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LETTER AND U S NAVY RESPONSE TO MARYLAND DEPARTMENT OF THE
ENVIRONMENT COMMENTS TO INSTALLATION RESTORATION DRAFT CONSENT
ORDER NSWC INDIAN HEAD MD
6/9/1992
NSWC INDIAN HEAD



DEPARTMENT OF THE NAVY

INDIAN HEAD DIVISION
NAVAL SURFACE WARFARE CENTER
101 STRAUSS AVE
INDIAN HEAD MD 20640-5035

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Ser 0965/303
9 June 1992

Mr. Frank Henderson
Maryland Department of the Environment
Acting Program Administrator, CERCLA Program
2500 Broening Highway
Baltimore, MD 21227

Dear Mr. Henderson:

We have reviewed your draft Consent Order regarding our Installation Restoration (IR) Program. The Consent Order as written is inconsistent with federal law requirements in several areas of law, including the Anti-Deficiency Act and the Federal Acquisition Regulations. As a result, the draft order expands the State of Maryland's role beyond that which we are authorized to accept.

We recognize that mutual cooperation is essential as we endeavor to reach the goals within the Navy IR Program. In the past, we have been able to work out any issues concerning our environmental compliance with your department and do not feel a Consent Order is necessary. However, we might be able to consider such an agreement drafted along the lines of the Department of Defense and State Memorandum of Agreement for the State of Maryland.

My staff and I feel we have already established an excellent working relationship with your Comprehensive Environmental Response, Compensation, and Liability Act Program office, and we do not anticipate that this will change. We have always been willing to work with the Maryland Department of the Environment (MDE), and will continue to do so in the future.

I would be glad to discuss this situation with you.

Sincerely,

ROGER M. SMITH
Director
By direction of
the Commander

Copy to:
MDE (M. Marder)
NAVFACENGCOM (181)
NAVSEASYS COM (SEA 654E)