



# EARTHJUSTICE

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December 20, 2021 '21 DEC 20 P12:03

*Via Hand Delivery  
and Electronic Mail*

David D. Day  
Stella M. Kam  
Hearings Officer  
Department of Health  
State of Hawai'i  
1250 Punchbowl Street, 3<sup>rd</sup> Floor  
Honolulu, HI 96813

Re: In the Matter of Department of Health, State of Hawai'i v. United States Department of the Navy, DOH Docket No. 21-UST-EA-02

Dear Hearings Officer Day:

On December 13, 2021, Sierra Club filed a Motion to Intervene in DOH Docket No. 21-UST-EA-02. Enclosed for filing in support of Sierra Club's Motion to Intervene is the original signature page with indelible ink signature for the declaration of Kevin T. Aubart, along with one copy. Copies will be served today via electronic mail to all parties.

Sincerely,

/s/ David L. Henkin

David L. Henkin  
EARTHJUSTICE

Attorneys for Intervenor Sierra Club

Enclosure

12. The U.S. Navy poisoned thousands of military families with jet fuel, denied it, lied about it, and refused to accept responsibility for it. I am deeply concerned that, if the Navy is not forced to shut down the old, corroded and leaking Red Hill fuel tanks, fuel will leak into our drinking water again and may be more severe and widespread next time. If the Red Hill fuel tanks are not shut down, my wife and I will live in constant fear of our water getting contaminated again, with no way to know it until we can actually smell jet fuel.

13. Being prior military, I understand the importance of stored jet fuel to our national security. But the Navy has known about these Red Hill fuel leaks for decades, and the Navy failed to take the necessary steps to avoid poisoning its own people. It is long past time for the Navy to drain the old tanks and clean up the contamination it has already caused.

I declare under penalty of law that the foregoing is true and correct to the best of my knowledge.

DATED: Honolulu, Hawai'i, December 13, 2021.

  
\_\_\_\_\_  
Kevin T. Aubart

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Attorneys for Intervenor Sierra Club

DEPARTMENT OF HEALTH

STATE OF HAWAII

DEPARTMENT OF HEALTH, STATE OF HAWAII	)	Docket No. 21-UST-EA-02
	)	
	)	
Complainant,	)	SIERRA CLUB'S CERTIFICATE OF
vs.	)	SERVICE RE: ORIGINAL
	)	SIGNATURE OF DECLARATION OF
UNITED STATES DEPARTMENT OF THE NAVY,	)	KEVIN T. AUBART IN SUPPORT OF
	)	SIERRA CLUB'S MOTION TO
Respondent,	)	INTERVENE, FILED DECEMBER 13,
	)	2021
	)	
vs.	)	
	)	
SIERRA CLUB and HONOLULU BOARD OF WATER SUPPLY,	)	
	)	
	)	
Intervenors.	)	
	)	

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I hereby certify that on this date and by the methods of service noted below, a true and correct copy of the transmittal letter and original signature page with indelible ink signature for the declaration of Kevin T. Aubart in support of Sierra Club's Motion to Intervene, filed on December 13, 2021, was served as follows:

DAVID D. DAY  
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**Via Hand Delivery and  
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**Via Electronic Mail**

Attorneys for:  
THE UNITED STATES  
DEPARTMENT OF THE NAVY

DATED: Honolulu, Hawai‘i, December 20, 2021.

/s/ David L. Henkin

DAVID L. HENKIN

EARTHJUSTICE

Attorneys for Intervenor Sierra Club

Intervenors Sierra Club’s Certificate of Service; *Department of Health, State of Hawai‘i v. United States Department of the Navy*, DOH Docket No. 21-UST-EA-02