

3/24/2009-05523

Marrow, Monica/VBO

From: Capito, Bonnie P CIV NAVFAC Lant [bonnie.capito@navy.mil]
Sent: Tuesday, April 21, 2009 9:34 AM
To: Francois, Aretha/VBO; Marrow, Monica/VBO
Subject: FW: MCAS Cherry Point: EPA comments on Draft PRAP OU14 Site 90
Signed By: There are problems with the signature. Click the signature button for details.

Attachments: EPA comments on the Draft PRAP - March 2009.pdf



EPA comments on
the Draft PRAP...

-----Original Message-----

From: Nielsen, Janice L CIV NAVFAC MidLant
Sent: Monday, April 20, 2009 11:52
To: Capito, Bonnie P CIV NAVFAC Lant
Subject: MCAS Cherry Point: EPA comments on Draft PRAP OU14 Site 90

Bonnie: EPA comments on the draft PRAP for OU14. V/R Jan Nielsen

Jan Nielsen
NAVFAC Mid-Atlantic
Remedial Project Manager, Cherry Point MCAS Marine Corps North Carolina IPT
(757)322-8339

-----Original Message-----

From: Townsend.Gena@epamail.epa.gov [mailto:Townsend.Gena@epamail.epa.gov]
Sent: Thursday, March 26, 2009 15:13
To: GeorgeL100@aol.com; townsend.gena@epa.gov; jeffrey.christopher@usmc.mil;
george.lane@ncmail.net; doug.bitterman@ch2m.com; tim.wenk@ch2m.com;
erica@rhea.us; Nielsen, Janice L CIV NAVFAC MidLant
Cc: Haire.Stacey@epamail.epa.gov
Subject: EPA comments on Draft PRAP OU14 Site 90

Hi All,

EPA has completed its review of the subject document. See attached.

(See attached file: EPA comments on the Draft PRAP - March 2009.pdf)

Gena D. Townsend
US EPA
61 Forsyth Street, SW
Atlanta, Georgia 30303
Tel. No: (404) 562-8538
Townsend.Gena@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, S.W.
ATLANTA, GEORGIA 30303

March 26, 2009

Ms. Jan Nielsen
NAVFAC Mid-Atlantic
OPNCEV
9742 Maryland Avenue
Norfolk, VA 23511

SUBJ: MCAS Cherry Point
Draft Proposed Plan
OU14 – Site 90

Dear Ms. Nielsen:

The Environmental Protection Agency (EPA) has completed its review of the above subject document. Comments are enclosed.

If there are any questions, I can be reached at (404) 562-8538.

Sincerely,

Gena Townsend

Digitally signed by Gena Townsend
DN: cn=Gena Townsend, o=US EPA, email=genat@epa.gov
Reason: I have reviewed this document
Date: 2009.03.26 15:09:05 -0400

Gena D. Townsend
Senior Project Manager

cc: George Lane, NCDENR
Jeff Christopher, MCAS Cherry Point

**EPA Region 4 Comments
on the Draft Proposed Plan for OU 14, Site 90
at the Marine Corps Air Station Cherry Point, NC**

Summary of Site Risks

Please use the language from the guidance (*A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents*, OSWER 9200.1-23P, July 1999) in the last paragraph of Section 5--Summary of Site Risks, to explain the basis for taking this action. The language is in a text box on Page 3-4 of the guidance, as shown below:

[Excerpt: A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents]

Highlight 3-2: Standard Language Explaining Basis for Taking Action

It is the lead agency's current judgment that the Preferred Alternative identified in this Proposed Plan, or one of the other active measures considered in the Proposed Plan, is necessary to protect public health or welfare or the environment from actual or threatened releases of hazardous substances into the environment.

If the site is contaminated with pollutants or contaminants (in accordance with the definitions contained in NCP §300.5), then the following standard language should be used: It is the lead agency's current judgment that the Preferred Alternative identified in this Proposed Plan, or one of the other active measures considered in the Proposed Plan, is necessary to protect public health or welfare or the environment from actual or threatened releases of pollutants or contaminants from this site which may present an imminent and substantial endangerment to public health or welfare."

If the response action will address both hazardous substances and pollutants or contaminants, a combination of the two examples of standard language may be necessary.

Figure Showing Land-Use Controls

Please add a Figure showing the boundaries of the land-use controls (LUCs). You may refer to it in the LUC box on Table 3. It would seem to fit right in with the figures of the biosparge and injection well concepts.

Note Again that the Preferred Alternative Can Change

Please reiterate in Section 9--Preferred Alternative, that the preferred alternative could be changed based on comments from the public. Feel free to use the same sentence from the introduction. (See Section 3.3.9 of the guidance mentioned above.)

Five-Year Reviews

Because the remedial alternatives under consideration will take so very long to reach the remedial action objectives, please acknowledge that the Navy is obligated to

conduct five-year reviews in addition to conducting the monitoring already discussed as part of the remedy. This might fit well within the final few paragraphs of Section 9-- Preferred Alternative, where the narrative discusses time frames.

Here is some language suggested by a fellow attorney to include in one of the proposed plans at Camp Lejeune:

“Since hazardous substances will remain at the site above levels that allow for unlimited exposure and unrestricted use, the Navy will review the final remedial action no less than every five (5) years after initiation of the remedial action per CERCLA Section 121(c) and the NCP at 40 CFR 300.430(f)(4)(ii). If results of the five-year reviews reveal that remedy integrity is compromised and protection of human health is insufficient, then the additional remedial actions would be evaluated by the parties and implemented by the Navy.”

Preferred Alternative

Section 9, Preferred Alternative, should also explain the groundwater monitoring and land use control portion of the selected remedy. Suggested language below:

“Long-term groundwater monitoring will be conducted to monitor the effectiveness of the natural attenuation process in reducing the COC concentrations to achieve the remediation goals.”

“LUCs including, but not limited to, land use restrictions in the Base Master Plan process, NOTICE OF CONTAMINATED SITE, and Deed and/or Lease Restrictions will be implemented to prevent exposure to the residual contamination on the site that exceeds the remediation goals. The LUCs will be implemented and maintained by the Navy and MCAS Cherry Point until the concentration of hazardous substances in the gw are at such levels to allow for unrestricted use and unlimited exposure. The LUC performance objectives include:

- To prohibit all uses of groundwater from the surficial aquifer, including but not limited to, human consumption, dewatering, irrigation, heating/cooling and industrial processes, unless prior written approval is obtained from the Navy, MCAS Cherry Point, EPA and NCDENR.
- To prohibit unauthorized intrusive activities in areas with contaminated gw;
- To maintain the integrity of any existing or future monitoring or remediation system at the site.

Glossary Terms

1. ARARS

The definition of ARARs is insufficient. Again borrowing from a colleague’s suggestion, ARARs should read something like:

“Applicable” requirements are those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under Federal environmental or state environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance found at a CERCLA site. “Relevant and appropriate” requirements are those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under Federal environmental or state environmental or facility siting laws that, while not applicable to a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site that their use is well suited to the particular site. Only those state standards that are identified in a timely manner and are more stringent than Federal requirements may be either “applicable” or “relevant and appropriate.”

2. Defining Laws and Regulations

All of the laws and regulations you define should include a citation that could help someone find the complete text—just like you already did for NC GWQS. Please include citations to CERCLA and the NCP.

Contact Information

Correct the contact information for EPA. Replace the “Waste Management Division” with “ Superfund Division”.