

**Marrow, Monica/VBO**

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**From:** Louth, Matt/VBO  
**Sent:** Thursday, June 25, 2009 5:19 PM  
**To:** Henderson, Kimberly/VBO; Clore, Renee/CHC; Grim, Theron/CLT  
**Subject:** Fw: Draft ARARs Tables for Camp Lejeune Site 89 EE/CA

Fyi

----- Original Message -----

**From:** Buxbaum.David@epamail.epa.gov <Buxbaum.David@epamail.epa.gov>  
**To:** Townsend.Gena@epamail.epa.gov <Townsend.Gena@epamail.epa.gov>  
**Cc:** Hartzell, Beth <beth.hartzell@ncdenr.gov>; bryan.k.beck@navy.mil <bryan.k.beck@navy.mil>; Bozzini, Chris/CLT; david.t.cleland@navy.mil <david.t.cleland@navy.mil>; marcy@rhea.us <marcy@rhea.us>; Mark.Pisarcik@shawgrp.com <Mark.Pisarcik@shawgrp.com>; Morgan, Martha <martha.morgan@ncdenr.gov>; Louth, Matt/VBO; Mcelveen, Randy <randy.mcelveen@ncdenr.gov>; robert.a.lowder@usmc.mil <robert.a.lowder@usmc.mil>  
**Sent:** Thu Jun 25 15:16:39 2009  
**Subject:** RE: Draft ARARs Tables for Camp Lejeune Site 89 EE/CA

It is up to the Team to decide whether to add the cited NCDENR Air regs as an ARAR for this removal action, since I don't have enough knowledge about the site and in particular the extent of VOC contamination in soils. Although I agree with Rand's identification of those particular air ARARs especially where VOC emissions are likely or expected during the response action, it does not appear that they would be needed based upon the limited and shallow excavation that will occur under this removal action. I appreciate NCDENR input on the ARARs and believe that the draft table I sent you (forwarded to the Navy) addressed Randy's other ARARs comments.

If there has been any soil sampling and VOC analysis performed in the area targeted for excavation and the results suggest that VOCs are not present, then I would not include these air requirements on the table.

If the Team wants to be especially conservative, then you could list them as contingent ARARs that would be invoked in the unlikely event VOCs are discovered in the shallow soils. One of my concerns with identification of ARARs, is that we limit them to the specific actions contemplated and wastestreams that are expected to be generated, otherwise you'll list everything. However, when a regulation is listed, it should be specific and provide adequate description of the substantive requirement(s).

I would be glad to discuss this issue and any of the suggested ARARs with Randy and the Navy if necessary.

Thanks,  
David M. Buxbaum  
Associate Regional Counsel  
US EPA Region 4  
Office of Environmental Accountability  
61 Forsyth St. SW  
Atlanta, GA 30303  
(404) 562-9549 office  
(404) 562-9486 fax

Gena  
Townsend/R4/USEP  
A/US

06/15/2009 03:15  
PM

"Mcelveen, Randy"  
<randy.mcelveen@ncdenr.gov>

To

cc

"Hartzell, Beth"  
<beth.hartzell@ncdenr.gov>,  
"bryan.k.beck@navy.mil"  
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<robert.a.lowder@usmc.mil>

Subject

RE: Draft ARARs Tables for Camp  
Lejeune Site 89 EE/CA(Document  
link: David Buxbaum)

Hi Randy,

I understand your point, however, the ARAR issue is a legal matter. I will have to defer to David on this request. Randy keep in mind that we collected sediment samples in this area and did not detect concentrations at a DNAPL level. I disagree on adding this as an ARAR, but, if David agrees, I will support the comment.

Gena D. Townsend  
US EPA  
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"Mcelveen,  
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06/15/2009 02:52  
PM

To  
Gena Townsend/R4/USEPA/US@EPA,  
David Buxbaum/R4/USEPA/US@EPA

To

cc

"Hartzell, Beth"  
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Subject

RE: Draft ARARs Tables for Camp  
Lejeune Site 89 EE/CA

Thanks Gena,

My concern was that, although we are not completing a remedy for CVOCs, there is the potential around this site that we could encounter shallow DNAPL since we know the creek is still receiving high concentrations of CVOC DNAPL. I would like to have the air regulation listed with the ARARs just in case the removal contractor encounters heavy VOCs during the removal. Lets err on the conservative side. What do you think?  
I know we are only digging to a depth of one foot.

From: Townsend.Gena@epamail.epa.gov [Townsend.Gena@epamail.epa.gov]

Sent: Monday, June 15, 2009 11:14 AM

To: Mcelveen, Randy; Buxbaum.David@epamail.epa.gov

Cc: Hartzell, Beth; bryan.k.beck@navy.mil; Chris.Bozzini@CH2M.com;  
david.t.cleland@navy.mil; marcy@rhea.us; Mark.Pisarcik@shawgrp.com; Morgan, Martha;  
mlouth@ch2m.com; robert.a.lowder@usmc.mil

Subject: RE: Draft ARARs Tables for Camp Lejeune Site 89 EE/CA

Hi Randy,

I sent David your comments, but, that was awhile back and he may not have pulled them up during his review. However, we did discuss the DNAPL (air) issue. It was a joint consensus between David and me, that the EE/CA is only addressing PAHs and pesticides and the data does not suggest a problem with chlorinated compounds in this area (stream area only). If this is not correct, we can discuss. I am not sure about the other surface water ARARs. I will resend to David. He is out of the office this week and not sure if he is able to read email. I will discuss it with him when he returns or have him contact you directly.

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"Mcelveen,  
Randy"  
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06/15/2009 10:19  
AM

To  
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"marcy@rhea.us" <marcy@rhea.us>,  
"Mark.Pisarcik@shawgrp.com"  
<Mark.Pisarcik@shawgrp.com>,  
"Morgan, Martha"  
<martha.morgan@ncdenr.gov>,  
"david.t.cleland@navy.mil"  
<david.t.cleland@navy.mil>

cc

Subject

RE: Draft ARARs Tables for Camp  
Lejeune Site 89 EE/CA

Gena,  
Has David seen my comments on the Work Plan? He doesn't include some of the ARARs references that I recommended in my comments (see attached). Knowing that DNAPL is or was in the area requires the air quality ARAR that I included in my comments. I also included other Surface Water Quality ARARs that David didn't include. Let me know if we need to have a conference call.

Randy

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From: Townsend.Gena@epamail.epa.gov [Townsend.Gena@epamail.epa.gov]  
Sent: Monday, June 15, 2009 8:25 AM  
To: mlouth@ch2m.com; Chris.Bozzini@CH2M.com; Mcelveen, Randy; townsend.gena@epa.gov; robert.a.lowder@usmc.mil; Hartzell, Beth; bryan.k.beck@navy.mil; marcy@rhea.us; Mark.Pisarcik@shawgrp.com; Morgan, Martha; david.t.cleland@navy.mil  
Subject: Fw: Draft ARARs Tables for Camp Lejeune Site 89 EE/CA

See below EPA's Legal comments. This completes EPA's review of the above subject document.

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----- Forwarded by Gena Townsend/R4/USEPA/US on 06/15/2009 08:22 AM

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David  
Buxbaum/R4/USEPA  
/US

06/12/2009 04:47  
PM

Gena Townsend/R4/USEPA/US

To

cc

Subject

Draft ARARs Tables for Camp  
Lejeune Site 89 EE/CA

Attached are copies of the Location- and Action- specific ARARs tables for use in the Site 89 EE/CA. The Navy and its contractor may want to add another column to use for Comments/Alternative identification, which is fine. However, please keep the text "as is" unless there are mistakes or NCDENR has suggested revisions on their NC regs.

Not sure that the nearby stream is classified as High Quality so those entries are highlighted and can be deleted if its not. Also, the ESA requirements are there just in case the team wants to be conservative considering it is a potential ARAR at other Camp Lejeune sites. If there isn't critical habitat or "Threatened or Endangered" species have not been observed at this site, then these requirements could be removed.

Please contact me if you have any questions. Note that I'm out of the office all of next week.

David M. Buxbaum  
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(See attached file: Camp Lejeune Site 89 EECA Location-Specific ARARs\_6-11-2009 EPAlegal.doc) (See attached file: Camp Lejeune Site 89 EECA Action-specific ARARs\_6-11-2009 EPAlegal.doc)

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.  
(See attached file: May 5, 09 Comments EE\_CA W. Wetland Site 89.doc)

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