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NWS YORKTOWN
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MEMORANDUM TO FILE REGARDING THE DOCUMENTATION OF LAND USE CONTROLS
FOR SITE 6 AND SITE 7 NWS YORKTOWN VA
05/05/2014
NAVFAC MID ATLANTIC

TO: FILE

FROM: JAMES GRAVETTE, NAVFAC REMEDIAL PROJECT MANAGER

SUBJECT: DOCUMENTATION OF LAND USE CONTROLS FOR SITE 6 AND SITE 7, NAVAL WEAPONS STATION YORKTOWN, YORKTOWN, VIRGINIA.

DATE: MAY 5, 2014

REF: (a) Baker. 1998. *Final Record of Decision for Sites 6 and 7, Naval Weapons Station Yorktown, Yorktown, Virginia*. October. (AR# 01001)
(b) United States Environmental Protection Agency (USEPA's) *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites*, December 2012
(c) USEPA's *Sample Federal Facility Land Use Control ROD Checklist with Suggested Language*. OWSER Directive 9355.6-12, January 4, 2013
(d) Office of Under Secretary of Defense Memorandum, *Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Record of Decision (ROD) and Post-ROD Policy*, January 16, 2004

Purpose:

This memorandum serves to clarify that the Land Use Controls (LUCs) identified in the Record of Decision (ROD) for Site 6 and Site 7 (see Reference a) will be documented in a LUC Remedial Design (RD) Document.

The ROD requires that Yorktown develop a Land Use Control Implementation Plan (LUCIP) to include:

1. Description and the location of Sites 6 and 7, including a map, a description of their approximate size and a description of the chemicals of concern;
2. The land use control objectives (LUCs) selected in the ROD;
3. The particular controls and mechanisms to achieve these goals;
4. Reference to the ROD, and
5. Any other pertinent information.

In accordance with the EPA's Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites (see Reference b) "EPA's FFRRO and FFEO have issued guidance on describing and documenting ICs in federal facility response actions in Records of Decision (RODs), remedial designs (RD), and remedial action work plans (RAWP)..." which references the *Sample Federal Facility Land Use Control ROD Checklist with Suggested Language (2013)*, (see reference c). Reference c includes a discussion on the types of documents commonly used: "...the term LUC Implementation Plan is used rather than LUC Remedial Design or Remedial Action Workplan. The specific post-ROD document where the LUC implementation details are designated may vary by site (for instance, it may be called a LUC Implementation Plan or LUCIP), as long as the specific document is identified in the ROD and is enforceable."

The memorandum from the Under Secretary of Defense (see Reference d) documents the agreement between the Department of Defense (DoD) and the Environmental Protection Agency (EPA) on the approach for RODs and Post-RODs implementation and documentation. The approach includes preparation of the Remedial Design (RD) as a primary document. The purpose of the Remedial Design (RD) is to describe short and long-term implementation actions and responsibilities for the actions in order to ensure the long-term viability of the remedy which may include LUCs.

The LUC RD will include all of the items required for inclusion per the ROD and meets the intent of the LUCIP. The use of the RD format is determined to a minor change to the ROD suitable for documentation in a memorandum to the Naval Weapons Station Yorktown project file.