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Superfund Program

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1823:JJS:srw

AUG 09 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Environmental Quality Board
Attn: Sr. Héctor Russe Martínez, President
P.O. Box 11488
Santurce, Puerto Rico 00910-1488

Re: Commonwealth of Puerto Rico Applicable or Relevant and
Appropriate Requirements (ARARs) for Interim Remedial
Action, U.S. Naval Station Roosevelt Roads

Dear Sr. Russe Martínez:

The Naval Station Roosevelt Roads is in the process of taking an Interim Remedial Action under CERCLA at Installation Restoration Program Sites 15 and 16. Under previous correspondence dated January 12, 1993 and February 10, 1993 respectively, the Navy has provided for your comment, a copy of the draft construction plans as well as the Proposed Plans for both sites. To date we have received no comments from your office and have finalized both documents.

We have identified the following applicable or relevant and appropriate requirements (ARARs) for this project. It is our intent to comply with the substantive requirements of these ARARs for all on-site activities required for completion of the Interim Remedial Action at Sites 15 and 16.

Commonwealth of Puerto Rico ARARs

Regulations for the control of atmospheric pollution,
June 1980 - Part IV Rule 404 and Rule 406

Water Quality Standards Regulations as amended corrected
draft April 22, 1988 - Section 3.1.9

Regulations for the control of Hazardous and Non-Hazardous
Solid Waste Part IV Rule 405

Federal ARARs

40 C.F.R. § 50.6, 122.41 to 122.5, 131, and 761

49 C.F.R. § 171 to 179, 390 to 397

Re: Commonwealth of Puerto Rico Applicable or Relevant and Appropriate Requirements (ARARs) for Interim Remedial Action, U.S. Naval Station Roosevelt Roads

We request that the Commonwealth of Puerto Rico Environmental Quality Board identify any additional potential chemical-, location-, and action-specific, Commonwealth applicable or relevant and appropriate requirements ("ARARs") for this site, in accordance with sections 300.400(g), 300.430(e)(9), 300.515(d), and 300.515(h)(2) of the National Contingency Plan (NCP), 40 C.F.R. § 300.400(g), 300.430(e)(9), 300.515(d), and 300.515(h)(2). Specifically, please provide the ARARs associated with the preferred remedy for the soils as identified in the Proposed Plans. In addition, please identify any advisories, criteria or guidance which would be appropriate for inclusion in the "to be considered" (TBC) category. We request that you submit this information, in writing, within 30 days from receipt of this letter.

In order to adequately consider the appropriateness of these requirements, specific citations to statutory and regulatory sections are needed. The preamble to the NCP states as follows at 55 Fed. Reg. 8746:

The language of CERCLA section 121(d)(2)(A) makes clear, and program expediency necessitates, that the specific requirements that are applicable or relevant and appropriate to a particular site be identified. It is not sufficient to provide a general "laundry" list of statutes and regulations that might be ARARs for a particular site. The state, and EPA if it is the support agency, must instead provide a list of requirements with specific citations to the section of law identified as a potential ARAR, and a brief explanation of why that requirement is considered to be applicable or relevant and appropriate to the site.

If you have any questions, please contact Mr. James Szykman, Remedial Project Manager at (804) 322-4795.

Sincerely,

P. A. RAKOWSKI, P.E.
Head
Environmental Programs Branch
Environmental Quality Division
By direction of the Commander

Copy to:
NAVSTA Roosevelt Roads (Code NO2C, NO2C-B1, NO2C-B13)

Blind copy to:
1823, 09CE, 1823(JJS), 18S, JJSDOC: ARARS.JJS