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LETTER REQUESTING DETERMINATIONS MADE REGARDING RICHARDS GEBEUR AIR  
FORCE BASE KANSAS CITY MO  
12/7/1995  
MISSOURI DEPARTMENT OF NATURAL RESOURCES

DEC 18 1995

SPECIAL DELIVERY

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

McJ. Carnahan Governor • David A. Shorr Director

DIVISION OF ENVIRONMENTAL QUALITY  
P. O. Box 176 Jefferson City, MO 65102-0176

December 7, 1995

Mr. P. Mark Esch  
OL Q, AFBCA  
15471 Hangar Road  
Kansas City, MO 64147-1120

RE: Request for AFBCA Determination

Dear Mr. Esch:

In the Base Realignment and Closure Team Working Group meeting held on December 6, 1995, you referenced recent determination made by the Air Force Base Conversion Agency legal council. The purpose of this letter is to request those determinations in writing, to ensure we understand your position as it relates to addressing the many issues at the site.

Please provide the interpretation as you described to Mr. Glenn Golson that it is illegal for the Air Force Base Conversion Agency to spend Base Realignment and Closure funds on property that is intended for internal Department of Defense transfer. Under the Base Realignment and Closure process, the Richards-Gebaur Air Force Base was identified as a Closure site and not realignment. As part of this process the Air Force Base Conversion Agency is responsible for coordinating with the State and EPA on all remedial actions appropriate for the intended land use.

While the intended use by other Defense agencies in an approved reuse plan will dictate the appropriate level of cleanup we disagree with where the responsibility for those cleanup efforts lie. All property subject to transfer MUST BE REMEDIATED to the identified and approved cleanup standards prior to transfer of the property. Appropriate interim leases can and will be used to allow use of the property prior to acceptance by the State and EPA that remedial actions have been completed and the property is suitable to transfer. We can not accept the transfer of responsibility or liability for those areas where cleanups have not been completed.

Mr. P. Mark Esch  
December 7, 1995  
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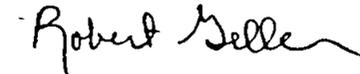
Also, please provide the authority that allows the Air Force Base Conversion Agency to ignore petroleum contamination as it relates to the Community Environmental Response Facilitation Amendment property categorization. The majority of problems at Richards-Gebaur are petroleum related, including the POL Yard which is currently approved and funded.

The State requests a list of all property which has been leased, permitted or otherwise transferred and the party to which it was conveyed. In addition, please provide the updated project list requested by Mr. Golson which outlines scheduled activities through 1998.

I look forward to your responses. If you have any questions regarding these requests, please contact me at (314) 751-3176

Sincerely,

HAZARDOUS WASTE PROGRAM



Robert M. Geller, Chief  
Federal Facilities Section

RG:gga

c: Bob Koke-USEPA Region VII  
Michael Larson-AFBCA-Washington