

Bernhardt, Aaron

From: Keckler.Kymerlee@epamail.epa.gov
Sent: Tuesday, August 10, 2010 10:04 AM
To: Bernhardt, Aaron
Cc: Rich, Corey; Peterson.David@epamail.epa.gov; james.gravette@navy.mil; mark.lewis@po.state.ct.us; richard.conant@navy.mil; Bird, Susan M CIV NAVFAC MIDLANT, 010
Subject: RE: Area A Wetland Draft Final ROD and other associated Docs.

These responses are fine. Ignore the earlier message.

Kymerlee Keckler, Chemical Engineer
Federal Facilities Superfund Section
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
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Telephone: 617.918.1385
Facsimile: 617.918.0385
E-mail: keckler.kymerlee@epa.gov

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| "Bernhardt, Aaron" <Aaron.Bernhardt@tetrattech.com>
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| To: |
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| Kymerlee Keckler/R1/USEPA/US@EPA, "james.gravette@navy.mil" <james.gravette@navy.mil>
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| "richard.conant@navy.mil" <richard.conant@navy.mil>, "mark.lewis@po.state.ct.us"
<mark.lewis@po.state.ct.us>, "Bird, Susan M CIV NAVFAC |
| MIDLANT, 010" <susan.bird@navy.mil>, "Rich, Corey" <Corey.Rich@tetrattech.com>, David
Peterson/R1/USEPA/US@EPA |
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| Date: |
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|08/10/2010 07:52 AM

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|RE: Area A Wetland Draft Final ROD and other associated Docs.
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Kymerlee,

We had a few questions regarding your comments:

1. Table 3-1 - The Text does indicate which RSRs are being cited. It states "...specifically residential direct exposure criteria." Is there something else that needs added to clarify that better?
2. The Navy believes that the Admin record should include correspondence from EPA and DEP, but the "Detailed Administrative Record Reference Table" only presents a subset of the Admin record. It only presents the reports specifically called-out in the ROD. We do not plan on listing the entire Admin Record in the ROD. Is that acceptable to EPA?
3. The Navy does not agree with reverting back to using the words "consult" or "consultation" in the "Action to be Taken" column for the Endangered Species and Fish & Wildlife Coordination Act ARARs.

The ESA's requirement for "consultation" is not a substantive control or standard, so therefore is not properly included in this ARAR. Per the NCP Preamble, "administrative procedures like consultation are not required." (55 Fed Reg 8756). The Preamble goes on to recognize that the function served by consultation is valuable to this process; to that end, the Navy fully intends to engage with the appropriate federal and state agencies to determine how to accomplish its substantive responsibilities under the ESA to ensure its actions do not jeopardize the existence of any listed species or critical habitat. However, to avoid misunderstanding later about what the Navy has committed to do under this ARAR, "coordinate" is the more accurate term.

The FWCA's requirement for "consultation" is not a substantive control or standard, so therefore is not properly included in this ARAR. Per the NCP Preamble, "administrative procedures like consultation are not required." (55 Fed Reg 8756). The Preamble goes on to recognize that the function served by consultation is valuable to this process; the Navy fully intends to engage with the appropriate federal and state agencies to determine how to accomplish its substantive responsibilities under the FWCA to ensure fish and wildlife are protected from cleanup impacts affecting the Area A wetland. However, to avoid misunderstanding later about what the Navy has committed to do under this ARAR, "coordinate" is the more accurate term.

Thanks,

Aaron

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

From: Keckler.Kymerlee@epamail.epa.gov [mailto:Keckler.Kymerlee@epamail.epa.gov]
Sent: Friday, July 23, 2010 6:03 PM
To: Bernhardt, Aaron; james.gravette@navy.mil
Cc: richard.conant@navy.mil; mark.lewis@po.state.ct.us
Subject: Re: Area A Wetland Draft Final ROD and other associated Docs.

Overall, good job incorporating the changes. We are still looking at the new LUC language & changes to the ARARs tables. I need to hear back from a few people, but wanted to share the few things I caught so far.

Page 21, §2.7.3 - insert "owing" per EPA's original comment

Page 31 - Delete hypothetical in the risk column of Table 2-7

Page 33 - In Table 3-1, insert "goals" after remedial and clarify which RSR you are citing (e.g., direct exposure, PMC, etc.)

The Admin Record should also cite correspondence from EPA & DEP

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|"Bernhardt, Aaron" <Aaron.Bernhardt@tetrattech.com>

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|Kymerlee Keckler/R1/USEPA/US@EPA, "Lewis, Mark" <Mark.Lewis@ct.gov>,
"Bird, Susan M CIV NAVFAC MIDLANT, 010" <susan.bird@navy.mil>,
|"Gravette, James CIV NAVFAC" <james.gravette@navy.mil>, "Conant, Richard CIV NAVFAC
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|"Rich, Corey" <Corey.Rich@tetrattech.com>
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|07/22/2010 02:12 PM
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|Area A Wetland Draft Final ROD and other associated Docs.
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All,

Attached are the following items for your review:

1. Draft Final ROD for Area A Wetland in tracked change mode based on regulator comments.
2. The revised Table E-1 in tracked change mode.
3. Responses to EPA's comments from their e-mail and CTDEPs comments.
Note that only the comments EPA sent in their e-mail were formally responded to. The tracked change version of the ROD serves as a response to EPA's comments within in the ROD.
4. Minutes from the stenographer from the public meeting.

Please call if you have any questions.

Thanks,

Aaron

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[attachment "RTC_July 12 2010.doc" deleted by Kymberlee Keckler/R1/USEPA/US] [attachment "Draft Final Area A Wetland ROD.docx" deleted by Kymberlee Keckler/R1/USEPA/US] [attachment "Revised Table E 1.docx" deleted by Kymberlee Keckler/R1/USEPA/US] [attachment "Minutes from Public Meeting.docx" deleted by Kymberlee Keckler/R1/USEPA/US]