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NSB KINGS BAY
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LETTER AND CORRECTIVE ACTION CONSENT ORDER ADDRESSING REMEDIATION OF
GROUNDWATER AT SITE 11 NSB KINGS BAY GA
3/4/1994
GEORGIA DEPARTMENT OF NATURAL RESOURCES

CC 64

Georgia Department of Natural Resources

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

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

March 4, 1994

31547.000
09.01.00.0061

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) to address the remediation of contaminated groundwater at Site 11, the Old Camden County Municipal Landfill.

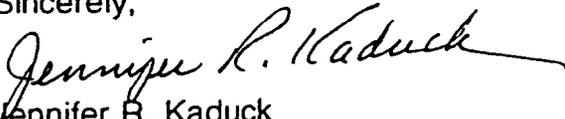
EPD has made every effort to address the concerns of the Navy regarding the Anti-Deficiency Act, as expressed during telephone conversations and facsimile transmittals between EPD and NSB. The enclosed Consent Order contains language requested by the Navy to address this issue. This language may be found in Item Number 7, on Page 3, and in Paragraph 2, on Page 4 of the Order.

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. Failure to sign the Consent Agreement will cause unnecessary delays in the remediation. The proposed Consent Order enclosed represents EPD's final effort to obtain Corrective Action at Site 11 through negotiation. 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.

NSB Kings Bay
3/4/94
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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. 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
Barbara Gallo

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 for 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 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 interim 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 Measure Work Plan and a Phase I Interim Measure Corrective Action Plan (hereinafter collectively referred to as the "Interim Measure Plans" or "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 Site 11; and

WHEREAS, both the Respondent and EPD wish to cooperate fully in implementing and completing corrective measures to remediate groundwater impacted by Site 11 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 of approval by EPD, the Respondent shall implement the Interim Measure Plans previously submitted according to the schedule and specifications contained therein;
2. All plans, reports, and schedules required by the terms of this Consent Order are, upon approval by EPD, incorporated into this Consent Order;
3. Upon completion of field installation of components of the Interim Measure 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 the RFI investigation has adequately defined source characterization, and upon approval by EPD of the Final RFI Report for Site 11, and after it has been determined by means of the pilot-scale operation and testing phase that the interim corrective measure will be effective, the Respondent shall submit to EPD within ninety (90) days a Corrective Action Plan and an application to modify Permit No. HW-014(S)(2) to implement corrective action at Site 11. The Corrective Action Plan 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, 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;
5. If the Respondent or EPD becomes aware of any information during field activities which necessitate changes in the approved Interim Measure Plans, 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 Plan(s) as required by EPD or appeal such decision as provided by law;
6. Requests for extensions of time to submit documents or to take other actions specified in the Interim Measure Plans shall be granted provided that the request:
 - a. Is for a reasonable cause;
 - b. Is submitted in writing at least ten (10) working days prior to the scheduled date of the action or submission;
 - c. Specifies the length of the extension sought;
 - d. Specifies related activities or schedules which might be impacted if the requested extension were granted.
7. The Respondent will seek, through the appropriate Department of Defense budgetary process, all funds necessary to perform the requirements of this Consent Order, so as to achieve the most expeditious schedule of compliance. In so doing, Respondent shall ensure approving officials are aware that such funds are required for compliance with this Consent Order.
8. 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.

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.

The Parties acknowledge that while not serving as a bar to any future compliance action(s) by EPD to enforce the terms of this Order, nothing contained herein shall be construed as requiring the Respondent to violate the provisions of the Anti-Deficiency Act (31 U.S.C. §1341 et seq.).

By agreement of the parties, this Order shall be considered final and effective immediately and shall not be appealable, and the Respondent does hereby waive any hearing on the terms and conditions of the same. This Consent Order is executed in accordance with all applicable state and federal laws and regulations.

It is so ORDERED, CONSENTED, and AGREED to this ____ day of _____, 1994.

ENVIRONMENTAL PROTECTION DIVISION

By: _____

Harold F. Reheis, Director

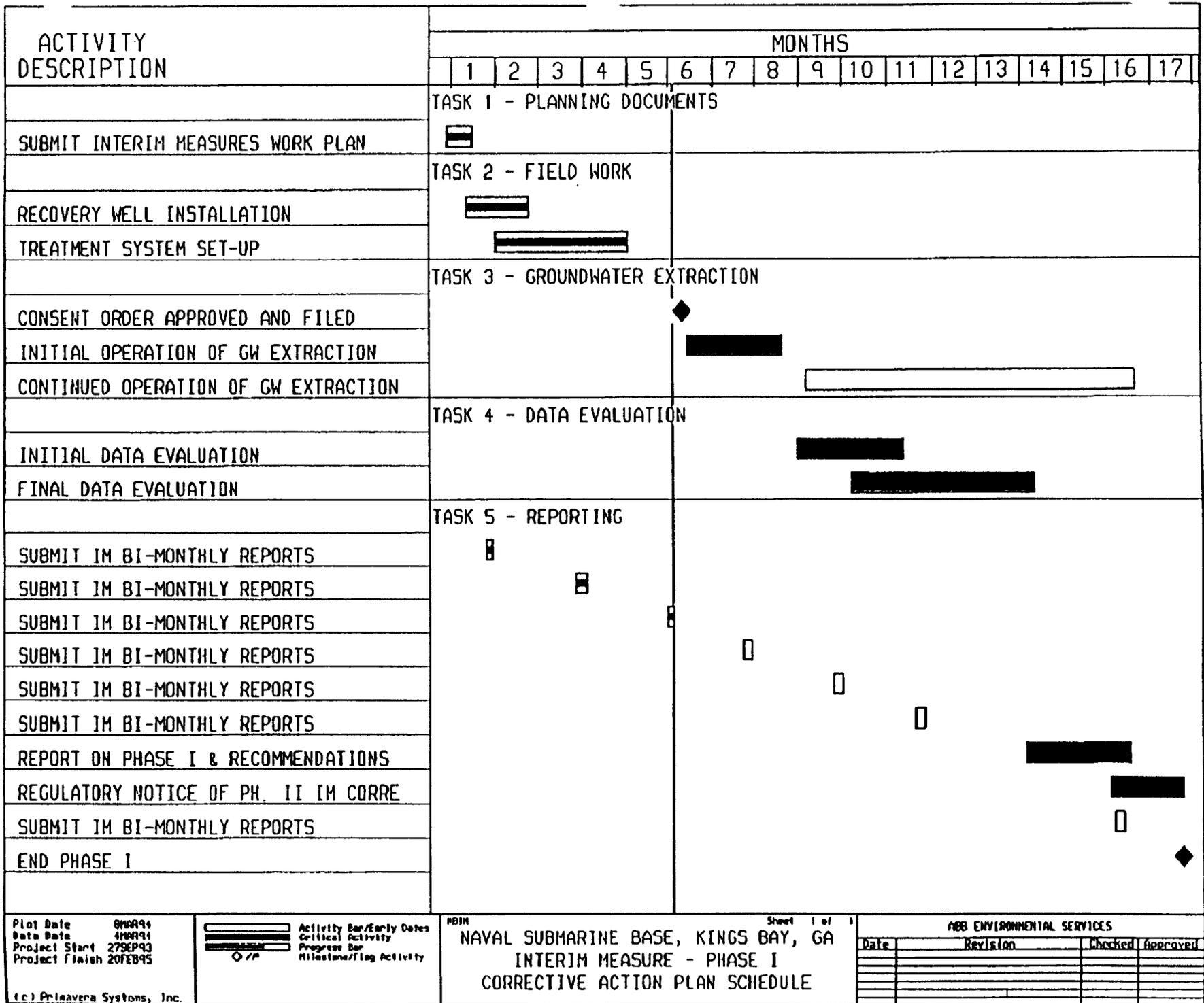
NAVAL SUBMARINE BASE

By: _____

Title: _____

Date: _____

ENCLOSURE



Plot Date 08MAR94
 Data Date 4MAR94
 Project Start 27SEP93
 Project Finish 20FEB95

■ Activity Bar/Early Dates
 ■ Critical Activity
 ▭ Progress Bar
 □ Milestone/Flag Activity

NAVAL SUBMARINE BASE, KINGS BAY, GA
 INTERIM MEASURE - PHASE I
 CORRECTIVE ACTION PLAN SCHEDULE

AEB ENVIRONMENTAL SERVICES			
Date	Revision	Checked	Approved