



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278-0012

MAY 14 1993

James Colter  
Department of the Navy  
Northern Division  
Naval Facilities Engineering Command  
10 Industrial Highway, Mail Stop #82  
Lester, Pennsylvania 19113-2090

Re: Draft Feasibility Study Chapter  
Bethpage Naval Weapons Industrial Reserve Plant

Dear Mr. Colter:

I have reviewed the preliminary applicable or relevant and appropriate requirements (ARARs) and remedial action objectives found in the draft Chapter 2 of the Feasibility Study for the Naval Weapons Industrial Reserve Plant in Bethpage, New York (NWIRP Bethpage). In general, this chapter is well organized and thought out. The following comments are offered to assist in the preparation of the draft Feasibility Study. Since the development of ARARs is an iterative process, EPA may have additional comments when the FS is submitted and specific remedial alternatives are discussed.

1. Table 2-P, Page 3: In the discussion of Rationale for Use for the PCB Guidance (OSWER Directive No. 9355.4-01), the conclusion is made that the land use will be considered industrial. This is sufficient for the present circumstances. However, the Navy should consider whether the more stringent residential use scenario should be considered as part of the feasibility study. If the basis for remediation will be an industrial land use, the Navy will have to continue to evaluate the PCB contamination at the five year review, and further work may be necessary if the land is transferred under the Community Environmental Response Facilitation Act.

2. Table 2-P, Page 4: OSHA Requirements and DOT Rules should be removed from this table. While these standards must be met at the site in applicable circumstances, the standards are not ARARs. Neither is an environmental requirement and neither could be waived by the ARAR waivers of CERCLA.

3. Table 2-P, Page 5: Some discussion should be provided in the Rationale about when the contamination occurred. If contamination occurred after the effective date of RCRA, the

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contaminated media would be considered listed by the "contained in" policy, and RCRA would become applicable rather than relevant and appropriate.

4. Table 2-P, Page 6: The rationale for the RCRA Corrective Action proposed regulations states that site cleanup is driven by CERCLA, not RCRA. Since NWIRP Bethpage has both state and federal RCRA permits which require corrective action, this statement is not true. The majority of the proposed corrective action rule remains a TBC at this time. However, there has been final rulemaking for Corrective Action Management Units (CAMU) and Temporary Units (FR, Vol. 58, No. 29, Tuesday, February 16, 1993, pp 8658-8685, effective April 19, 1993). This final rule will be an ARAR, and provides greater flexibility in handling remediation waste.

5. Table 2-K: There seems to be the assumption that if an action is exempt under CERCLA from permitting requirements, then the technical requirements are relevant and appropriate. This is not correct. If the facility would have needed a permit if the action were not a CERCLA action, the substantive technical requirements are applicable.

6. Page 6, Section 2.2.2: Action specific ARARs are not limited to "hazardous waste", but can apply to any hazardous substance.

7. Page 12, Section 2.2.2.3: The discussion of permitting requirements for this cleanup action is confusing. This section should include a reference to Section 121(e) of CERCLA, which makes no reference to "Federally ordered" cleanups.

8. Page 14, Section 2.2.2.3: See comment 4 above regarding the recent CAMU rule. The CAMU rule allows movement within or between Solid Waste Management Units without triggering LDRs and minimum technology requirements. Therefore, the discussion presented here is no longer correct.

9. Page 15, Section 2.2.2.3: See comment 2 above regarding the status of the DOT requirements.

10. Page 16, Section 2.2.2.3: See comment 2 above regarding the status of OSHA requirements.

11. Page 20, Section 2.2.4: See comment 1 above regarding the remedial action goal for PCBs in soil. Since this land could easily become residential in the future, the decision to use an industrial land use scenario to establish the cleanup standards for PCBs in the soil will have to be reevaluated on a periodic basis.

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If you have any questions or require clarification, please call me at (212) 264-5393.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary P. Logan". The signature is written in dark ink and includes a horizontal flourish at the end.

Mary P. Logan  
Remedial Project Manager