



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

AUG 11 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Mark E. Davidson  
US Navy  
BRAC PMO SE  
4130 Faber Place Drive  
Suite 202  
North Charleston, SC 29405

Re: Naval Activity Puerto Rico (NAPR), formerly Naval Station Roosevelt Roads,  
EPA I.D. Number PRD2170027203,

- 1) SWMU 71 Draft Phase I RCRA Facility Investigation Report, dated June 12, 2009
- 2) SWMU 76 Final Phase I RCRA Facility Investigation Work Plan, dated July 24, 2009
- 3) SWMU 78 Draft Phase I RCRA Facility Investigation Report, dated June 12, 2009

Dear Mr. Davidson:

This letter is addressed to you as the Navy's designated project coordinator pursuant to the January 29, 2007 RCRA Administrative Order on Consent ("the Consent Order") between the United States Environmental Protection Agency (EPA) and the U.S. Navy (the Navy).

EPA has completed its review of the above documents, and has the following comments:

SWMU 71 (Quarry Disposal Area) Phase I RFI Report

EPA concurs with the recommendation given in the June 12, 2009 Phase I RFI report that a Full RFI be conducted for surface and subsurface soils, and groundwater, and has determined that the Phase I RFI report is acceptable. In addition, the Puerto Rico Environmental Quality Board (PREQB) in their letter dated July 6, 2009, has determined that the report is acceptable. Within 60 days of your receipt of this letter, please submit a draft work plan for a Full RFI at SWMU 71 to fully characterize the nature and extent of the releases confirmed during the Phase I RFI.

### SWMU 76 (Building 2300) Final Phase I RCRA Facility Investigation Work Plan

EPA completed its review of the Navy's July 24, 2009 revised Responses to our comments of April 23, 2009 and the Puerto Rico Environmental Quality Board's (PREQB's) comments of June 5, 2009. As you are aware, a conference call was held between the Navy, EPA, and PREQB and its contractor on June 16, 2009 to resolve issues related to several conflicting comments between EPA's April 23, 2009 comments and PREQB's June 5, 2009 comments. Based on the results of that conference call and the Navy's Responses to those comments, EPA has determined that the July 24, 2009 revised Phase I RFI Work Plan is acceptable. However, EPA has not yet received confirmation from PREQB of their concurrence with this work plan

In addition, EPA notes that as indicated in the project schedule (Figure 5-1) and discussed in Navy Response to EPA Comment No. 6, the Navy expects that the property encompassing SWMU 76 will be transferred to the Army National Guard (ANG) and that implementation of the work plan will become the responsibility of the ANG. To date EPA has received no confirmation from the ANG that they intend to enter into a "Third Party" administrative order with EPA and assume responsibility for implementation of the work plan, pursuant to Section X (Suspension and Resumption of Work by the Navy) of the Consent Order. Therefore, the Navy shall remain responsible for implementation of the work plan, unless and until a "Third Party" administrative order is entered into between EPA and the ANG. However, EPA will temporarily, but not indefinitely, delay the requirement to commence implementation of the SWMU 76 work plan, in order to allow a reasonable time period for resolution of this issue. This temporary delay is conditioned upon the Navy, within 10 calendar days of its occurrence, providing written notification to EPA of any transfer of the property encompassing this SWMU to the ANG or any other entity. Such notification shall also include the name, address, and telephone number of the person at the acquiring entity responsible for environmental restoration of the property.

### SWMU 78 (Pole Yard) Phase I RFI Report

EPA concurs with the recommendation given in the June 12, 2009 Phase I RFI report that a Full RFI be conducted for surface and subsurface soils, and has determined that the Phase I RFI report is acceptable, with the following clarification. While the Navy's June 12, 2009 response to EPA's April 23, 2009 General Comment 3 is acceptable, the clarification in that response has not been incorporated into the text of the Final Phase I RFI Report. For example, Section 7.2 states, "...the Full RFI should include...further investigation of metals...", while the Navy's June 12 response indicates that further evaluation under the Full RFI will address all Appendix IX metals (including lead). Because the Navy's response clarifies the intent of Section 7.2 (Recommendations) of the report, rather than corrects inaccuracies contained in the original text, EPA will approve the June 12, 2009 Phase I RFI report as submitted, and as clarified by the Navy's June 12 Responses. In addition, the Puerto Rico Environmental Quality Board (PREQB)

in their letter dated July 6, 2009 to myself, has determined that the Phase I RFI report is acceptable. Within 60 days of your receipt of this letter, please submit a draft work plan for a Full RFI at SWMU 78 to fully characterize the nature and extent of the releases confirmed during the Phase I RFI.

If you have any questions, please telephone me at (212) 637- 4167.

Sincerely yours,



Timothy R. Gordon  
Project Coordinator  
Resource Conservation and Special Projects Section  
RCRA Programs Branch

cc: Ms. Wilmarie Rivera, P.R. Environmental Quality Board  
Ms. Maria V. Rodriguez Munoz, P.R.Environmental Quality Board  
Mr. Dee W. Lloyd, National Guard Bureau  
Mr. Mark Kimes, Baker Environmental Inc.  
Mr. Mike Smith, TechLaw Inc.  
Mr. Anthony Scacifero, TechLaw Inc.  
Mr. Felix Lopez, USF&WS