HEER

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801-3378

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

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2004 JUN 22 P 4:30
HEER OFFICE

In reply, please refer to:
EMD/SHWB

June 10, 2004 U06010RT

CERTIFIED MAIL NO. 7002 2410 0003 0561 1622
RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION
REQUEST FOR INFORMATION

Mr. Darren Uchima
Navy Region Hawaii
Regional Environmental Department, N465
517 Russell Avenue, Suite 110
Pearl Harbor, Hawaii 96860-1884

Dear Mr. Uchima:

SUBJECT: Red Hill Tank Complex
Facility ID 9-102271 / Release IDs 990051, 010011 & 020028

During the telephone conference between representatives of the Department of Health (DOH) and the Navy on December 11, 2003, a number of issues were discussed, including the documentation requested in DOH's letter of October 10, 2003. To date, DOH has not received the requested documentation from the Navy, or the required quarterly progress reports.

The first confirmed underground storage tank (UST) release for the Red Hill facility was reported on October 28, 1998. Since that time, two additional confirmed releases have been reported and logged. Under the UST laws, the Navy should have submitted twenty-one (21) quarterly progress reports. DOH has received none.

Hawaii Administrative Rules (HAR) section 11-281-80.1 requires owners and operators to submit quarterly progress reports that set forth all response actions taken in response to the release and a plan for future response actions. Failure to submit the reports is considered a violation of the UST laws and could lead to the assessment of penalties by DOH pursuant to Hawaii Revised Statutes (HRS) sections 11-281-8 and 11-281-10. In light of the Navy's failure to submit the progress reports, DOH is requesting that the Navy submit the progress reports pursuant to the authority of Hawaii Revised Statutes (HRS) section 342L-7(a) which provides:

> For the purpose of developing or assisting in the development of any rule, conducting any study, taking any release response action, or enforcing this chapter, any owner or operator of an underground storage tank or tank system,

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and any person involved in response actions relating to any releases from these tanks or tank systems, upon the request of any duly authorized representative of the department, shall:

1. Furnish information relating to the tanks or tank systems, including tank equipment and contents and any response actions relating to the release from the tanks or tank system;

2. Conduct monitoring or testing; and

3. Permit the designated representatives at all reasonable times to have access to, and to copy all records relating to the tanks or tank systems.

In accordance with HRS §342L-7(a), DOH hereby requests that the Navy submit: (1) all overdue quarterly reports to DOH; (2) an explanation as to why the reports were not submitted when due; and (3) the documentation DOH requested in its letter of October 10, 2003 (attached), ***within twenty-one (21) calendar days after your receipt of this letter.***

Pursuant to HAR § 342L-10(b)(2), if the Navy fails to provide the information requested herein, DOH may assess fines against the Navy up to $500 for each day it fails to provide the information. The Navy's response to this request for information should be sent to:

Mr. Richard Takaba
Project Officer
Solid and Hazardous Waste Branch
Hawaii Department of Health
919 Ala Moana Boulevard, Room 212
Honolulu, Hawaii 96814

Pursuant to HRS 92F, HRS section 342L-7, and 342L-15, DOH is required to make any records, reports, or information that you submit available to the public, absent a satisfactory showing of confidentiality. If you believe that any information you are submitting in response to this letter is entitled to confidential treatment, please submit a cover letter at the time you submit the information to DOH identifying: (1) the particular information that you believe should be kept confidential; and (2) any reason(s) why the information is entitled to confidential treatment under HRS chapter 92F. Failure to make such a request may result in the information being released to a third party.

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DOH appreciates your prompt attention to this request for information. If you have any questions regarding this letter, please contact Mr. Richard Takaba of our Underground Storage Tank Section at (808) 586-4226.

Sincerely,

STEVEN Y.K. CHANG, P.E., CHIEF
Solid and Hazardous Waste Branch

Enclosure

c: Matt Small, U.S. EPA Region 9
Barbara Brooks, Hazard Evaluation and Emergency Response Office
Clarence Callahan, Hazard Evaluation and Emergency Response Office
William Wong, Safe Drinking Water Branch

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