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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 23 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John R. Warnecke
Captain, U.S. Navy
Commanding Officer
U.S. Naval Station Roosevelt Roads
PSC 1008 Box 3001
FPO AA 34051-3001

Re: Atlantic Fleet Weapons Training Facility (AFWTF), Vieques PR,
EPA ID #PRD980536221

Proposed Amendment to Resource Conservation and Recovery Act (RCRA) 3008(h)
Administrative Order on Consent, and Groundwater Monitoring Work Plan for Delayed
Closure of the open burning/open detonation (OB/OD) units.

Dear Captain Warnecke:

The United States Environmental Protection Agency (EPA) Region 2 has completed its review of the proposed amendment to the January 2000 RCRA 3008(h) Administrative Order (the Order) and the February 13, 2002 Groundwater Monitoring Work Plan prepared by Ensafe Inc, transmitted with your letter of February 19, 2002. Both items were submitted in response to EPA's letters of August 24, 2001 and December 10, 2001 concerning the Navy's request for delay of closure for the open burning/open detonation (OB/OD) units at the AFWTF facility. As discussed in those two EPA letters, since the OB/OD units had operated as hazardous waste management units, pursuant to interim status authorization under 40 CFR § 270 Subpart G, withdrawal of the RCRA permit application for those units requires closure of the units pursuant to 40 CFR Part 265 Subpart G requirements. The proposed Amendment to the January 2000 Administrative Order and the Groundwater Monitoring Work Plan have been submitted by the Navy in support of its request for a delay in implementing the 40 CFR Part 265 Subpart G closure requirements for those OB/OD units.

EPA finds the February 13, 2002 Groundwater Monitoring Work Plan to be acceptable, subject to the following condition. If the groundwater sampling program in the September 6, 2001 *Work Plan for Groundwater Baseline Investigations at U.S. Navy's Eastern Maneuver Area* has not been implemented, the Navy shall implement such sampling concurrently with the sampling in the February 13, 2002 *Groundwater Monitoring Work Plan*. As you know, the September 6, 2001 *Work Plan for Groundwater Baseline Investigations at U.S. Navy's Eastern Maneuver Area* is required to be implemented pursuant to Section VI.F (Western Perimeter "Baseline" Groundwater Investigation) of the Order. EPA believes it is important to have the more

comprehensive set of analytes (Appendix IX) from the baseline monitoring prior to or at the same time as the groundwater monitoring associated with delay of closure.

The proposed Amendment to the January 2000 RCRA 3008(h) Administrative Order transmitted by your letter of February 19, 2002, while generally acceptable, needs some revision in the text to be fully acceptable to EPA. Enclosed please find the proposed Amendment as revised based upon EPA's review. EPA requests that if the enclosed revised Amendment is acceptable, please return two copies of the Amendment, duly signed by the appropriate Navy authority, or within 35 days of your receipt of this letter, please respond in writing with any comments the Navy has on the enclosed revised Amendment and any further revisions that the Navy requests to the proposed Amendment.

If you have any questions, please have your staff contact Mr. Tim Gordon, of my staff, phone (212) 637-4167, or Mr. Gary Nurkin of EPA's Office of Regional Counsel, phone 212-637-3195.

Sincerely yours,



A Raymond Basso, Chief
RCRA Programs Branch

Enclosure

cc: Carmelo Vazquez, Puerto Rico EQB, w. encl.
Eugene Scott, Puerto Rico EQB, w. encl.
Sindulfo Castillo, NAVSTA Roosevelt Roads, w. encl.
Christopher Penny, Naval Facilities Engineering Command, w. encl.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II**

IN THE MATTER OF:)
) AMENDMENT TO
UNITED STATES) ADMINISTRATIVE ORDER
DEPARTMENT OF THE NAVY:) ON CONSENT
ATLANTIC FLEET WEAPONS)
TRAINING FACILITY) U.S. EPA Docket Number:
VIEQUES ISLAND, PR) RCRA-02-99-7301
)
EPA I.D. No.PRD980536221)
) Proceeding under Section
) 3008(h) of the Resource
) Conservation and Recovery
) Act, as amended

AMENDMENT TO ADMINISTRATIVE ORDER ON CONSENT

1. This Administrative Order on Consent was concluded between the Navy and the EPA effective on January 20, 2000. One of the SWMUs addressed in this Order was SWMU 3 (the waste explosive ordnance detonation area), which comprised an existing Open Burning/Open Detonation ("OB/OD") area. The Navy timely filed the necessary Parts A and B of its RCRA permit application, which brought SWMU 3 (the OB/OD area) into interim status authorization under 40 CFR Part 270. The permit application was for the OB/OD destruction of unused waste munitions. On September 27, 2001, the Navy withdrew its application for a RCRA Subpart X permit. EPA acknowledged the application withdrawal, and required further information in furtherance of closing the facility in accordance with 40 CFR Part 265. An extension in submitting a proposed groundwater monitoring plan was granted until 15 February 2002, and the Navy has timely filed its draft plan for EPA review and approval.

2. Pursuant to Sections XXII and XXIII of this Order, this Order is hereby modified to address the delay of closure requirements for the OB/OD area, otherwise known as SWMU 3. Modifications to the Order are as follows:

a. Insert in Section VI, Order: Work to be performed by Navy, new paragraph

**"G. ACTIONS REQUIRED FOR DELAY OF CLOSURE OF OB/OD UNIT,
SWMUs 3, 9, and 11**

1. The Navy will review and analyze all current and pending assessments of environmental conditions and potential impacts to the environment adjacent to the Live

Impact Area, in which SWMU 3 is located. These assessments may be conducted by independent entities other than the Navy, specifically, the Agency for Toxic Substance and Disease Registry (ATSDR). Within seventy-five (75) days of the effective date of this modification, the Navy shall submit to EPA a draft report discussing the following:

a) Review of all data collected for, and analyses performed by the Navy, or other independent entities such as ATSDR, as part of its Public Health Assessments (PHAs) of the Vieques Range.

b) Recommendations for additional studies and/or actions, if indicated, to ensure the surrounding environment is not impacted as a result of delaying closure of the OB/OD units.

2. The Navy shall undertake an ongoing program of groundwater monitoring, on a semi-annual basis. This monitoring program will be performed in accordance with the February 13, 2002 "Groundwater Monitoring Work Plan Open Burning/Open Detonation Units AFWTF Vieques, Puerto Rico" or as later modified at EPA's direction. The groundwater monitoring shall commence no later than 75 days following the effective date of this modification, and shall be implemented every six months thereafter, until closure of the OB/OD units or termination of this Order.

3. Upon cessation of usage and/or classification of the Vieques Range to Closed, Transferred, Transferring (CTT) status, the Navy shall implement closure of the OB/OD units pursuant to requirements of 40 CFR Part 265 Subparts G and P. Further, the Navy shall undertake appropriate and necessary measures to ensure that SWMUs 3, 9 and 11 listed in Table 1, Section IV.7 of the Order are managed in a fashion consistent with the requirements of this Order and legal requirements in effect at that time."

b. Amend Section IV.7.d. of the Order to read as follows:

"(d) Two of the SWMUs listed in Table 1, SWMU 9 (Explosive Ordnance Firing Range) and SWMU 11 (Non-Explosive Ordnance Firing Range), fall within active military ranges and are expressly excluded from any corrective action requirements under the terms and conditions of this Order. Further, SWMU 3 (Waste Explosive Ordnance Detonation Area), while subject to the closure requirements of 40 CFR Part 265, in accordance with this modification, may defer meeting the requirements of 40 CFR Part 265 Subparts G and P until the Navy ceases usage of the Vieques Range and/or it is classified as CTT status. This deferral is based on the following:

(i) The closure of the site would be incompatible with continued operation of the site, 40 CFR 265.113(b)(1)(ii)(C), in that it is located within an active military firing range. Closure activities would be subject to destruction by range activities, and are thus inappropriate until the range ceases to be used and/or is declared to be closed, closing, or transferred; and

(ii) The Navy has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating OB/OD waste explosive ordnance detonation area, 40 CFR 265.113(b)(2), in that an active groundwater monitoring program is in existence as set forth in Section VI .G and the Navy will be investigating the need, if any, for other studies and/or actions.

c. Pursuant to Sections XXIII of this Order, this modification shall become effective on the date it is signed by the Regional Administrator or her designee the Director, Division of Environmental Planning and Protection, EPA Region II.

It is so agreed:

Date _____
Deputy Assistant Secretary of the Navy
Environment

Date _____

Regional Administrator
U.S. EPA – Region II