

N60200.AR.003624
NAS CECIL FIELD, FL
5090.3a

LETTER REGARDING U S EPA REGION IV AND FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION COMMENTS ON DRAFT LAND USE CONTROL
REMEDIAL DESIGN FOR OPERABLE UNIT 11 (OU 11) SITE 45 NAS CECIL FIELD FL
6/1/2003
U S EPA REGION IV



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

Site 45
and ROD
CFO 282
Site 45
LUC

Commander
Attn: Mr. Joseph L. McCauley, Director
Environmental Services Business Line
Department of the Navy
SOUTHNAVFACENGCOM
Mail Code:
P.O. Box 190010
North Charleston, South Carolina 29419-9010

Subject: Naval Air Station Cecil Field, Jacksonville, Florida

Dear Mr. McCauley:

The U.S. Environmental Protection Agency and the Florida Department of Environmental Protection have completed their review of the draft Land Use Control Remedial Design for Operable Unit 11, Site 45. As was relayed to you in earlier discussions, FDEP and EPA are providing our comments jointly because of the unilateral manner in which the draft design was developed by the Navy. It is our hope that further discussion regarding this Remedial Design can be conducted in accordance with what we as partners decide to do together to meet our mutual needs and goals. These comments also include the review conducted by EPA Headquarters, both legal and technical programs.

Our comments follow:

1. Description of Site: Because much of the site history was removed, add a brief regulatory history of the site for ease of the reader and future site managers to understand why and how the remedy was made. Add the following. "NAS Cecil Field was placed on the National Priorities List (NPL) in 1989. A Final Remedial Investigation/Feasibility Study (RI/FS) was submitted for Site 45 in June 2001/August 2001. This Land Use Control Remedial Design was prepared as result of the selection of LUCs as a component of the remedy in accordance with the Record of Decision (ROD) for site 45 and the Federal Facilities Agreement (FFA) for NAS Cecil Field. This Design shall be subject to the enforcement provisions of the FFA. No enforcement activities have been recorded for Site 45.
2. Section 3. Revise the title to "Land Use Control Performance Objectives ". Section 3.b., change industrial to residential.
3. Keep Figures 1-1 and 1-2 from the earlier draft Design.

4. Section 3, "LUC Performance ~~Remedial Action~~ Objectives. Make sure these objectives are worded exactly as they are in the ROD. Add a sentence to section: "These objectives will also be incorporated into the deed and other land use control mechanisms."
5. Section 4, Remedy Implementation Actions. Add "The Navy shall perform the following implementation actions in accordance with the FFA and ROD to ensure that the LUC objectives are met:"
6. Section 4.a Survey Plat: Add " Within 90 days of the ROD execution, the Navy will provide a copy of the official survey plat and LUC language as discussed in Section 4.i, to the City of Jacksonville and to the St. John's Water Management District for their information regarding extent of land use restrictions on the property. The City will place copies of the survey plat in the information repository located at Building 907, 13357 Lake Newman Street, Cecil Commerce Center, Jacksonville, FL 32252 (904/573-0336)."
7. Section 4.b. Site Inspections. No EPA or FDEP comments
8. Section 4.c. Inspection Reports. Make the following changes: "The Navy, or other party designated by the Navy will provide the EPA and FDEP with an LUC inspection report for NAS Cecil Field containing information on the sites inspected during that year." The original remedial design more accurately reflects the streamlined reporting process designed for NAS Cecil Field. The BCT agreed upon an annual report which would list all LUC sites at Cecil Field but only include information for those requiring inspections that year. This would result in one report being provided to EPA and FDEP, which would cover all sites inspected in any given year. The proposed revision would have an inspection report for site 45 being submitted within 90 days. The change proposed by the Navy would require that the Navy or any designee would submit multiple reports each year rather than one report which would address all sites.

The LUC Checklist form has been deleted from the revised remedial design. Add the form as an appendix. Also, the LUC Check List for site 45 should be expanded to include that Residential Use is prohibited.

4.c.i. No EPA or FDEP comments

4.c.ii No EPA or FDEP comments

9. Section 4.d. CERCLA Five-Year Reviews. Make the following change; "The Navy shall conduct Five-Year Reviews of the Site 45 LUC remedy as required by CERCLA and the NCP, since contamination would remain onsite. "
10. Section 4.e. Notice of Planned Property Conveyance. No EPA or FDEP comments
11. Section 4.f. Opportunity to review text of intended deed restrictions. Add "Deed Notice-A Deed Notice shall be prepared and recorded in the local land registry which includes, at a minimum, the four LUC Performance Objectives described in Section 3, notice of any restricted activities which are intended to accomplish the

Remedial Action Objectives, and attaches the Survey Plat described in Section 4.a. The Navy shall prepare and submit a draft deed notice to EPA and FDEP for review within 30-days of LUC RD approval."

Add that the "Navy will provide a copy of the executed deed to EPA and FDEP."

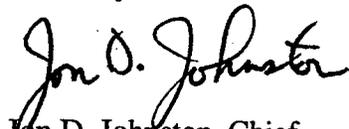
It is important to note that the NAS Cecil Field BCT has developed a process for property transfer and LUC language review. The process has the specific deed language to implement the land use controls to be identified and placed initially in the draft FOST, where the regulatory agencies can review. Any changes are incorporated into the final FOST. After this, the regulatory agencies are to be provided with the draft deed(s) for our review and comments. In this way we are able to assure that the proper language is incorporated into the deed(s).

12. Section 4.g. Responsibilities of the new property owner with respect to LUC inspections, reporting and enforcement. Even if the Navy retains responsibility for LUC inspections and reporting, a process should be established for notifying any new property owner of the restrictions and the role they would play, if any.
13. Section 4.h. Navy responsibilities with respect to future LUC inspections, reporting and enforcement. Add " Should the Navy become aware that any future owner or user of the property has violated any institutional control requirement over which a local agency may have independent jurisdiction, the Navy will notify these agencies of such violation(s) and work cooperatively with them to re-achieve owner/user compliance with the LUCs." This addition follows the Principles Document under new owner responsibilities and DON responsibilities.
Add: "Site 45 will be added to a comprehensive base-wide list of LUCs with associated boundaries and expected durations."
14. Section 4.i. Notification should any action(s) interfere with LUC effectiveness.
Change: " Subsequent to notification the Navy shall .." to " Within 45 days the Navy shall..."
15. Section 2. Verify the acreage for the site. Earlier drafts differed from this version. EPA records indicate the site is 2.8 acres in size.
16. The Remedial Design contains the details for inspections and reporting. However, it does lack information regarding implementation, operation and maintenance. Implementation was discussed somewhat in Section 4 of the original design. Both EPA and FDEP prefer that this information be added to the remedial design in the former section titled Remedial Action Sequence. Information required would include:
 - a. The procedures that will be developed with the county planning or zoning commission, notification of the St. Johns Water Management District, and notification of any "Dig Safe Program" that may exist, which will achieve the objectives as listed under Section 3 of the draft remedial design.
 - b. Identification of who will be conducting the periodic inspections.

- c. Identification of who will be submitting the reports, format of the report and submittal frequency.
- d. Steps necessary to remove any restrictions
- e. Define the administrative details for implementation of the land use controls.
- f. Define how the land use controls will be maintained.
- g. List points of contact for each task, i.e.: who shall be contacted when any violations occur (local, State and Federal agencies).
- h. Notification procedures for new property owners.

We believe that these comments should be incorporated directly in a revised, and final, remedial design so that the Record of Decision and RD can be processed immediately. If you wish to discuss them please call either of us directly or have your staff contact Debbie Vaughn-Wright of EPA at 404-562- 8539 or Dave Grabka of FDEP at 850-245-8997.

Sincerely,



Jon D. Johnston, Chief
Federal Facilities Branch
Waste Management Division
U.S. Environmental Protection Agency



James J. Crane
Professional Geologist Administrator
Florida Department of Environmental
Protection

Cc: Mark Davidson, SOUTHDIV
David Grabka, FDEP
Deborah Vaughn-Wright, EPA
Mark Speranza, TTNUS
Paul Malewicki, J.A.Jones
Eric Nuzie, FDEP
Jeff Meyers, SOUTHDIV