



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

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NWS EARLE
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JUL 22 2002

Captain J.W. Zorica
Commanding Officer
Engineering Field Activity Northeast (EFANE)
10 Industrial Highway, Mailstop #82
Lester, PA 19113

Re: Letter of Approval for Engineering Remedies for Sites 3 and 10 at Naval Weapons
Station Earle

Dear Captain Zorica:

EPA Region II and Naval Weapons Station Earle have been unable to reach agreement on the final Record of Decision (ROD) at Sites 3 and 10. Specifically, Naval Weapons Station Earle and EPA Region II have been unable to come to complete agreement on commitments for institutional control implementation and related other post-ROD requirements, including an Institutional Controls Implementation Plan (especially with respect to regularly scheduled site inspections and reporting) in the ROD to ensure that the remedies are and will remain protective. Because these issues are part of a continuing national dispute between EPA and DoD, resolution of these issues at the facility level is not expected in the near future.

Without fully agreed to commitments in the ROD for institutional control implementation where required (i.e., where the engineering components of the remedy are not in themselves sufficient to protect human health or the environment) and post-ROD oversight, EPA cannot ensure that the remedy is protective and will remain so in the future. EPA will not approve an unprotective ROD.

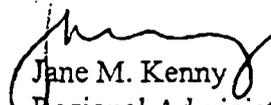
From phone conversations between our respective staffs on May 17, 2002 and May 30, 2002, it was agreed that the Navy would not unilaterally sign and issue a final ROD for these sites without EPA's concurrence. Both parties have agreed that this letter would suffice for the Navy's contractor to begin work on the engineered components of the remedy while the final ROD awaits the resolution of the national dispute process on institutional controls and post-ROD requirements.

At Naval Weapons Station Earle, our agencies are in agreement about the engineered components of the remedy (landfill caps) as they are specifically described in the approved Proposed Plan and draft ROD for sites 3 and 10. Achieving cleanup goals is of paramount importance and neither EPA nor DoD wants to delay any cleanup activities while we are resolving this dispute. We urge you to continue cleanup and to also make certain that institutional controls are in place to protect the public, facility personnel and the environment during cleanup. EPA Region II may revisit the anticipated remedy if provisions for institutional controls implementation and post-ROD oversight are not part of the final ROD or other enforceable document.

EPA Region II will share this letter with the Naval Weapons Station Earle Restoration Advisory Board (RAB), and it should also be placed in the Administrative Record. We look forward to continuing our constructive relationship with Naval Weapons Station Earle while this debate is resolved at the national level.

Should you have any questions with regard to this letter, please feel free to contact me or have your staff contact Robert Wing, Chief, Federal Facilities Section at (212) 637-4332.

Sincerely,


Jane M. Kenny
Regional Administrator

cc: B. Campbell, NJDEP
R. Marcolina, NJDEP
M. DiGeambeardino, Navy-Northern Div.
L. Burg, Navy-Earle
L. Jargowsky, Earle-RAB Chair