

10/18/05 - 04921

Capito, Bonnie P CIV NAVFAC Lant

From: Jackson, Rodger W CIV NAVFAC Lant
Sent: Monday, November 07, 2005 11:05 AM
To: Capito, Bonnie P CIV NAVFAC Lant
Subject: FW: Navy Comments to the OU5 PRAP

CH PT AR

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

From: Taylor.Dawn@epamail.epa.gov [mailto:Taylor.Dawn@epamail.epa.gov]
Sent: Tuesday, October 18, 2005 21:36
To: William.Friedmann@CH2M.com
Cc: Shepherd, David S CIV NAVFAC Lant; Doug.Bitterman@CH2M.com;
Townsend.Gena@epamail.epa.gov; GeorgeL100@aol.com;
george.lane@ncmail.net; jeffrey.christopher@usmc.mil; Jackson, Rodger W
CIV NAVFAC Lant; neville.lawrence@epamail.epa.gov
Subject: RE: Navy Comments to the OU5 PRAP

Bill-

I asked our EPA counsel (Lawrence Neville) to review the Navy's comments. EPA agrees with the Navy's comments 1, 2, & 4. EPA is willing to accept the Navy's comment 3 for purposes of expediting this PRAP, but please note that EPA does not agree with the comment.

As I mentioned earlier, I am out on travel, but if you have questions and need to reach me, I can be reached by email or on my cell at 404-909-0829.

Thanks,
Dawn

Dawn C. Taylor, Chief (Acting)
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William.Friedman
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10/18/2005 11:16
AM

To
Dawn Taylor/R4/USEPA/US@EPA, Gena
Townsend/R4/USEPA/US@EPA

cc

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Subject

RE: Navy Comments to the OU5 PRAP

Dawn,

Thank you for providing the OU5 PRAP comments. Below are comments from Navy legal. It is our understanding that Gena will be out for the remainder of the week so we wanted to see if you would be able to confirm agreement on the Navy's comments (Comment 3 in particular) so we can continue to proceed with the PRAP process. Please let us know if you are willing to review these comments. If needed, Rodger and I could join you on a call this afternoon to discuss.

Thank you,
Bill Friedmann

From: Jackson, Rodger W CIV NAVFAC Lant [mailto:rodger.jackson@navy.mil]

Sent: Tuesday, October 18, 2005 9:03 AM

To: Gena Townsend (E-mail); George Lane (E-mail); George Lane (E-mail 2); Jeff Christopher (E-mail); Bitterman, Doug/VBO; Friedmann, William/VBO

Cc: Shepherd, David S CIV NAVFAC Lant

Subject: Navy Comments to the OU5 PRAP

Team,

I've talked with counsel (D. Shepherd) and we agree that overall, the document generally follows the format set out in the applicable EPA guidance and meets the requirements of the NCP. The document also reflects most of the language in the OU4 and OU13 PRAPs. The Navy's comments are below:

1.a. Introduction. According to the EPA guidance, this section should contain a brief description of the preferred alternative and the other alternatives considered and a brief rationale for proposing the preferred alternative. The omission is not fatal, but it is a variance from the EPA guidance.

1.b. Also, in the first sentence of the second paragraph, add the words "through the Naval" immediately after the words "U.S. Department of the Navy (Navy)," and before the words "Facilities Engineering Command, Atlantic."

2. Regarding EPA's comments for Section 5.0. I believe that during the 2005 FFS, it was concluded that no unacceptable risks were present in the soils and groundwater at Site 1 and is recommended for NFA. Accordingly, the only OU5 medium containing contamination posing potentially unacceptable risks is surficial groundwater at Site 2.

3. We do not concur with EPA's propose change to Section 7.2

specifically the first and third sub points. On the first, the MCAS planning process is not something that needs to be specifically addressed (it is a vehicle by which a IC is enforced, not an IC itself). It should be enough for the PRAP and ROD to state that intrusive activities will be prohibited; the mechanics should be left to the RD. On the third, transfer of any portion of OU 5 out of Federal ownership is not currently contemplated; thus, it is inaccurate to state that we will impose such a restriction when we don't know if one would be necessary at the time of transfer. Also, the FFA, section 26, speaks to transfer requirements. The Parties can deal with the issue, should it arise, then. Now is not the appropriate time. We believe that the language stated in the agreed upon OU4 and OUI3 PRAPs be reflected in this OU5 PRAP.

4. Regarding EPA's comments for Section 9.0. We agree with the basic concept. This suggested language is also included in the OU4 and 13 PRAPs. We can mirror this language, however, I think it is more appropriate to modify it to state:

"For any institutional controls (ICs) selected in the Record of Decision (ROD) for this action, the Navy will specify IC implementation details as part of the Remedial Design post-ROD document the Navy submits to USEPA and NCDENR for review. Upon final approval by USEPA and concurrence by NCDENR, the IC implementation and maintenance requirements are enforceable under CERCLA."

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