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DEPARTMENT OF THE NAVY
COMMANDER
U. S. NAVAL FORCES SOUTHERN COMMAND
FPO AA 34099-6004

REFER TO:
12 May 2000

OPTIONAL FORM 99 (7-90)

The Honorable Pedro Rosselló
Office of Governor
Government of Puerto Rico
National Plaza Building
431 Ponce De Leon
Hato Rey, Puerto Rico 00917

Subj: COMPLIANCE WITH CERCLA FOR THE TRANSFER OF THE NAVAL
AMMUNITION SUPPORT DETACHMENT (NASD), VIEQUES ISLAND,
PUERTO RICO

Dear Governor Rosselló:

As you know, the President has directed the Navy to transfer NASD Vieques, with exception of parcels at Mt. Pirata and the Relocatable Over The Horizon Radar site, to the Commonwealth of Puerto Rico by December 31, 2000. This is contingent upon Congress enacting special legislation that will enable the Navy to implement this transfer.

Like many Navy installations throughout the United States, NASD Vieques has been operating for over 50 years and has some areas or "sites" that may contain past contamination from hazardous substances which must be investigated and remediated as necessary by the Navy under applicable environmental cleanup laws. The Navy currently knows of 21 sites at NASD Vieques that are suspected of being contaminated. We are coordinating with representatives from the Commonwealth's Environmental Quality Board (EQB) and EPA Region 2 in our efforts to investigate and remediate these sites.

To confirm the environmental condition and also to identify land uncontaminated by hazardous substances at NASD Vieques, the Navy is conducting an Environmental Baseline Survey of NASD Vieques. The Comprehensive Environmental Response Compensation and Liability Act (CERCLA) stipulates that identification of uncontaminated land and concurrence from the appropriate "State official" must be obtained at least six months before the termination of federal operations on the real property. To comply with CERCLA and the President's directive, and in anticipation of Congressional authority, the Navy and the Commonwealth of Puerto Rico must agree on the identification of these uncontaminated parcels by June 30, 2000.

Our environmental cleanup staff has discussed this survey work with representatives from EQB and EPA Region 2. We are

continuing to consult EQB and EPA during the planning process and anticipate submitting this identification of uncontaminated parcels at NASD Vieques to EQB and EPA by May 31, 2000.

Subsequently, the Navy will schedule a meeting with EQB and EPA for early in June to discuss this identification and will remain available throughout the month to work with EQB to ensure we reach mutual agreement regarding uncontaminated parcels by 30 June 2000. CERCLA also requires federal agencies provide a "cleanup covenant" in the deed for the transfer of real property, declaring that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the property has been taken. We will provide this covenant in the deed for NASD Vieques parcels that are identified and concurred in as uncontaminated.

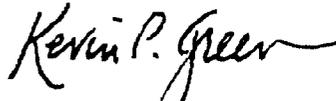
Areas currently suspected as contaminated and other parcels not agreed as uncontaminated must be investigated and remediated as necessary by the Navy under CERCLA. Although work has begun for the 21 known sites at NASD Vieques, the typical CERCLA cleanup process has many phases and spans several years. As a result, environmental cleanup is not procedurally achievable before the directed transfer date of December 31, 2000 and the CERCLA cleanup covenant cannot be provided for these sites at the time of transfer. However, transfer of these sites can occur in compliance with CERCLA through an exception process to the provision of the cleanup covenant upon transfer.

CERCLA stipulates that for Federal facilities not included on the National Priorities List, the Governor can defer the requirement for provision of the cleanup covenant if the Governor determines the property is suitable for transfer based on a finding that: the property is suitable for the intended use; certain response action assurances are provided in the deed; public notice requirements have been met; and the deferral and transfer will not substantially delay response actions at the property. To meet the transfer deadlines in the President's directive, the draft special legislation, and to comply with CERCLA, it is the Navy's intent to request that you defer the CERCLA cleanup covenant requirement so that we may effect deed conveyance while proceeding to complete all remaining site remedial efforts. We anticipate several years will be needed to complete all necessary remedial activities at NASD Vieques; however, we believe the contaminated sites can be transferred for reuse with temporary use restrictions as necessary and in accordance with foreseeable reuse plans while ensuring adequate protection of human health and the environment. After the transfer of NASD Vieques, the Navy would continue to conduct environmental cleanup efforts through completion for all sites, and subsequently would provide a cleanup warranty similar to the CERCLA covenant.

As you may be aware, the Navy has been conducting a vigorous and successful environmental cleanup program at other installations in Puerto Rico for many years. In fact, the environmental cleanup program for the Naval Security Group Activity Sabana Seca gained the first installation-wide delisting from the National Priorities List in the Navy by the EPA. Continuation of the thorough coordination and excellent teamwork that has already been demonstrated by the EQB, EPA Region 2, and Navy environmental cleanup staffs is crucial to the successful resolution of cleanup issues and the transfer of NASD Vieques to the Commonwealth of Puerto Rico.

We look forward to working with you and appropriate members of your staff to successfully transfer the NASD Vieques property while ensuring future protection of human health and the environment. Should your staff have any questions regarding this matter, please have them contact Capt. Lou Marchette, who may be reached at (787) 865-4204.

Sincerely,


KEVIN P. GREEN

Copy to:

EQB (Attn: Mr. Héctor Russe Martinez, Chairman)
U.S.EPA Region 2 (Attn: Ms. Jeanne Fox, Regional Administrator)
ASN (I&E) (Mr. Robert Pirie)
CINCLANTFLT (RADM Johnson)
CNRSE (RADM Moran)
CO NSRR (CAPT Stark)