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NSB KINGS BAY
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LETTER REGARDING GEORGIA DEPARTMENT OF NATURAL RESOURCES COMMENTS
ON REVISED CORRECTIVE ACTION CONSENT ORDER FOR SITE 11 NSB KINGS BAY GA
1/20/1994
GEORGIA DEPARTMENT OF NATURAL RESOURCES

To: David Page
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Dussler
From: Mr. Joe
Hyatt
912-673-4654

Georgia Department of Natural Resources

205 Butler Street, S.E., Suite 1252, Atlanta, Georgia 30334

Joe C. Tanner, Commissioner
Harold F. Reheis, Director
Environmental Protection Division

January 20, 1994

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09.01.00.0053

M.W. O'Neal
Captain, U.S. Navy
Commanding Officer
Naval Submarine Base
1063 USS Tennessee Avenue
Kings Bay, Georgia 31547-2606

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Revised Corrective Action Consent Order
Site 11 - Old Camden County Landfill

Dear Captain O'Neal:

Enclosed please find the revised Corrective Action Consent Order between the Naval Submarine Base (NSB) Kings Bay, Georgia and the Georgia Environmental Protection Division (EPD) concerning the remediation of contaminated groundwater at Site 11, the Old Camden County Municipal Landfill.

The revised Corrective Action Consent Order incorporates those changes proposed by NSB which EPD is prepared to accept. Certain conditions which NSB proposed in the letter dated December 14, 1993, could not be accepted. These include the following proposed conditions:

- Condition 2. EPD feels that this condition does not improve the clarity of the document.
- Condition 4. EPD does not require completion of a Corrective Measures Study (CMS). Therefore, adding conditions to the Consent Order for a draft CMS report, a public comment period on the draft CMS report, a public comment period on the Response to Comments, and a final CMS report will unnecessarily delay the Corrective Action at Site 11. EPD does require that the information which would have been submitted in the proposed CMS (and in the Corrective Measure Implementation Work Plan and the Corrective Measure Design Report mentioned in proposed Condition 5) be submitted in the form of a Corrective Action Plan and request for a Permit Modification. EPD will agree to add the condition for approval of the RFI, and will agree to extend the schedule for submission of the Corrective Action Plan to ninety (90) days.
- Condition 5. As stated above, The proposed Corrective Measure Implementation Work Plan and the proposed Corrective Measure Design Report are considered by EPD to be elements of the Corrective Action Plan.

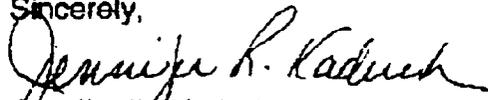
Condition 6. EPD's policy is to grant requests for extensions which are made in a timely manner, for good cause, and for reasonable lengths of time. EPD will agree to add language to the Consent Order to this effect, but will not agree to the proposed conditions set forth by NSB unless provision is also made for stipulated penalties for late submittals.

Condition 10. EPD can not accept this proposed condition. The requirements of the Anti-Deficiency Act do not exempt NSB from the Laws of the State of Georgia or the requirements of its RCRA Permit. Further, the National Contingency Plan has no applicability to this site, as it has not been designated as an NPL site.

The proposed Consent Order enclosed represents EPD's best effort to address the concerns of NSB in regard to Corrective Action at Site 11. As agreed during the August 12, 1993 meeting between NSB and EPD, it is in the best interests of both parties to proceed with the remediation as expeditiously as possible. Agreements of this type provide a mechanism by which corrective action may proceed rapidly. NSB's excellent record in moving forward with the investigation of Site 11, and with plans for the Interim Corrective Measure would be greatly enhanced if agreement could be reached at this early stage. Please be aware that EPD's responsibility to safeguard human health and the environment requires that, if agreement can not be reached by negotiation, corrective action be obtained through recourse to an Administrative Order.

Please sign the enclosed Consent Order within ten (10) days of receipt of this letter and return it to this office. Upon execution, you will receive a copy of the agreement for your files. We look forward to working with you on this remediation effort. If you have any questions or need further assistance, please contact Madeleine Kellam or Bruce Khaleghi at (404) 656-2833.

Sincerely,



Jennifer R. Kaduck

Chief, Hazardous Waste Management Branch

Enclosure
File: NSB-Kings Bay (R)
cc: Jeff Pallas