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LETTER REGARDING EXTENSION OF CORRECTIVE ACTION CONSENT ORDER NSB  
KINGS BAY GA  
12/14/1993  
NSB KINGS BAY

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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Georgia Department of Natural Resources  
Hazardous Waste Management Program  
Attn: Bruce Khaleghi, Unit coordinator  
Floyd Tower East, Suite 1154  
205 Butler Street, SE  
Atlanta, Georgia 30334

Dear Mr. Khaleghi,

As discussed briefly on December 9, 1993 between Mr. Reginald Young of your office and Mr. John Garner, Naval Submarine Base (SUBASE), Kings Bay, we request an additional time extension until January 14, 1994 for execution of the Corrective Action Consent Order for the Old Camden County Landfill. This is in follow-up to your letter of December 1, 1993 which extended the execution date of the Consent Order until December 15, 1993.

We identified several changes during our review of the language of the Order which we believe will more fully describe the steps of the corrective measures and need the additional time to finalize these changes and forward them for your consideration.

Our Draft Revised Proposed Consent Order, enclosure (1), is still under internal review but is forwarded to inform you of the changes we are considering. We would appreciate your comments/suggestions.

We appreciate your staff's advice and assistance on this important issue. If you have questions, please contact Mr. John Garner at 912-673-8845. Please address all correspondence to "Commanding Officer, Naval Submarine Base, 1063 USS Tennessee Avenue, Kings Bay, Georgia 31547-2606."

Sincerely,

M. J. PATTERSON  
Lieutenant Commander, CEC, USN  
A... Officer  
Commanding Officer

Encl:

(1) Draft Revised Proposed Consent Order

Blind copy to:

→ SOUTHNAVFACENGCOM (Code 1868)  
ABB-ES (Mr. Frank Cater)

ENVIRONMENTAL PROTECTION DIVISION  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF GEORGIA

IN RE: Naval Submarine Base #  
Kings Bay, Georgia 31547-5000 # Order No. EPD-HW-  
RESPONDENT #

CORRECTIVE ACTION CONSENT ORDER

WHEREAS, the Naval Submarine Base (hereinafter referred to as "Respondent") presently operates a facility at Kings Bay, Georgia (hereinafter referred to as "Facility") which is subject to the provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. Section 12-8-60, et seq., as amended, (hereinafter referred to as the "Act") and Chapter 391-3-11 of the Georgia Rules of Hazardous Waste Management promulgated pursuant thereto (hereinafter referred to as the "Rules"); and

WHEREAS, the Respondent was issued a Hazardous Waste Storage Permit No. HW-014(S)(2) on September 29, 1989, which contained a schedule for investigation of Solid Waste Management Units identified at the Facility; and

WHEREAS, these investigations have determined that ~~Site 11 on the Respondent's Facility, formerly, the Camden County Municipal Landfill,~~ has impacted the shallow groundwater both on and off the Facility's property; and

WHEREAS, the Respondent is required to submit a modification to Hazardous Waste Facility Permit No. HW-014(S)(2), to remediate any and all releases from ~~such~~ Solid Waste Management Units regardless of when these units were closed or when these units last managed waste; and

WHEREAS, the Respondent has expressed ~~and previously demonstrated its commitment~~ to initiate corrective measures to halt the migration of contaminated groundwater as expeditiously as practical; and

WHEREAS, the Environmental Protection Division (hereinafter referred to as "EPD") agrees that the Respondent needs to implement corrective measures as soon as possible to prevent further migration of contaminated groundwater; and

WHEREAS, the Respondent has submitted a Phase I Interim Measures Work Plan and a Phase I Interim Measures Corrective Action Plan (hereinafter referred to as the "interim measures plans") which can be implemented before the Hazardous Waste Permit can be modified to reflect the final and complete corrective action for groundwater impacted by the Solid Waste Management activities at the Facility; and

WHEREAS, both the Respondent and EPD wish to cooperate fully in implementing and completing corrective measures to remediate groundwater impacted by Site 11 on the Facility as expeditiously as possible;

NOW THEREFORE, before the taking of any testimony and without adjudicating the merits of the parties' positions in this matter, the parties hereby resolve by agreement and upon the Order of the Director of EPD and the Consent of the Respondent as follows:

1. Within fifteen (15) days after receiving notification of approval by EPD, the Respondent shall implement the interim measures plans previously submitted;
2. This Order shall incorporate, upon their approval by EPD, those specific plans and reports identified in this Order to include those critical path document submission schedules set forth therein. Critical path documents shall be deemed to include only those plans and reports essential to the timely completion of those interim and final corrective measure(s) as may hereafter be approved by EPD for implementation;
3. Upon completion of field installation of the components of its interim measures plans, the Respondent shall submit a statement signed by the Respondent and an independent registered professional engineer certifying that the field installation was accomplished in accordance with good engineering practice and as specified in the plans;
4. Once it has been determined by means of the proposed pilot-scale testing that the proposed interim measure will be effective, and the RFI investigative phases have adequately defined source characterization, and upon approval by EPD of the Final RFI Report for Site 11, the Respondent shall submit to EPD within ninety (90) days a Draft Corrective Measure Study report. Upon receipt of EPD's and the public's comments on that draft document, and approval by EPD and the public of the Response to Comments, the Respondent shall submit within thirty (30) days a Final Corrective Measure Study report. Within sixty (60) days of

submission of that final report, the Respondent shall submit to EPD an application to modify Permit No. HW-014(S)(2) and a Final Corrective Action Plan for corrective action at the landfill.

5. The permit modification application to be submitted by the Respondent shall include, but not be limited to, all information gathered to support the chosen corrective action, a description of the corrective action including any interim measures already taken, schedules for the submission of the Corrective Measure Implementation Work Plan and Corrective Measure Design report, a schedule for installing elements of the Corrective Action Plan, including a schedule and performance-based criteria for evaluating the chosen corrective action through ultimate remediation, and any maps, graphs, drawings, calculations and narrative to support the chosen corrective action. The modified permit application shall be available for public review and comment for forty-five (45) days as required in the Rules;

6. The document submission timelines set forth in paragraph four (4) above for Respondent's submission of the required Draft and Final Corrective Measures Studies, Corrective Action Plan, Permit No. HW-104(S)(2) modification application, Corrective Measures Implementation Work Plan and Corrective Measure Design report may be extended upon receipt by EPD of a timely request for extension and when "good cause" shall exist for the requested extension. Good cause shall be deemed to exist for any document submission delay caused by factors beyond the control of the Respondent including, but not limited to, the following:

- a. Acts of God including unusually severe weather conditions;
- b. Compliance with any applicable statute or regulation governing government contracting, procurement or acquisition procedures despite the exercise of reasonable diligence;
- c. An inability to obtain, after the exercise of reasonable diligence, any necessary authorizations, approvals, permits or licenses due to action or inaction of any governmental agency or authority other than within the Department of Defense;
- d. An inability to prevent, after the exercise of reasonable diligence, a default in government contractor performance with resulting delay in either required activity completion and/or document submission schedule compliance;

- e. The insufficient availability of appropriated funds if the Respondent shall have made a timely request for such funds through appropriate Department of the Navy officials for the funding of those specific document submissions and activities encompassed under this Order;
7. Any request for an extension of time to submit any document called for under paragraph four (4) above shall be submitted by the Respondent in writing at least five (5) working days prior to the submission deadline to be extended and shall specify:
- a. The submission date sought to be extended and length of the extension sought;
- b. The good cause basis for granting of the extension;
- c. Any related activity or other document submission that might be impacted if the desired extension were granted;
8. If the Respondent or EPD becomes aware of any information during field activities which necessitate changes in any approved plan(s), representatives of EPD and the Respondent may confer in person or by telephone in an attempt to resolve any changes. If agreement is reached, the resolution shall be written and signed by representatives of each party. If agreement cannot be reached, the Respondent shall, within a reasonable time to be mutually determined by the parties, modify the disputed plan(s) as required by EPD or appeal such decision as provided by law;
9. The Respondent may be required to take further action as necessary to achieve compliance with the Georgia Hazardous Waste Management Act or other applicable State or Federal Laws.
10. No provision of this Order shall be interpreted to require that the Respondent obligate funds in contravention of the Anti-Deficiency Act (31 U.S.C. § 1341). Nor shall any provision serve to preclude Respondent's ability to ensure that its investigative and remedial activities are performed consistent with the requirements of the National Contingency Plan (NCP) 40 CFR 300 et. seq.

This Consent Order does not constitute a finding or adjudication of a violation of any State or Federal law, rule or regulation by the Respondent nor does the Respondent through

agreement to this Consent Order admit any violations of State or Federal law, rule or regulation, or any liability to any third party or parties.

By agreement of the parties, this Order shall be considered final and effective immediately and shall not be appealable ~~except as allowed for under paragraph eight~~ (8) above, and the Respondent does hereby waive any hearing on those other terms and conditions of the same.

It is so ORDERED, CONSENTED, and AGREED to this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

ENVIRONMENTAL PROTECTION DIVISION

By: \_\_\_\_\_  
Harold F. Reheis  
Director

NAVAL SUBMARINE BASE

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_