



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 17 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David Criswell
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,

Annual Land Use Control Status Report

Dear Mr. Criswell:

The United States Environmental Protection Agency (EPA) Region 2 has received the Annual Land Use Control (LUC) Status Report, submitted on behalf of the Navy by Baker Environmental's (Mr. Mark Kimes') letter of February 26, 2009. EPA has determined that the LUC report does not fully satisfy the requirements of the 2007 RCRA Consent Order because:

- a) it has not been certified as required by Section XIII of the Consent Order; and
- b) it does not give adequate information regarding the status of transferred parcels.

Though the requirements of paragraph 27(G)(b) of Section VIII (Work to be Performed) of the Consent Order, may be interpreted to apply only to transferred parcels where a "Third Party" Order is in effect, EPA had intended it to apply to all transferred parcels where corrective actions were not fully completed. However, since the Order became effective, there has been a change in the Navy's approach to transferred parcels, whereby it plans to retain responsibility for completing the required corrective actions, thus making "Third Party" Orders unnecessary for most parcels.

Nevertheless, in order to track the overall changes in status of the areas constituting the "facility" as well as the status of parcels where corrective action work remains to be completed, please submit the following figures and information regarding the status of all transferred parcels as of December 31, 2008:

a) a site-wide map clearly showing the boundaries of the Navy owned portions of the facility and the boundaries of all transferred parcels; and

b) a tabulation showing all transferred parcels; the acreage of each; the date of transfer of each; the owner and address for each parcel; and a listing of any SWMUs and/or AOCs in a transferred parcel where all corrective action work has not yet been completed.

Within 30 calendar days of the date of your receipt of this letter, please submit the above as an addendum to the LUC Status Report. Also, within that same time period, please properly certify the LUC status report as required by Section XIII of the Consent Order.

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

Sincerely yours,



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

cc: Ms. Wilmarie Rivera, P.R. Environmental Quality Board.
Mr. Mark Kimes, Baker Environmental