

9/12/03-02212 003



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 12 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christopher T. Penny
Project Coordinator
Installation Restoration Section (South)
Environmental Program Branch
Environmental Division,
Atlantic Division (LANTDIV), Code 182
Naval Facilities Engineering Command
1510 Gilbert Street
Norfolk, VA 23511-2699

Re: Atlantic Fleet Weapons Training Facility (AFWTF) - EPA I.D.# PRD980536221

Dear Mr. Penny:

I am writing to you as the Navy's designated Project Coordinator pursuant to Section IX of the January 2000 RCRA 3008(h) Order on Consent (the Order) between the Navy and EPA (the Order), and in reply to your letters of August 12, 2003 and July 21, 2003. The United States Environmental Protection Agency (EPA) Region 2 has completed its review of those letters and has the following responses.

Your August 12th letter recommends that the Groundwater Baseline (for the Western Perimeter Groundwater Investigation required under the Order) and the **Soil and Groundwater Background Investigation Plan** be completed prior to implementing the investigations required under the **Site Specific Phase I RFI Work Plan**, as well as other investigations for solid waste management units (SWMUs), areas of concern (AOCs), potential areas of concern (PAOCs), and photo-identified sites (PIs).

As you know, the schedule given in Section 6 of the September 2001 **Site Specific Phase I RFI Work Plan** requires that the Navy begin implementation within 60 days of EPA's approval, and be completed within 200 days of that approval. (Section VI.B.5 of the Order requires that the Navy commence implementation of the Phase I RFI work plan "... in accordance with the terms and schedule contained therein.") Furthermore, Section VI.F.2 of the Order explicitly requires that the Navy commence implementation of the Western Perimeter Groundwater Investigation within 60 days of EPA's approval of that work plan. Following issuance of its

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Responses to Public Comments on the above work plans and other documents developed under the Order, EPA expects to issue to the Navy, by the end of this month, its final approval of those work plans.

While EPA is prepared to accommodate reasonable requests for extension of those time frames, EPA is not prepared to agree with the proposal that the Soil and Groundwater Background Investigation Plan be completed prior to implementing the investigations required under the *Site Specific Phase I RFI Work Plan*. The Navy has previously represented to EPA that it wished to withdraw its September 2001 "Draft Final *Sampling Analysis Plan Soil and Groundwater Background Investigation*" (the background sampling proposal), based on the comments received during the August through November 2002 public review period on that proposal, and recent information it had obtained through the development of the April 2003 Draft Environmental Baseline Survey and the Preliminary Range Assessment Report. The Navy indicated that it planned to substantively revise or replace the September 2001 background sampling proposal with a new background work plan. However, the Navy has not yet submitted to EPA any specific proposals for a revised background sampling plan, nor even given EPA a target date for submitting such a proposal for the Agency's review. Thus, the current situation is that no acceptable background sampling plan has been proposed. In our Response to the comments received during the August through November 2002 public review period, which is currently being finalized, we plan to indicate that EPA will advise the community when the substantively revised or replaced background sampling proposal has been developed, at which time we will make it available for public inspection and review.

Your request that the background sampling be completed prior to implementing the investigations required under the *Site Specific Phase I RFI Work Plan* would result in very substantial delays in implementation of the investigations at the 12 SWMUs and AOCs required under the Order, as well the evaluations of the PAOCs and PIs identified in the February 2001 *Final Description of Current Conditions Report*, as required under the *Site Specific Phase I RFI Work Plan*. Your proposal would also engender further delay in EPA's response to the comments received during the August 2002 through November 2002 public comment period.

Your August 12th letter further indicates that the Navy plans to develop and submit to EPA the following:

- a) an "integrated precedent type" schedule that would supercede the schedule contained in the September 2001 *Site Specific Phase I RFI Work Plan* and other work plans developed under the Order; and
 - b) a revised Soil and Groundwater Background Investigation Plan to replace the September 2001 background sampling proposal; no target date for submission of this revised proposal is indicated.
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EPA agrees that an integrated schedule for **all** investigation activities at **AFWTF** may be worthwhile; however, EPA cannot agree to further delays in commencement of the investigations required under the **Site Specific Phase I RFI Work Plan**.

In your August 12th letter you suggested "... a meeting between technical representatives to discuss the proposed changes to the groundwater **well** and soil sampling locations." In your July 21st letter you stated that "[i]t is ... the Navy's intent to ... enter into discussions with the **USEPA** ..." to determine whether investigation of the **PIs** and **PAOCs** identified in the February 2001 **Final Description of Current Conditions Report** and/or in the April 2003 **Draft Environmental Baseline Survey (EBS)** "... can be addressed under the Order [through] an addendum to the **RFI Work Plans**" EPA is prepared to meet with representatives of the Navy to discuss these issues. We consider that the purpose of such a meeting would be to discuss:

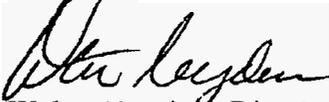
- a) development of work plans for investigation of the three **SWMUs (#3, #9, and #11)** identified in the January 2000 Order, for which investigations were deferred because they were part of active military range areas at the time the Order was developed, which is no longer the case at this time;
- b) development of work plans for investigation of the **PAOCs** and **PI's** identified in the February 2001 **Description of Current Conditions Report** and/or the April 2003 **Draft EBS**;
- c) development of a revised background sampling proposal;
- d) development of an integrated schedule for conducting the **above**, as well as implementing closure of the **Open Burning/Open Detonation (OB/OD)** units, as discussed in my recent letter of September 8, 2003 to you; and
- e) development of an approved plan for closure of the **OB/OD** units.

However, as indicated previously, EPA is not prepared to agree to a significant delay in implementation of the RFI Site Specific Work Plans or the Western Perimeter Groundwater Baseline Investigation Work Plan. Implementation of those work plans should commence within 60 days of EPA's final approval, which is expected by the end of this month following our issuance of Responses to the Comments received during the August through November 2002 public review period.

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If **you** have any questions, or wish to proceed to schedule a meeting **as** discussed **above**, **please** telephone Mr. Tim Gordon, EPA's designated Project Coordinator for the Order, at (212)637 - 4167.

Sincerely,



Walter Mugdah, Director

Division of Environmental Planning and Protection

cc: **Esteban** Mujica-Cotto, President, PR Environmental **Quality** Board (**PREQB**)
Yarissa Martinez, Office of the Chairman, **PREQB**
Bud Oliviera, U.S. Department **of** the Interior, **Fish & Wildlife Service**
Felix **Lopez**, U.S. Department **of the** Interior, **Fish & Wildlife Service**
Captain John R. Wamecke, **U.S. Naval Station** Roosevelt **Roads**
John Tomick, CH2MHill