



UNITED STATES MARINE CORPS
MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA 28542-5001

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From: Commanding General, Marine Corps Base, Camp Lejeune
To: Commander, Atlantic Division, Naval Facilities Engineering
Command, Norfolk, Virginia 23511-6287 (Code 115)

Subj: SUMMARY OF 26 APRIL 1989 MEETING ON FEDERAL FACILITIES
AGREEMENT

Encl: (1) Meeting Summary

1. We are forwarding the enclosure for your use in distributing to attendees. Our point of contact is Mr. Robert Alexander, Autovon 484-3034.


B. W. ELSTON
By direction

Copy to:
CO, MCAS NR

FEDERAL FACILITY AGREEMENT MEETING
BETWEEN
MCB, CAMP LEJEUNE; LANTNAVFACENGCOM; EPA;
STATE OF NORTH CAROLINA; HQMC; AND NAVFAC

Meeting began at 0900, Wednesday, 26 April 1989. Attending were:

1. Sheila Ashton, Atlantic Division, NAVFAC
2. LtCol J. Wellington, Deputy SJA, MCB, Camp Lejeune
3. Stephen Anderson, Office of Counsel, LANTNAVFACENGCOM
4. LtCol P. Wilbur, HQMC, Code CL
5. Col A. Tokarz, SJA, MCB, Camp Lejeune
6. Mickey Hartnett, Waste Mgt Div, EPA Region IV
7. V. Anne Heard, Office of Regional Counsel, EPA Region IV
8. Victor Weeks, Waste Mgt Div, EPA, Region IV
9. Mary Wheat, Ground Safety Office, MCAS, New River
10. Preston Howard, NC Div of EnvirMgmt, Wilmington Reg Off
11. Bob Alexander, Environmental Engineer, MCB, Camp Lejeune
12. Leland Laymond, Groundwater Section, NC Div of EnvMgmt
13. Wayne R. Mathis, EPA Region IV, Federal Facilities Coordinator
14. Robert Warren, HQMC, Code LFL
15. Sue Jarman, Facilities Department, MCB, Camp Lejeune
16. B. W. Elston, Deputy AC/S, Facilities, MCB, Camp Lejeune
17. Col T. J. Dalzell, AC/S, Facilities, MCB, Camp Lejeune
18. Andrew Kissell, LANTNAVFACENGCOM
19. Ray Goldstein, NAVFAC, Asst Counsel (Env)
20. Yvonne Bailey, NRCD, Office of Legal Affairs
21. Jerry Rhodes, NC Hazardous Waste Branch
22. Bill Meyer, NC Solid Waste Mgmt Section
23. Jack Butler, NC Superfund Branch
24. Nancy Scott, NC Attorney General Office
25. Julian Wooten, Director, NREAD, MCB, Camp Lejeune
26. Elizabeth Betz, Chemist, NREAD, MCB, Camp Lejeune

The following notes described issues for discussion per handout provided by LANTNAVFACENGCOM:

1. Introductions-Current and Prospective Roles: LANTNAVFACENGCOM and EPA Region IV opened the meeting by reviewing the results of the previous day's meeting between State and EPA. Major concerns for the State were resources at the state level to participate in development and implementation of the agreement, and reservation of the state's rights to assure compliance under State law. EPA stressed the emphasis being placed on initiating FFA agreements between EPA Regional offices and military activities.

2. Designation of POC's:

a. Ms. Sheila Ashton, Code 1152, Atlantic Division, Naval Facilities Engineering Command, will be the primary representative for the Department of the Navy and MCB. Mr. Steven Anderson, Code 09C, LANTNAVFACENGCOM, will represent the Navy on legal issues.

b. Ms. Mary Curnane, EPA Region IV, Office of Regional Counsel, will be the primary EPA representative. Mr. Victor Weeks will be the Remedial Project Manager for technical issues.

c. Mr. Bob Alexander, MCB Environmental Engineer, will represent Camp Lejeune on technical issues. LtCol Joseph A. Wellington, Deputy SJA for Land Use and Environment will represent Camp Lejeune on legal issues.

d. The State of North Carolina will be represented by Mr. Bill Meyer, Solid Waste Management Section, NC Department of Human Resources. Mr. Paul Wilms, Division of Environmental Management, NC Department of Natural Resources and Community Development, will be the secondary point of contact for the State. A single State representative may be appointed at a later date pending a reorganization of State agencies into one environmental office.

3. Lines of Communication: LANTNAVFACENGCOM, Code 1152, will initially receive all documents and distribute for Department of Navy and Marine Corps staff review. EPA Office of Regional Counsel will perform the same function for EPA reviews. NC Solid Waste Management Section will receive all documents and distribute for State review. LANTNAVFACENGCOM, EPA and the State agree to provide information copies to all parties of correspondence originated in their respective office.

4. Time Schedule: LANTNAVFACENGCOM and Base personnel indicated the time schedule proposed by EPA in the letter requesting the agreement could not be accomplished for several reasons: (1) A number of provisions in the EPA proposal not included in the DOD-EPA-State Model Provisions will require review and approval by HQMC and NAVFAC; (2) The length and complexity of these proposed agreements require additional review time by Navy and Marine Corps personnel, and (3) A number of changes to the DOD-EPA-State Model Provisions were made in the EPA Proposal.

a. LANTNAVFACENGCOM proposed to submit a counter-proposal agreement by 11 July 1989 for State and EPA review.

b. EPA requested the Navy identify provisions causing difficulty as early as possible, hopefully within the next 30 days.

c. EPA wishes to retain the role of drafting, re-drafting and issuing subsequent revisions and distributing updated proposals for review by the Navy and State.

d. All parties agreed that the process of mark-ups to provide counter-proposals would be made on the basis of an entire agreement package rather than reviews based on separate clauses extracted from an agreement.

e. All parties agreed to encourage free flowing discussions and transmittal via telefax of individual topics or issues between the technical staff or legal counsel prior to submission of the counter-proposal by one of the parties.

f. All parties agreed to a meeting at Camp Lejeune on 25 May 1989 at 0900 to review primary areas of concern and recommend necessary steps to complete a negotiated agreement.

5. Clarification of definitions and CERCLA/RCRA relationships:

a. LANTNAVFACENGCOM requested review of the term "site description and findings of fact." EPA indicated they would ask the Navy and Marine Corps to draft a section of the agreement on this subject. EPA will provide draft terminology from other agreements for the Navy to use.

b. The discussion of the facility boundary to be used in the agreement centered around including the entire Camp Lejeune-MCAS, New River Complex or geographically contiguous portions of federal property in individual agreements. EPA indicated the definition issue may be resolved by the pending final listing for the NPL. EPA Region IV plans to contact HQ EPA for their guidance and will contact the Navy afterwards.

c. Definition of Operable Unit: EPA indicated an operable unit may not be a geographical area; for instance, it may be a means of grouping a common type of contamination problem. MCB suggested a definition of operable unit based on geographical, media or common release criteria.

d. CERCLA/RCRA relationships:

(1) The current RCRA Permit situation at Camp Lejeune was discussed. A TSD Facility Permit was issued by the State for generation storage and transportation in 1984. A generator ID number was assigned to MCAS, New River in 1981 by EPA. An application for modification of the TSD Facility Permit for disposal of hazardous munitions was submitted to the State by Camp Lejeune in November 1988 for two sites, one on either side of New River.

(2) Numerous issues were discussed about the necessity of including solid waste management units in the revised RCRA Permit. Issues raised were: (1) the permitting process for SMWU's on the west of New River - would a new RCRA Permit including all corrective action needs be required for that geographically contiguous area?; (2) the feasibility or practicality of consolidating all RCRA activities at MCB and MCAS, New River under one ID number, and (3) the process of revising the RCRA Part B Permit for Open Burning/Open Detonation of Munitions to incorporate contaminated sites being addressed by CERCLA responses through the IR Program.

e. EPA reviewed their views of the RCRA/CERCLA overlap considering a consolidated technical process for all field investigations under both acts and the administrative process. EPA is still developing RCRA policies on field investigations under RCRA. Public meetings/hearings requirements are different under RCRA and CERCLA. The RCRA permit application review and issuance process is delegated by EPA to the State of North Carolina. EPA's goal is to accomplish a single work process (one field investigation and one set of review comments) while keeping two separate statutory authorities.

f. Funding for both RCRA and CERCLA programs was discussed. The question of using DERA funds for RCRA corrective action has no clear answers at this point. EPA believes DERA funds can be used for implementing a consolidated CERCLA/RCRA Agreement based on their experiences with the Air Force in developing the Robbins Air Force Base Agreement.

6. Modification of DOD-EPA-State Model Provisions in the EPA Proposal: EPA Region IV used the agreements from Milan Army Ammunition Plant and Robbins Air Force Base as the basis for modifying the standard clauses. EPA feels the agreement by DOD for these documents which included modifications to model provisions represents a guideline for future agreements such as the FFA with Camp Lejeune.

All parties agreed to use of the term "Federal Facility Agreement" for subsequent proposals.