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LETTER AND THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY COMMENTS
ON THE DRAFT RECORD OF DECISION FOR GROUNDWATER AT SITE 22 NWS
YORKTOWN VA
07/30/2012
VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

July 30, 2012

Mr. Jim Gravette
NAVFAC MIDLANT, Building N-26
Hampton Roads Restoration Product Line, Code OPHREV4
9742 Maryland Avenue
Norfolk, VA 23511-3095

**RE: Draft Record of Decision for Groundwater at Site 22 – Burn Pad
Naval Weapons Station Yorktown
Yorktown, Virginia**

Dear Mr. Gravette:

The Virginia Department of Environmental Quality (DEQ) has received the *Draft Record of Decision* (Draft ROD) for Groundwater at Site 22 – Burn Pad for Naval Weapons Station Yorktown, Yorktown, Virginia. The June 2012 Draft ROD, prepared by CH2M HILL, was received by the DEQ on June 22, 2012.

Thank you for providing the DEQ's Office of Remediation Programs the opportunity to review the above-referenced Draft FS Report. Subsequent to DEQ's internal review, this office has the following comments on Appendix C:

ARARs COORDINATOR'S COMMENTS

Virginia Erosion and Sediment Control Regulation 4 VAC 50-30-40 and 60.A

DEQ is of the opinion that this regulation should be listed as Relevant and Appropriate rather than Applicable. Because the activities are anticipated to be less than 10,000 sq ft., this regulation appropriately addresses erosion control and is well suited for this site. DEQ does not agree that this regulation may be subject to a potential waiver.

Please note that **Virginia Solid Waste Management Regulation 9 VAC 20-80** has been repealed. The new Solid Waste Regulation is **9 VAC 20-81-10 to 760**. The following are DEQ's suggested Applicable requirements: **9 VAC 20-81-40(B), 45 (B)(2)(f) and 95 (D)(10)(b) and (13)**.

Please add **Virginia Private Well Regulation 12 VAC 5-630- 420(B) and (C); 450(B)(C)(1),(2),(4),(5), (7), (8), and (9)**. This regulation establishes requirements for the installation and abandonment of observation and monitoring wells, governed jointly by the State Board of Health and the Virginia Department of Environmental Quality.

Please add **Virginia Water Protection Permit Program Regulation 9 VAC 25-210-50 (A)**, this requirements prohibits discharges or alterations of surface water. Considering the groundwater at the site has the potential to discharge to surface water and the materials used to treat groundwater have the potential to spill and discharge to surface water, the DEQ is of the opinion that this is an Applicable requirement.

This letter is intended only as guidance and is not intended to be a case decision under the Virginia Administrative Process Act. If you would like to discuss this guidance, please contact me at (804) 698-4125 or wade.smith@deq.virginia.gov.

Sincerely,



Wade M. Smith
Remediation Project Manager
Office of Remediation Programs

cc: Moshood Oduwole, EPA
Michelle Hollis, DEQ CO