



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OCT 20 2005

Mr. Franco LaGreca
Head of Restoration Management Branch
Engineering Field Activity NE
10 Industrial Highway, Mail Stop 82
Lester, PA 19113-2090

Re: Draft Final Record of Decision for Operable Unit 9, Sites 6, 12, 15 & 17 (June, 2005)
Remedial Design For Land Use Controls for Operable Unit 9, Sites 6, 12, 15 & 17 (June, 2005)

Attached are EPA's comments on land use controls (LUCs) for the above referenced reports. If you have any questions, please contact me at (212) 637-3921.

Sincerely,

Jessica Mollin, Remedial Project Manager
Federal Facilities Section

Attachment

cc: R. Marcolina, NJDEP
E. Helms, Navy-Earle

LUC Comments on Record of Decision - OU-9

1. A map/figure showing the boundaries of the land use controls for each of the applicable sites (including where the groundwater restrictions are) needs to be included in the ROD.
2. Language needs to be added to the ROD regarding the reasonably anticipated land uses for the sites.
3. A general description of the logic for each of the LUC selections needs to be included.
4. In place of the language currently included in the ROD which refers to the remedial design (RD) (see pages I-6, I-7 and I-8), use the following language instead:

“A LUC Remedial Design will be prepared as the land use component of the Remedial Design. Within 90 days of ROD signature, the Navy shall prepare and submit to EPA for review and approval a LUC remedial design that shall contain implementation and maintenance actions, including periodic inspections.”

LUC Comments on RD - OU-6

1. Page 13, #10 and page 14, #7. Substitute “remedy integrity” for “performance of these obligations”.
2. Add the following language to the RD:

“Any activity that is inconsistent with the LUC objectives or use restrictions, or any other action that may interfere with the effectiveness of the LUCs will be addressed by the Navy as soon as practicable, but in no case will the process be initiated later than ____ days [10 suggested] after the Navy becomes aware of the “breach”.

3. Change the language regarding transfers on page 12, 6d and page 14, 3d to the following:

“ The Navy will provide notice to EPA and [the state] at least six (6) months prior to any transfer or sale of [OUs at issue] so that EPA and [the state] can be involved in discussions to ensure that appropriate provisions are included in the transfer terms or conveyance documents to maintain effective ICs. If it is not possible for the facility to notify EPA and [the state] at least six months prior to any transfer or sale, then the facility will notify EPA and [the state] as soon as possible but no later than 60 days prior to the transfer or sale of any property subject to ICs. In addition to the land transfer notice and discussion provisions above, the Navy further agrees to provide EPA and [the state] with similar notice, within the same time frames, as to federal-to-federal transfer of property. The Navy shall provide a copy of executed deed or transfer assembly to EPA and [the state].”

4. Insert the following language on page 12 #7 and page 14 #4:

“The Navy shall seek prior concurrence before any anticipated action that may disrupt the effectiveness of the LUCs or any action that may alter or negate the need for LUCs.”

5. Page 14 #5 and Page 12 #8, first sentence. Revise this to state that the frequency can only be modified with approval by EPA and NJDEP.
6. Page 7, Section 2, Land Use Control Objectives. In this section include the LUC mechanisms which will be used to prevent groundwater use and maintain appropriate land use. If any permits are going to be issued, then include them in this section.
7. Describe how the Base Master Plan will be used to implement the LUCs (i.e., procedures to be used).
8. Include information regarding signs to be posted at the site(s). Here is an example from another site:

Signs will be posted within 120 days of construction completion and will meet the following requirements:

- a) Lettering shall be legible from a distance of at least 25 feet.
- b) Signs shall contain contact information for Air Force personnel for long-term oversight.
- c) Signs shall be visible from surrounding areas and at potential routes of entry. The warning signs shall contain language similar to the following:

WARNING LANDFILL AREA

Potential hazardous or explosive substances

Access is prohibited

9. On page 12, 6a, 6b and 6d please insert: “The Navy will..” in front of each sentence. Please do the same on page 14, 3a, 3b and 3d.
10. On page 14 #6 and page 13, #9, indicate that the Navy will do the Five Year Reviews.