



**DEPARTMENT OF THE NAVY**  
Naval Facilities Engineering Command Southeast  
Jacksonville, FL 32212-0030

5090  
Ser OPZE3/0352  
November 28, 2011

Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Attn: Ms. Melissa Chow  
P. O. Box 13087, Building F, MC-100  
12100 Park 35 Circle  
Austin, TX 78753

2011 NOV 29 PM 2:29  
CHIEF CLERKS OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Dear Commissioners:

SUBJECT: TCEQ DOCKET NO. 2010-0069-IHW; APPLICATION OF THE  
U. S. DEPARTMENT OF THE NAVY FOR CORRECTIVE ACTION  
ORDER NO. 31268

The Department of the Navy (Navy) is requesting Commission issuance of a Corrective Action Order (Order) for the Naval Weapons Industrial Reserve Plant (NWIRP) Dallas located in Dallas, TX. The Order would replace the current Hazardous Waste Management Facility (RCRA) Permit for the facility. Since federal ownership is no longer necessary, the Navy applied for the proposed Order in June 2009 in anticipation of the property being made available for private reuse and redevelopment. In March 2010, NWIRP Dallas became the first federal facility to be approved by the State of Texas for an "early" (i.e., pre-remediation complete) transfer so that private sector ownership and redevelopment could proceed forward. The General Services Administration (GSA) is currently administering public sale of the property consistent with applicable federal property disposal regulations, as well as the terms of the approved early transfer.

The following additional information is provided to assist the Commission in its deliberations on our proposed Order:

**Status of Facility Environmental Restoration**

Working cooperatively with the Texas Commission on Environmental Quality (TCEQ), its predecessor agency and Environmental Protection Agency (EPA) Region 6, the Navy has been diligently conducting environmental

investigation and remedial work at NWIRP Dallas since the mid-1980s. The Navy has either completed or has thoroughly developed and proposed for timely completion, proven and effective response actions that will ensure long term protection of human health and the environment in the following areas:

#### Soil

In 2008, the Navy completed the cleanup of all contaminated soils exceeding industrial use standards at multiple sites. In May 2010, the TCEQ granted conditional approval of the Navy's facility-wide soil Response Action Completion Report (RACR). All known surface soil contamination that might pose a risk under an industrial reuse scenario has been addressed and appropriate deed recorded restrictions as required by TCEQ regulations will be instituted to preclude non-industrial uses of the facility in the future.

#### Sediments

Prior sediment investigations of the Navy-owned Cottonwood Bay and adjacent Mountain Creek Lake have revealed contamination in three areas. In 2007, the Navy submitted to TCEQ a lake sediment Response Action Plan (RAP). The remedy includes dredging and consolidation of the contaminated sediments into a portion of the Cottonwood Bay parcel which will then be capped with a geotextile liner and 12 inches of gravel, along with appropriate erosion protection measures to effectively preclude future human or ecological exposures. This remedy was closely coordinated with TCEQ staff and both State of Texas and federal Natural Resource Trustees. In June 2010, the TCEQ declared the lake sediment RAP to be technically complete.

#### Groundwater

In 2007, the Navy submitted to TCEQ a facility-wide groundwater RAP for NWIRP Dallas. Proposed remedial components included the installation of two permeable reactive barrier walls (completed in 2008); the removal of three interim pump and treat systems (completed in 2008); the implementation of certain institutional controls both on-site and off-site that will prevent potential human contact with the contaminated

groundwater (institutional controls for most of the off-site properties were formally implemented in April 2011); and long term monitoring to track groundwater plume stability. In May 2010, TCEQ staff declared the groundwater RAP to be technically complete. Groundwater is not used for drinking water, and the use of affected groundwater will be prohibited so long as any contaminants exceed applicable regulatory criteria.

#### **Funding to Date / Programmed**

Environmental cleanup funding to date of approximately \$40M has been applied to the extensive site assessment, soils and groundwater remediation and sediment investigation efforts completed at NWIRP Dallas. Approximately \$28M in Environmental Restoration, Navy (ER,N) funds have been programmed for future sediment remediation activities, long term sediment cover inspections and long term groundwater monitoring. Although it is our preference that a technically and financially capable transferee acceptable to both the Navy and TCEQ take over the remaining cleanup work, if that is not possible, then the Navy will continue to undertake those activities after property transfer. Consistent with our early transfer commitments to Governor Perry and as noted in the proposed Order, the Navy is committed to ensuring that all remaining response actions are completed in a timely and effective manner whether by us or our selected transferee.

#### **Past Navy Experience with TCEQ Orders**

The Navy has successfully worked under TCEQ orders similar to the requested CAO. The first ever Post Closure Order (PCO) issued in the State was obtained by the Navy for NWIRP McGregor, a very similar Government Owned-Contractor Operated (GOCO) facility. That PCO similarly facilitated deed transfer of the property, continued environmental restoration, and fostered local economic redevelopment for the City of McGregor. The Navy has retained ownership of that PCO and has been fully satisfying all of the continuing long-term obligations established there under.

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### Public Comments on Proposed Order

The Navy is aware that, while not objecting to issuance of the Order per se, the City of Dallas has provided certain public comments which TCEQ staff have formally addressed in submissions provided to the Commission. The Navy is in general agreement with the response to comments developed by TCEQ staff, and remains committed to ensuring that all continuing cleanup efforts fully comply with promulgated TCEQ regulatory procedures and requirements for implementing suitably protective remedies both on-site and for all off-site affected properties.

### Conclusion

We appreciate the efforts of TCEQ staff to work with us to develop an equally enforceable but suitably tailored Order to replace the current RCRA permit. Such an Order would facilitate property sale and future economic redevelopment while ensuring that remaining legacy contamination resulting from past military aircraft manufacturing operations is appropriately addressed. Consistent with 42 U.S.C. § 9620(h)(3)(C)(iv), if approved, the proposed Order in support of early transfer would not diminish the Navy's rights or cleanup obligations under CERCLA, RCRA, or State law with respect to the property to be transferred.

Should Commission staff have any questions concerning our request, please contact Ms. Sarah Reed, South Central Integrated Project Team Head at (904) 542-6290 or email sarah.reed@navy.mil.

Sincerely,

  
J. J. HEINZEL  
Captain, CEC, U.S. Navy  
Commanding Officer

Copy to:  
Ms. Shannon Strong, TCEQ  
Mr. Allan Posnick, TCEQ  
Ms. Susan White, TCEQ