

68



DEPARTMENT OF THE NAVY

ATLANTIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1510 GILBERT ST
NORFOLK, VA 23511-2699

TELEPHONE NO:

(757) 322-4815

IN REPLY REFER TO:

5090
EV23CP:EVS

FEB 06 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

U.S. Environmental Protection Agency
Region II
Attn: Mr. George Pavlou
Director, Division of Environmental Planning
and Protection
290 Broadway - 22nd Floor
New York, NY 10007-1866

Re: Atlantic Fleet Weapons Training Facility, Vieques Island,
Puerto Rico
EPPA I.D. #PRD980536221
Revised Draft Final Work Plan for Community Relations Plan
(Navy October 2001)
Revised Draft Final Work Plan for Community Relations Plan
(EPA Revised 10/24/01)
USEPA Comment Letter, Dated November 7th, 2001

Dear Mr. Pavlou:

This letter serves as the Navy's response to EPA comment letter dated November 7, 2001 and EPA's first set of proposed revisions to the Navy's Revised Draft Final Work Plan for the Community Relations Plan (CRWP). Furthermore, this letter shall serve as confirmation for the Navy's submission of the Final CRWP by the Navy's consultant [CH2MHILL] to your office on January 28th, 2002. The CRWP was initially submitted to USEPA on September 8th, 2000. The basis for EPA's rejection of the Navy's Draft Final CRWP is not consistent with EPA's public participation guidance documents nor are EPA's revisions to the CRWP considered reasonable in regards to unilaterally shifting the public participation responsibilities almost entirely onto the Navy. The "additional" activities in EPA's public participation guidance documents are suggested and not "required" public participation activities by the Navy and are to be a collaborative effort between the parties and the community to effectively address the concerns of the community.

EPA's guidance documents for public participation under a 3008(h) Order of Consent versus a "permitted facility" were written to allow for a great deal of latitude and flexibility in tailoring and determining the best approach in public

Re: Atlantic Fleet Weapons Training Facility, Vieques Island,
Puerto Rico
EPPA I.D. #PRD980536221,
Revised Draft Final Work Plan for Community Relations Plan
(Navy October 2001)
Revised Draft Final Work Plan for Community Relations Plan
(EPA Revised 10/24/01)
USEPA Comment Letter, Dated November 7th, 2001

participation activities for both the permitting agency and facility. The Navy considers that the referenced Draft Final CRWP (October 2001) is not only deemed to be consistent with the requirements of the Order, but exceeds the minimum requirements specified in Conditions VI.B.4 and VI.B.7 of the Order. The CRWP follows both, the "required" and suggested "additional" activities delineated in the RCRA Public Participation Manual (Sept 1996), Chapter 4: Corrective Action and 3008(h) Orders. In addition, the public participation activities proposed to be conducted both by the Navy and EPA for the Atlantic Fleet Weapons Training Facility (AFWTF) far exceeds the public participation activities modeled in EPA's Corrective Action Permit for Naval Station Roosevelt Roads, Puerto Rico. Guidance suggests that the public participation activities under a 3008(h) Order should "generally" be the same as that of a permitted facility. For example, a review of the current EPA public participation activities conducted at Naval Station Roosevelt Roads (NSRR) in Puerto Rico, a *permitted* facility, are much more limited in comparison to the activities proposed in the CRWP under the AFWTF Order. Therefore, as stated above, the Navy's Draft Final CRWP (October) satisfies all of the public participation requirements specified in the Order as well as meeting all of the "required" and nearly all suggested activities presented in the public participation guidance documents for work performed under a 3008(h) Order.

EPA's focal point for rejecting the CRWP is directed towards EPA taking the lead on all public participation activities requiring a significant effort and commitment to the public. More specifically, EPA has rejected the CRWP for all public participation activities that suggest EPA lead or co-lead with the Navy in regards to conducting interviews, holding informal meetings, workshops, and/or public meetings. The guidance documents clearly indicate that these "suggested" activities under an Order are valuable forums for the community and optional for either EPA or the Navy to conduct. Furthermore, EPA's unilateral changes to the Draft Final CRWP shift the responsibility of implementing the plan almost entirely on the

Re: Atlantic Fleet Weapons Training Facility, Vieques Island,
Puerto Rico
EPPA I.D. #PRD980536221,
Revised Draft Final Work Plan for Community Relations Plan
(Navy October 2001)
Revised Draft Final Work Plan for Community Relations Plan
(EPA Revised 10/24/01)
USEPA Comment Letter, Dated November 7th, 2001

Navy and are inconsistent with RCRA guidance. As an example, the *EPA Public Participation Manual* recommends "the permitting agency take the lead in public hearings". However, EPA's proposed revisions of the work plan state that "the Navy will take the lead in arranging the public hearing". As a result, the Navy takes exception to the changes EPA has made since it is not consistent with RCRA public participation guidance and may not be in the best interest of the community's unique concerns.

The Navy understands from your November 7th letter that EPA, although serving as a lead agency, will take a more passive approach and not share the responsibilities and resources with the Navy in: conducting interviews, contacting local officials and holding public meetings, establishing or maintaining a Restoration Advisory Board (RAB) and/or Technical Review Committee (TRC). Before the Navy can effectively write a Community Relations Plan (CRP), EPA should define the limits of their specific roles, responsibilities, and any proposed co-lead activities to be shared jointly with the Navy.

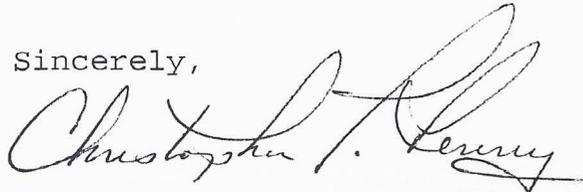
In summary, the revised Final Draft Community Relations Work Plan for AFWTF, which was sent to your office on January 28, 2002, was developed based on EPA's proposed limited role in community relations, the *RCRA Public Participation Manual*, and Navy policy regarding public participation under RCRA. The Work Plan meets the essential requirements for RCRA 3008(h) orders. It has the Navy taking the lead in: 1) completing and distributing an initial fact sheet about the RFI work plans; 2) conducting interviews, (along with EPA), with interested citizens to develop a Community Relations Plan; 3) providing documents to a public information repository; and 4) possibly providing regular updates about the RFI to the community members participating in the Navy's existing Technical Review Committee (TRC) for Navy environmental activities on the western end of the island. Following the submittal of a RCRA decision document, we expect that EPA will take the lead in 1) preparing a Statement of Basis or fact sheet, 2) conducting a public

Re: Atlantic Fleet Weapons Training Facility, Vieques Island,
Puerto Rico
EPPA I.D. #PRD980536221,
Revised Draft Final Work Plan for Community Relations Plan
(Navy October 2001)
Revised Draft Final Work Plan for Community Relations Plan
(EPA Revised 10/24/01)
USEPA Comment Letter, Dated November 7th, 2001

hearing (if requested by the public), and 3) responding to public comments. As stated in the *RCRA Public Participation Manual*, we believe that public hearings to officially receive public comments are more appropriately led by EPA, as the permitting agency. Consequently it shall be understood that the Navy will not be conducting public hearings or public meetings for corrective action activities at AFWTF at this time. Any additional activities to encourage public participation will be discussed in the RCRA Community Relations Plan (Public Participation Plan) upon completing the interviews.

The Navy looks forward to working collectively with EPA and co-leading in certain activities with EPA in regards to public participation. The Navy anticipates that EPA will assist in implementing an effective community relations program that will promote a cooperative working relationship between all the stakeholders of this project. If you have any questions regarding the above, please do not hesitate to contact me at 757-322-4815.

Sincerely,



CHRISTOPHER T. PENNY, REM
Project Coordinator
Installation Restoration Section
(South)
Environmental Programs Branch
Environmental Division
By direction of the Commander

Copy to:

PREQB (Mr. Carmelo Vasquez)
COMNAVSTA Roosevelt Roads (Captain John R. Warnecke)
Booz Allen & Hamilton (Ms. Kathy Rogovin)
2ARA (Mr. William Muszynski)

Re: Atlantic Fleet Weapons Training Facility, Vieques Island,
Puerto Rico
EPPA I.D. #PRD980536221,
Revised Draft Final Work Plan for Community Relations Plan
(Navy October 2001)
Revised Draft Final Work Plan for Community Relations Plan
(EPA Revised 10/24/01)
USEPA Comment Letter, Dated November 7th, 2001

2ORA (Mr. Carlos Ramos)
2CEPD (Mr. Carl A. Soderberg)
2CD (Ms. Bonnie Bellow)
2ERRD (Mr. Bob Wing)
2ORC (Mr. Gary Nurkin)
2CEPD (Mr. Daniel Rodriguez)
2DEPP-RPB (Mr. Raymond Basso)
COMNAVSTA Roosevelt Roads PWD (Ms. Madeline Rivera)
NAVFORSOUCOM Puerto Rico (Captain Craig James)
CH2M Hill (Messrs. Martin Clasen, John Tomik)
2CD (Ms. Mary Helen Cervantes)
2DECA (Ms. Kathleen Malone)
2DEPP-RPB (Mr. Tim Gordon)