

Johnson, Julie

From: Dao.Peter@epamail.epa.gov
Sent: Tuesday, August 05, 2008 2:33 PM
To: Johnson, Julie
Cc: Wilson, Adrienne T CIV NAVFAC SE; Grabka, David; Peterson, Mark; Curtin, Tim L CIV NAS Jacksonville, N45; Buxbaum.David@epamail.epa.gov
Subject: PSC 47 ROD

below are my preliminary comments on the ROD. additional comments if any will be forth coming.

Please add the following to Section 1.4 and/or 2.11.1:

1. Map/Figure showing boundaries of the land use controls.
2. Commitment by military service to address any situation that may interfere with the effectiveness of LUC: "Any activity that is inconsistent with the IC objectives or use restrictions, or any other action that may interfere with the effectiveness of the ICs will be addressed by the [military service] as soon as practicable, but in no case will the process be initiated later than ___ days [10 days suggested] after the [military service] becomes aware of the breach."
3. Commitment by military service to notify EPA of and address any situation that may interfere with the effectiveness of LUC: "The [military service] will notify EPA and [the state] as soon a practicable but no longer than ten days after discovery of any activity that is inconsistent with the IC objectives or use restrictions, or any other action that may interfere with the effectiveness of the ICs The [military service] will notify EPA and [the state] regarding how the [military service] has addressed or will address the breach within 10 days of sending EPA and [the state] notification of the breach."
4. Notification to EPA and the state regarding land use changes: "The [military service] shall notify EPA and state ___ days [45 days suggested] in advance of any proposed land use changes that are inconsistent with land use control objectives or the selected remedy."
5. Notification regarding transfers and federal-to-federal transfers: "The [military service] will provide notice to EPA and [the state] at least six (6) months prior to any transfer or sale of [OUs at issue] so that EPA and [the state] can be involved in discussions to ensure that appropriate provisions are included in the transfer terms or conveyance documents to maintain effective ICs. If it is not possible for the facility to notify EPA and [the state] at least six months prior to any transfer or sale, then the facility will notify EPA and [the state] as soon as possible but no later than 60 days prior to the transfer or sale of any property subject to ICs. In addition to the land transfer notice and discussion provisions above, the [military service] further agrees to provide EPA and [the state] with similar notice, within the same time frames, as to federal-to-federal transfer of property. The [military service] shall provide a copy of executed deed or transfer assembly to EPA and [the state]."
6. Monitoring and reporting language: "Monitoring of the environmental use restrictions and controls will be conducted annually [or more or less

frequently as may be determined to be necessary based upon site activities or conditions] by the [military service]. The monitoring results will be included in a separate report or as a section of another environmental report, if appropriate, and provided to the USEPA and [the state]. The annual monitoring reports will be used in preparation of the Five Year Review to evaluate the effectiveness of the remedy. The annual monitoring report, submitted to the regulatory agencies by the [military service], will evaluate the status of the ICs and how any IC deficiencies or inconsistent uses have been addressed. The annual evaluation will address whether the use restrictions and controls referenced above were communicated in the deed(s), whether the owners and state and local agencies were notified of the use restrictions and controls affecting the property, and whether use of the property has conformed with such restrictions and controls."

7. Provide a description of the internal procedures for implementing the LUCs (e.g., orders, instructions, Base Master Plan) and a commitment by the [military service] to notify EPA in advance of any changes to the internal procedures that would affect the LUCs.