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NAS CECIL FIELD, FL
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LETTER OF TRANSMITTAL AND U S EPA REGION IV COMMENTS ON DRAFT FEASIBILITY
STUDY FOR OPERABLE UNIT 9 (OU 9) SITE 59 NAS CECIL FIELD FL
2/16/2007
U S EPA REGION IV



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

FS Site 59
CTO 359

February 16, 2007

EMAIL & US MAIL

4WD-FFB

BRAC PMO SE

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

SUBJ: Operable Unit 9, Site 59 Feasibility Study
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) 562-8549.

Sincerely,

A handwritten signature in black ink that reads "Doyle Y. Brittain".

Doyle Y. Brittain
Senior Remedial Project Manager

Enc.

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

**Environmental Protection Agency Comments on the
Draft Operable Unit 9, Site 59 Feasibility Study**

Comments

1. **General** – Overall this Draft FS is organized well and reads better than the FS for Site 15. This FS includes several in-situ treatment alternatives for addressing the contaminated groundwater as required by the NCP and EPA guidance. Many of the specific Comments below deal with ARARs and in particular the absence of reference to the EPA SDWA MCLs as the chemical-specific ARARs that are used in establishing Preliminary Remediation Goals (PRGs) and eventually establishing cleanup levels. The EPA expects that the Navy, in response to these Comments, will correct the remainder of the FS to address this point even if EPA has not specifically identified the particular Section in its Comments.
2. **Section E.2, 2nd paragraph, page ES-1** – Please specify whether the hazardous waste storage areas were RCRA permitted or interim status and have been properly closed with oversight by FDEP. If these storage areas were permitted, what types of RCRA wastes were stored and how long did the units operate? Please provide the RCRA waste codes that identify whether any of the wastes were F-, P-, or U-listed wastes.
3. **Section E.2, 3rd paragraph, page ES-1** – Please briefly indicate in this paragraph what are the likely sources of the TCE contamination. Also indicate whether there are facility records of past disposal of spent-solvents or unused solvent product on the ground in the Site 59 area. The EPA is concerned that the source of the TCE contamination could be from spent solvents that are F-listed or discarded unused solvent products that are P- or U- listed RCRA hazardous wastes. Operational records that clearly indicate the means by which the TCE got into the groundwater would be needed.
4. **Section E.3, 1st paragraph, page ES-1** – Please elaborate and provide more information related to the Navy's IR Program. For example indicate that investigation and response actions are being done under CERCLA as administered by the FFA signed between EPA, the Navy and FDEP. Also, please elaborate and provide more information related to the Petroleum Program. For example indicate whether FDEP oversees this program and it is the RCRA Subtitle I program that includes corrective action for releases from Underground Storage Tanks (USTs).
5. **Section E.3, 4th bullet, page ES-2** – Please include reference to the EPA Safe Drinking Water Act regulations MCLs when describing COC exceedances since MCLs are the chemical-specific ARARs that are used in developing the PRG for the TCE. Please make this change throughout the document whenever FDEP GCTL is referenced.
6. **Section E.4, 1st paragraph, page ES-4** – What is the purpose in referencing the FDEP NADC for TCE and delineating “hot spots” when the EPA expects cleanup to meet MCLs throughout the plume? Please explain.

7. **Section E.5, RAOs, Page ES-5** – Revise the first RAO to reflect that the EPA MCLs are the cleanup levels for TCE and not the FDEP GCTLs.
8. **Section E.5, RAOs, Page ES-5** – Revise the second RAO to reflect that restoration of groundwater is designed to meet the FDEP G-I or G-II classification as a potential drinking water source. For example: “Restore groundwater quality at Site 59 to meet drinking water standards based upon the FDEP classification of the aquifer as a potential source of drinking water [Class G-I or G-II].”
9. **Section E.5, PRGs, Page ES-5** – Revise the sentence to reflect that PRGs are based upon the EPA SDWA MCLs and FDEP GCTLs which are chemical-specific ARARs. [Reference 40 CFR Part 300.430(e)(2)(i)]
10. **Section E.9, Compliance with ARARs and TBCs, Page ES-9** – Add a sentence or two as an introduction that briefly explains the CERCLA Section 121(d) requirement to comply with ARARs, in particular the chemical-specific ARARs such as SDWA MCLs that are deemed relevant and appropriate for restoration of groundwater that is a potential source of drinking water.
11. **Section 1.1.1, 4th paragraph, Page 1-3** – Please clarify if the NFA decision was approved in writing by EPA and FDEP or otherwise documented in a regulatory manner.
12. **Section 1.1.4.2 Nature and Extent of Contamination, Page 1-7** – As stated earlier, please include reference to the EPA SDWA MCLs when describing COC exceedances since MCLs are the chemical-specific ARARs that are used in developing the PRGs. Please make this change throughout the document whenever FDEP GCTL is referenced.
13. **Section 1.1.4.4 Human Health and Ecological Risk, Page 1-10** – Please include reference to the EPA’s Safe Drinking Water Act regulations at 40 CFR Part 141 when referencing MCLs.
14. **Section 2.1.1, RAOs, Page 2-1** – See earlier comment on revising RAOs to reflect EPA MCLs as PRG and restoration of groundwater based upon FDEP classification as potential drinking water source.
15. **Section 2.1.2, ARARs and TBC, Page 2-2** – Please include reference to 40 CFR Part 300.405(g)(3) in the TBC discussion and remove the word “non-enforceable” since TBCs once agreed to in the signed ROD (i.e., “frozen”) will become as enforceable as any ARAR.
16. **Section 2.1.2, ARARs and TBC, Page 2-2** – This paragraph is poorly worded and should be revised to accurately reflect the threshold requirement in CERCLA 121 and the NCP that screened alternatives must meet in order to be carried forward. [Reference 40 CFR 300.430(f)(1)(i)(A)]

17. **Section 2.1.2.1, Definitions, Page 2-2** – Revise as follows: “The NCP at 40 CFR Part 300.5 provides the following definitions for ARARs.” Also, since TBCs are not ARARs and are not defined, suggest deletion of the TBCs bulleted definition and adding the explanation of TBCs provided in the NCP at 40 CFR Part 300.405(g)(3).
18. **Section 2.1.2.1, ARARs Definitions, text, Page 2-3** – Revise as follows: “The EPA in various guidance and the NCP has divided ARARs into three categories to facilitate identification. Chemical-specific and Location-specific ARARs are identified early in the process, generally during the remedial investigation, while Action-specific are normally identified during the Feasibility Study in the detailed analysis of alternatives.”
19. **Section 2.1.2.1, Chemical-Specific Definition bullet, text, Page 2-3** – Revise the initial words as follows: “Health- or risk-based.....”
20. **Section 2.1.2.1, Action-Specific Definition bullet, text, Page 2-3** – Revise as follows: “Examples of action-specific ARARs includes RCRA regulations for generation, characterization, and management of hazardous wastes and CWA effluent limitations and pre-treatment standards for wastewater discharges.”
21. **Section 2.1.2.1, ARARs Definitions, text at bottom of page, Page 2-3** – Replace the word ‘contaminant’ with the word ‘chemical’.
22. **Section 2.2, PRGs, 1st paragraph, Page 2-4** – Add the following sentence after the first sentence. “According to the NCP, PRGs are developed based upon readily available information such as chemical-specific ARARs.”
23. **Table 2-2 State Chemical-specific ARARs, Page 1 of 1** – The entry for FAC 62-520 should be considered “relevant and appropriate” since the State’s drinking water criteria are promulgated. As a practical matter, these regulations will not need to be cited as ARARs unless they are more stringent than the EPA’s SDWA MCLs or address contaminants for which and MCL does not exist.
24. **Table 2-2 State Chemical-specific ARARs, Page 1 of 1** – The entry for FAC 62-777 should be considered “relevant and appropriate” since the GCTLs are promulgated standards and provide standards for cleanup of groundwater. As a practical matter, these regulations will not need to be cited as ARARs unless they are more stringent than the EPA’s SDWA MCLs or provide standards for COCs for which MCLs do not exist such as a for the naphthalene and TRPH.
25. **Table 2-5 Federal Action-specific ARARs, Page 1 of 5** – The entry for the CWA should be revised to reflect that “NPDES permits that include effluent limitations are required for discharges to surface waters.

- 26. Table 2-5 Federal Action-specific ARARs, Page 1 of 5** – All of the entries for the Occupational Safety and Health Administration (OSHA) regulations should be deleted from the table since these are not ARARs under CERCLA. ARARs are the requirements of environmental and facility siting laws only. Independent of ARARs, on-site activities also must comply with requirements of non-environmental laws including building codes and safety requirements such as OSHA requirements. These requirements will apply independently to the active construction activities undertaken as part of the CERCLA action.
- 27. Table 2-5 Federal Action-specific ARARs, Page 2 of 5** – Delete the RCRA Contingency Plan regulations entry from the table. Under CERCLA 121(e) on-site actions are required to comply with only the *substantive aspects* of environmental laws and regulations. See excerpt below from EPA's *CERCLA Compliance with Other Laws Manual Draft Final* (August 1988).
- In general, on-site actions need comply only with the substantive aspects of ARARs, not with the corresponding administrative requirements. That is, permit applications and other administrative procedures, such as administrative reviews and reporting and recordkeeping requirements, are not considered ARARs for actions conducted entirely on-site. However, the
- 28. Table 2-5 Federal Action-specific ARARs, Page 4 of 5** – Delete the RCRA Preparedness and Prevention regulations entry from the table since these are arguably administrative requirements. Under CERCLA 121(e) on-site actions are required to comply with only the substantive aspects of environmental laws and regulations.
- 29. Table 2-5 Federal Action-specific ARARs, Page 4 of 5** – Delete the RCRA Subpart F regulations entry from the table unless the Site 15 source unit that is causing the groundwater contamination is a RCRA regulated unit or managed wastes that would have been considered RCRA wastes when disposed of on the ground. Generally these standards are not deemed relevant and appropriate unless the source of groundwater contamination is akin to a RCRA landfill, surface impoundment or other land-based unit.
- 30. Table 2-6 State Action-specific ARARs, Page 1 of 2** – Revise entry for the FAC 62-620 to reflect that Florida NPDES permit program is authorized and thus the effluent limitations and other wastewater standards would apply to any discharges from the CERCLA project into waters of the state.
- 31. Section 3.2.2.1, Institutional Controls, Page 3-4** – Provide more details on the types of LUCs that will be utilized by the Navy. For example, state that the Navy will include environmental use restrictions and covenants in the deed for transfer of the Site 15 parcel, as well as provide notice of the LUCs to potentially interested governmental entities.
- 32. Section 4.1.1.2 Compliance with ARARs, Page 4-1** – Please add the following paragraph as an introduction to better reflect that compliance with ARARs is required by CERCLA 121(d) and the NCP. See example language below.

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).

33. **Section 4.1.1.2 Compliance with ARARS, Page 4-1** – Please delete the language (including the bullets) related to ARAR waivers since none of the alternatives involve the use of one the statutory waivers.
34. **Section 4.2.3.2 Detailed Analysis, Page 4-17** – Under CERCLA 121(e) on-site actions are required to comply with only the substantive aspects of environmental laws and regulations and *need not obtain permits*. Please revise the text to reflect that construction of the groundwater recirculation systems on-site would need to comply with the substantive requirements that otherwise would be specified in a construction permit.
35. **Section 4.2.3.2 Detailed Analysis, Page 4-22** – Under CERCLA 121(e) on-site actions are required to comply with only the substantive aspects of environmental laws and regulations and *need not obtain permits*. Please revise the text to reflect that construction of the groundwater recirculation systems on-site would need to comply with the substantive requirements that otherwise would be specified in a construction permit.
36. **Section 4.2.3.2 Detailed Analysis, Page 4-27** – Under CERCLA 121(e) on-site actions are required to comply with only the substantive aspects of environmental laws and regulations and *need not obtain permits*. Please revise the text to reflect that construction of the groundwater recirculation systems on-site would need to comply with the substantive requirements that otherwise would be specified in a construction permit.
37. **Section 5.1.6 Implementability, Page 5-5** – Under CERCLA 121(e) on-site actions are required to comply with only the substantive aspects of environmental laws and regulations and *need not obtain permits*. Please revise the text to reflect that construction of the groundwater recirculation systems on-site would need to comply with the substantive requirements that otherwise would be specified in a construction permit.