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NAS CECIL FIELD, FL
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LETTER OF TRANSMITTAL AND U S EPA REGION IV COMMENTS ON DRAFT RECORD OF
DECISION FOR OPERABLE UNIT 5 (OU 5) SITE 15 BLUE 10 ORDNANCE DISPOSAL AREA
NAS CECIL FIELD FL
6/25/2007
U S EPA REGION IV



7653
CTO 39
Site 15 FS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

61 Forsyth Street SW
Atlanta, Georgia 30303-3104

June 25, 2007

EMAIL AND U.S. MAIL

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BRAC PMO SE
Attn: Mark Davidson
4130 Faber Place Drive
Suite 202
North Charleston, SC 29405

SUBJ: Draft Record of Decision for Operable Unit 5, Site 15
Naval Air Station, Cecil Field, Florida

Dear Mr. Davidson:

The Environmental Protection Agency (EPA) has reviewed the subject document and offers the enclosed comments. If you have any questions, please call me at (404) 562-8528.

Sincerely,

A handwritten signature in black ink, appearing to read "S.M. Ball".

Stephen M. Ball
Remedial Project Manager

cc: David Grabka, FDEP
Mark Speranza, TTNUS
Mike Halil, CH2MHill

**Environmental Protection Agency Comments on the
Draft Record of Decision for Operable Unit 5, Site 15
NAS Cecil Field, Florida**

General Comments:

1. The draft ROD generally follows the EPA guidance; however, certain required Sections are missing (e.g., Remedial Action Objectives, Principal Threat Wastes) and many are not well presented. RODs should closely adhere to EPA's "*Guide to Preparing Superfund Proposed Plans, Record of Decision, and Other Remedy Selection Decision Documents*" (OSWER 9200.1-23P July 1999) [hereinafter ROD Guide] to expedite review and minimize the extent of EPA comments. Use of suggested language in the ROD Guide Highlight Text Boxes is advised. Many of the Specific Comments below are based upon the EPA's ROD Guide that is derived in part from the requirements in the NCP at 40 CFR Part 300 *et. seq.* and CERCLA.
2. Consider ways to streamline the ROD and reduce the amount of redundant language that can be found in previous documentation such as the RI/FS Report. This deletion of unnecessary detail is especially needed for Section 2.2 and the listing of ARARs in both the text and Tables. This is a relatively straight-forward response action, so a lengthy document is not needed.
3. Many of the Specific Comments related to Land Use Controls are based upon the Department of Navy and EPA "Principles and Procedures For Specifying, Monitoring, and Enforcement of Land Use Controls and Other Post-ROD Actions" (October 2003) [hereinafter LUC Principles] and the EPA Headquarters *Federal Facility Restoration and Reuse Organization Checklist*¹ [hereinafter LUC Checklist].
4. The ARARs that were provided in Tables 2-3 thru 2-8 contained numerous entries that were incorrect, not needed, or lacked specificity. The ARARs included in the ROD are only for the selected remedy and should not include those for the other remedial alternatives. At this point in the process, the Base Closure Team should know whether the remedial action will generate hazardous waste, create discharges or emissions, adversely impact natural resources, etc., so that an affirmative determination can be made and entries are not classified "potentially applicable". Only more stringent State of Florida requirements should be listed and they should not include entire Chapters or Rules that also contain "administrative" requirements such as for permits. Given the tight schedule, detailed comments and explanations as to why certain ARARs are erroneous will not be provided herein. Consequently, the EPA has marked-up the Tables and will work with the Navy and its contractors on subsequent revisions before the Navy provides EPA a final Draft of the ROD. However, EPA has suggested language changes related to ARARs text in the ROD that must be made as per the Specific Comments below.

¹ SAMPLE FEDERAL FACILITY LAND USE CONTROL ROD CHECKLIST WITH SUGGESTED LANGUAGE.

Specific Comments:

1. Page v, TABLE OF CONTENTS. Add entries for the REMEDIAL ACTION OBJECTIVES and PRINCIPAL THREAT WASTES Sections. Note that the CLEANUP GOALS will be a subsection for the REMEDIAL ACTION OBJECTIVES.
2. Page vi, TABLE OF CONTENTS. Due to the earlier suggestion of combining federal and state ARARs, the Tables should change to 2-3 Chemical-Specific ARARs, 2-4 Location-Specific ARARs and 2-5 Action-Specific ARARs.
3. Page 1-1, Section 1.1. Consider adding sentence that states Cecil Field is subject to the Base Realignment and Closure law of (insert date).
4. Page 1-1, Section 1.2, 1st sentence. Change the first sentence to read "This decision document presents the selected remedy...."
5. Page 1-1, Section 1.2, 2nd sentence. Change the second sentence to read as follows: "The Site 15 remedial action was selected by the Navy and EPA in accordance with.....".
6. Page 1-1, Section 1.2, 3rd Sentence. Add the word 'file' after Record.
7. Page 1-2, Section 1.4, 2nd bullet. Replace the phrase "in the form of" with the word 'including'. Although 'deed restrictions' is the primary LUC, the Navy must identify all of the LUCs in other Sections of the ROD.
8. Page 1-2, Section 1.4, last sentence. Replace the word 'comment' with the word 'approval'. Make this change to the other similar sentences in the ROD.
9. Page 1-3, Section 1.5, 2nd sentence. Delete this sentence since poorly worded and does not capture "substantive" aspect of ARARs.
10. Page 1-3, Section 1.5, 5th sentence. Revise this sentence to add the phrase "at concentrations levels above unrestricted and unlimited exposure" after the word 'site'.
11. Page 1-3 Section 1.5, 6th sentence. Per ROD Guide revise to read as follows:
The remedy will result in hazardous substances, pollutants, or contaminants remaining on-site above levels that allow for unlimited use and unlimited exposure; therefore, in accordance with Section 121(c) of CERCLA and NCP §300.430(f)(5)(iii)(c), a statutory review will be conducted within 5 years of initiation of remedial action, and every 5 years thereafter, to ensure that the remedy continues to be protective of human health and the environment.

12. Page 1-3, Section 1.5, last sentence. Delete or revise this sentence since does not accurately reflect the thresholds that would trigger the Navy to undertake additional remedial action. For example: "If the remedy is determined by EPA to not be protective of human health and the environment because the LUCs have failed, then the Navy will be required to undertake additional remedial action."
13. Page 1-3, Section 1.6. Add the word 'ROD' before DATA in the Section Title.
14. Page 1-3, Section 1.6, last sentence. Add the word 'file' after Record.
15. Page 1-3, Section 1.7, AUTHORIZING SIGNATURES. Change EPA name to Franklin Hill who is the Director of the Superfund Division.
16. Page 2-1, Section 2.2. Consider adding Subsection for *Enforcement Activities beginning* with the second paragraph since subsection for Site History. Add sentence that summarizes RCRA/CERCLA coordination from the FFA, essentially RCRA corrective action deferred to the CERCLA process as administered through the FFA.
17. Page 2-1, Subsection 2.2.1. Please indicate in the last two sentences whether the forest burning was prescribed burning by the Navy for forest management purposes or a result of wildfires.
18. Page 2-2, Subsection 2.2.2 As mentioned above in the General Comments, much of the content in this subsection is not needed or should be included in parts in other Sections of the ROD such as Section 2.5. Consider deleting most if not all of this subsection.
19. Page 2-8, Section 2.3. Add the following sentence, if accurate, to the first paragraph: "The Navy has performed public participation activities in accordance with CERCLA and to the extent practicable the NCP throughout the CERCLA site clean-up process."
20. Page 2-8, Section 2.4. Add reference to the FFA and Site Management Plan, which governs the Navy's IR program. Also, clarify that cleanup of Cecil Field is being performed under CERCLA (not the BRAC Program) except for those areas subject to the State of Florida petroleum UST corrective action program.
21. Page 2-9, Section 2.4. Indicate whether there have been other previous actions (e.g., removal action) taken at the site to mitigate risks and how these actions are consistent with the selected remedy. Clearly state how the remedial action for this OU fits within the overall site cleanup strategy. Add a sentence that describes how this CERCLA action satisfies any RCRA requirements for corrective action consistent with the FFA Section on RCRA/CERCLA coordination. [Refer to ROD Guide 6-8 and 6-9.]
22. Page 2-9, Section 2.4, RAOs Paragraph. Relocate this paragraph (including the bullets) to the REMEDIAL ACTION OBJECTIVES Section in the document. [See General Comment and Specific Comments #29 and #30].

23. Page 2-11, Subsection 2.5.3. This Section should describe the “reasonably anticipated land uses”, as well as any known prohibited uses. For example, include the descriptions of the different recreational uses from ROD Page 1-2. Also, state whether the groundwater is expected to be used for any purpose. [Refer to ROD Guide p 6-12 for tips on writing this Section and See LUC Checklist #2]
24. Page 2-12, Section 2.6.1 Specify the EPA risk range since it is being applied or explain how EPA uses 10-6 risk level as the point-of-departure for determining remediation goals for alternatives when ARARs are not available or sufficiently protective because of multiple contaminants at a site.
25. Page 2-12, Section 2.6.1. Somewhere in this Section, please describe the risks necessitating the application of LUCs. [See LUC Checklist #3]
26. Page 2-12, Section 2.6.1. 4th paragraph. Not sure this sentence is an accurate representation of the arsenic that was detected in the groundwater above MCLs. Consider revising to state that: “Based upon several sampling events no chemicals were determined to exceed MCLs or risk-based concentrations. Therefore there are not any groundwater COCs and remedial action is not needed since there is no unacceptable human health risk associated with the groundwater.”
27. Page 2-12, Section 2.6.1. 6th paragraph. Replace the phrase “would not be regarded as posing” with “was determined in the RI/FS to not pose” in the second sentence.
28. Page 2-13, Section 2.6. Add a clear statement regarding the “basis for action” at this site. [Reference the ROD Guide p.6-13 and the Highlight 6-12 for standard language.]
29. Page 2-13, Section 2.7. Rename to REMEDIAL ACTION OBJECTIVES and make Cleanup Goals a subsection. [See General Comments above and Reference ROD Guide p. 6-26]
30. Page 2-13 Section 2.7 REMEDIAL ACTION OBJECTIVES. Provide introductory paragraph that defines what the RAOs are and how they guide the development of remedial alternatives. Insert the RAOs paragraph (including bullets) from earlier Section of the ROD. [See Comment #22 above]
31. Page 2-15, Section 2.7.3. Consider adding a title and number to the table that contains the cleanup goals. Also, why is antimony missing from the table?
32. Page 2-15, Section 2.8., 1st Paragraph. Overall, this paragraph is poorly organized and inappropriately focuses on “Compliance with ARARs” which is one of the nine criteria for evaluating remedies. Much of the text in the subsections for each Alternative addresses one or more criteria and probably should have been included in the next Section 2.9. Delete the third, fifth, and sixth sentences. Revise the fourth sentence to

read: "As part of the FS, each of the following alternatives was evaluated with respect to the nine criteria outlined in the NCP at 40 CFR 300.430(e)(9)(iii). Section 2.9 summarizes the comparative analysis of alternatives that is documented in the FS."

33. Page 2-16, Section 2.8.2, 1st Paragraph, 4th sentence. Not sure a LUC would establish the inspection and maintenance of soil cover but rather normally would be included in a document. Consider revising.
34. Page 2-16, Section 2.8.2, 1st Paragraph, 5th sentence. Per the draft LUC RD, LUCs could include more than just deed restrictions, such as notification of LUC action to local government agencies. Rewrite as follows: "In addition, LUCs (including enforceable deed restrictions) would be required..."
35. Page 2-16, Section 2.8.2, 1st Paragraph, 6th sentence. EPA approves FFA Primary documents such as the LUC RD. Accordingly, rewrite as follows: "Implementation and maintenance of LUCs would be addressed in a LUC RD for review and approval by U.S. EPA and FDEP." **NOTE:** This sentence appears in several places throughout the ROD and should be rewritten consistent with the above.
36. Page 2-17, Section 2.8.2, 1st Paragraph, 2nd sentence. ARARs only include cleanup standards, standards of control, and other *substantive* (emphasis added) requirements, criteria or limitations promulgated under federal or state environmental laws. Accordingly, rewrite as follows: "This alternative would achieve RAOs and comply with location-specific and action-specific ARARs." **NOTE:** This sentence appears in several places throughout the ROD and should be rewritten consistent with the above.
37. Page 2-17, Section 2.8.3, 2nd Paragraph, 2nd sentence. Per the draft LUC RD, LUCs could include more than just deed restrictions, such as notification of LUC action to local government agencies. Accordingly, make the word LUC plural so sentence would read: "The use of LUCs..." **NOTE:** This sentence appears in several places throughout the ROD and should be rewritten consistent with the above.
38. Page 2-20, Section 2.9. SUMMARY OF COMPARATIVE ANALYSIS OF ALTERNATIVES. The approach taken in this ROD for this Section is not consistent with EPA ROD Guide which suggests that each of the nine criteria be listed and explained followed by a comparative analysis for each alternative. The Navy is only providing only a limited comparison summary in the Tables. The first (and only) paragraph should be rewritten as follows: "This section summarizes the comparison of each of the remedial alternatives with respect to the nine criteria outlined in the NCP at 40 CFR 40 CFR 300.430(e)(9)(iii). These criteria are categorized as threshold, primary balancing and modifying and are further explained in Table 2-1. Further information on the detailed comparison of remedial alternatives is presented in the Site 15 FS Report (TiNUS, 2007a). Table 2-2 presents a summary comparison of the remedial alternatives with respect to the nine criteria."

39. Page 2-20, PRINCIPAL THREAT WASTES Section As mentioned in the General Comments, the ROD is missing the above named Section as required by EPA ROD Guide. Please add a paragraph similar to the one below that provides the necessary information. [Reference ROD guide P. 2-40]

"The NCP at 40 CFR 300.430(a)(1)(iii)(A) establishes an expectation that treatment will be used to address the principal threats posed by a site wherever practicable. Principal threat wastes are those source materials considered to be highly toxic or highly mobile that generally cannot be reliably contained, or would present a significant risk to human health or the environment should exposure occur. A source material is a material that includes or contains hazardous substances, pollutants or contaminants that act as reservoir for migration of contamination to groundwater, surface water or air, or acts as a source for direct exposure. The source materials constituting principal threats at the site are the contaminated soils exceeding SCTLs considering the reasonably anticipated future land use of low-recreational use. The selected remedy will partially satisfy the statutory preference for remedies that employ treatment that reduces toxicity, mobility, or volume as a principal element through the off-site treatment of contaminated soil that is considered RCRA hazardous waste. However, it was determined that the removal and off-site disposal of all contaminated soils to make the site suitable for unrestricted use was not practical considering the cost and site remedial goals which are based upon reasonably anticipated future land use of low-recreational use."

40. Page 2-21, Section 2.10.1 Selected Remedy 2nd bullet. Revise the first sentence by adding the following phrase: "which is consistent with the NAS Cecil Field Master Plan." Revise the second sentences as follows: "Implementation and maintenance of LUCs....." Delete the third sentence since captured in the revised first sentence.
41. Page. 2-23, Section 2.10.2.3 LUCs, 1st paragraph. Although some of the LUC Checklist items appear to have been addressed, much of the text does not match the suggested LUC Checklist sample language. Include the following language as the second sentence: "LUCs will be implemented and maintained by the Navy until the concentration of hazardous substances in the soil and groundwater are at such levels to allow for unrestricted use and unlimited exposure."
42. Page. 2-23, Section 2.10.2.3 LUCs, 2nd paragraph. The LUC Performance Objectives are missing from this Section and must be provided. [Reference LUC Checklist #4 and draft LUC RD for Site 15]
43. Page. 2-23, Section 2.10.2.3 LUCs, 4th paragraph. The actual LUCs, including deed restrictions, notice of LUCs to local government agencies, etc. should be listed after the LUC Objectives. Also, the text in this Section should state that implementation of the

aforementioned LUCs will effectuate or met the LUC Performance Objectives.
[Reference ROD Guide p. 6-41, LUC Checklist #5, and draft LUC RD for Site 15]

44. Page. 2-23, Section 2.10.2.3 LUCs, 4th paragraph. Rewrite the first sentence as follows and then move it to the beginning of the sixth paragraph. "The LUC implementation actions including monitoring and enforcement requirements will be provided in a LUC RD that will be prepared by the Navy as component of the overall RD."
45. Page. 2-23, Section 2.10.2.3 LUCs, 4th paragraph. Delete the second sentence or revise to meet the language required in Comment #41 above which would be redundant. [LUC Checklist #6]
46. Page. 2-23, Section 2.10.2.3 LUCs, 5th paragraph. Revise the first sentence by replacing the word 'inspecting' with the word 'maintaining' and add the word 'on' after the word 'reporting'. Also, strike the phrase "in accordance with the LUC RD". [Reference LUC Checklist #7]
47. Page. 2-23, Section 2.10.2.3 LUCs, 5th paragraph. Revise the second sentence to read as follows: "Although the Navy may later transfer these procedural responsibilities to another party by contract, property transfer agreement, or through other means, the Navy shall retain ultimate responsibility for the remedy integrity." [Reference LUC Checklist #8]
48. Page. 2-24, Section 2.10.2.3 LUCs, 6th paragraph. Revise the first sentence by replacing the word 'comment' with the word 'approval':
49. Page. 2-24, Section 2.10.2.3 LUCs, 6th paragraph. Revise the second sentence by replacing the phrase "will be" with "have been". Consider relocating this sentence and the last sentence to the 4th paragraph that will list the LUCs.
50. Page. 2-24, Section 2.10.4 bullets. This section should present the expected outcomes in terms of resulting land and groundwater uses and *risk reduction* (emphasis added) achieved as a result of the response action. Accordingly, add one or more bullets similar to the one below to address this deficiency. [Reference ROD Guide p. 6-45]
 - Human exposure to COCs in soil and sediment concentrations in excess of cleanup levels will be effectively eliminated.
 - Exposure of ecological receptors to COCs in soil and sediment concentrations in excess of cleanup levels will be effectively eliminated.
51. Page. 2-24, Section 2.10.4 LUCs bullet. Revise the third sentence to read as follows: "These LUCs will be implemented and maintained until the concentration of hazardous substances in the soil are at such levels to allow for unrestricted use and unlimited exposure."

52. Page. 2-25, Section 2.11. 3rd sentence. Are LUCs necessary to restrict groundwater use as stated in this sentence? If so, make sure the LUC Performance Objectives address this need restriction.
53. Page. 2-25, Section 2.11.2 Compliance with ARARs. As mentioned in the General Comments, the listing of ARARs is not accurate and the Tables need to be revised. Accordingly, delete all of the text and bullets in this subsection and use the following paragraphs instead:

“CERCLA Section 121(d), specifies in part, that remedial actions for cleanup of hazardous substances must comply with requirements and standards under federal or more stringent state environmental laws and regulations that are applicable or relevant and appropriate (i.e., ARARs) to the hazardous substances or particular circumstances at a site or obtain a waiver [see also 40 *Code of Federal Regulations (CFR)* 300.430(f)(1)(ii)(B)]. Applicable or relevant and appropriate requirement (ARARs) include only federal and state environmental or facility siting laws/regulations and do not include occupational safety or worker protection requirements. In addition, per 40 *CFR* 300.405(g)(3), other advisories, criteria, or guidance may be considered in determining remedies (so-called To-Be-Considered [TBC] guidance category.

Applicable requirements are those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under Federal environmental or state environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance found at a CERCLA site. Only those state standards that are identified by a state in a timely manner and that are more stringent than Federal requirements may be applicable.

Relevant and appropriate requirements are those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under Federal environmental or state environmental or facility siting laws that, while not applicable to a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site address problems or situations sufficiently similar to those encountered at the CERCLA site that their use is well suited to the particular site. Only those state standards that are identified in a timely manner and are more stringent than Federal requirements may be relevant and appropriate.

In accordance with 40 *CFR* 300.400(g), the Navy, FDEP, and EPA have identified the specific ARARs and TBCs for the selected remedy. The selected remedy is expected to comply with all ARARs related to implementing the selected action. Tables 2-3, 2-4 and 2-5, list the Chemical-Specific, Location-Specific, and Action-Specific ARARs, as well as the TBCs which will be considered in the implementation of the selected remedy.

54. Page 2-29, Five Year Review Requirement. As mentioned above, text should reference CERCLA and the NCP and the fact that statutory reviews will be conducted every 5 years. Accordingly replace or revise the existing text consistent with the following:
The remedy will result in hazardous substances, pollutants, or contaminants remaining on-site above levels that allow for unlimited use and unlimited exposure; therefore, in accordance with Section 121(c) of CERCLA and NCP §300.430(f)(5)(iii)(c), a statutory review will be conducted within 5 years of initiation of remedial action, and every 5 years thereafter, to ensure that the remedy continues to be protective of human health and the environment.
55. Page 2-29, Section 2.12. Include the following text or some variation thereof as the first sentence of the first paragraph: "CERCLA Section 117(b) requires an explanation of significant changes from the selected remedy presented in the Proposed Plan that was published for public comment." [Refer to ROD Guide pp.6-53 and 6-57]
56. Table 2-1, NCP Criteria. Many of the criterion on the Table do not match the NCP descriptions or the EPA ROD Guide examples. [Reference ROD Guide highlight 6-24] Change the "Compliance with State and Federal Regulations" to "Compliance with ARARs" Also, replace the existing explanation with the following: "The purpose of this criterion is to assess whether each alternative will meet any identified 'applicable' or 'relevant and appropriate' Federal or more stringent state environmental laws or regulations (i.e., ARARs) as required by CERCLA Section 121(d) or provides a basis for invoking a waiver under CERCLA Section 121(d)(4)."
57. Pages Tables 2-3 thru 2-8, State and Federal Chemical-, Location- and Action-Specific ARARs. The ARARs Tables should be combined into three tables since only need to identify State requirements *that are more stringent* [emphasis added] than the federal ones. Add the State ARARs into the Federal Tables and drop the 'State' and Federal' words from the titles of the Chemical-, Location- and Action-Specific ARARs Tables. As mentioned above many of the Table entries need to be deleted and revised. The Tables should only list the federal and FL requirements that are either "applicable" or "relevant and appropriate", not "potentially applicable". Also, can include any specific TBC that provides a contaminant specific concentration such as Health Advisories for the COCs at this site, if it is used to establish a cleanup goal. The ROD should only contain the site-specific ARARs for this remedial action, not other remedial alternatives. Compliance with ARARs is an important threshold requirement for CERCLA remedies and great care should be taken in identifying the actual ARARs that EPA and/or the State could enforce if violations occur. Suggest that the document drafter read closely EPA's "Compliance with Other Laws Manual" [Interim Final OSWER Directive 9234.1-01, August 8, 1988], as well as the "Compendium of CERCLA ARARs Fact Sheets and Directives" jointly published by EPA and the Department of Energy [EPA Publication 9347.3-15, October 1991] NOTE: The EPA Region 4 Attorney has contacted the Navy contractor to discuss revisions to the Tables and proper selection of ARARs for this remedy.