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NAS FORT WORTH
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LETTER REGARDING CONDITIONAL APPROVAL OF FINAL RCRA FACILITY
INVESTIGATION FOR SOLID WASTE MANAGEMENT UNIT 26 NAS FORT WORTH TX
12/28/2001
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



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

**ADMINISTRATIVE RECORD
COVER SHEET**

AR File Number 714

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



File: 17-A-84-4
D.E. 714
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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

December 28, 2001

Mr. Michael R. Dodyk, P. E.
Restoration Team Chief
HQ AFCEE/ERD
P.O. Box 27008
Fort Worth, TX 76127-0008

RE: Conditional Approval of Final RCRA Facility Investigation Report, dated November 2001
~~SWMU 26~~ - Risk Reduction Standard No. 2
NAS Fort Worth JRB, Carswell AFB, Texas
TNRCC Solid Waste Registration No. 65004
TNRCC Hazardous Waste Permit No. HW-50289
EPA ID No. TX0571924042

Dear Mr. Dodyk:

The Texas Natural Resource Conservation Commission (TNRCC) received your Final RCRA Facility Investigation (RFI) Report for SWMU 26, submitted November 12, 2001. The RFI Report indicates that investigation activities have been completed in accordance with the HSWA Corrective Action requirements of the RCRA permit. It has demonstrated full extent determination and proposes that SWMU 26 can close under TNRCC Risk Reduction Standard (RRS) No. 2, pursuant to Title 30 TAC Chapter 335 Subchapters A and S.

In order to attain RRS No. 2, all industrial solid waste and municipal hazardous waste and waste residues must be at or removed or decontaminated to health based standards and criteria. Contaminants allowed to remain in place in media of concern (i.e., soil, ground water, surface water, air) must not exceed the health based clean up levels as specified in 30 TAC §335.556.

The Final RFI Report contains documentation indicating that the investigation at SWMU 26 has revealed that soils remain in-place at RRS 2 levels. The TNRCC conditionally approves the RFI Report with the proposal for closure under RRS No. 2 such that no post-closure care or engineering control measures are required. However, the Final Report did not contain a document proposed to fulfill the requirements of 30 TAC §335.560(b) relating to deed certification. Please submit draft deed certification language with all the appropriate attachments, including a map(s) illustrating the area(s) to be deed certified. Once the draft language has been approved, the TNRCC will direct Carswell, as specified in §335.560, to submit proof of deed certification to the TNRCC within ninety (90) days from the date of that approval letter.

Additionally, the TNRCC can not issue a final determination until the public has had an opportunity to provide comment on the investigation results and the proposed corrective measure. Carswell shall submit the required draft deed certification language and then must notify the public of the approved RFI Report and the proposed corrective measure (RRS 2 and deed certification) pursuant to the corrective action program. An example of the proper public notice language is enclosed. Carswell should proceed with the following steps.

Mr. Dodyk
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1. Publish the notice (completed with the correct information) once in its entirety, at your expense, in a newspaper of general circulation which is regularly published or circulated in the county(ies) or the geographical location of the facility;
2. Once the notice is published, please read it carefully and notify us immediately if it contains any errors or omissions that require the corrected version to be re-published; and,
3. Mail, immediately upon publication, an original and one (1) copy of the following items to the TNRCC's Corrective Action Section (MC-127) and one copy to the Waste Program Manager, TNRCC Region 4 Office, 2301 Gravel Dr., Fort Worth, TX 76118-6951.
 - a. a clipping of the published notice; and,
 - b. the original sworn affidavit from the newspaper giving the date on which the notice was published, using the enclosed affidavit form.

If comments which require clarification are received during the comment period, the Executive Director of the TNRCC may request Carswell to hold a public meeting if such a meeting might clarify one or more issues concerning the proposed corrective measure(s). If no comments are received, then the TNRCC will issue a final determination.

Please be aware that it is the continuing obligation of persons associated with a site to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare as required by 30 TAC §335.4. If the actual closure fails to comply with these requirements, the burden remains upon Carswell to take any necessary and authorized action to correct such conditions. A TNRCC field inspector may review your Final Report and conduct a closure inspection of the site.

Questions concerning this letter should be directed to me at (512) 239-2333. When responding by mail, please submit an original and one copy of all correspondence and reports to the Corrective Action Section at Mail Code MC-127 with an additional copy submitted to the TNRCC Region 4 Office in Fort Worth. The TNRCC Solid Waste Registration No. and SWMU No. should be referenced in all submittals.

Sincerely,



Ray S. Risner, Senior Project Manager
Team II, Corrective Action Section
Remediation Division
Texas Natural Resource Conservation Commission

RSR/rsr

cc: Waste Program Manager, TNRCC Region 4 Office, Fort Worth

Enclosure 1 - Notice of Proposed Corrective Measures and Example of Publisher's Affidavit

OTNRCC letter dated December 28, 2001
ENCLOSURE 1
TNRCC SWR No. 65004

Notice of Proposed Corrective Measures

[Company], located at [street, city, county], has hereby given notice to the Texas Natural Resource Conservation Commission (TNRCC) of the proposed corrective measure(s) at [(closed / inactive / operating) Solid Waste Management Unit (s)] at the above location. The corrective measure(s) is [briefly describe the corrective measure(s) including deed certification requirements] and is based upon the results of the [*choose applicable documents from the list below] dated [date(s) of document]. (Please include the date for both the RFI Rpt and the draft deed certification language submittal)

The purpose of this notice is to give members of the public the opportunity to submit written comments on the results of the investigation and the proposed corrective measure(s). Comments must be submitted within 60 days of the date of publication of this notice to: Manager, Corrective Action Section, Mail Code MC-127, Remediation Division, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, TX 78711-3087. Copies of the [*choose from the list below] document(s) and the proposed corrective measure(s) are available for public inspection at the Austin office of the TNRCC located at Technical Park Center, Building D, Room 109, 12118 North IH-35, Austin, and the local TNRCC Regional Office located at [region office address].

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Resource Conservation and Recovery Act (RCRA) Facility Investigation (RFI) Report

Proposed Corrective Measure(s) - Risk Reduction Standard No. 2 Draft Deed Certification Language

TNRCC letter dated December 28, 2001
ENCLOSURE 1
TNRCC SWR No. 65004

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF _____

Before me this day personally appeared _____
_____, the _____
of the _____, a
newspaper which is regularly published or circulated in
_____ County, Texas, who being by me duly sworn
deposes and says:

That the foregoing notice was published in said
newspaper on _____, 200__.

Subscribed and sworn to before me this the _____ day
of _____, 200__.

Notary in and for _____
_____ County, Texas

FINAL PAGE

ADMINISTRATIVE RECORD

FINAL PAGE