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UNITED STATES ENVIRONMENTAL PROTECTION

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

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NAS PENSACOLA
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JUN 11 1992

4WD-RCRA/FF

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Suzanne Sanborn
Remedial Activities Branch
Department of the Navy - Southern Division
Naval Facilities Engineering Command
2155 Eagle Drive
P.O. Box 10068
Charleston, S.C. 29411-0068

RE: FY92 DLA MILCON Project P-100: Fuel Tankage
NAS Pensacola, Florida

Dear Ms. Sanborn:

EPA Region IV has reviewed the Navy's request for EPA concurrence on the proposed Navy handling of the above construction project as it will impact portions of PSCs 21 and 36. EPA offers the following input on this issue.

First, EPA is in agreement with the Navy that the movement of contaminated soil or debris within the designated Areas of Contamination (AOCs) at an NPL site will not constitute land disposal or placement pursuant to RCRA 3004(k) for the purposes of application of the RCRA LDRs. This is in accordance with the interpretation stated in the Thursday, March 8, 1990, Federal Register, Vol. 55 No. 46, page 8758-8760. The designated AOCs appear reasonable for their apparent purpose (i.e. designation of an area which is only large enough to permit the soil movement needed to successfully complete investigation and/or remediation of that portion of the site affected by construction). Accordingly, the existing Land Disposal Restrictions do not require that the Navy remove or treat any soil encountered, regardless of the degree of contamination detected. As long as the excavated soil is handled properly (i.e. secured, stabilized) and in a manner which will prevent the migration of any soil, and associated contamination, beyond AOC boundaries, RCRA placement requirements will not be triggered within the AOC.

EPA appreciates the Navy's willingness to remove, and appropriately treat or dispose of, soil which appears "grossly" contaminated. As discussed at our meeting of May 28, 1992, the Navy may opt to submit a Draft Contingent Action Memo which establishes the action levels that would trigger a time critical removal. Provided the FFA parties are given adequate opportunity to comment on the draft memo, EPA is confident that an Action Memo/Removal Plan which will contribute to the efficient performance of any future remedial action can be obtained.

EPA's primary concern regarding the construction in the AOC is the impact which the resultant Fuel Tankage Pipeline might have on successful completion of any future RI/FS and Remedial Actions for Sites 21 and 36. While the FFA does not currently require an RI/FS for these PSCs or AOCs, the potential for

this requirement exists (as acknowledged by the Navy in their letter presenting the proposed Milcon construction). Future investigations will require adequate characterization and extent delineation of any detected contamination, since these goals were not within the scope of the Phase I investigation. A pipeline installed 10-15' below ground surface clearly has the potential to significantly impede such investigations. As pointed out at the May 28 meeting, it may also act as a conduit for any contamination present. Finally, it may impede implementation of the final remedy. It is EPA's position that, if necessary, timely and successful completion of the RI/FS and implementation of any selected remedy will override the Navy's day-to-day or routine operational requirements, such as use of the proposed pipeline. As long as the Navy is willing to accept the risks associated with initiating the proposed construction prior to completion of these site investigations, EPA does not object to the proposed construction.

Should the Navy find the above risks unacceptable, EPA is willing to work with the Navy in devising an expedited schedule which will permit completion of a focused RI/FS and selection of any necessary remedy for these sites prior to the initiation of construction.

Please do not hesitate to contact me at 404/347-3016 should you have any further questions or concerns regarding these issues.

Sincerely yours,



Allison W. Drew, RPM
DOD Remedial Section
Federal Facilities Branch

cc: Ron Joyner, NAS
Eric Nuzie, FDER