

Naval Base, Norfolk Partnership Consensus Agreement No. 4

- TOPIC:** A decision process and site closeout procedure for No Further Action (NFA) sites.
- PURPOSE:** To establish how sites that the team agrees are NFA sites can be closed out.
- AGREEMENT:** Tier 1 agrees that NFA sites at Naval Base, Norfolk will be closed out using one of three scenarios described below. Regardless of which scenario is used, the partnership will sign off on the documentation to support the closeout. Tier 1 further agrees that the documents and information contained in them for each scenario will be appropriate to support both the NFA decision and to fulfill Navy and regulatory requirements for site closeout. A unanimous decision will be required by the partners to NFA a site. The team may make an NFA decision for any site, regardless of the stage of investigation, as long as the team agrees sufficient information exists to support the decision.

BASIS AND DETAILS OF THE AGREEMENT:

The process described below for making and documenting an NFA decision at Naval Base, Norfolk sites is based on similar processes being used successfully at other Federal Facilities within EPA Region 3 and the Commonwealth of Virginia (e.g., Naval Weapons Station - Yorktown, Naval Surface Warfare Center - Dahlgren, and Langley Air Force Base).

Step 1: Evaluation

Every site being considered for NFA will be evaluated collaboratively by the partnership. The agreed upon evaluation process starts with a collaborative review of the available data to determine whether it is sufficient for making the NFA decision. It is anticipated that this review will lead to one of three outcomes. These are:

- 1) The site is a NFA site and no additional data needs to be collected;
- 2) The site is a probable NFA site, but there are a few specific questions which need to be answered before a NFA determination can be made.
- 3) There are significant data needs and/or uncertainties and, therefore, an RI is needed.

For sites in outcome 2, *limited data collection* can be focused on answering specific questions (this may include collecting some additional field samples, or other types of data as defined by the team); a final decision will be postponed until the requested data are collected. It is agreed that these data

can be collected without initiating an RI and their collection will not trigger the CERCLA requirements associated with an RI.

It is important to note there is no bright line to distinguish between sites that fall into outcome 2 versus outcome 3. However, category 2 sites should be probable NFA sites for which a few specific questions remain which can be answered by a limited, focused data collection effort. If NFA appears uncertain and/or a significant amount of additional data will be required to make the NFA decision, it may be more efficient to initiate the RI.

Step 2: Select The Scenario Under which the Site will be Closed Out

Once the NFA decision has been made, the team will select and agree upon which of the three scenarios (described below) the site falls under; the closeout will proceed using the procedures for that scenario.

Step 3: Prepare Closeout Documentation

Scenario 1: Appendix A Sites (Pre-FFA)¹

This scenario applies to any pre-RI site listed in “Appendix A” that the team agrees is a NFA site. Pre-FFA NFA decisions will be documented by deleting the site from the EPA Appendix A working list and by adding a discussion that the site will be a NFA site to the findings of fact section of the FFA. A copy of the Appendix A working list is included as Attachment 1 to this agreement.

Scenario 2: Post FFA Pre-RI Sites

This scenario applies to any site incorporated into the FFA that is in the pre-RI stage. Whether or not an action has been taken at the site, if the site is now to be closed out as an NFA site, it will be documented in a site close out report (see below).

Individual RODs for pre-RI sites will not typically be prepared. However, these sites may need to be discussed in a NFA ROD for Naval Base, Norfolk when the Base is removed from the NPL.

Scenario 3: Post-RI Initiation Sites

This scenario applies to any site incorporated into the FFA and for which an RI has been initiated. Regardless of whether an action has been taken at the site prior to the NFA

¹ Appendix A is the working list of all site screening areas for the facility.

decision, these sites will follow the standard RI/FS, risk assessment, proposed plan and ROD documentation.

For sites in this category, the NFA decision can either be documented in a multi-site NFA ROD, or an individual NFA ROD can be generated.

Step 4: Signature and Distribution of NFA Decision Documents/Site Closeout Reports

Five original signed copies of the decision document will be produced and distributed to the following: EPA Region 3, VDEQ, LANTDIV, Naval Base, Norfolk, and the administrative record.

Contents of a Site Closeout Report

In essence, the site closeout report should contain that information that the Team used to make the NFA decision. It will contain more detailed information the further along the site is in the investigation process. Some common sense will need to be applied when deciding what information is to be included. In general, no matter what the close out scenario or the level of additional investigation required, if any, the information in the close out report will include a site description, information on the nature of the investigation or analysis that led to an NFA decision, and a description (either qualitative or quantitative) of the exposure and risk evaluations. The following items are representative elements that may be included in the report. The specific elements that go into each report will be determined by the scenario and the information that was used to make the NFA decision.

- A signature page will be included at the beginning of each report which states that the site requires no further action and contains the following specific language (as requested by VDEQ):

“In the event contamination posing an unacceptable risk to human health or the environment is discovered after execution of this site close-out document, the Partnership agrees that additional investigation to characterize this contamination will be undertaken and further agrees to remediate the contamination if deemed necessary.”
- Site summary narrative including a summary of what is known about the type and volume of wastes managed at the site. (1 page)
- A site map showing sample locations and media sampled (e.g., ground water, surface soils, etc.,).
- Site or aerial photos (as applicable and available).

- A summary of the sampling strategy rationale (e.g., rationale for location and depth of soil samples; ground-water well locations and well screen depth selection; selection of analytes, etc.).
- A summary of analytical results including:
 - An identification of the analytes analyzed for.
 - The detection limits for nondetects.
 - A table of background/reference values (e.g., upgradient)
 - Data comparison table (hits vs RBCs).
 - Confirmatory sampling table (if necessary).
- A conceptual site model showing potential and probable human health and environmental pathways.
- A summary of current and projected future land use(s).
- A pre-remedial toxicological evaluation (see Attachment 2). (if appropriate).
- Conclusion.

SIGNATORIES TO THE AGREEMENT:

We the undersigned hereby acknowledge our approval and acceptance of the above agreement on this 1st day of May, 1997.

Devin Harris

David M. Forsyth

Harvey S. Harbold

Anthony A. Hsieh

Randy M. Jackson

Michael Thelin