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LETTER AND COMMENTS FROM MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL
QUALITY REGARDING DRAFT AGREE ORDER NCBC GULFPORT MS
10/16/1996
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY



STATE OF MISSISSIPPI
DEPARTMENT OF ENVIRONMENTAL QUALITY
JAMES I. PALMER, JR.
EXECUTIVE DIRECTOR

October 16, 1996

Mr. Steve Beverly, Assistant Counsel
Southern Division
Naval Facilities Engineering Command
2155 Eagle Drive
North Charleston, South Carolina 29418

Dear Mr. Beverly:

Re: Naval Construction Battalion Center
Gulfport, Mississippi
Draft Agreed Order

The staff has reviewed your proposed Draft Agreed Order to amend the existing exparte Order No. 3193-96 with the intent of more definitively focusing the assessment and potential remediation requirements for the dioxin and dioxin-related contamination due to the storage and handling of Herbicide Orange on the base. The staff is in general agreement with your proposal but has the following proposed changes and comments:

- 1) Page 6 - C.1., line 2; insert "corrective" between interim and measures
- 2) Page 6 - D., Exposure Assessment, line 4; duration, and magnitude of both line 7; sediment and surface soils
- 3) Page 7 - E., Biological Monitoring, E.1., line 7; sediment and those surface soils
- 4) Page 8 - F., On-Site Delineation, F.1., line 4; soil and sediment on-site

The staff feels that this statement should remain broad to encompass the entire base since there has been no definitive information provided to date that shows the exact flow of water in ditches and drainage ways on the base for the transport of dioxin containing sediments.

- 5) Page 9 - H., Groundwater Monitoring, H.1., last line; these sites and a proposed list of and schedule for additional groundwater monitoring wells that will need to be installed to complete the delineation of groundwater flow.
- 6) Page 11 - Paragraph 9.; The following language is added at the end of the paragraph:

Such an insufficiency of appropriated funds shall not, however, lessen or negate the agreement by and responsibility of the Navy to carry out the work activity described in this Agreed Order. In the event an insufficiency of appropriated funds occurs, the Navy will notify the MDEQ immediately of the insufficiency and will submit in writing to MDEQ the Navy's best estimate of when work will resume and to what extent the deadlines set forth herein should be extended.

- 7) Page 12 - Paragraph 13., last line; (Supp. 1996)

I regret the undue length of time to get this comments to you but look forward to hearing from you soon. In my last conversation with Chuck Barlow, he stated that we would amend the existing order and not issue an entirely new order. If you have any questions concerning our comments to your draft Agreed Order, please contact either myself for technical questions at (601)961-5221 or Chuck Barlow at (601)961-5076 for legal questions.

Sincerely,



Jerry B. Banks, P.E., DEE
Chief, Hazardous Waste Division

cc: Art Conrad, Code 1865, Remedial Project Manager
Gordon Crane, NCBC