



STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN R. MCKERNAN, JR.
GOVERNOR

N60087.AR.000414
NAS BRUNSWICK
5090.3a

DEAN C. MARRIOTT
COMMISSIONER

DEBRAH RICHARD
DEPUTY COMMISSIONER

March 31, 1994

Mr. Robert Lim
USEPA Region I
Remedial Project Manager
JFK Federal Building
Boston, Mass. 02203

Dear Bob:

In your March 25, 1994 memorandum, EPA requests that the Department agree that the consolidation of material from Sites 5, 6, and 8 at Sites 1 and 3 is neither a horizontal nor a vertical expansion of an existing landfill, since it is part of a remedial action. The wording of this sentence is very awkward and is not technically correct. The addition of material to an existing landfill is an expansion, however, in this case, the consolidation of material from Sites 5, 6, and 8 at Sites 1 and 3 will be used to provide subgrade material for the engineered cap at Sites 1 and 3. The remedial action for Sites 1 and 3 includes construction of a slurry wall around the landfill, construction of an engineered cap over the landfill, and the installation of extraction wells to remove contaminated groundwater from within the landfill. Cap construction at Sites 1 and 3 requires that material is added to the existing grade to build up the landfill base to appropriate specifications. The consolidation of material from Sites 5, 6, and 8 will provide some of the subgrade material for the cap. Construction is expected to start this spring.

The Department has already stated in a January 30, 1993 letter to Jim Shafer that the disposal of asbestos from Sites 5 and 6 at Sites 1 and 3 does not require a license because it is part of a remedial activity.

In the Department's comments on the Draft ESD dated December 30, 1993, the Department argued that the Maine Solid Waste Regulations (MSWR), Chapters 401-404 are appropriate because they provided a greater level of protection than RCRA Subtitle C capping requirements. However, it is more accurate to consider only Chapters 400 and 401 as appropriate, since Chapter 403 applies to Incineration Facilities and Chapter 404 applies to Construction/Demolition Debris, Inert Fill, Land Clearing Debris, and Woodwaste, all of which are not applicable to Sites 1 and 3.

MSWR Chapter 401 is an ARAR in the ROD for Sites 1 and 3. MSWR Chapter 400 is applicable and should also have been included as an ARAR.

AUGUSTA
STATE HOUSE STATION 17
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
OFFICE LOCATED AT: RAY BUILDING, HOSPITAL STREET

PORTLAND
312 CANCO ROAD
PORTLAND, ME 04103
(207) 879-6300 FAX: (207) 879-6303

BANGOR
106 HOGAN ROAD
BANGOR, ME 04401
(207) 941-4570 FAX: (207) 941-4584

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, ME 04769
(207) 764-0477 FAX: (207) 764-1507

At Loring Air Force Base, the Department is considering the consolidation of material from other operable units on the base for use as subgrade at an existing landfill that will be capped. If the issue at Brunswick Naval Air Station is really one of the disposal of asbestos and not expansion of an existing landfill, the Department has already stated that a license is for this activity at this site is not required because it is part of a remedial activity.

A strict, literal interpretation of MSWR Chapters 400 and 401 would conclude that the addition of material from Sites 5,6, and 8 would cause an expansion of an existing landfill. This is not, however, the Department's position. Material from Sites 5, 6, and 8 will be used as subgrade material at Sites 1 and 3 as part of a larger remedial activity.

Please call me if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Beardsley".

Nancy Beardsley
Project Manager, Federal Facilities Remediation
Office of the Commissioner

cc: Mark Hyland