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LETTER REGARDING REGULATORY REVIEW AND ACCEPTANCE OF METHODOLOGY  
FOR PROPOSED TRANSFER OF GOLF COURSE NAS FORT WORTH TX  
12/29/1999  
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



**NAVAL AIR STATION  
FORT WORTH JRB  
CARSWELL FIELD  
TEXAS**

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**ADMINISTRATIVE RECORD  
COVER SHEET**

AR File Number 636

Robert J. Huston, *Chairman*  
R B "Ralph" Marquez, *Commissioner*  
John M Baker, *Commissioner*  
Jeffrey A Saitas, *Executive Director*



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P.W. (036)

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## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

December 29, 1999

Mr. Rafael E. Vazquez  
Regional BRAC Environmental Coordinator  
AFBCA/ROL Bergstrom AFB  
3711 Fighter Drive  
Austin, TX. 78719-2557

RE: Carswell Air Force Base  
TNRCC SWR No. 65004, EPA ID. No. TX0571924042  
**Review of Proposed Transfer of the Carswell AFB Golf Course**

Dear Mr. Vazquez:

This is in response to your letter dated November 23, 1999 in which you requested that the Texas Natural Resource Conservation Commission (TNRCC) provide our position on the transfer of the Carswell Air Force Base (AFB) golf course to the Westworth Redevelopment Authority. As noted in your letter, the main concern with the proposed property transfer is related to ground water contaminated with trichloroethylene (TCE) which underlies the Carswell AFB golf course and the ongoing discharge of this contaminated ground water into Farmers Branch Creek which flows through the golf course.

As you know, CERCLA §120(h)(3) requires, in part, that deeds transferring property from the federal government to another person or entity outside the federal government must provide a covenant warranting that all remedial action necessary to protect human health and the environment has been taken prior to the date of transfer and that any additional remedial action required after the date of the transfer shall be taken by the federal government. In the case of a long-term remedial action such as a ground water pump-and-treat system, §120(h)(3) considers a remedial action to *have been taken* when an approved remedy has been properly constructed and the remedy has been demonstrated to the EPA to be operating properly and successfully.

With respect to the Carswell AFB golf course, since all required remedial action necessary to protect human health and the environment has not been taken, AFBCA would not be able to provide the required covenant with the deed. Under certain circumstances, however, §120(h)(3)(c) allows property to be transferred by deed prior to all remedial actions having been taken. For property not listed on the National Priorities List (NPL) such as Carswell AFB, the Governor of the State in

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which the property is located may defer the §120(h)(3) covenant that all required remedial action has been taken until a later date and allow the deed transfer. Therefore, provided that the Governor or his designated representative agreed to the covenant deferral, the transfer of the Carswell AFB golf course to the Westworth Redevelopment Authority could take place subject to the requirements of CERCLA §120(h)(3)(c), Department of Defense (DoD) policy regarding Early Transfer Authority for property not on the NPL dated April 24, 1998, and any state specific requirements for early transfer.

As noted by EPA Region 6 in their letter of December 8, 1999, the early transfer of the Carswell AFB golf course appears to be problematic from the standpoint of the impact that this transfer will have on the ability of the adjacent Air Force Plant 4 (AFP 4) to remain in compliance with their Record of Decision (ROD). As shown on page 5-9 of the AFP 4 ROD, *Figure 5-3 Contamination in the Terrace Alluvial Flow System at Air Force Plant 4*, the East Parking Lot TCE plume originating on AFP 4 has migrated to the east and underlies the Carswell AFB golf course. Although it is yet to be determined to what degree, if any, sites located on the golf course property may have contributed to the shallow aquifer contamination, the AFP 4 ROD clearly identified AFP 4 as a significant source of this contamination. According to the ROD, one of the cleanup goals for the East Parking Lot Groundwater Plume is to prevent groundwater contamination above MCLs from migrating beyond the AFP 4 or the Naval Air Station Fort Worth (formerly Carswell AFB) boundaries. The early transfer of the Carswell AFB golf course will move the federal property boundary approximately 3/4 of a mile to the west and require AFP 4 to take corrective action to remediate that portion of the East Parking Lot plume that will now be off-site as a result of the transfer.

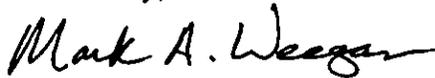
Another problematic point concerning this transfer centers around the deferral requirements of CERCLA §120(h)(3)(c). According to §120(h)(3)(c)(ii) Response Action Assurances, the deed proposed to govern the transfer shall contain assurances that.... "(IV) provide that the Federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget (OMB) that adequately addresses schedules for investigation and completion of all necessary response action, subject to congressional authorization and appropriations". It would not seem possible to make an accurate budget request to OMB until the full extent of the East Parking Lot plume has been determined and a remedial action designed to address the pending off-site plume has been selected. Which entity within the Air Force will be responsible for the budget request to OMB, AFBCA or AFP 4?

The TNRCC remains committed to working with AFBCA and the Westworth Redevelopment Authority to facilitate the transfer of Carswell AFB, however, as you can see, the transfer of the golf course will be a complicated process. If it is AFBCA's intention to move forward with this early transfer I would request that you give the TNRCC as much advance notice as possible so that we can coordinate with the Governor's Office.

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If you have any questions, please contact me at (512) 239-2360, Mail Code MC 127, e-mail mweegar@tnrcc.state.tx.us.

Sincerely,



Mark A. Weegar, Project Manager  
Corrective Action Section  
Remediation Division  
Texas Natural Resource Conservation Commission

MW:mw

cc: Leland Clemons, Westworth Redevelopment Authority  
George Walters, Air Force Plant 4  
Mr. Gary Miller, U.S. EPA Region VI, Dallas, TX.(6PD-NB)  
Mr. Tim Sewell, TNRCC Region 4 - Arlington (MC-R4)

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**ADMINISTRATIVE RECORD**

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