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NAS JACKSONVILLE
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LETTER REGARDING REGULATORY CHANGES TO INTERIM REMEDIAL ACTION FOR
BUILDING 101 OLD PLATING SHOP NAS JACKSONVILLE FL
4/2/1993
U S EPA REGION IV



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

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

4WD-FFB

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James B. Malone
Head, Installation Branch
Restoration Branch
Environmental Division
Department of the Navy - Southern Division
Naval Facilities Engineering Command
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P.O. Box 190010
North Charleston, South Carolina 29419-9010

~~CONFIDENTIAL~~
6002-9654
NORTHEAST DISTRICT
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APR 8 1993
FEDERAL BUREAU OF INVESTIGATION
DER-JACKSONVILLE

Handwritten notes: JLM, VE, JTM, SET, 100

RE: "Interim Remedial Action"
IRP PSC 11 - NADEP Building 101; Old Plating Shop
Naval Air Station, Jacksonville, Florida

Dear Mr. Malone:

In response to your February 26, 1993, letter, comments on the subject document are enclosed. Please note that this document is incorrectly entitled "Interim Remedial Action". Pursuant to the National Contingency Plan, it should be entitled "Removal Action Plan." Regarding the transmittal letter, please note that in addition to CERCLA obligations, there are RCRA and FFA obligations. Also, the Navy must comply with the community relations requirements of 40 CFR 300.415(m). In addition to the comments submitted by Ashwin B. Patel in his March 29, 1993, letter to Captain Cramer, please consider the enclosed comments.

If you have any questions, please call either Doyle T. Brittain or me at 404-347-3016. Thank you for your cooperation.

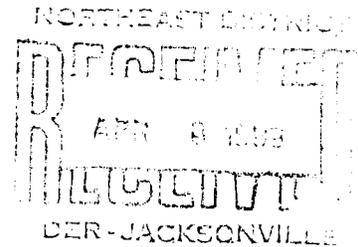
Sincerely,

Michael Harnett, Chief
Department of Defense Remedial Section

Enclosure

cc: Arthur G. Linton, EPA
Joel Murphy, SOUTHDIVNAVFACENCOM
Kevin Gartland, NAS Jacksonville
Eric Nuzie, FDER
Ashwin Patel, FDER NE District
Satish Kastury, FDER

POCKET # 16P



EPA COMMENTS ON "INTERIM REMEDIAL ACTION"
IRP PSC 11 - NADEP BUILDING 101; OLD PLATING SHOP
NAVAL AIR STATION, JACKSONVILLE, FLORIDA

CERCLA REMEDIAL RESPONSE, INTERIM REMEDIAL ACTION PLAN

1. Section 1.2.7 raises two issues:

- A. Based on the situation described, EPA agrees that an imminent and substantial endangerment does currently exist. However, based on the information provided, the endangerment exists solely because of asbestos. This is the endangerment that needs to be abated. Formerly, a similar endangerment did exist because of solvents and sludges left in the tanks and other vessels (the tank system) in February 1990. This endangerment was abated when the solvents and sludges were removed in November and December 1992. Are substances present, other than asbestos, that are contributing to the imminent and substantial endangerment? If so, what are they? How are they presenting an imminent and substantial endangerment?
- B. If the tank system was actively used in the plating process and all of the wastes had been disposed of within ninety days from when the tank system was taken out of service, the Naval Air Station in Jacksonville, Florida (NASJAX) would have been considered to have acted as a hazardous waste generator and therefore would not need a RCRA permit for the tank system at that time. However, since the tank system was removed from service in February 1990 and the solvents and sludges were left in the tank system until November 1992, this may have constituted storage of hazardous wastes and therefore subjected NASJAX to needing a RCRA permit.

While EPA recognizes the intent of RCRA/CERCLA integration through the Federal Facility Agreement (FFA), it must be noted that an FFA does not render RCRA requirements no longer applicable. The intent of Section VII of the FFA is solely to integrate the requirements of RCRA Section 3004(u) and (v) and 40 CFR 264.101 with the CERCLA remedial action requirements. The situation described above is subject to other RCRA requirements.

The issue regarding permits for storage and closure are addressed under the base RCRA program which the Florida Department of Environmental Regulation (FDER) has authorization to administer in lieu of EPA. Therefore, EPA defers all decisions regarding the need for (a) RCRA permit(s) to FDER.

2. Section 1.3, PURPOSE OF THE REMEDIAL ACTION PLAN states that "...the Navy shall implement the required tasks to remove the hazardous constituents and decontaminate the Old Plating Shop." No mention is made regarding asbestos. Yet, the remainder of the document explains that the endangerment is caused by asbestos. Section 3.2 indicates that the hazardous constituents may be different from asbestos. While asbestos is a "hazardous material," it is not a "hazardous constituent." The question then becomes, what is meant by the term "hazardous constituent?" To EPA, a hazardous constituent is one which is listed in 40 CFR 261, Appendix VIII. Why isn't asbestos identified as the substance of concern in the purpose of the remedial action plan? Why are hazardous constituents identified?

The asbestos situation can be addressed as an imminent and substantial endangerment pursuant to CERCLA Section 104(a), (b), and (c), RCRA Section 7003, and Section XI of the FFA. The document indicates that the asbestos would be removed but implies that at least a major part of the effort would be in the removal of any residual RCRA regulated hazardous wastes. Based on available information, EPA concurs with the action to abate the imminent and substantial endangerment by the removal and decontamination of asbestos from the area, but sufficient information has not been provided to indicate that an imminent and substantial endangerment exists from other substances.

While EPA would like to see the area remediated and decontaminated from all hazardous materials as efficiently, effectively, and expediently as possible, we question whether it is the most efficient use of limited funds to have a contractor decontaminate the area of residual RCRA wastes under the auspices of an imminent and substantial endangerment. We suggest conducting a cost comparison of available options. If there is little or no difference in cost, EPA fully supports the immediate removal and decontamination concept presented. This would be done as part of the removal action and would be in compliance with 40 CFR 262. Applicable requirements of 40 CFR 264 under State regulations would still have to be met.

3. Section 3.2 refers to the tank system contents as "liquid and solid waste" and also as "fluid and solid wastes." It continues to state that these materials "were removed and appropriately disposed of." The DDD Plan Concept provided by Ebasco Environmental, discussed in more detail below, refers to the tank system contents as "liquids and sludges" in the Introduction, and states on Page 4 that "Phase II involves the removal of all tank systems (hereafter referred to as tanks) whose contents included (through recent analytical testing) hazardous constituents." EPA contends that the tank system contents were probably RCRA hazardous wastes. EPA requests a copy of the data and/or information used to make the hazardous waste determination prescribed in 40 CFR 262.11, and information regarding the disposal of these wastes. Specifically, what was the basis for the hazardous waste determination? Were they managed as a solid or a hazardous waste? Who removed the wastes? Who transported the wastes? Where were they disposed of?
4. Section 4.5 says "Once the shop has been decontaminated and no hazardous constituents remain, the remaining shop structures - walls, ceilings, etc., shall be considered clean and may be disposed of without CERCLA or RCRA constraints." Is the term "hazardous constituents" according to EPA terminology, or does it refer to asbestos? Will all EPA hazardous constituents be removed to the point that "...no hazardous constituents remain..." where "no" means a zero concentration for all Appendix VIII constituents? Also, it must be noted that approval by EPA of a remedial action plan is based on information provided by the Navy and therefore EPA does not waive the applicability of any "CERCLA or RCRA constraints." The RCRA closure requirements shall be determined by the State.

DDD PLAN CONCEPT, U.S. NAVY REMEDIAL ACTION CONTRACT FOR
REMEDICATION OF SITES CONTAMINATED WITH ACIDS, METALS, AND BASES

1. The Introduction states that the liquids and sludges were removed from the tank system in January 1993; the above mentioned document states that they were removed in November and December 1992. When were they removed?
2. Phases II and III address the tank systems. Do these currently pose an imminent and substantial endangerment? If so, how? (The tank system contents were removed in November and December 1992.)

3. Phase IV involves demolition of the building. Before this occurs, all sumps and drains need to be identified and their integrity preserved. These will be critical parts of the OU3 RI/FS. Section 3.1 removals must address the imminent and substantial endangerment but not thwart the OU3 RI/FS.
4. Section 2.2.2 mentions cleanup requirements without identifying the requirements, cleanup levels, contaminants, sampling and analysis procedures, or level of data quality. These need to be specifically identified.