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DEPARTMENT OF HEALTH

STATE OF HAWAII

ENVIRONMENTAL HEALTH DIVISION,)	Case No. 21-UST-EA-02
DEPARTMENT OF HEALTH, STATE OF)	
HAWAII,)	DECLARATION OF
)	MARNIE E. RIDDLE ENCLOSING
Complainant,)	REBUTTAL EXHIBITS
)	(EXHIBIT 7)
v.)	
)	
UNITED STATES DEPARTMENT OF THE)	
NAVY,)	
)	
Respondent.)	
_____)	

DECLARATION OF MARNIE E. RIDDLE

I, Marnie E. Riddle, declare as follows:

1. I am a Senior Trial Attorney at the Naval Litigation Office representing the United States Department of the Navy (Navy) in the above captioned case. I am an attorney licensed to practice before all State and Federal Courts in the State of California and have been admitted *pro hac vice* in the following proceeding before the Hawaii Department of Health: In the Matter of Contested Case Hearing re Red Hill Permit Application, Docket No. 19-UST-EA-01.

2. I make this declaration in support of the Navy's contestation of the Emergency Order issued by the Hawaii Department of Health ("DOH") on December 6, 2021.

3. The Navy submits the following exhibits as rebuttal evidence in accordance with HRS §91-10(3).

4. Attached hereto as exhibits **N-7A, N7B, N-7C and N7D**, respectively, are true and correct copies of the written direct and supplemental testimony of Navy witnesses Frank Kern and Robert Jamond for Contested Case Hearing No. 19-UST-EA-01.

5. Exhibit **N-7E** is a map showing Red Hill Groundwater Monitoring Well Locations - April 2017 from the Final Second Quarter 2017 Quarterly Groundwater Monitoring Report. It is available on the U.S. EPA website titled “Groundwater Monitoring at Red Hill: Additional Documents” and can be viewed at https://www.epa.gov/sites/default/files/2017-08/documents/red_hill_groundwater_monitoring_well_locations_april_2017.pdf

6. Exhibit **N-7F** is a letter from DOH and EPA, dated August 10, 2016, re Approval of Red Hill AOC SOW Deliverable under Sections 6 & 7 - Revised Monitoring Well Installation Work Plan, July 17, 2016. It is available on the U.S. EPA website titled “Groundwater Monitoring at Red Hill: Additional Documents” and can be viewed at https://www.epa.gov/sites/default/files/2016-09/documents/regulatory_agencies_conditional_approval_of_mwiwp_10_aug_2016.pdf

7. Exhibit **N-7G** is a letter from DOH and EPA, dated December 2, 2016, re Conditional Approval of Red Hill AOC SOW Deliverable under Sections 6 and 7 – Work Plan/ Scope of Work, Investigation and Remediation of Releases and Groundwater Protection and Evaluation. This letter was designated Exhibit B-330 in Dkt. No. 19-UST-EA-01. It is available on the U.S. EPA website titled “Groundwater Monitoring at Red Hill: Additional Documents” and can be viewed at https://www.epa.gov/sites/production/files/2016-12/documents/red-hill-aoc-section_6-7_sow_conditional_approval_2_december_2016.pdf

8. Exhibit **N-7H** is a Navy document titled Monitoring Well Installation Work Plan Addendum 02, Red Hill Bulk Fuel Storage Facility, dated August 25, 2017. This letter was designated Exhibit B-364 in Dkt. No. 19-UST-EA-01. It is available on the U.S. EPA website titled “Groundwater Monitoring at Red Hill” and can be viewed at https://www.epa.gov/sites/production/files/2017-08/documents/monitoring_well_installation_work_plan_addendum_2_25_august_2017.pdf.

9. Exhibit **N-7I** is a letter from DOH and EPA, dated April 22, 2019, re: Comments on Environmental Work and Development of the Contaminant Fate and Transport Model for the Red Hill Administrative Order on Consent (“AOC”) Statement of Work (“SOW”). This letter was designated Exhibit B-356 in Dkt. No. 19-UST-EA-01 and is available at https://www.epa.gov/sites/production/files/2019-05/documents/red_hill_aoc_6and7_comments_20190422.pdf

10. Exhibit **N-7J** is a letter from the Navy to DOH and EPA, dated January 13, 2020, titled Response to Environmental Protection Agency (EPA) and State of Hawaii Department of Health Letter of April 22, 2019, Comments on Environmental Work and Development of the Contaminant Fate and Transport Model for the Red Hill Administrative Order on Consent (AOC) Statement of Work (SOW). This letter was designated Exhibit B-359 in Dkt. No. 19-UST-EA-01 and is available at https://www.epa.gov/sites/production/files/2020-04/documents/response_to_22_apr_2019_ev_epadoh_comments-2020-01-13.pdf

11. Exhibit **N-7K** is a letter from DOH and EPA, dated July 1, 2019, re: Comments on Vadose Zone Modeling for the Red Hill Administrative Order on Consent (“AOC”) Statement of Work (“SOW”). This letter was designated Exhibit B-357 in Dkt. No. 19-UST-EA-01 and is

available at (https://www.epa.gov/sites/production/files/2019-09/documents/comments_vadose_zone_modeling-2019-07-01.pdf).

12. Exhibit **N-7L** is a letter from the Navy to DOH and EPA, dated January 13, 2020, re: US Environmental Protection Agency (EPA) and State of Hawaii Department of Health (DOH), Letter of July 1, 2019, Comments on Vadose Zone Modeling for the Red Hill Administrative Order on Consent (AOC) Statement of Work (SOW). This letter was designated Exhibit B-358 in Dkt. No. 19-UST-EA-01 and is available at https://www.epa.gov/sites/production/files/2020-04/documents/response_to_vadose_zone_model_comments-2020-01-13.pdf

13. Exhibit **N-7M** is a Navy document titled Conceptual Site Model, Investigation and Remediation of Releases and Groundwater Protection and Evaluation, Red Hill Bulk Fuel Storage Facility, dated June 30, 2019. This letter was designated Exhibit B-352 in Dkt. No. 19-UST-EA-01 and is available at https://www.epa.gov/sites/production/files/2019-07/documents/red_hill_conceptual_site_model_20190630-redacted.pdf

I declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge and belief.

Dated: December 19, 2021.

/S/ Marnie E. Riddle
Marnie E. Riddle

CERTIFICATE OF SERVICE

I hereby certify that on this date and by the methods of service noted below, a true and correct copy of the foregoing was served on the following as follows:

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Dated: December 19, 2021

Respectfully Submitted,
/S/ Craig D. Jensen

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