



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278-0012

APR 26 1993

T. G. Sheckels, Head
Restoration Management Section
Department of the Navy
Northern Division
Naval Facilities Engineering Command
10 Industrial Highway, Mail Stop #82
Lester, Pennsylvania 19113-2090

Re: Draft Federal Facility Agreements for the Calverton and
Bethpage Naval Weapons Industrial Reserve Plants

Dear Mr. Sheckels:

Under Section 120(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, Federal agencies are required to enter into an Interagency Agreement (IAG) with the United States Environmental Protection Agency (EPA) before undertaking remedial actions at Federal facilities listed on the National Priorities List (NPL). EPA has taken the position that CERCLA Section 120 IAGs should be comprehensive documents that address hazardous substance response activities from the Remedial Investigation/Feasibility Study (RI/FS) phase through the implementation and completion of the remedial action. This position is consistent with the terms of the model language for IAGs which was agreed upon by EPA and the Department of Defense (DOD) in June of 1988.

In addition, if the NPL-listed Federal facility is also a site regulated under the Resource Conservation and Recovery Act as amended by the Hazardous and Solid Waste Amendments of 1984 (herein jointly referred to as RCRA), EPA believes that a CERCLA Section 120 IAG, incorporating both RCRA and CERCLA activities, should be used to coordinate a comprehensive cleanup plan at these sites. This IAG would then satisfy both the facility's RCRA corrective action and CERCLA requirements.

The Naval Weapons Industrial Reserve Plants (NWIRP) at Bethpage and Calverton are under consideration and have potential for being proposed for inclusion on the NPL in the future. Additionally, both facilities have RCRA corrective action obligations to EPA and the New York State Department of Environmental Conservation (NYSDEC). The Navy has expressed its wish to integrate its ongoing RCRA activities with potential

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future CERCLA requirements. Correspondence and discussions among EPA, NYSDEC, and the Navy indicated a willingness of all parties to initiate negotiations of IAGs prior to the proposed listing and complete the IAGs prior to final listing of the Calverton and Bethpage Naval Weapons Industrial Reserve Plants on the NPL.

In light of this you will find enclosed the first draft of the "Federal Facility Agreement under CERCLA Section 120" (CERCLA Section 120 IAG) for the NWIRP Bethpage and Calverton sites. At this time we are requesting that the appropriate Navy staff review this document. As mentioned in a February 2, 1993, letter from Robert Wing of my staff, this IAG was developed using model language that was agreed upon between EPA and DOD. Provisions of the IAG for which there is no model language take into consideration the language which was agreed upon for the NAEC Lakehurst or NWS Earle IAGs. Both of these IAGs are Navy-EPA agreements and certain modifications have been made to reflect the distinction between a three party agreement which is the case for these sites located in New York State. Additional provisions reflect the requirements of the New York State and Federal RCRA permits, and other effective CERCLA Section 120 agreements with the DOD to which New York has become a party (Departments of Air Force and Army). As stated in Mr. Wing's February 2, 1993, letter, we propose to address the non-site specific provisions for each agreement independently from the site-specific provisions for each facility. This should substantially reduce time by allowing us to negotiate the non-site specific provisions once for use in both IAGs.

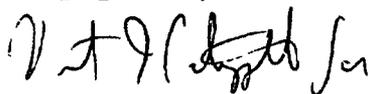
In accordance with EPA's national policy, we are actively pursuing three-party IAGs, by which EPA, the State and the appropriate Federal agency can coordinate their activities. EPA believes that the implementation of IAGs with respect to Federal facilities within New York State should be closely coordinated with NYSDEC. A draft of this IAG has already been forwarded to NYSDEC for review and comment. Please note that this document is in draft form and does not contain final input from NYSDEC.

We look forward to the development of IAGs for the Bethpage and Calverton sites. The CERCLA Project Manager for these sites is Mary Logan. She will be arranging a meeting in early May with your staff, NYSDEC and EPA to discuss the IAG language. During development of the IAGs the Navy should continue to meet its RCRA permit obligations.

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If you have any questions or would like to discuss any issues, please do not hesitate to contact me at (212) 264-1573 or Mary Logan at (212) 264-5393 or James Doyle, Assistant Regional Counsel, at (212) 264-2645.

Sincerely yours,



George Pavlou, Acting Director
Emergency and Remedial Response Division

Enclosure

cc: D. Felton, Navy, w/encl
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