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EMAIL AND RESPONSE TO REGULATOR COMMENTS ON FEASIBILITY STUDY SITE 3  
NWS YORKTOWN VA  
10/11/2013  
CH2M HILL

**From:** [Friedmann, William/VBO](#)  
**To:** [Smith, Wade \(DEQ\)](#)  
**Cc:** [Gravette, James CIV NAVFAC](#); [Yarberry, Kim-Lee/ATL](#)  
**Subject:** RE: NWSY: Site 3 Feasibility Study Report RTCs - DEQ Comments  
**Date:** Friday, October 11, 2013 11:14:11 AM

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Hey Wade,

We've gone through your response letter provided to us on October 1, 2013 regarding remaining two comments for the Site 3 FS. The second comments, DEQ RTC #4, the Navy agrees with and will include in the FS.

The first comment, DEQ RTC #2, regarding Virginia's Antidegradation Law is the comment we are still working through with you. Before we send out another letter trying to explain the Navy's position, it seems easier to sum it up in an e-mail and if we are still unresolved, we should consider a phone call with you and Jim and include Katherine and Michelle to help clarify.

Based on your latest response on October 1st, it is VDEQs position that the Antidegradation Law pertains to *any* compound in groundwater, not just COCs. Jim asked for Katherine Will's support to take a look into this. Based on Katherine's findings, CERCLA Section 121 provision entitled 'Cleanup Standards' and the ARAR subsection contained within, the ARARs pertain *only* to COCs or other contaminants being addressed by the remedy.

Specifically, the subsection reads: '[r]emedial actions selected under this section or otherwise required or agreed to by the President under this Chapter shall attain a degree of cleanup of hazardous substances, pollutants, and contaminants released into the environment and of control of further release at a minimum which assures protection of human health and the environment. ... With respect to any hazardous substance, pollutant, or contaminant that will remain on site, if ... any promulgated standard, requirement, criteria, or limitation under a State environmental or facility siting law is more stringent than any Federal standard, requirement, criteria, or limitation ... [and] is legally applicable to the hazardous substance or pollutant or contaminant concerned or is relevant and appropriate under the circumstances of the release or threatened release of such hazardous substance or pollutant or contaminant, the remedial action ... shall require, at the completion of the remedial action, a level or standard of control for such hazardous substance or pollutant or contaminant which at least attains such legally applicable or relevant and appropriate standard, requirement, criteria, or limitation.' Thus, the statutory ARAR language is clearly limited to COCs or other contaminants being addressed, rather than all possible constituents that could be present in or otherwise degrade groundwater. This is the basis for why the Navy's response had the caveated language regarding COCs.

If you would, please discuss the information Katherine has provided with Michelle and let us know if this interpretation is acceptable to VDEQ. If questions or disagreement still remain, please provide several dates and times where you and Michelle would be available to discuss.

Thanks and have a good weekend,

Bill

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**From:** Smith, Wade (DEQ) [mailto:Wade.Smith@deq.virginia.gov]  
**Sent:** Tuesday, October 01, 2013 12:36 PM  
**To:** Gravette, James CIV NAVFAC MIDLANT, IPTNE  
**Cc:** Friedmann, William/VBO; Oduwole.Moshood@epa.gov; Hollis, Michelle (DEQ)  
**Subject:** NWSY: Site 3 Feasibility Study Report RTCs - DEQ Comments

Thank you for giving the DEQ the opportunity to comment on the RTCs associated with the Draft FS for Groundwater at Site 3 at NWSY.

The RTCs letter was received by the DEQ (electronically) on September 10, 2013.

The DEQ's comment letter is attached.

Please let me know if you have any questions.

Sincerely,

**Wade M. Smith**  
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Virginia Department of Environmental Quality  
Office of Remediation Programs  
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