



DEPARTMENT OF THE NAVY
ATLANTIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
NORFOLK, VIRGINIA 23511-6287

08.01-02/11/92-00106

TELEPHONE NO

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5090 IN REPLY REFER TO
1822:LAB:srw

11 FEB 1992

REGISTERED MAIL - RETURN RECEIPT REQUESTED

Waste Management Division
U.S. Environmental Protection Agency
Attn: Mr. Micky Hartnett
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Re: MCB Camp Lejeune Installation Restoration Program;
EPA letters dated January 22, 27, and 28, 1992

Dear Mr. Hartnett:

Reference is made to three recent letters received from the Environmental Protection Agency (EPA) Region IV dated January 22, 27, and 28, 1992, concerning two major ongoing projects in the Installation Restoration (IR) program at the Hadnot Point Industrial Area (HPIA). This letter documents our concern over what appears to be a change in EPA's position brought on by a recent shift of EPA personnel assigned to the MCB Camp Lejeune IR program. The following reflects our specific concerns.

EPA letter of January 22, 1992. This letter includes a second EPA response to the Draft Feasibility Study (FS) for the HPIA shallow soils/deep aquifer. Per the MCB Camp Lejeune Federal Facilities Agreement (FFA), EPA has a 60 day review/comment period on Draft primary documents, to which EPA can extend up to 20 days. This 60 day comment period ended October 23, 1991, at which time we received EPA comments. EPA has now submitted a second set of comments three months after this deadline.

In an effort to meet established regulatory deadlines, the Marine Corps/Navy had no alternative but to proceed based on EPA's October 1991 comments and do not find it feasible to consider these late comments. Therefore, these latest comments will not be considered.

The previous EPA Remedial Project Manager (RPM), Mr. Froede, indicated that EPA guidance had recently been revised to focus on a clean-up risk level of 10^{-4} for soil (versus 10^{-5} or 10^{-6}). This discussion took place with Mr. Froede during our RPM meeting held in Raleigh, North Carolina on October 16, 1991. This placed the shallow soils at HPIA within an acceptable risk level. In subsequent phone conversations, Mr. Froede indicated that the

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Marine Corps/Navy was not required to submit a Draft Final FS to evaluate remedial alternatives for a media not requiring clean-up, and the Marine Corps/Navy therefore did not submit a Draft Final FS. We revised the Remedial Investigation and Risk Assessment (RI/RA) reports to reflect this position and submitted draft final RI/RA documents. We are now dismayed by EPA's recent letter, since it indicates a change of EPA's position, and we are concerned that we may now need to completely regroup in order to move forward.

Although EPA's letter implies the risk presented by the shallow soils is not acceptable, the EPA has not yet made a final determination on this critical issue. As, we cannot move forward with these reports to a Record of Decision without resolution of this pivotal issue, further Marine Corps/Navy action on these reports or contents is pending EPA's determination of what constitutes acceptable risk.

EPA letter of January 27, 1992. EPA comments in this letter that the FS was not prepared in accordance with EPA guidance (OSWER Directive 9355.3-01). Prior to preparing the Focused FS, the Marine Corps/Navy requested the EPA provide the appropriate guidance specific to this project. Subsequently, we have prepared the Focused FS in accordance with this guidance provided by EPA in EPA's undated letter (received May 1991) titled "Interim Remedial Action Guidance." We continue to follow this written guidance provided to us by Mr. Froede of EPA.

Concerning the Remedial Investigation (RI) report, EPA makes numerous comments with respect to results of past investigations. As instructed by the EPA (undated letter received May 1991), we have compiled all critical information from previous studies/reports (1987 to 1991) and presented it in the RI report. Since EPA previously reviewed and approved the earlier reports, we do not intend to address comments of this nature since we do not consider it feasible nor practical to readdress the contents of past reports.

EPA letter of January 28, 1992. Since this set of reports has already undergone one major review by EPA, we were surprised at the magnitude and content of comments presented in this letter. It appears EPA has reviewed these reports with little or no regard to the previous review. The Marine Corps/Navy has previously addressed several of these issues. The Marine Corps/Navy does not intend to readdress those comments previously addressed and resolved with Mr. Froede since we consider it inappropriate to expend further resources to repeat work previously done.

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Based on what we see in these letters, the Marine Corps/Navy is concerned that much of the work previously accomplished with Mr. Froede, the RPM designated by the FFA, may no longer be considered valid. We understand that it is difficult for personnel to step into an ongoing program where decisions have been made and directions taken to which he/she may not completely agree with. However, in order to comply with deadlines established in the FFA and Site Management Plan (SMP), the Marine Corps/Navy had no alternative but to proceed based on agreements made with the previous EPA RPM. We are concerned that due to a change of staff, EPA is now changing its position, and this puts the Marine Corps/Navy in a requirement of expending additional resources (personnel, time, and money) to produce a product that the new EPA personnel will deem suitable. Furthermore, we are concerned the impact this will have on schedules outlined in the SMP.

If the EPA insists on these changes, the immediate impact will be an as yet undefined delay of FFA/SMP schedules and a long-term impact of a delay in clean-up actions.

We consider this a serious matter and request your attention and timely response.

Sincerely,



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

Copy to:
CMC LFL
CNO OP-45
COMNAVFACENGCOM Code 18
N.C. DEHNR (Attn: Mr. Jack Butler)
MCB Camp Lejeune (AC/S, Environmental Management)
Baker Environmental (Attn: Mr. Ray Wattras)
Environmental Science and Engineering (Attn: Mr. Mike Geden)

Blind copy to:

1822 (LAB)

1822 Admin. Record File

09C (18C:JTT)

18S

LABDOC:EPALTTRS.LAB

Laurie

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PS Form 3811, Mar. 1987

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