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Attorneys for Intervenor Sierra Club

DEPARTMENT OF HEALTH

STATE OF HAWAI'I

DEPARTMENT OF HEALTH, STATE OF	)	Docket No. 21-UST-EA-02
HAWAI'I	)	
	)	
Complainant,	)	SIERRA CLUB'S CORRECTED
	)	EXHIBIT LIST
vs.	)	
	)	
UNITED STATES DEPARTMENT OF THE	)	
NAVY,	)	
	)	
Respondent,	)	
	)	
vs.	)	
	)	
SIERRA CLUB and HONOLULU BOARD	)	
OF WATER SUPPLY,	)	
	)	
Intervenors.	)	
	)	

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EXHIBIT NUMBER	DESCRIPTION	BATES STAMP NUMBER(S)	REC'D INTO EVIDENCE
S-1	Order Granting Plaintiff's Motion for Summary Judgment in <i>Sierra Club v. Dep't of Health</i> , Civ. No. 17-1-1350-08 JPC (Environmental Court, 1st Cir. Mar. 23, 2018).	S000001- S000004	
S-2	December 10, 2021, Honolulu Civil Beat article entitled "State Finds Red Hill Contamination Far Above Health Thresholds for Drinking Water." Available at: <a href="https://www.civilbeat.org/2021/12/state-finds-red-hill-contamination-far-above-state-standards-for-drinking-water/">https://www.civilbeat.org/2021/12/state-finds-red-hill-contamination-far-above-state-standards-for-drinking-water/</a> .	S000005- S000011	
S-3	November 29, 2021, Hawai'i Department of Health ("DOH") news release entitled "Hawai'i Department of Health advises Navy water system consumers not to drink, consume tap water." Available at: <a href="https://health.hawaii.gov/news/files/2021/11/21-165-DOH-advises-Navy-water-system-consumers-not-to-drink-consume-tap-water.pdf">https://health.hawaii.gov/news/files/2021/11/21-165-DOH-advises-Navy-water-system-consumers-not-to-drink-consume-tap-water.pdf</a> .	S000012- S000013	
S-4	December 10, 2021, DOH news release entitled "Hawai'i Department of Health Confirms High Levels of Petroleum Contamination in Navy's Red Hill Shaft." Available at: <a href="https://health.hawaii.gov/news/files/2021/12/21-177-Hawaii-Department-of-Health-confirms-high-levels-of-petroleum-contamination-in-Navys-Red-Hill-Shaft.pdf">https://health.hawaii.gov/news/files/2021/12/21-177-Hawaii-Department-of-Health-confirms-high-levels-of-petroleum-contamination-in-Navys-Red-Hill-Shaft.pdf</a> .	S000014- S000015	
S-5	December 8, 2021, DOH news release entitled "Petroleum Contamination Reported in Navy's Aiea Halawa Shaft." Available at: <a href="https://health.hawaii.gov/news/files/2021/12/21-174-Petroleum-contamination-reported-in-Navys-Aiea-Halawa-shaft-.pdf">https://health.hawaii.gov/news/files/2021/12/21-174-Petroleum-contamination-reported-in-Navys-Aiea-Halawa-shaft-.pdf</a> .	S000016- S000017	
S-6	DOH's October 26, 2021, Notice of Violation and Order, NOVO No. 21-UST-EA-01 Re: Violations at the underground storage tank system located at Red Hill/Pearl Harbor-Hickam on the Island of Oahu, aka the Red Hill Bulk Fuel Storage Facility. Available at: <a href="https://health.hawaii.gov/shwb/files/2021/10/SHWB-NOVO.21-UST-EA-01-signed.pdf">https://health.hawaii.gov/shwb/files/2021/10/SHWB-NOVO.21-UST-EA-01-signed.pdf</a> .	S000018- S000022	

EXHIBIT NUMBER	DESCRIPTION	BATES STAMP NUMBER(S)	REC'D INTO EVIDENCE
S-7	December 3, 2021, Board of Water Supply, City and County of Honolulu, news release entitled "Board of Water Supply Shuts Down Halawa Shaft in Response to Red Hill Contamination." Available at: <a href="https://www.boardofwatersupply.com/news-events/news-releases/2021/halawa-shaft-shutdown">https://www.boardofwatersupply.com/news-events/news-releases/2021/halawa-shaft-shutdown</a> .	S000023- S000024	
S-8	December 9, 2021, memorandum from Headquarters of United States Army Pacific entitled "Authorized Evacuation of Personnel, Dependents, and Employees Impacted by Water Contamination." Available at: <a href="https://home.army.mil/hawaii/application/files/5916/3919/0540/TFO_EvacOrder-20211209.pdf">https://home.army.mil/hawaii/application/files/5916/3919/0540/TFO_EvacOrder-20211209.pdf</a> .	S000025- S000026	
S-9	December 10, 2021, memorandum from Headquarters of United States Army Pacific entitled "Addendum - Authorized Evacuation of Personnel, Dependents, and Employees Impacted by Water Contamination." Available at: <a href="https://home.army.mil/hawaii/application/files/3616/3919/0556/TFO_AddendumEvacAuthorization-20211210.pdf">https://home.army.mil/hawaii/application/files/3616/3919/0556/TFO_AddendumEvacAuthorization-20211210.pdf</a> .	S000027-	
S-10	December 11, 2021, memorandum from Headquarters of United States Army Pacific entitled "Addendum II - Authorized Evacuation of Personnel, Dependents, and Employees Impacted by Water Contamination." Available at: <a href="https://home.army.mil/hawaii/application/files/8216/3936/1766/TF_Ohana_-_Addendum_II.pdf">https://home.army.mil/hawaii/application/files/8216/3936/1766/TF_Ohana_-_Addendum_II.pdf</a> .	S000028	
S-11	National Defense Authorization Act for Fiscal Year 2022 (excerpts). Available at: <a href="https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117S1605-RCP117-21.pdf">https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117S1605-RCP117-21.pdf</a> .	S000029- S000032	
S-12	December 15, 2021, press release from Hawai'i Congressman Ed Case entitled "Congress Passes \$768 Billion Annual National Defense Authorization Act with Major Reforms Impacting Country and Hawai'i: The bill reforms military sexual assault investigations and prosecutions, improves military readiness and quality of life for the troops, and addresses Red Hill fuel safety and civilian-military relations in Hawai'i." Available at: <a href="https://case.house.gov/news/documentsingle.aspx?DocumentID=727">https://case.house.gov/news/documentsingle.aspx?DocumentID=727</a> .	S000033- S000037	

EXHIBIT NUMBER	DESCRIPTION	BATES STAMP NUMBER(S)	REC'D INTO EVIDENCE
S-13	December 1, 2021, KHON newscast entitled “Petroleum-like substance found in water at Red Hill Elementary; Navy sets up clean water distribution locations” (excerpts). Available at: <a href="https://www.khon2.com/local-news/watch-live-doh-deputy-director-of-environmental-health-on-navy-water/">https://www.khon2.com/local-news/watch-live-doh-deputy-director-of-environmental-health-on-navy-water/</a> .	S000038	
S-14	November 30, 2021; Hawai‘i News Now newscast entitled “A military family invited us in to see (and smell) their water firsthand. Here’s what we saw” (excerpts). Available at: <a href="https://www.hawaiinewsnow.com/2021/12/01/military-families-show-oily-smelly-sheen-water-hnn-sends-samples-independent-lab/">https://www.hawaiinewsnow.com/2021/12/01/military-families-show-oily-smelly-sheen-water-hnn-sends-samples-independent-lab/</a> .	S000039	
S-15	U.S. Environmental Protection Agency, Southern O‘ahu Basal Aquifer in the Pearl Harbor Area of O‘ahu; Principal Source Aquifer Determination, 52 Fed. Reg. 45,496 (Nov. 30, 1987)	S000040- S000042	
S-16	Transcript, In the Matter of U.S. Navy’s Application for a UST Permit for the Red Hill Bulk Storage Facility, DOH Docket No. 19-UST-EA-01 (Feb. 1, 2021)	S000043- S000255	
S-17	Transcript, In the Matter of U.S. Navy’s Application for a UST Permit for the Red Hill Bulk Storage Facility, DOH Docket No. 19-UST-EA-01 (Feb. 2, 2021)	S000256- S000495	
S-18	Transcript, In the Matter of U.S. Navy’s Application for a UST Permit for the Red Hill Bulk Storage Facility, DOH Docket No. 19-UST-EA-01 (Feb. 3, 2021)	S000496- S000803	
S-19	2007. Red Hill Bulk Fuel Storage Facility Final Technical Report, Pearl Harbor, Hawaii. Prepared by TEC, Inc., Honolulu, HI. Prepared for Naval Facilities Engineering Command, Pacific, Pearl Harbor, HI. August.	S000804- S000977	
S-20	Red Hill Bulk Fuel Storage Facility Final Groundwater Protection Plan, Pearl Harbor, Hawaii, Prepared for: Department of the Navy, Commander Naval Facilities Engineering Command, Pacific Pearl Harbor, HI 96860-3134, January 2008 ( <a href="https://health.hawaii.gov/shwb/files/2014/08/2008-Final-Groundwater-Protection-Plan.pdf">https://health.hawaii.gov/shwb/files/2014/08/2008-Final-Groundwater-Protection-Plan.pdf</a> )	S000978- S001336	

EXHIBIT NUMBER	DESCRIPTION	BATES STAMP NUMBER(S)	REC'D INTO EVIDENCE
S-21	Naval Audit Service, 2010, Audit Report: Department of the Navy Red Hill and Upper Tank Farm Fuel Storage Facilities, Report Number N2010-0049, August 16, 2010.	S001337- S001433	
S-22	Engineering Survey of U.S. Navy Petroleum Facilities at Pearl Harbor for U.S. Navy Bureau of Yards and Docks, May 1949, Bechtel Corporation.	S001434- S001614	
S-23	2015. Report to the Twenty-Eighth Legislature State of Hawaii, 2015. Pursuant to Senate Concurrent Resolution 73 Requesting the Department of Health to Convent a Task Force to Study the effects of the January 2014 Fuel Tank Leak at the Red Hill Fuel Facility. Prepared by State of Hawaii Red Hill Fuel Storage Facility Task Force. December 2014. <a href="https://health.hawaii.gov/shwb/files/2015/01/Senate-Concurrent-Resolution-73.pdf">https://health.hawaii.gov/shwb/files/2015/01/Senate-Concurrent-Resolution-73.pdf</a>	S001615- S001649	
S-24	May 18, 2021, email from Gabrielle Fenix Grange regarding "FW: Draft Heat Map and Chart showing post-release vapor results"	S001650- S001651	
S-25	Final Administrative Order on Consent in <i>In re Red Hill Bulk Fuel Storage Facility</i> , EPA Dkt. No. RCRA 7003-R9-2015-01, DOH Dkt. No. 15-UST-EA-01. Available at: <a href="https://health.hawaii.gov/ust/files/2015/09/Red-Hill-AOC_Final_29SEP151.pdf">https://health.hawaii.gov/ust/files/2015/09/Red-Hill-AOC_Final_29SEP151.pdf</a> .	S001652- S001683	
S-26	2018. Quantitative Risk and Vulnerability Assessment Phase 1 (Internal Events without Fire and Flooding). Red Hill Bulk Fuel Storage Facility NAVSUP FLC Pearl Harbor, HI (PRL). Administrative Order on Consent in the matter of Red Hill Bulk Fuel Storage Facility EPA Docket No. RCRA 7003-R9-2015_01, DOH Docket No. 15-UST-EA-01. Prepared by ABS Consulting. November 12.)	S001684- S003349	
S-27	August 1998 Regional Study of Military Bulk POL distribution Systems and Storage Facilities, Hawai'i Amendment 3, Red Hill Complex Fire, Life Safety, And Environmental Risk Assessment/Analysis Vol I of II	S003350- S003486	

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S-28	NAVFAC Naval Facilities Engineering Command Engineering and Expeditionary Warfare Center. SITE SPECIFIC REPORT, SSR-NAVFAC EXWC-CI-1655, 11 October 2016, Red Hill Facility, Tank Inspection, Repair, and Maintenance Report, Administrative Order on Consent (AOC) Statement of Work (SOW), Section 2.2.	S003487- S003732	
S-29	Tank 13 API 653 Out-of-Service Inspection and Suitability for Service Evaluation, Final Pre-Repair Report, Joint Base Pearl Harbor-Hickam, HI, May 21, 2020	S003733- S003949	
S-30	Navy letter to DOH Solid and Hazardous Waste Branch, dated April 17, 2002, Re: Confirmed Release Notification for Release at Tank 6, Red Hill Tank Complex	S003950- S003951	
S-31	State of Hawai'i Hazard Evaluation and Emergency Response Office, Interim Final, Section 2: Emergency Response and the Site Discovery, Investigation, and Cleanup Process, Appendix 2-B: Hazardous Substance Release Notification Guideline (dated November 12, 2008)	S003952- S003957	
S-32	Navy Letter dated April 13, 2017, to the U.S. Environmental Protection Agency and the State of Hawai'i Depart of Health Solid and Hazardous Waste Branch Re: Administrative Order on Consent Statement of Work Section 8.2 Scope of Work, Red Hill Bulk Fuel Storage Facility	S003958- S003959	
S-33	Market Survey of Leak Detection Systems for the Red Hill Fuel Storage Facility, dated July 3, 2008	S003960- S004082	
S-34	May 7, 2021, Navy News Release entitled "U.S. Navy Contains Fuel Release at Red Hill Bulk Fuel Storage Facility"	S004083	
S-35	Red Hill Notice of Interest 20210507-0852 JP-5 spill that occurred on 05-06-2021 Release Monitoring Data (dated May 13, 2021)	S004084- S004087	
S-36	U.S. Army Garrison Hawai'i Presents Town Hall, December 1, 2021 (excerpts). Available at: <a href="https://www.dvidshub.net/video/823740/amr-red-hill-water-town-hall">https://www.dvidshub.net/video/823740/amr-red-hill-water-town-hall</a>	S004428	

<b>EXHIBIT NUMBER</b>	<b>DESCRIPTION</b>	<b>BATES STAMP NUMBER(S)</b>	<b>REC'D INTO EVIDENCE</b>
S-37	Department of Defense, Fiscal Year 2011 Budget Estimates, Military Construction, Family House, Defense Wide, Justification Data Submitted to Congress (dated February 2010)	S004088- S004411	
S-38	August 18, 2014, Department of the Navy letter to Ms. Rebekah Padgett, Washington State Department of Ecology, Re: Negative Determination for Manchester Fuel Tank Improvements, Manchester, Washington	S004412- S004426	
S-39	Video of December 5, 2021, Hickam Air Force Base Town Hall meeting	S004427	

DATED: Honolulu, Hawai'i, December 18, 2021.

/s/ David L. Henkin

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EARTHJUSTICE

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