

**REGION 9**

SAN FRANCISCO, CA 94105

October 21, 2024

Michelle J. Brown
Director, Environmental Policy and Programs
Office of the Deputy Assistant Secretary of the Air Force
(Environment, Safety and Infrastructure)
1665 Air Force Pentagon
Washington, DC 20330-1665

John M. Smith, Senior Attorney-Advisor
Associate Compliance Branch Chief
DAF/JA-Operations and International Law/Environmental Law & Litigation Division
Environmental Law Field Support Center
Deputy Chief, Compliance Branch
2261 Hughes Ave, Suite 154
Lackland AFB, TX 78236-9852

Re: *In the Matter of U.S. Air Force and Arizona Air National Guard*, Docket No. PWS-AO-2024-10,
Tucson International Airport Area Site, Pima County, Arizona

Dear Ms. Brown and Mr. Smith:

EPA has received the October 21, 2024 letter on behalf of the United States Air Force in further response to the Safe Drinking Water Act Order ("Order") issued May 29, 2024, with regard to the Tucson International Airport Area CERCLA NPL site. The commitments described therein constitute the PFAS Water Treatment Plan required by Paragraph 57 of the Order. Therefore, by the Air Force agreeing to take the actions described in the October 21 letter, EPA deems that the Air Force is in compliance with the SDWA order. EPA looks forward to collaboratively working with the Air Force to meet our mutual goal of protecting drinking water supplies from PFAS contamination in Tucson, Arizona, and in other communities.

Sincerely,

AMY MILLER-
BOWEN

Digitally signed by AMY
MILLER-BOWEN
Date: 2024.10.21
13:22:09 -07'00'

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Region

cc: Dr. Ravi I. Chaudhary, DAF
Enclosure: October 21, 2024 letter from U.S. Air Force



**DEPARTMENT OF THE AIR FORCE
WASHINGTON DC**

OFFICE OF THE ASSISTANT SECRETARY

October 21, 2024

The Honorable Ravi I. Chaudhary
Assistant Secretary of the Air Force
Energy, Installations, and Environment
1665 Air Force Pentagon
Washington DC 20350

The Honorable David M. Uhlmann
Assistant Administrator
Office of Enforcement & Compliance Assurance
1200 Pennsylvania Ave NW
Washington DC 20460

Dear Mr. Uhlmann:

In furtherance of an effort to resolve concerns regarding the continued actions to address per- and polyfluoroalkyl substances (PFAS) at the Tucson International Airport Area Superfund Site (TIAASS or Site), this letter documents the firm commitment of the Department of the Air Force (DAF) to undertake the specified actions detailed herein. We appreciate the discussions on how DAF actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), in concert with other ongoing CERCLA actions to TIAASS by other entities, will resolve the issues raised in EPA's May 29, 2024, Safe Drinking Water Act Emergency Order pertaining to the presence of PFAS in groundwater at the TIAASS.

The DAF values its partnership with the EPA and the Arizona Department of Environmental Quality (ADEQ). For over 30 years, the DAF has worked to restore and protect the Tucson region. Starting in 1991, the DAF entered into a CERCLA Consent Decree for trichloroethylene treatment and again in 2016 for treating 1,4-dioxane through the Advanced Oxidation Process (AOP) groundwater treatment plant with granular activated carbon (GAC) filters for the Tucson Airport Remediation Project system. GAC is also a method for treating PFAS. In 2024, the Air Force established a Technical Working Group at TIAASS to exchange PFAS investigation information and address data gaps supporting the development of regional solutions.

In this continuing spirit of collaboration, we believe we are in a position to resolve this matter on a cooperative basis, and on the mutually acceptable terms listed below.

1. DAF intends to complete the CERCLA Remedial Investigation/Feasibility Study (RI/FS) work for PFAS releases on or from Air Force Plant 44 (AFP 44) and Morris Air National Guard Base (ANGB) activities, and to continue to participate in Site wide data sharing, conceptual site model, risk assessment and Site cleanup strategies. This work, in conjunction

with a pending RI/FS effort by Tucson International Airport Authority, should provide sufficient data to promote a PFAS remedy for the TIAASS.

2. DAF will take CERCLA interim actions, consistent with the National Contingency Plan (NCP) and DAF's Defense Environmental Restoration Program authorities, to address PFAS releases migrating off base from AFP 44 and Morris ANGB, and will include the following actions:
 - DAF will conduct a treatability study on Morris ANGB to determine the feasibility of minimizing the migration of its PFAS releases off-base. Additionally, DAF will study if retrofit of an existing groundwater treatment plant on Morris ANGB for PFAS treatment could effectively treat its PFAS releases. DAF will take CERCLA interim action(s) toward establishing source control for PFAS at or from Morris ANGB locations identified as "hot spots."
 - DAF will study, and if it can effectively treat AFP 44 PFAS releases, design and implement, a PFAS treatment system to add to the Air Force Plant 44 Groundwater Advanced Oxidation Process Treatment Plant. DAF will also implement a Non-Time Critical Removal Action(s) toward establishing source control for PFAS "hot spots" at or from AFP 44.
3. The DAF is willing to enter into an interim settlement agreement with the City of Tucson and the Tucson Airport Authority to reimburse the City for 50 percent of the past GAC change out costs and expansion costs, as well as future GAC changeout costs necessary to address PFAS. Once EPA has selected the PFAS remedy for Tucson Airport Remediation Project (Area A), the Department of Justice (DOJ) on behalf of the DAF reserves the right to negotiate a final settlement that would reflect any appropriate changes necessary to true-up the allocation going forward. Alternatively, DAF's equitable share of the GAC costs, including future costs, may also be resolved as part of the Third Modification to the Consent Decree. These settlements would require approval from the appropriate official at DOJ, including certification for payments from the Judgment Fund.
4. The DAF is willing to enter into an interim settlement agreement with the City of Tucson to reimburse the City for 50 percent of the NCP-consistent excess costs of construction of the Ion Exchange PFAS pretreatment plant and/or the operation and maintenance costs for that plant once the federal grant funding obtained by ADEQ for that specific purpose under Interagency Service Agreement No. ISA-ARPA-ADEQ-102022-64 is exhausted (i.e., all American Rescue Plan Act of 2021 federal grant funds are spent on the pretreatment plant). Once the RI/FS work being carried out by the DAF and other parties is complete and a PFAS remedy is selected, the DOJ on behalf of the DAF would reserve the right to negotiate a final settlement that would reflect any appropriate changes necessary to true-up the allocation and address any other PFAS joint liability at the TIAASS. These settlements would require approval from the appropriate official at DOJ, along with certification for payments from the Judgment Fund.

The DAF, EPA, and DOJ will determine the best CERCLA instrument(s) to incorporate the agreed-upon DAF actions described above. The executed CERCLA instrument(s) will supersede the SDWA order. We look forward to coordinating on the actions listed above as we proceed collaboratively with work at the Site.

A handwritten signature in black ink, reading "Ravi I. Chaudhary". The signature is fluid and cursive, with the first name "Ravi" and last name "Chaudhary" clearly legible, and "I." in the middle.

Dr. Ravi I. Chaudhary
Assistant Secretary of the Air Force
Energy, Installations & Environment