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Via Electronic Mail

Secretary of Defense Mark T. Esper
Department of Defense

Ms. Julianne Turko
United States Air Force
ATTN: Tinian Divert SEIS
Civil Engineer Center, National Environmental Policy Act Division
(AFCEC/CZN)
2261 Hughes Ave, Suite 155
Joint Base San Antonio (JBSA)
Lackland, TX 78236-9853

Re: Tinian Divert Infrastructure Improvements Supplemental Environmental Impact
Statement

Hafa Adai Secretary of Defense Mark T. Esper and Ms. Julianne Turko,

Please find attached Our Common Wealth 670's public comments regarding the US Air
Force's Tinian Divert Infrastructure Improvements Supplemental Environmental Impact
Statement.

Respectfully,

Our Common Wealth 670
Saipan, CNMI

APPENDIX G – Page G-23

Comment ID F1 – ES 2 “Purpose and Need for Supplemental EIS”

USAF stated, that “The purpose of the original Proposed Action is to establish divert capabilities *to support* and conduct current, emerging, and future USAF exercises, while ensuring the capability to meet mission requirements *in the event that access to Andersen Air Force Base or other western Pacific locations is limited or denied.*” Our Common Wealth (OCW) 670 concurs that a divert airfield would aid USAF in meeting their mission requirements, should Anderson Air Force Base be unavailable. However, USAF provided insufficient information on why using tanker trucks to transport fuel to the divert airfield is not currently meeting this need. It is of our opinion, that constructing a pipeline; with the associated volume of fuel it will contain is grossly over what is called for to supply a divert airfield given the infrequency with which the USAF would need to use a divert airfield.

However, the greatest concern for OCW 670 is that USAF is proposing to construct a pipeline over the sole source of Tinian’s potable water supply. Given Tinian’s porous karst soils and the many pipeline failures that have incurred irreparable environmental damage throughout the US and other countries over the years, this alternative has the potential for the greatest harm to Tinian’s aquifer, nearshore environment, and the health of the public in general that has no other viable drinking water source.

It is disturbing that USAF “cherry picked” their “data”, by considering only one document, which supports what appears to be a *predetermined* preferred alternative, instead of thoroughly assessing potential risks using the best available science on pipeline safety to *objectively* select a preferred alternative. Instead, the USAF relies on the six page “Strata, 2017” report to substantiate the claim that the proposed pipeline will “provide a safer, more reliable, secure, efficient and less costly method” of fuel transport. This is not a peer-reviewed study. It is merely a report.

In addition, USAF has not provided any detail on how it would propose to keep the fuel left standing stagnant in a pipeline from fouling or from corroding and weakening the pipeline’s integrity, nor does USAF discuss inspections and their frequency in order to identify weak spots in the system so repairs may be carried out before a leak occurs. This fuel would need to be kept flowing, and there is simply not enough need for this volume of fuel for a divert airfield. USAF provided no detailed maintenance or monitoring plans to check for and immediately repair any leaks or cracks in the system, which shows a less than robust assessment of potential adverse environmental impacts should the system fail.

Therefore, OCW 670 respectfully requests that USAF continue to use tanker trucks to transport fuel to the airfield fuel tanks which has serve the island of Tinian for decades and has sufficiently provided USAF with the fuel it needs in a timely manner for their training purposes. There is no practicable reason to promote the use of a pipeline, nor its required volume of fuel. It is overkill considering that the proposed need is only for a *divert* airfield to be used when Anderson Air Force Base is not available.

Comment ID F2 – F2.1 “Stormwater Management”

OCW 670 appreciates that USAF did put more forethought in the infrastructure design plan for the pipeline in this SEIS. Although USAF is proposing to design the structure to meet a 25-year 24-hour *rainfall event* based on published rainfall intensity duration frequencies for the CNMI. Relying on *past* published CNMI rainfall event data is insufficient to design for *future* rain events or storms. OCW 670 recommends that USAF in their future designs be based on future rainfall/storm projection models to keep pace with

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ever increasing frequencies and intensities of storm events and associated conditions related to climate change. The scientific community is coming to understand that infrastructure designs should be built to withstand 50 or even 100-year *storm events*, depending on their proximity to the coast, and to also consider that these events may last longer than a mere 24 hours.

Our experience in the CNMI over the past five (5) years, confirmed that our storm events are increasingly lasting longer than 24 hrs. Super Typhoon Soudelor lasted over 48 hours (August 2 – 3, 2015), as did Super Typhoon Yutu (October 25 – 26, 2018). This suggests that stormwater best management practices (BMPs) based on a shorter duration would be insufficient to protect Tinian’s land, groundwater, and nearshore from contamination during other typhoons of this intensity. They will occur in the future. It is just a matter of time.

Therefore, OCW 670 recommends that USAF be at the forefront of designing for the future by preparing for climate related disasters; an extraordinary model for other government agencies to replicate. We suggest that USAF design infrastructure to be preemptively constructed to withstand a 50 to 100-year storm event, with the foresight that they may last as much as 24 to 36 hours, to allow for a design of the future.

Comment ID F3 – F-8 “Site-Specific Measures”

OCW 670 appreciates that USAF considered past published CNMI rainfall data and the 2008, USDA NRCS recommendations for estimating a rainfall event on Saipan. However, the calculated 2.92 inches of rainfall for Saipan during a 10-year, 1-hour rainfall event, is severely outdated. This calculation was based on data from over 10 years ago, and is not considered protective against future rainfall intensities and the storm surge expected to occur with ever-increasing storm events associated with climate associated conditions. Therefore, OCW 670 recommends that USAF calculate the rainfall estimate based on future rainfall projection models for designing stormwater management measures associated with a 50-year, 15-hour rainfall event, before finalizing the SWPPP.

Comment ID F14 – Lines 14-19 “Low point drains”

OCW 670 noted that drained material would be removed from the pits via a vacuum truck or similar process, then asked “Where would the drained material removed from the pits be disposed?”

USAF stated in Section 4.11.2 that the material would be “disposed of in accordance with federal and CNMI laws, including the Resource Conservation and Recovery Act (RCRA).” We appreciate USAF providing this assurance, especially the appropriate handling of any hazardous materials encountered given the amount of contamination encountered from WWII UXO, and other munition and munition constituents remaining in our groundwater, and soil and sediment in the near shore environment.

However, USAF response to our comment still does not answer “where” these materials will be disposed. Potential locations and their alternatives should be discussed in detail as part of a thorough EIS planning process.

Comment ID F18 – ES 2.2 and Section 1.3.2 “Purpose and Need for Supplemental Environmental Impact Statement”

OCW 670 has noted that USAF included at least one citation in their response for which they concluded that a pipeline is the safest and most efficient alternative for transporting fuel from the seaport to the

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airfield. However, the Strata organization, as stated on their website, is focused on, “the principles of liberty and free markets”. This perspective may be useful for assessing overall lifecycle costs “for fuel transfer” and construction, but lacks a robust assessment of any potential long term adverse environmental impacts. Nor does Strata consider the associated costs incurred when a pipeline fails, causing irreparable damage and astronomical costs for the required cleanup and remediation. USAF’s reliance on just one non-peer reviewed report is disturbing given that the Energy and Policy Institute, “... a watchdog organization working to expose attacks on renewable energy and counter misinformation by fossil fuel and utility interests.”, disclosed that, “Utah State University, which houses Strata research and publications, has also received funding from both Charles and David Koch – at least \$1.6 million. This funding has made Utah State the fifth-biggest recipient of money from Koch-linked foundations among all colleges since 2012.” “(<https://www.energyandpolicy.org/strata-policy/>). The Koch Brothers have a record of lobbying and funding the American Legislative Exchange Council (ALEC) to create model legislation to weaken renewable energy standards and support their interest in getting the Keystone XL pipeline built. This pipeline leaked over 380,000 gallons, and contaminating 22,000 square feet of wetlands in November of last year.

In addition, a 2015 report by the Energy and Policy Institute stated that reports by Beacon Hill Institute and Utah State University’s Institute of Political Economy/Strata, which were funded by the Koch Brothers were flawed and have since been “thoroughly debunked” (August 28, 2015. Kasper, Matt, “Charles Koch Distorts the Facts: Here are the ways His Money & Political Network Prevent Clean Energy Businesses from Succeeding”:<https://www.energyandpolicy.org/charles-koch-distorts-the-facts-prevents-clean-energy-businesses-from-succeeding/>)

This begs why USAF would cite Strata, when this organization’s policy is so clearly biased, and not concerned with environmental protection, or reducing greenhouse gas emissions, a policy that the USAF is purported to be committed to in the DoD Environment, Safety and Occupational Health Network and Information Exchange (DENIX) sustainability plans. This is of special concern given that the proposed pipeline is on top of Tinian’s Class 1 groundwater aquifer, which is the primary source for Tinian’s potable water supply. Should a pipeline failure result in leaks, the effect would be catastrophic to Tinian’s primary drinking water source, and to the general public who would be put at risk from the associated public health impacts. This concern is well founded given that Flint, Michigan is still contending with a public health crisis after using a contaminated water supply as their primary source. Flint, Michigan had other immediate sources, but chose cost saving over public safety. Tinian does not have this luxury.

To underscore OCW 670’s concern, a study by Belvederesi, C., et al, in 2018, investigated “...pipeline accident data provided by PHMSA (Pipeline and Hazardous Material Safety Administration) between 2010 and 2017, with a focus on environmental consequences of hazardous liquid pipeline accidents.”, (Belvederesi, C., et al, “*Statistical analysis of environmental consequences of hazardous liquid pipeline accidents*”, Heliyon. 2018 Nov; 4(11): e00901., Published online 2018 Nov 7. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6226826/>).

Belvederesi, C., et al, analyzed eight years of PHMSA accident data to estimate the, “... average amount of released product, the average time elapsed between the accident, the emergency response from the oil company, and the average costs of environmental remediation.” This raises the question of how USAF plans to control and monitor for leaks or pipeline degradation, and respond in a timely manner to control and contain spills.

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Belvederesi, C., et al, found that the lag time between the accidental spill and the response resulted in, "... on average, 85% of product released after an accident remained unrecovered, 53% of accidents led to soil contamination, 41% of accidents impacted environmentally sensitive areas...". In addition, the study estimated, "On average, 39% of accidents had adverse effects on fish, 33% on birds, and 28% on terrestrial wildlife." As a result, the study estimated that, "annual average environmental damage and remediation costs were USD 140 million", a cost that USAF would be remiss to not consider in project design planning by reserving additional funds for emergency response, cleanup and remediation should a spill occur.

Nowhere does USAF mention the additional design features for this water-crossing pipeline. Belvederesi, C., et al, noted that the PHMSA requires "... additional precautions for water-crossing pipelines, as they are subject to higher risks (i.e. highly corrosive sea water, shear stress from water flow) and potentially lead to large consequences for the environment.", as would be the case with the proposed pipeline at Tinian's shoreline.

As an example of the environmental costs that have been incurred in the past with water-crossing pipelines, the Enbridge pipeline that ruptured in a wetland in Marshall Michigan in July 2010, resulted in a reported release of 843,444 gallons of crude oil into a tributary of the Kalamazoo River. The cleanup began with Enbridge removing, "nearly 190,000 cubic yards of oil-contaminated material and 1.15 million gallons of oil...", (August 2013. EPA report, "*Dredging begin on Kalamazoo River*" https://www.epa.gov/sites/production/files/2016-06/documents/enbridge_fs_201308.pdf).

The EPA report stated that Enbridge was to dredge an approximate additional 350,000 cubic yards of contaminated sediment in 2013 as part of their remediation requirements. After these efforts, EPA stated that the "...162,000-168,000 gallons of oil that will remain in the river after this dredging work is complete will not be able to be recovered right away without causing significant adverse impacts to the river".

In addition, In May 2015, Enbridge and the state reached a settlement for Natural Resource Damage (NRD) restoration and compensation. The state settlement was estimated to cost at least \$58 million. Enbridge also paid additional state for costs of oversight of the cleanup and restoration efforts. In total Enbridge paid at least \$62 million combined to resolve natural resource damages. (<https://www.fws.gov/midwest/news/785.html>).

Therefore, OCW 670 highly recommends that USAF discontinue further consideration of a pipeline and continue to use the tanker trucks to transport fuel to the airfield that has worked without incident for decades by selecting the "No Action" alternative for pipeline construction.

Comment ID F25 – ES 2.2 and Section 1.3.2 "Purpose and Need for Supplemental Environmental Impact Statement"

OCW 670 requested for the estimated volume of a spill should the pipeline fail. It was not provided. USAF's response that, "More specific information regarding total volume of a potential spill is not available, and will be calculated during the 100% design process for the pipeline, to be completed after ROD", is unacceptable. By doing so, USAF has deferred the collection and analysis of critical science based environmental data until *after* the ROD is issued, thus not completing a thorough data driven and informed analysis as part of their EIS, thus failing to adequately comply with the NEPA process.

As noted in Belvederesi, C, et al, findings above, there is a lag time between an accidental spill and the response, which could contribute copious volumes of fuel to quickly percolate into Tinian's porous karst

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soil, posing a high risk of groundwater contamination before containment. Contamination of Tinian's land, groundwater, and nearshore environment, as well as its sole source potable water supply, would cause irreparable damage, and could result in a public health catastrophe. Islands, unlike continents, do not have nearby options to respond to water supply emergencies, as the CNMI unfortunately has had first hand experience after Super Typhoon Yutu.

The USAF detection system limit of 0.004% of the total volume, if indeed attainable, suggests that an estimated leak of 4.8 gallons would be detected within an hour. However, no detail is provided on how many hours would be required for USAF to feasibly respond to the detection, or how quickly USAF could deploy a response team to contain a failed pipeline, and what measure would be implemented to protect Tinian's natural resources. As demonstrated in the Enbridge Kalamazoo River spill, and other PHMSA data, a pipeline can spill hundreds to thousands of gallons if uncontained. Tinian does not have another potable water supply to accommodate such contamination if such events would occur.

Issuing a ROD for pipeline construction without data regarding the geological conditions and measures that would be needed to avoid a hazardous spill demonstrates that USAF failed to take a "hard look" at potential significant impacts to Tinian's fragile island ecosystem, and the response measures needed to protect them. As such, OCW 670 recommends that USAF extend the "waiting period" or re-issue a supplemental final EIS until such a time that this analysis can be conducted and used to *objectively* decide whether or not a pipeline is preferred, compared to the continued use of tanker trucks for fuel transport. Lacking such analysis, it would be remiss for the US Congress to release funding for any pipeline construction.

In addition, if the pipeline were permitted, USAF must first provide detailed environmental and human health protective standards to be implemented in their design plans, as required for this "high consequence area" under the PHMS regulations (49 CFR §195.452). Second, USAF must also consider the high cost of remediation should such a disaster as a fuel spill occur. Monitoring, response, and remediation costs must also be considered when calculating the costs "for fuel transfer and construction" of the Divert airfield, as part of a thorough EIS assessment. It is of note that, the NRD settlements for the Enbridge pipeline spill into the Kalamazoo River resulted, "...in at least \$62 million being spent to resolve natural resource damages" (June 2015, WSFWS Newsroom report (June 2015, USFWS Newsroom report. ([2015_USFWS_NRD_EnbridgeSettlement.html](#))).

Therefore, at a minimum, OCW 670 is requesting that the ROD provide time-bound commitments for the USAF to provide the 100% design plan as soon as possible, in conjunction with the monitoring, and emergency response plans so a thorough assessment of the *practicality* of a pipeline may be compared to the continued use of tanker trucks that have successfully provided safe fuel transport from seaport to the Tinian airport for decades. Given the data gaps and deficiencies in USAF's SEIS analysis noted here, OCW 670 highly recommends that USAF delay the ROD, or select the "No Action" alternative for the pipeline until such time that the best available science is used for making these important decisions.

Our people continue to work with the DoD and provide men and women for its ranks. Our people, land, air and sea deserve to be given as much protection and consideration in planning decisions related to the MIRC, MITT, CJMT and other future plans, as given to the mainland. *These are undoubtedly cumulative in nature.* After all we are not second class citizens. We are Americans. If Secretary Esper is indeed concerned about diversity and inclusion, he should remember his words, " We know we are not immune to what is happening in broader society, that society that we serve" and show that the DoD considers our people's protection, our common wealth, as much as DoD does elsewhere, and serve us with equity.