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LETTER DISCUSSING COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT AUTHORITY AT SITE 1 ABL ROCKET CENTER WV
6/22/2000
WEST VIRGINIA DIVISION OF ENVIRONMENTAL PROTECTION



Office of Environmental Remediation
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West Virginia Division of Environmental Protection

Cecil H. Underwood
Governor

Michael C. Castle
Director

22 June 2000

Naval Sea Systems Command
Industrial Equipment & GOCO Branch (SEA 04XI3)
Attn: Mr. Stephen G. Hoffman, Branch Head
2531 Jefferson Davis Highway
Arlington, Va 22242-5160

**RE: Allegany Ballistics Laboratory (ABL)
Site 1 RCRA/CERCLA
Clarification of responsibility**

Dear Mr. Hoffman:

The West Virginia Division of Environmental Protection (WVDEP) is in receipt of the Navy's response to the WVDEP letter dated February 16, 2000 regarding Navy environmental restoration activities at Allegany Ballistics Laboratory. At this time, all areas in question have been resolved, with the exception of Site 1. The Navy's response provides a reasonable definition for CERCLA authority as "areas in which historic releases have occurred". However, the term *historic* may provide an avenue for misunderstandings with the RCRA program in future compliance monitor evaluations of the Subpart X unit. By issuance of this letter, WVDEP is providing additional clarification regarding the RCRA/CERCLA areas of responsibility at Site 1.

To date, CERCLA investigations have concentrated on examining discreet areas within the active portion of Site 1, primarily for chlorinated solvent disposal. The active portion of Site 1 is currently and has been operating under an interim status Subpart X permit. On 7 November 1988, a RCRA part B permit application containing a Subpart X application was submitted to the United States Environmental Protection Agency and the State of West Virginia. Since that time, various open burn configurations were present within the RCRA interim status unit. On September 1998, a draft Subpart X permit was submitted to WVDEP.

"To use all available resources to protect and restore West Virginia's environment in concert with the needs of present and future generations."



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Negotiations are ongoing with the EPA and WVDEP to finalize the Subpart X permit.

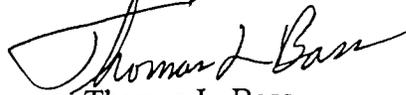
In an effort to properly address environmental requirements at Site 1, it is important to delineate the areas of responsibility with regard to RCRA and CERCLA. This mandates a more specific definition of the *historic* boundaries. WVDEP is providing the following clarification of these boundaries. Contamination related to disposal activities shall be addressed pursuant to CERCLA regulations. Contamination related to activities from thermal treatment of propellants and explosives (treatment) shall be addressed pursuant to RCRA regulations.

If in the future, RCRA corrective action becomes necessary and the CERCLA remedy for soil has not been implemented at Site 1, the Navy could propose utilizing the Federal Facility Agreement section eight (Statutory Compliance/RCRA-CERCLA Integration) to integrate the RCRA corrective action requirements into the CERCLA program.

Attached, you will find a color-coded map that distinguishes the areas of CERCLA and RCRA responsibility based on the information available to date. The CERCLA areas of responsibility are approximate and may decrease or increase in size based on additional evaluations.

If there are any questions or if you require further clarification, please contact me at (304) 558-2745.

Sincerely,



Thomas L. Bass
Environmental Resource Specialist
Office of Environmental Remediation
Superfund Group

cc: Mike Dorsey, WVDEP/CA Dawn Hayes, LANTDIV
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"The CERCLA areas of responsibility are approximation and may decrease or increase in size based on additional evaluations."