15 study comes out and says and it's by, you know,  
16 certified -- you know, it's done by --

17 MR. LAU: It will be done by the USGS.

18 CAPTAIN WILLIAMSON: The study is done by  
19 a recognized CME. We will look at it and we would  
20 assess whether or not additional well is necessary.

21 MS. SHIMABUKU: Do you know when that  
22 study will be done?

23 MR. LAU: Probably within a year.

24 MS. SHIMABUKU: End of next year?

25 MR. LAU: I'm guessing probably the end

1 of next year. So it's a USGS worker --

2 MR. GILL: We can talk offline about what  
3 other studies might be out there in the future.  
4 For the purpose of this discussion today, we've had  
5 a proposal to amend the last sentence of the first  
6 bullet to read, "The number of additional wells  
7 will depend on a technical discussion of available  
8 historical data and current data and studies." Is  
9 that correct? Period.

10 MR. LAU: Well, there's already ongoing.  
11 There will be maybe future studies that will come  
12 up.

13 MS. HOMMON: All you want to say is  
14 you're going to do a technical discussion based  
15 upon the best available data.

16 MR. LAU: So maybe the other part too is  
17 do we want to actually create a collaborative  
18 technical committee of the key stakeholders here to  
19 actually bring our studies and results together and  
20 now figure out, okay, how many groundwater monitor  
21 wells should be put in at some point?

22 MR. GILL: Ernie, I'm hesitant to put  
23 that in this report because, you know, I might  
24 agree with that, but it's kind of getting ahead of  
25 us and I just feel it's not necessary to add that

1 level of detail. This bullet says we're going to  
2 develop a plan, basically, or come to a conclusion  
3 on how many wells should be added based on the best  
4 available data. Now, whether we need a technical  
5 committee to do that or not is kind of to me too  
6 much detail.

7 MR. LAU: That's fine.

8 MR. GILL: So I tried to read what I  
9 thought Becky wrote down there.

10 MS. HOMMON: Kinda sorta.

11 MR. GILL: But if it just says, "Depend  
12 on a technical discussion of available historical  
13 data and --"

14 CAPTAIN WILLIAMSON: Current and future  
15 studies.

16 MR. GILL: "-- current and future  
17 studies --"

18 MS. HOMMON: Great.

19 MR. GILL: -- period, and cut "conducted  
20 by USGS, BWS and the Navy." Okay?

21 MS. HOMMON: I'm sorry. Could I ask we  
22 go back just up a bit to the second Navy comment?  
23 Because I heard this gentleman tell us that in the  
24 second one, the Navy will continue to ensure the  
25 safety of the water supply through implementation

1 of the Groundwater Protection Plan, and then you  
2 recited three dates, 2008 --

3 MR. TAKABA: The first one was 2008. The  
4 second one was 2010, and they're both on the  
5 website right now. Navy has submitted a 2014  
6 interim update. I reviewed it. It's not public  
7 record yet because it's predecision, I think. And  
8 then BWS's recommendation for the April 15th, 2010,  
9 document is related to both of those.

10 MR. GILL: Your point is what? Do you  
11 want to reference those specific studies in this  
12 bullet?

13 MS. HOMMON: Yes, because I think the  
14 public has been led to believe we haven't done  
15 anything since the 2008 Groundwater Protection Plan  
16 which isn't true.

17 MR. GILL: Okay.

18 MS. HOMMON: So that it's the Groundwater  
19 Protection Plan of 2008 as updated by 2010 and  
20 2014?

21 MR. TAKABA: Well, April 15, 2010, was, I  
22 think, an addendum or a --

23 MR. GILL: Okay. That's fine.

24 MS. HOMMON: That's all I'm trying to say  
25 here.

1           MR. GILL: We can include the reference  
2 to the actual study and its updates.

3           MS. HOMMON: Yes. That's all. Thank  
4 you. Rather than just saying the plan will be  
5 updated as additional information becomes  
6 available. It has been.

7           MR. LAU: So, Becky, could it be actually  
8 just 2008 and subsequent updates?

9           MS. HOMMON: Sure.

10          MR. GILL: Okay. Let's not worry about  
11 the wordsmithing right now. We got the concept.

12          MR. TAKABA: The 2010 is the landmark  
13 one, but I think '08 and 2010 should be mentioned  
14 together.

15          MR. GILL: Trust us to put that in  
16 correctly and keep an eye out for it in the final  
17 draft.

18          MR. TAKABA: And they're on the web right  
19 now.

20          MR. GILL: All right. Can we move on?

21          CAPTAIN WILLIAMSON: Should we put a  
22 link? I'm just asking.

23          MS. PERRY: This particular bullet  
24 doesn't reference a link, but there are other  
25 bullets referencing a link, but we'll make sure

1 that's either in the acronyms or something.

2 CAPTAIN WILLIAMSON: Thank you.

3 MS. PERRY: The second bullet on  
4 recommendations agreed upon by the task force,  
5 anyone have any comments? No.

6 Okay. Go on to the No. 2.

7 MR. GILL: We're on to point 2, "Response  
8 strategies to mitigate the effects of future leaks  
9 at the Red Hill Underground Storage Facility."

10 MS. HOMMON: Sorry. Yeah. If we can  
11 talk about the secondary containment evaluation  
12 section.

13 MS. PERRY: Oh, before we get to that,  
14 real quick, we did add an Appendix D of the UST  
15 rules and which ones were -- the field storage  
16 tanks were exempt from.

17 MR. GILL: Okay. So that was a response  
18 to comments at our last meeting. So you've added  
19 an appendix.

20 MS. PERRY: So move on to the secondary  
21 containment evaluation.

22 MS. HOMMON: Yeah. This is a little  
23 unnecessarily accusatory, I think. Rather than  
24 say, "All current methods of release detection that  
25 the Navy implements are reactionary," release

1 detection is inherently responsive to a loss that  
2 has occurred; right? Of course, you've got to have  
3 a release before you can detect it. The Navy  
4 maintains a system of inventory control to  
5 determine if a loss of product has occurred.

6 MR. GILL: Okay. So you're suggesting to  
7 cut that first sentence of this paragraph and  
8 replace it with what you've just stated?

9 MS. HOMMON: Yes.

10 MR. GILL: Can you get that to us in  
11 writing?

12 MS. HOMMON: Sure.

13 MR. GILL: I don't have an objection to  
14 it other than it's, you know, coming at the last  
15 minute here and we're jiggling a document together,  
16 and I don't think this is new language here.

17 MS. HOMMON: I'm sorry. It's not.

18 MR. GILL: I don't think the intent is to  
19 be accusatory. The fact of the matter is when  
20 there is a leak of the existing tanks, that leak  
21 goes -- it's not contained and it's not measurable.  
22 That's just the state of the art as it is applied  
23 to those tanks today.

24 CAPTAIN WILLIAMSON: We don't know if  
25 it's contained or not.

1 MS. PERRY: So you can take a shot at it  
2 or --

3 MS. HOMMON: I'll help you. I'll send  
4 you an email. So I have permission to send Thu an  
5 email? I'll drop it through Andrew. I'll take the  
6 task. Thank you. Very good. Thank you. Sorry  
7 for the late edit.

8 MR. GILL: It's okay. We just we want to  
9 try and bring this to closure here.

10 MS. HOMMON: Roger. Thank you.

11 MR. GILL: So let's move along.

12 MS. PERRY: In the site assessment and  
13 contingency plan section, the Navy references an  
14 Integrated Contingency Plan. The difficulty is  
15 that I looked it up and it's in the Groundwater  
16 Protection Plan, is that correct, but it's not  
17 labeled the same thing? So in this plan, it's  
18 actually called groundwater -- it's called  
19 responses to groundwater monitoring results, or is  
20 there something actually called Integrated  
21 Contingency Plan?

22 MS. HOMMON: Yes.

23 CAPTAIN WILLIAMSON: There is an  
24 Integrated Contingency Plan.

25 MS. PERRY: So if you would like to put

1 that again in the references and we can reference  
2 that as a document.

3 MR. LAU: Is that plan on-line?

4 MS. HOMMON: No, it's not. It's not.

5 MR. GILL: Okay. So the point is in this  
6 document, if we're going to reference the Navy's  
7 Integrated Contingency Plan and Red Hill Storage  
8 Facility Groundwater Protection Plan, we need to  
9 have those available to the public. That's not  
10 currently available to the public?

11 MS. HOMMON: Correct. Correct.

12 MR. GILL: Can it be made available to  
13 the public?

14 MS. HOMMON: Apparently not.

15 MR. KAWATA: Has it been sent to DOH?

16 MS. HOMMON: No. No. This is the Coast  
17 Guard, you know -- it's the Steve -- what's his  
18 name? The HERE side of the house.

19 MR. TAKABA: Steve Howe?

20 MS. HOMMON: No.

21 MR. TAKABA: Roger Brewer?

22 MS. HOMMON: Okay. It's the HERE office  
23 side. So that's what the ICP is.

24 MR. LAU: That's part of the spill  
25 response.

1 MS. HOMMON: Right. Yeah.

2 MR. GILL: So the point of this article,  
3 of this report to the legislature, are we going to  
4 reference this document?

5 CAPTAIN WILLIAMSON: I think we have to  
6 figure out if a redacted version could be provided  
7 or if it's a -- it's --

8 MS. HOMMON: It's an ATF --

9 CAPTAIN WILLIAMSON: It's an  
10 Antiterrorism Force Protection concern the Navy has  
11 for national security. So that's the crux of the  
12 issue. It's not that the right folks can't see it.  
13 It's that we don't want that out for the wrong  
14 people to see it. That's the point.

15 MR. GILL: I understand the point that  
16 something that we in the Department of Health  
17 regulate all the time. There are certain groups of  
18 data and response plans that are not made public  
19 for security reasons. There's nothing unusual  
20 about that. So the question is do we reference  
21 this contingency plan and either make a link to a  
22 redacted version of it, or do we reference the plan  
23 and say for security reasons, it's not available?

24 MS. HOMMON: Yes.

25 CAPTAIN WILLIAMSON: I would say -- I

1 would offer that this is a restricted document due  
2 to security reasons.

3 MR. GILL: And just leave it?

4 CAPTAIN WILLIAMSON: Leave it at that.  
5 And if folks needed to take a look at that or  
6 understand that, obviously, we share with the right  
7 folks that need to see it.

8 MR. LAU: We also have something else  
9 that we've seen as an emergency response annex of  
10 2009 which is dealing with different scenarios of  
11 failure or problems of the tank that would lead  
12 to --

13 CAPTAIN WILLIAMSON: That's part of that  
14 plan.

15 MR. LAU: It is part of that --

16 CAPTAIN WILLIAMSON: Well, it's --

17 LT. COMMANDER LOVGREN: It's referenced  
18 in the ICS. I'm sorry. ICP.

19 MR. LAU: But it's a separate document?

20 LT. COMMANDER LOVGREN: Well, it's been  
21 used to develop new plans as part of this  
22 contingency -- Integrated Contingency Plan.

23 MR. LAU: So the ICP is a more recent  
24 version of all of these contingency plans?

25 LT. COMMANDER LOVGREN: Yes.

1           MR. GILL: So the proposal is we amend  
2 the document to continue to refer to the Navy's  
3 Integrated Contingency Plan; however, state that  
4 for security reasons, it's not available for public  
5 review?

6           MS. HOMMON: Correct.

7           MR. GILL: Okay.

8           MS. HOMMON: Do we -- the paragraph  
9 above --

10           This is Becky.

11           The task force is in agreement that two  
12 additional wells is a start?

13           MS. PERRY: So that was another paragraph  
14 that has been highlighted to -- that needs to be  
15 reworded and commented upon because --

16           CAPTAIN WILLIAMSON: Didn't we address  
17 this in the earlier comments?

18           MS. PERRY: Yes.

19           CAPTAIN WILLIAMSON: So my recommendation  
20 is you strike this as not to create confusion, and  
21 we've covered that in the earlier joint task force  
22 recommendation coming out of the first section.  
23 That would be my recommendation.

24           MR. LAU: Did we actually cover --  
25 which --

1                   CAPTAIN WILLIAMSON: We said additional  
2 groundwater monitoring wells would be installed  
3 based on the available data, current and future  
4 studies, and so, I mean, we started doing that  
5 process. We started -- so I just think that this  
6 one is unnecessary.

7                   MR. GILL: So let's just ask staff to  
8 review those and combine the two or delete one to  
9 make sure that it's not repetitive.

10                  MR. LAU: And you might want to consider,  
11 you know, that diagram No. 1, sticking it maybe  
12 with another one.

13                  MR. GILL: Yeah. It refers to a diagram.

14                  MS. PERRY: The paragraph right before  
15 that also refers to it and talks about the two new  
16 monitoring wells.

17                  MR. LAU: So you can actually move it up  
18 from the previous paragraph.

19                  MR. GILL: I don't want to spend the time  
20 trying to figure that out right now. Let staff  
21 clarify that and refine the language. Can we move  
22 on?

23                  MS. HOMMON: Yes.

24                  MS. PERRY: Moving on.

25                  MR. GILL: It's a little bit after 11:00.

1 MS. PERRY: Board of Water Supply asked  
2 us to add the seeworms (phonetic) Halawa deep well  
3 and Tripler's monitoring well 2 as sentinel wells  
4 at the facility. And that's all for No. 2.

5 Oh, I'm sorry. DOH is also going to edit  
6 the last comment before No. 3, comments agreed upon  
7 by the task force. We are striking the second  
8 sentence. So the part that we're removing is,  
9 "Unfortunately, there is no current technology that  
10 can be implemented today," basically talking about  
11 secondary containment and the research it's going  
12 to require to implement.

13 Does anyone have any comments? That's  
14 page 11.

15 MR. GILL: No.

16 MS. PERRY: Okay. So moving on to No. 3.  
17 DLNR just added some comments about time line.

18 LT. COMMANDER LOVGREN: Can I interject  
19 here just for a second? There's -- in the Comments  
20 Agreed Upon By The Task Force, I know we used the  
21 adjective "aging facility," but with over  
22 \$100 million of money put into the facility to  
23 upgrade it and modernize it, I'd have to disagree  
24 with that adjective there.

25 MR. GILL: Are we on the right page on

1 the screen projected here, Andrew, for what you're  
2 discussing?

3 LT. COMMANDER LOVGREN: If you keep going  
4 back up.

5 MS. HOMMON: It's just above No. 3.

6 LT. COMMANDER: Before 3.

7 MS. HOMMON: Yes, just before 3. You  
8 were just there.

9 LT. COMMANDER LOVGREN: Keep going up.  
10 There we go. Yep, right there. So in the second  
11 sentence right there.

12 MR. GILL: It's an aging facility?

13 LT. COMMANDER LOVGREN: I would disagree.  
14 It's not an aging facility. It's been modernized.  
15 We're continuing modernizing this facility.

16 MR. GILL: So cut "aging"; right?

17 MS. HOMMON: That's it.

18 MR. GILL: So we aim to please.

19 MS. HOMMON: It's the new administration.

20 MR. GILL: Can we insert "prehistoric"?

21 MR. LAU: Century old.

22 MS. HOMMON: No, no.

23 MR. GILL: Older than me? Older than  
24 Becky?

25 MS. HOMMON: Older than Becky. Yes.

1 MR. GILL: All right. Thank you.

2 MS. PERRY: So was there any comments on  
3 the communications section, No. 3? Improved  
4 communications between U.S. Navy and state and  
5 public. If not, we can go on to No. 4.

6 CAPTAIN WILLIAMSON: Can we just review  
7 the comments under 3 agreed to by the task force?

8 MS. PERRY: Okay. I think this was  
9 drafted by the Navy. Yes, it was.

10 MR. GILL: That's Navy language? Is Navy  
11 still happy with it?

12 CAPTAIN WILLIAMSON: I just want to read  
13 it. I'm good.

14 MS. PERRY: Okay. "Implications of  
15 Closing Red Hill."

16 Okay. So there was a comment that the  
17 statement that DOH -- excuse me -- does not have  
18 information regarding implications for shutting  
19 down the facility, et cetera, is actually an  
20 opinion and not a finding of fact. So it was moved  
21 to the next section, which is DOH and BWS comments.

22 CAPTAIN WILLIAMSON: Appreciate it.  
23 Thank you.

24 MR. LAU: We're in agreement with our  
25 joint comments. "Given the age." We use the word

1 "age," not "aging." Age and condition. It's a  
2 comment. "Navy should disclose all studies and  
3 reports conducted, including the catastrophic  
4 release scenarios."

5 MS. PERRY: Is everybody good with that  
6 section?

7 CAPTAIN WILLIAMSON: The only -- the only  
8 comment that the lay reader might have is the term  
9 "and condition" because that implies that you have  
10 reasonably -- the condition isn't --

11 I'm asking. I'm sort of just throwing my  
12 comment out. So age I agree with that. That's  
13 factual. It was built in 1942, but the condition,  
14 how do you -- how can we characterize the condition  
15 of the facility?

16 MS. HOMMON: I mean, it's continuously  
17 upgraded. The condition of the facility. It is  
18 not that it's been in the same condition that it  
19 was built in 1940s and we walked away from it.

20 CAPTAIN WILLIAMSON: That's my point.

21 MR. LAU: We're not saying the condition  
22 is as it was constructed in '42 and '43. We prefer  
23 to just leave this as is as our comments.

24 MS. HOMMON: Okay.

25 CAPTAIN WILLIAMSON: So I guess my only

1 point is the condition is based on what? Your term  
2 "condition" is based on what?

3 MR. GILL: Based on its history of leaks  
4 dating back to 1947. I think the sentence puts it  
5 into context.

6 CAPTAIN WILLIAMSON: It's current  
7 condition or condition over the years? I mean, I  
8 don't want to belabor the point here.

9 MS. HOMMON: It's up to Ernie if they  
10 want to say it.

11 MR. LAU: Mike, your studies and reports  
12 will document the efforts you put forward, the  
13 hundred million dollars invested. So that will set  
14 it in context. We feel this is --

15 CAPTAIN WILLIAMSON: And perceived  
16 condition?

17 MR. GILL: As a condition.

18 MR. LAU: Our position is just keep it as  
19 it is. It's our comment.

20 LT. COMMANDER LOVGREN: Captain  
21 Williamson, can we put in a comment then in the  
22 Navy section?

23 CAPTAIN WILLIAMSON: Maybe we should.

24 LT. COMMANDER LOVGREN: I can go ahead  
25 and provide that.

1 MR. GILL: I think that's totally  
2 appropriate. I think it's also reflected in this  
3 document that the Navy has appropriately  
4 illustrated and described the expensive effort over  
5 the years and decades that you've put into  
6 maintaining these tanks.

7 MR. LAU: That's up to the Navy. That's  
8 going to be right after our section under Navy  
9 recommendations.

10 CAPTAIN WILLIAMSON: No problem.

11 MR. LAU: I'm good with that.

12 MS. HOMMON: Thank you. Just to be  
13 clear, I'll take -- for the Navy team, I'll take  
14 them for action, chop them through everybody and  
15 get them to Thu?

16 CAPTAIN WILLIAMSON: Very good.

17 MR. GILL: All righty. Rounding up here.  
18 Getting close to the end.

19 MS. PERRY: Last, but not least,  
20 legislative recommendations. DOH is going to tweak  
21 ours a little bit, but nothing that should affect  
22 anybody else.

23 MR. GILL: Let me address that. Are we  
24 talking about the barrel tax thing?

25 MS. PERRY: Yes.

1 MR. GILL: So I wanted to be clear on the  
2 task force. This is, obviously, our  
3 recommendation. We don't expect endorsement from  
4 federal agencies about state tax policy, but there  
5 has been some confusion in the press about this,  
6 and I think the confusion, ultimately, it's our  
7 fault for not expressing this clearly. There is  
8 \$1.05 tax per barrel of oil imported to the state  
9 today. We're not recommending increasing that  
10 \$1.05. What we're talking about is we only get 5  
11 cents out of it. We'd like to get 15. So we just  
12 want to clarify this to illustrate that we're not  
13 talking about an increase in the existing tax.  
14 We're talking about an increase in the Department  
15 of Health's allocation of the existing tax.

16 MR. LAU: So you're asking for a change  
17 in the allocation of the existing tax, not a new  
18 tax?

19 MR. GILL: Right. See, I talked about  
20 this so much, it's really clear to me, but I didn't  
21 expect everybody to understand that.

22 CAPTAIN WILLIAMSON: Because the press  
23 said the Navy -- because of what happened at Red  
24 Hill, the Navy, now we're going to jack up the tax.

25 MR. GILL: Yeah, that was my trick. We

1 do try to blame the Navy. But it's just there  
2 would be no increase at the pump or anything like  
3 that. It's not what's going on. And there's  
4 history to that. When the legislature created the  
5 \$1.05, they took 60 cents of that to the general  
6 fund because they were in the middle of a fiscal  
7 crunch which no longer exists.

8 MR. LAU: So, Gary, if I could suggest  
9 maybe it could be amend the allocation.

10 MR. GILL: Yeah. We have the wording.  
11 We'll clarify that.

12 MR. LAU: You folks fix it.

13 MR. GILL: Because it's not clearly  
14 written to reflect our intent, and that has  
15 generated some confusion. So we'll fix that.

16 CAPTAIN WILLIAMSON: And, again, will it  
17 reflect -- the lay reader says, "Hey, what's  
18 happened at tank 5 now causes 15, additional 10  
19 cents to go to Department of Health." So is this  
20 to deal with current funding shortfalls across a  
21 broader range of things other than just tank 5, or  
22 is it 10 cents specific to deal with tank 5?

23 MR. GILL: Well, both. And just to put a  
24 fine point on it, there are a number of people in  
25 this room whose salary is paid by this fund, and

1 the fund can no longer sustain their salaries. So,  
2 certainly, the sustained work that is going to be  
3 required for many years on Red Hill is dependent  
4 upon increase income to our revolving fund or some  
5 other dramatic action that we're proposing to the  
6 legislature, but it's not limited to our Red Hill  
7 response. There are 42 positions in the Department  
8 of Health that are currently funded by the  
9 Environmental Response Revolving Fund, and they're  
10 in Drinking Water, Solid and Hazardous Waste, our  
11 Emergency Response Office, among others.

12 CAPTAIN WILLIAMSON: I think some of that  
13 would be helpful in here, 42 positions --

14 MR. GILL: We have that whole wrap. It's  
15 not adequately described here. We'll clarify that.

16 Okay. Thu, you have any other --

17 MS. PERRY: Not really. We just moved  
18 BWS's comment and legislative recommendations  
19 separately.

20 So can we go on? Are we okay with this  
21 already? Actually, EPA submitted something this  
22 morning.

23 Are you guys ready? Tom? Omer?

24 MR. SHALEV: Yes?

25 MS. PERRY: Is somebody ready to talk

1 about what you guys submitted this morning, or did  
2 you want to do it that way?

3 MR. SHALEV: I didn't hear what was  
4 interjected.

5 MR. GILL: We have a document that's been  
6 circulated, you guys. It's titled "EPA Input For  
7 the Legislative Task Force on Red Hill" dated 2014.  
8 It's one page. It has seven points on it. It just  
9 came this morning. Could you describe what this is  
10 and how you would like the task force to deal with  
11 it?

12 MR. SHALEV: Yeah. So we're sorry for  
13 submitting them a little late, but, basically, they  
14 go through the points that EPA and DOH and the Navy  
15 are hoping to come under agreement with our consent  
16 agreement currently under negotiation. We stated  
17 in our comments that we think an enforceable  
18 agreement is what we would like to see in it  
19 outlined, those seven points.

20 MR. GILL: So it your intent as EPA to  
21 incorporate this one page write-up in the task  
22 force report to the legislature?

23 MR. SHALEV: Yes.

24 MR. GILL: So should we just label this  
25 an appendix perhaps for simplicity sake and attach

1       it that way, or do you want it integrated into the  
2       body of the report somehow?

3               MR. SHALEV: I think we'd like it  
4       integrated into the body of the report, and I'll  
5       get back to Thu later today.

6               MR. GILL: Okay. So in the spirit and  
7       the style of this report where we have various  
8       agency comments, your one-pager could be added to  
9       the report as "EPA Comments" at appropriate places.

10              MR. LAU: "Comments and Recommendations."

11              CAPTAIN WILLIAMSON: So would you break  
12       up these items under each individual heading?

13              MR. GILL: I don't know. That's why I  
14       think EPA is going to get with DOH staff in the  
15       interim and figure how they would like to either  
16       breakup the various points in sections or put them  
17       all in one place appropriately, and I don't how  
18       we're going to do that, but I think it can be done.  
19       It's just a matter of cutting and pasting, and it  
20       would fit within the format of our existing report  
21       where individual agencies are assigned places in  
22       the report that the other agencies on the task  
23       force don't necessarily need to agree with.

24              MR. SHALEV: Right.

25              CAPTAIN WILLIAMSON: So does that change

1 the legislative recommendations in any shape or  
2 form then?

3 MR. GILL: Does it change the legislative  
4 recommendations? I don't know if this is -- this  
5 isn't really a recommendation to the legislature,  
6 is it? I don't see that it.

7 MS. HOMMON: No, not at all. It's a  
8 recommendation on how to conduct negotiations with  
9 the Navy which, if I may, I find wholly  
10 inappropriate.

11 MR. LAU: That's a Navy comment.

12 MS. HOMMON: That's a Navy comment in  
13 we're conducting negotiations on a consent  
14 agreement, and to provide this to a legislative  
15 task force, I feel, is inappropriate.

16 CAPTAIN WILLIAMSON: So my recommendation  
17 would be, and stay consistent with this document,  
18 is that we state in here that there are ongoing  
19 discussions and negotiations between the Navy,  
20 Department of Health and EPA, and that the -- all  
21 parties move forward with that process and wrap it  
22 up by time certain, I think, would be an  
23 appropriate way to do that. And then these items,  
24 because if I understand correctly, these are the  
25 seven technical items. There are five procedural

1 items that we're also talking about that aren't  
2 included in this list. So this isn't even a  
3 complete list of items that we're going to be  
4 talking about. So just, again, confusion, and I  
5 think the point here is that there's an ongoing  
6 negotiation between our three parties to resolve  
7 this appropriately.

8 MR. GILL: EPA, do you have a response to  
9 those comments?

10 MR. SHALEV: I think they're valid, and  
11 we need to discuss that internally here.

12 MS. HOMMON: Thank you.

13 MR. GILL: Okay. But this is a question  
14 that's going to be -- going to need to be resolved  
15 within a week, and we know you folks will be here  
16 next week, but we want to get out the draft task  
17 force report to the entire task force so you have a  
18 chance to study it well in advance of next week's  
19 Thursday meeting.

20 MR. SHALEV: Okay.

21 MR. GILL: So I guess we can take that  
22 discussion offline. The EPA is certainly capable  
23 of submitting its own recommendations if it feels  
24 appropriately outside of this task force report,  
25 but let's --

1           I think the objections have been raised  
2 adequately on the record here and we'll get a  
3 response from EPA offline and resolve this  
4 ultimately at the next full task force meeting.

5           With that, I just want to ask because I'm  
6 just not -- I've been at this so many times, I  
7 forget already, but do we reference in the existing  
8 draft report to the legislature the ongoing  
9 negotiations around a consent agreement at all?

10           LT. COMMANDER LOVGREN: Yeah. It's on  
11 page No. 3.

12           MR. GILL: I know it's in here somewhere.

13           LT. COMMANDER LOVGREN: Just before the  
14 "Senate Concurrent Resolution 73 and Red Hill Task  
15 Force."

16           MR. GILL: Okay. It's just one sentence  
17 there?

18           LT. COMMANDER LOVGREN: Correct.

19           MR. GILL: So that may be the only place  
20 it's here. It says, "Separate from the task force  
21 activities, DOH, EPA and the Navy continue to work  
22 together on a negotiated settlement to assess the  
23 reported release of petroleum and minimize the  
24 threat of future releases."

25           It doesn't actually talk about an

1 enforceable consent agreement or anything. It just  
2 says we're continuing to negotiate an agreement.  
3 That's by way of -- it's in the introduction  
4 section.

5 So that is what it is, and we'll hear  
6 from EPA as it reconsiders what it would like to do  
7 with the paper it submitted.

8 Is there any other discussion before this  
9 subgroup?

10 Okay. So let's talk about next steps.  
11 Staff, when can we make the changes that were  
12 discussed today and get a copy out to the subgroup  
13 and the whole task force prior to next week  
14 Thursday's meeting?

15 MS. HOMMON: I'll have comments or  
16 changes to Thu -- what's today? Tuesday?

17 MS. PERRY: Wednesday.

18 MS. HOMMON: Wednesday. Close of  
19 business Thursday.

20 MS. KWAN: Tomorrow.

21 MS. HOMMON: Okay.

22 MR. GILL: So we will receive -- we, the  
23 Department of Health, will receive revised language  
24 from the Navy by end of business tomorrow?

25 MS. HOMMON: Roger.

1 MR. GILL: And then --

2 MR. LAU: Also from BWS, we might have a  
3 few more comments.

4 MR. GILL: Okay. This is it, guys.

5 MS. HOMMON: Roger. That's it. We're  
6 through.

7 MR. GILL: So DOH can --

8 MS. PERRY: Does that include the history  
9 as well?

10 LT. COMMANDER LOVGREN: Yes. I'll give  
11 it to Becky as well.

12 MS. PERRY: So Tuesday next week?

13 MR. GILL: By Tuesday of next week -- no  
14 later than Tuesday of next, we'll have a draft.

15 MR. CHANG: We'll talk to EPA Monday  
16 afternoon.

17 MR. GILL: We will target no later than  
18 Tuesday next week to have an electronic copy of the  
19 latest combined draft for final approval on  
20 Thursday's meeting which is upstairs at 10:00 a.m.,  
21 Thursday, for the entire task force.

22 Okay. Is there any other business?

23 Thank you, EPA, for joining us. We will  
24 see a number of you in town next week and in the  
25 flesh at our task force meeting next Thursday, and

1 we won't need to work the telephones.

2 Any final comments?

3 CAPTAIN WILLIAMSON: Thank you, staff,  
4 for putting it together. Very nicely done.

5 MS. HOMMON: You've done a really  
6 wonderful job pulling it together.

7 MR. SHALEV: Thank you.

8 MR. GILL: We are adjourning the meeting  
9 at 25 minutes after 11:00 Casio time.

10 (Meeting adjourned at 11:25 a.m.)

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C E R T I F I C A T E

STATE OF HAWAII )  
 ) ss.  
CITY AND COUNTY OF HONOLULU )

I, LAURA SAVO, a Certified Shorthand Reporter in and for the State of Hawaii, do hereby certify:

That the foregoing proceedings were taken down by me in machine shorthand at the time and place herein stated, and was thereafter reduced to typewriting under my supervision;

That the foregoing is a full, true and correct transcript of said proceedings;

I further certify that I am not of counsel or attorney for any of the parties to this case, nor in any way interested in the outcome hereof, and that I am not related to any of the parties hereto.

Dated this 8th day of December, 2014, in Honolulu, Hawaii.

\_\_\_\_\_  
LAURA SAVO, RPR, CSR NO. 347