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NCBC GULFPORT
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TELECOMMUNICATION TRANSCRIPTION REGARDING DELISTING OF HERBICIDE
ORANGE ARE MEETING NCBC GULFPORT MS
11/16/1989
U S NAVY

5090/5
Code 470
16 Nov 89

MEMORANDUM

From: Planning Officer, Code 470
To: Commanding Officer
Via: Executive Officer
Public Works Officer

Subj: HERBICIDE ORANGE MEETING AT EPA ATLANTA

Ref: (a) PHONCON HQUSAF/LEEVO Mr. J. Short/CBC Gulfport (Code 470)
Mr. T. Sarros of 13 Nov 89

Encl: (1) List of Meeting Participants "NCBC Incinerator Ash Delisting Discussion" held November 9, 1989 at EPA Region IV in Atlanta

1. During the meeting, the delisting petition for the burned material at the Herbicide Orange (HO) area CBC Gulfport was discussed. Enclosure (1) is the list of attendees. Most of the discussion centered around why the petition was denied and the way to continue the project so that the site could be returned to the Navy as a clean usable site.

2. Mr. Jim Scarborough, Director of the Office of Solid Waste EPA Region IV Atlanta, stated EPA Headquarters in Washington D.C. has denied the delisting petition unofficially and that if we pursue it, EPA will deny it officially. The reason for the denial is that the Resource Conservation and Recovery Act (RCRA) requires that all contaminants be removed from the soil before it can be considered clean. The technical types at EPA are willing to concede that the soil, and therefore the site, is clean and safe. However, because of the current political climate in Washington and the emphasis that is being placed on the environment by the public, EPA is under extreme political pressure to deny any delisting petition which shows any amount of contaminant still present in the material. The fact that the material (the ash) contains dioxon further compounds the problem. Our (the Air Forces) petition showed there are trace amounts of dioxon still in the ash although the site is considered to be safe and could be returned to use. An official denial from EPA would set the project to clean up the HO area back several years and could lead to lengthy legal battles.

3. The Air Force representatives stated that they wished to pursue the issue to make a test case out of this petition because they had other sites which needed to be cleaned using this same process. Mr. McCauley (Southern Division) and I both stated that this was unacceptable to the Navy as we would be denied the use of our site while the legal battles continued. At this point a lengthy technical discussion ensued concerning the methodology and models used to test the ash and the results of test samples when applied to the models to determine the amount of contaminant in both the ash and the soil. Mr. Scarborough stated that it did not matter what the test results showed. The EPA was going to deny the petition and that the Air Force should withdraw it if they wished the project to continue.

4. Mr. Scarbrough stated there is a way to continue the process and to have the site considered clean and usable which would be acceptable to the EPA. He stated that we should first withdraw the delisting petition and then submit a Certification of Closure to the Mississippi Bureau of Pollution Control. The regulations used to prepare a Certification of Closure are not as stringent as they are for the delisting of a material (the original HO in the drums). Under this process the ash from the incineration process is considered part of the facility vice part of the contaminated material. This is a very important point when considering how to clean up a site such as ours. As part of the facility, the ash does not require the level of clean up as it would if it were listed as a hazardous waste. In other words, when the HO in drums was removed and burned on the Vulcanos (1970s), the hazardous waste was considered cleaned up and all that was left was to clean up the material which had spilled onto the facility (the ground in our case). Instead of being required to remove all of the contaminate from the facility (the soil) to 0 contaminates, we are only required to remove it to a point that is considered safe to humans and the environment. Mr. Scarbrough stated that he had held a meeting with Mr. Sam Mabry of the Mississippi Bureau of Pollution Control, Hazardous Waste Division, on 7 November 1989 to discuss this issue. During this meeting, Mr. Mabry stated that if the Air Force could show the State that the site was clean and safe, the State would approve closure of the site and the site could be returned to the Navy for its use.

5. The next move for us/the Air Force is to meet with the State regulatory people to determine what will be required in the Certification of Closure. It was determined during the meeting that we can use the same material which had been presented in the delisting petition as the background data for the certificate. It would be called a certificate of closure vice a delisting petition because we are not trying to get a material delisted but a facility cleaned up. Mr. Dan Haley with EG&G, Inc. of Idaho, the original contractor for the burn and the delisting petition, will be setting up the meeting between us, the Air Force and the State. This meeting should be taking place within the next month or so and will be held in Jackson, MS. At this point, there being nothing further to discuss, the meeting was adjourned.

6. During reference (a), I discussed the certificate of closure with Mr. Short and he stated that the Air Force would first have to close the permit for the research and development project (the actual burning of the HO) and then they would begin the process for the certificate of closure. The delisting petition will be withdrawn by the Air Force in the near future. I will keep you informed of all events coming up in the future. If you have any questions please call me at extension 2484.

Tom Sarros