

NWS-00318 - 02.05 - 08/02/93



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

August 2, 1993

Mr. Thomas Black
Public Affairs Officer
Naval Weapons Station (Code 01)
P.O. Drawer 160
Yorktown, VA 23691-0160

Re: Yorktown Naval Weapons Station Sites 4, 16, and 21
Draft Final Engineering Evaluation/Cost Analysis (EE/CA)

Dear Mr. Black:

The following are comments on the Yorktown Naval Weapons Station Sites 4, 16, and 21 Draft Final EE/CA, specific to issues related to ARARs based upon a document review made by Ms. Michele Monti, ARARs Coordinator. These comments are in addition to general comments sent on July 15, 1993.

1. Even though it is made quite clear that surface and ground water will not be addressed in this removal action, there are references to ARARs related to contamination in these media that need to be corrected for future consideration (Page 3-8, Table 3-1, etc.). Groundwater underlying the site should be remediated in accordance with CERCLA guidelines. The Virginia Groundwater Standards are not used for CERCLA cleanup of contaminated aquifers. Cleanup levels for potential drinking water sources are typically based on MCLs. In the absence of MCLs, other health-based standards or criteria from the Virginia and/or federal regulations, or best professional judgment based on risk assessment, may be employed.

Where groundwater discharges to surface water, the cleanup level at that discharge point would be the more stringent level between the MCL and the state or federal surface water standard or criteria for the protection of aquatic life.

The citations for the above ARARs are: Virginia State Water Control Law, Code of Virginia Sections 62.1-44.2 et seq.; Virginia Water Regulations entitled "Water Quality Standards" (VR 680-21-00); Federal: the Water Pollution Control Act, 33 U.S.C. 1251; and the Safe Drinking Water Act, 42 U.S.C. 300(f).

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2. Because Virginia administers an authorized state RCRA program, the Virginia Hazardous Waste Management Regulations (VHWMR) will serve as the governing ARAR in place of the RCRA regulations contained in the 40 CFR Parts, except for the Land Disposal Restrictions of 40 CFR Part 268. (At this time, Virginia does not have authorization for administering the LDR's.)

Some sample VHWMR Part X Sections corresponding to RCRA regulations of 40 CFR Part 264 are listed below:

	<u>VHWMR §</u>	<u>40 CFR Part 264</u>
Releases from Solid Waste Management Units	10.5	Subpart F
Closure and Post-Closure	10.6	Subpart G
Use and Management of Containers	10.8	Subpart I
Tank Systems	10.9	Subpart J
Surface Impoundments	10.10	Subpart N
Waste Piles	10.11	Subpart L
Land Treatment	10.12	Subpart M
Landfills	10.13	Subpart N

If the remedial response contemplated involves storage, treatment or disposal of a VHWMR/RCRA hazardous waste, various VHWMR/RCRA requirements may need to be complied with as specified in VHWMR and/or the applicable 40th CFR Parts. In addition, Interim Status Standards corresponding to RCRA regulations of 40 CFR Part 265 Subpart O are found in §9 of the VHWMR.

The transportation of hazardous waste must be conducted in compliance with VHWMR Part VII and 49 CFR Parts 107, 171.1-172.558.

The disposal of any soil, debris, sludge or any other solid waste from a site must be done in compliance with VSWMR.

The citations for the above ARARs are: Virginia Waste Management Act, Code of Virginia Sections 10.1-1400 et seq.; Virginia Hazardous Waste Management Regulations (VHWMR) (VR 672-10-1); Virginia Solid Waste Management Regulations (VSWMR) (VR 672-20-10). Federal: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Parts 107, 171.1-172.558.

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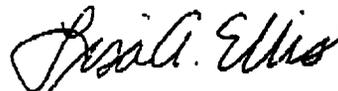
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3. Any emission from the disturbance of soil at a site, or treatment of soil or water, must meet the Virginia air emission standards for toxic pollutants and for particulate emissions.

The citation for the above is: Virginia Air Pollution Control Law, Code of Virginia Sections 10.1-1300 et seq.; Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution (VR 120-01).

If you have any questions, please do not hesitate to contact me at (804) 225-2906, or Michele Monti at (804) 225-2927 for ARARS-specific questions.

Sincerely,



Lisa A. Ellis
Remedial Project Engineer
Federal Facilities Program

cc: K.C. Das
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