



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

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10-00358

MAY 9 1989

4WD-RCRA

Commander R. G. Carpenter
Public Works Officer
Naval Air Station, Memphis
P.O. Box 84
Millington, Tennessee 38054

Re: RCRA Facility Investigation (RFI) Work Plan
U.S. Naval Air Station, Memphis
Millington, Tennessee
TN2 170 022 600

Dear Commander Carpenter:

This letter is in response to a letter dated March 28, 1989, from Mr. D. R. Spell of the Department of the Navy, Southern Division, Naval Facilities Engineering Command.

Mr. Spell stated: "We are still of the opinion that the subject work plan, dated April 1987, is more than adequate and complies with the requirements set forth in our HSWA permit, Conditions II A-1 and A-2 (effective date October 15, 1986)." Mr. Robert Moser, in the meeting held on January 18, 1989, between representatives of the Navy, the Environmental Protection Agency (EPA) and the Tennessee Department of Health and Environment (TDHE), stated that Appendix A (RFI Work Plan Outline) was not a part of the October 1986 permit conditions. We are aware that Navy representatives did not agree with our assessment of the adequacy of the submitted RFI Work Plan. However, as the agency responsible for implementing HSWA regulations, it remains our position that the subject plan is not adequate to meet the conditions of the facility's HSWA permit. While it is true that the RFI Work Plan Outline was not included in the October 1986 permit, as it had not been developed at that time, it is nevertheless a guideline of the information necessary for a valid RFI. The RFI Work Plan Outline basically summarizes, and is entirely consistent with, EPA's RFI guidance documents. An RFI Work Plan that does not meet the standards of the RFI Work Plan Outline, and thus of EPA's RFI guidance documents, would not be deemed adequate by this Agency. Thus, in the case of Naval Air Station, Memphis, it is our position that permit conditions II A-1 and A-2 have not as yet been complied with.

Mr. Spell raised the point that the Navy has not received a joint set of EPA and State comments on the subject work plan. It was apparently agreed during a December 22, 1986, meeting in Chattanooga that joint comments would be issued. Although the EPA official involved in that meeting no longer works for the RCRA Branch, we intend to forward future review comments jointly with the State. However, the RFI is a HSWA requirement,

the provisions for which Tennessee is not authorized. EPA thus has the regulatory responsibility for this HSWA provision. Therefore, joint comments on the RFI Work Plan are not mandatory. The Navy has received, under separate covers, comments from both EPA and Tennessee. We submit that sufficient comments have been provided to enable the Navy to revise the plan to meet EPA's requirements.

Mr. Spell further stated that EPA would receive the revised RFA on or about July 30, 1989. While we feel that the minor revisions required in the RFA do not warrant this delay in submittal, we are sympathetic to the problems involved in military contracting. The due date for the revised RFA is accordingly changed to July 31, 1989.

The following comments address specific items found in the minutes of the RFI meeting held on January 18, 1989. These comments do not address "Action Items", which will be discussed later in this letter.

1. In the minutes it was stated: "EPA has the lead for RCRA and could not consent to providing joint comments with the state. EPA, however, will not rule out providing the Navy with a joint set of comments." The meaning of this entry, as written, is unclear. The Agency's position is that joint comments are unnecessary and will not be provided for the April 1987 RFI Work Plan. We intend to provide joint comments on future documents, consistent with our current protocol with Tennessee, with the understanding that EPA has the responsibility for regulating HSWA provisions and may elect to dispense with joint comments on HSWA-related documents.
2. A letter has not yet been provided to EPA explaining why the Navy does not agree with the review by EPA's contractor, A.T. Kearney, of the RFI Work Plan. We are willing to consider the Navy's objections, point by point, provided those objections are accompanied by justifications. It is not, however, acceptable for Navy representatives to merely state that they disagree with A.T. Kearney and feel that the work plan is more than adequate.
3. The hydrogeological information required in the RFI Work Plan was not provided in sufficient detail to permit an adequate review of the plan. Mr. Moser stated that much of the information was available in the IAS and VS which were incorporated into the RFA. Without commenting on the adequacy of the referenced hydrogeological information, such information must be included in the work plan itself rather than being scattered in various separate documents.
4. The Navy has not provided a rationale for not testing ground water at Site 1 (Fire Department Drill Area), Site 5 (Fire Fighting Training Area), and Site 6 (N-125 Battery Shop Storm Sewer and Ditch). Our position, with respect to firefighting training areas, is that groundwater monitoring of these areas is necessary unless it can be conclusively demonstrated that groundwater contamination could not have occurred.

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5. The Navy has not yet sent sampling data from Site 4 (Storm Sewer and Ditch), as requested by EPA.
6. The Navy has not as yet provided a schedule to coordinate investigations with CERCLA at Site 3 (Building N-121 Plating Shop Dry Well), Site 7 (Building N-125 Battery Shop Dry Well), and Site 8 (Cemetery Disposal Area), as requested by EPA.
7. The Navy has yet to provide the sampling data on Site 28 (Southside STP) and Site 40 (Salvage Yard #1) requested by EPA.

The following comments are in response to the "Action Items" listed in the minutes of the RFI meeting.

1. With respect to items a and e, groundwater monitoring will be required around firefighting training areas unless the Navy can provide convincing data to indicate that groundwater contamination could not have occurred. Upon investigation into this matter, the Agency has determined that the potential for contamination is such that regulatory authorities in Region IV do require groundwater monitoring around firefighting training areas.
2. The Navy has not yet provided EPA with a copy of the Verification Study with the field boring logs and original test data, as requested in item b.
3. The Navy has yet to provide a schedule for revising the RFI Work Plan, as addressed in item c. In accordance with the letter of April 3, 1989, from EPA to you, the revised work plan is due to this Agency within forty-five (45) days of receipt by your facility of approval of the revised RFA.
4. The Navy has not yet provided a specific response to A.T. Kearney's comments, as requested in item d.
5. With reference to item f, we are agreeable to the Navy's desire to investigate underground storage tanks under the Navy's UST program. However, it must be remembered that investigatory requirements for hazardous waste USTs are subject to other standards and technical requirements.

Please be advised that pursuant to Section 6001 of RCRA, the Memphis Naval Air Station, as a department of the Executive Branch of the Federal Government and owner of a hazardous waste management facility is subject to and must comply with both Federal and the State of Tennessee's requirements, including regulations and permit conditions pertaining to the management of hazardous waste, in the same manner and to the same extent as any person (as defined in Section 1004(15) of RCRA) is subject to such requirements.

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If you have any questions regarding the matters addressed in this letter, please contact Larry Fitchhorn, P.E., at (404) 347-3433.

Sincerely yours,


James H. Scarbrough, P.E.
Chief, RCRA Branch
Waste Management Division

cc: Tom Tiesler, TDHE