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LETTER NOTIFYING U S NAVY THAT THE U S EPA CANNOT BE A SIGNATORY TO THE
TECHNICAL REVIEW COMMITTEE CHARTER CNC CHARLESTON SC
5/18/1992
U S EPA REGION IV

N3X
N3H

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

MAY 18 1992

Captain R. E. Leonard
Assistant Chief of Staff
for Operations
Naval Base Charleston
Charleston, South Carolina
29408

RE: Technical Review Committee Charter

Dear Captain Leonard:

In response to your letter of April 16, 1992 this is to inform you that EPA cannot be a signatory to the Technical Review Committee (TRC) Charter as written since Naval Base Charleston (NBC) is subject to a Resource Conservation and Recovery Act (RCRA) permit for corrective action issued by EPA and effective on June 4, 1990. As such EPA must maintain it's authority as a regulator under the terms of the permit. Please find enclosed our comments on the TRC Charter. If the charter is revised to reflect EPA comments our office will be willing to sign and to participate in the TRC activities to the extent that our resources permit. The EPA endorses the TRC concept and feels that it provides valuable public input into the Installation Restoration process.

If you have any questions on the enclosed comments please contact Mr. Michael J. Hartnett, Chief, DoD Remedial Section or me at (404) 347-3016.

Sincerely,

A handwritten signature in cursive script that reads "Jon D. Johnston".

Jon D. Johnston, Chief
Federal Facilities Branch

Enclosure

cc: Hartsill Truedale, Director, SCDHEC
Art Linton, Federal Facility Coordinator, Region IV
Sid Allison, SODIV, NAVFACENGCOM
Dave Sealander, Code N34, NBC

COMMENTS ON TRC CHARTER NAVAL BASE CHARLESTON (NBC)
MAY 15, 1992

1. Add Section on "APPLICABLE LAWS AND REGULATIONS":

A. Actions taken by NBC shall be in accordance with the requirements of all applicable federal, state and local laws and regulations.

B. The selection and implementation of any remedial, removal or corrective action shall be in accordance the requirements of the Resource Conservation and Recovery Act (RCRA), as amended; Executive Order 12580; The National Contingency Plan (NPL) (40 CFR Part 300); all federal, state, and local relevant and appropriate requirements (ARARs) and will be protective of public health and the environment.

C. It is acknowledged that NBC is a RCRA permitted facility and is subject to the RCRA corrective action requirements of Sections 3004(u) & (v) of RCRA and 40 CFR 264.101 and the South Carolina Hazardous Waste Management Act. Nothing in this charter shall amend the rights and responsibilities of EPA Region IV or NBC as provided for in the EPA issued RCRA permit effective on June 4, 1990.

2. Add to I.B. PURPOSE: "EPA Region IV will review all workplans and reports and NBC shall meet all compliance dates in accordance with the terms of the RCRA permit effective June 4, 1990."

3. Add to II.E. STRUCTURE OF THE TRC: "EPA shall review documents and provide comments to the Permittee in accordance with the RCRA permit and EPA regulations and procedures."

4. The last two sentences of IV. B. FUNCTION OF THE TRC should be deleted or revised to read: "In the event the NBC is listed on the National Priority List pursuant to Section 120 of CERCLA the Navy representative will develop, for review by the TRC, the Federal Facility Agreement (FFA) between the Navy, the EPA and the State of South Carolina."

The EPA does not enter into FFAs for facilities that are not on the NPL.

5. Add to V. D.: "All addition or deletion of IRP sites subject to the terms of the RCRA permit shall be done in accordance with the terms of the permit. All interim remediation shall be conducted as interim measures in accordance with the RCRA permit as appropriate and/or the removal requirements of the NCP (40 CFR Part 300)."