

> From: HUGHES, TIMOTHY W GS-14 USAF AFMC AFLCMC/OL-AF Plant 42
> [mailto:timothy.hughes.24@us.af.mil]
> Sent: Monday, December 23, 2013 11:25 AM
> To: Ferguson, Scott@Waterboards
> Cc: CUMMINS, GENE F Lt Col USAF AFMC AFLCMC/OL-AF Plant 42; GRADY,
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> Patty@Waterboards
> Subject: Air Force Plant 42 Comments on Proposed Resolution Approving
> Lahontan's Public Hearing Procedures - 23 Dec 2013
> Importance: High
>
> Mr. Ferguson,
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> Please accept this email with attachments as the Air Force Plant 42, Palmdale, CA, official response to Lahontan's request for comments on the proposed public hearing procedures to be considered at the Board's January 8-9, 2014, meeting.
>
> The Air Force thanks you for the opportunity to review the proposed resolution as noted in the attached and titled "Resolution-Proposed Transmittal Letter.pdf."
>
> Also attached please find our written comments, titled "Air Force Comments - LRWQCB-Public Hearing Procedures - 23Dec2013," as requested in the aforementioned transmittal letter, provided prior to the December 26, 2013, deadline.
>
> Respectfully request confirmation of receipt of this transmittal.
>
> If you have any questions regarding our comments, please direct those to Mr.
> Jim Ryckman at 937-255-1981 or email at s.ryckman@us.af.mil.
>
> Thank you again.
>
> v/r
>
> Tim
>
> _____
> //SIGNED//
>
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**Air Force Plant 42 Review Comments on the Lahontan Regional Water Quality Control Board's
December 3, 2013 Proposed Resolution Approving Lahontan Water Board Public Hearing Procedures
Templates and Public Participation Fact Sheet.**

Comments:

1. Ref. Page 2 Public Hearing Deadlines, first three deadlines: Comment: Suggest that the reference to the 14 days from Compliant Release Date, 4 PM be extended to 28 days minimum to provide adequate time to assure that the potential "Designated Parties" have essential time to familiarize themselves with the overall Hearing Procedures which are fairly complex. That would mean adding additional 14 days minimum to all other referenced deadlines. Note: If for instance the "Designated Parties" were to include say a federal facility, a government, or complex industrial organization, it might take 21 days or more for the initial notice to reach the commander or chief executive for processing, leaving little if any time for the designated Parties in this situation to even consider any objections to the Hearing Procedures. It is not unusual for say the USEPA in its rulemakings to provide the public with 30 to 60 days as a normal comment period with the ability to ask for more time. The same consideration should be incorporated into the proposed Lahontan regional Water Quality Control Board's Proposed Public Hearing Procedures.
2. Ref. Page 2 Public Hearing Deadlines, the fifth and sixth deadlines: According to the 5th deadline the designated parties (except the prosecution team) are to submit technical and legal arguments/briefs etc. prior to the sixth deadline (5 days later) wherein requests for additional time at the hearing are made by the designated parties and the public. Comment: Suggest that a request for additional time should be made prior to the fifth milestone, where in "technical and legal arguments/briefs ..." are to be submitted including supporting evidence and documents, and witness lists. This would avoid having to make incomplete written submittals, which could be avoided if requests of additional time were granted prior to the submission date rather than 5 days afterwards. Then in the event that further time is still needed at the hearing, a request for more time could then be made based upon merit and supporting justification.
3. General: In addition to pointing out that it can take more than two weeks to reach the chief executive, it must be noted that the Air Force's environmental personnel structure, including engineers and attorneys, require several different organizations to coordinate on any hearing. For Air Force Plant 42 (and probably Edwards AFB) related environmental actions, the Air Force must consult attorneys and engineers in California, Ohio, Texas and Washington, DC. Hence the proposed deadlines simply don't represent a realistic timeline for responsiveness from the Air Force.