

ATTACHMENT 1

List of Attendees at the Public Meeting

**List of Attendees and Participants at the Andersen AFB IRP Public Meeting
Marriott Hotel, Guam
April 30, 2009
6:30 P.M. – 8:30 P.M.**

Community Residents and Members of the General Public

None

Restoration Advisory Board (RAB) Members

Larry Kasperbauer

Lucrina Jones – DZSP21

Carmen Sian-Denton – Guam Waterworks Authority

John Jocson

Mike Gawel

Andersen AFB

Russell Littlejohn (36 CES/CEV)

Colonel Damian McCarthy (Vice-commander 36th Wing)

Gregg Ikehara (36 CEVR)

Danny Agar (36 CEVR)

Joseph Vinch (36 CEVR)

Richard Mathews (36 CES/CC)

Contractors

Robert Kamau – MWH

Christopher Arnsfield – Shaw

Cathy Dolan – Booz Allen Hamilton

Kristen Cruz – Shaw

Veronica Reilly – Court Reporter

ATTACHMENT 2

Public Meeting Transcript

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PRESENTATION FOR SITES 41, 42 & 43
AT THE MARBO ANNEX

Guam Marriott Hotel
April 30, 2009, 6:30 p.m.

Reported By: Veronica F. Reilly, CSR-RPR

1 MR. IKEHARA: Okay. We'll move on to the
2 last portion of tonight's briefing. It's the
3 presentation of the proposed plan for three sites at the
4 MARBO Annex. We've got some pictures here that Danny
5 will be talking through that show MARBO back in the '50s
6 and MARBO as it is today.

7 So Danny.

8 MR. AGAR: The display here that's black and
9 white was taken back in 1956, and this one was in 2002.

10 MR. KASBENBERGER: Is it anywhere near
11 Marine Corps Drive?

12 MR. IKEHARA: Yes, right here. It's on the
13 Marine Corps Drive.

14 MR. AGAR: I'd like to start off with the
15 presentation on the process that we're dealing with and
16 where we're at this at this point in time. It's a
17 lengthy process for some of the site that goes all the
18 way to cleanup. And this particular case, the three
19 sites are at a point where we need to do some cleanup.

20 And the proposed plan that we're doing today
21 is to keep you informed and to solicit public comments
22 and able to address some of your comments into the
23 record of decisions. So we welcome any input that you
24 have in our decision-making process and the opportunity
25 to comment on the proposals as we proceed on with the

1 alternatives with each site.

2 Okay. These are the legal bases for the
3 proposed plan. There is a 30-day public comment period.
4 In this case, the proposed plan are now into the
5 repositories on 14 April, and the end date for the
6 public comment will be 14 May, 2009. Verbal comments
7 will be accepted at this meeting, and written comments
8 can be sent to Mr. Gregg Ikehara, postmarked no later
9 than 14 May 2009.

10 All right. The three sites are located in
11 MARBO Annex area. And Site 41 here, it's a central
12 portion of the north of MARBO. And Site 42 is north of
13 MARBO, east. And Site 43 is right in the center of
14 MARBO Annex, located next to the former MARBO laundry.

15 Okay. Starting with Site 41, Site 41 was an
16 operational support buildings. It is about 80 acres in
17 area, and it was a support shop for activities down at
18 MARBO. It had two shops - carpentry shops, generator
19 shops - and the place is overgrown, as you can see in
20 this poster here.

21 This is a 1956 zoom view of Site 41, which
22 is right here at this poster here, as you can see the
23 various buildings and the locations. For Site 41, we
24 did find lead in surface soil samples. And these are
25 the locations of this lead that were risk to future

1 residents and industrial workers, but were not risk to
 2 wildlife. So these are the locations of the lead that
 3 were in the soil. There were no subsurface samples that
 4 had constituents that were a risk to future residents,
 5 industrial workers, or wildlife.

6 Of 33 alternatives that were screened, we
 7 looked at four in detail. And the four are no further
 8 action, institutional control, soil removal industrial
 9 use, and soil removal unrestricted land use.

10 The Air Force had selected soil removal for
 11 preferred remedial alternatives where the area can be --
 12 the site can be used unrestrictedly.

13 Okay. For -- the next site is Site 42.
 14 It's also an operational building. It's about an acre
 15 and a half. It's located right over here -- I don't
 16 know if you can see the arrow -- right down the area.
 17 It used to be an area for the gas station. And again,
 18 the area is unmaintained, and it's overgrown in
 19 vegetation. And here is a zoom view of the area. It's
 20 not very clear, but it's a small -- small site.

21 At the site during our investigation, we
 22 found lead present in surface soil sample which is a
 23 risk to future residents but not a risk to industrial
 24 workers or wildlife. And these are the locations of the
 25 plant samples. Also at the site, we had -- we found

1 total petroleum hydrocarbon, diesel range. And a risk
 2 evaluation was done, and we found that it's no risk to
 3 future residents, industrial workers, and wildlife.
 4 However, the values that were found were above cleanup
 5 value for Guam EPA. So when we do remediate the site,
 6 we will be cleaning out the TPH.

7 Also at the site, we removed a 3,000-gallon
 8 underground storage tank. And this tank was in good
 9 condition. It had some contents in it, but they were
 10 non-hazardous, so it was taken out of the site. In the
 11 subsurface sample, we found lead right where the tank
 12 was removed. However, we did an evaluation for risk,
 13 and there -- we found no risk to future residents,
 14 industrial workers, or wildlife, since the lead itself
 15 is below ground greater than 13 feet. So it's buried.

16 The alternatives that we evaluated are 3
 17 alternatives out of 33 that were screened. And what we
 18 looked at was no further action, which has no cost;
 19 institutional control; soil removal. And we had
 20 selected soil removal for Site 42.

21 Okay. The next site is Site 43. Now, this
 22 site is -- is fairly large. It's 35 acres in size.
 23 It's the site right across MARBO laundry area, right
 24 around here. And so during our investigation, we had to
 25 divide the area into four parts: Areas A, which is this

1 area here, Area B, Area C, and Area D. And this is how
2 the site looked like back in 1956. This area here is
3 the MARBO laundry.

4 During the investigation, we found in
5 surface soil sampling several constituents, two organic
6 and three metals, that were a risk to future residents
7 but not to industrial workers or wildlife. And in
8 Area A, we found -- Area A, we found basically just lead
9 at the site. Area B, we found arsenic and PCB and
10 cadmium and lead. So Area B has a lot more
11 constituents. And Area C, we found arsenic and lead at
12 the site. And in Area D, which is the last site, we
13 found benzo(a)pyrene and lead.

14 In Area B, for subsurface soil sampling, we
15 found two metals, which was arsenic and vanadium. We
16 found it to be a risk to future residents, but not to
17 industrial workers and wildlife. And this is the
18 location of the samples that we found.

19 Also in Area B, we found two underground
20 storage tanks, and they are at the 3,000-gallon
21 capacity. One tank was -- had contents in them that was
22 found to be non-hazardous; the other one was found to
23 have some hazardous constituents in it, but were removed
24 and taken out of the site.

25 So the TPH that we found is about 10 to 15

1 feet below ground surface. We're planning to leave that
2 in place, since it really has no risk to future
3 residents, industrial worker, or wildlife. And since
4 it's below 15 feet, we're not planning to remove that.

5 Again, 33 alternatives were screened, and we
6 looked at three in detail: No further action, which has
7 no cost; institutional, control and soil removal. And
8 the Air Force has selected soil removal for unrestricted
9 land use.

10 So that's the end of the -- that -- that is
11 our proposal for the three sites. And if there's any
12 questions?

13 MR. KASPERBAUER: Me first or you?

14 Question: You keep making reference to risk
15 for future residents, no risk to wildlife, and some
16 basic risk or no risk to industrial workers. Can you
17 explain that a little bit further? As far as I
18 understand, it's risk to people but not to worker
19 people?

20 MR. AGAR: Yes. The EPA has set up a
21 screening level for these sites, and they base them in
22 three different categories.

23 They have the residential, which includes
24 adults and children, and they have certain levels that
25 they -- that we -- that we bench ourself to find out

1 whether it's above that level or below it. So if the
2 residential level for lead is 400 micrograms per
3 kilogram, and any analysis of soil that we found above
4 that is considered risk to residential.

5 And the risk level for industrial workers is
6 800 micrograms per kilogram. And if we find soil to
7 contain less than 800 milligrams per kilogram, then we
8 conclude that it's not a risk to industrial workers.

9 So that's -- that's how this risk
10 evaluation, in general, takes place. It's a lot more
11 complicated than that. They have calculations that they
12 do. They took -- take the average of every soil that
13 they -- that they detect and do some calculations in
14 there to determine the actual risk involved. And I
15 think the -- I believe it goes in detail in the proposed
16 plan that we have right in front of you.

17 MR. KASPERBAUER: It must be based on some
18 assumptions as to the extent of the contact; living -- I
19 mean, how long in the area --

20 MR. AGAR: Yes. They look at --

21 MR. KASPERBAUER: -- in the soil or --

22 MR. AGAR: That's correct. They look at
23 the -- what do you call it -- exposure route. They look
24 at ingestion, they look at skin contact, and they look
25 at inhalation. Yes, those are all factored into the

1 risk assessment.

2 MR. KASPERBAUER: So when we're all finished
3 with this, is it going to be safe for wildlife,
4 industrial, and residential?

5 MR. AGAR: That's correct.

6 MR. KASPERBAUER: Or is it still going to be
7 a danger to our grandchildren?

8 MR. AGAR: No, when we remove the
9 contaminants and reduce it to a point where it's no
10 longer a risk to anyone or wildlife. That's correct.

11 MR. KASPERBAUER: So where does the
12 contaminated soil go?

13 MR. AGAR: Non-hazardous waste would go into
14 our consolidation unit, and hazardous wastes are shipped
15 off-island.

16 MR. KASPERBAUER: Won't there be tons and
17 tons of that?

18 MR. AGAR: Well, we -- we actually had the
19 volume that we wanted to remove. When we -- for
20 Site 43, we'll be removing 892 loose cubic yards
21 contaminated soil. That's the estimate that we have
22 that we'll be removing.

23 MR. KASPERBAUER: How many cubic yards in a
24 truckload?

25 MR. AGAR: It's about 15, 10 to 15 cubic

1 yard per truck load. And site --

2 MR. KASPERBAUER: That would be sent
3 off-island somewhere?

4 MR. AGAR: No. What we normally try to do
5 is we try to render them non-hazardous. They still
6 contain the chemical, but they're -- they're considered
7 non-hazardous. So we consolidate them in our
8 consolidation unit inside the base, where we can manage
9 the waste.

10 Anything that's immediate -- immediate
11 danger to people, which is considered a hazardous waste,
12 that's shipped off-island. So to minimize cost, we try
13 to stabilize the soil with the chemicals that are
14 hazardous. In this case, lead, we can stabilize with
15 phosphate or some other chemicals so that they become
16 non-hazardous.

17 MR. GAWEL: As you plan to remove the soil,
18 will it be put in to -- you say the consolidated area;
19 is that -- is that the existing approved landfill?

20 MR. AGAR: That's correct. It's not a
21 landfill -- we don't really look at it as a landfill,
22 but it's an area where we consolidate all the wastes
23 that we have from all our different IFP sites.

24 MR. GAWEL: And there's enough capacity to
25 --

1 MR. AGAR: Yes, we do. In fact, some of the
2 waste that came out of Urunao went into our
3 consolidation units. There is still a lot of room
4 there.

5 All right. That concludes my presentation
6 on the proposed plan. Thank you.

7 MR. IKEHARA: I want to add something to
8 that.

9 We did take the most conservative solution
10 to these three sites because of the fact that the MARBO
11 Annex is so accessible to people. It's used nightly by
12 people that exercise and joggers and dog-walkers and you
13 name it. So we didn't want to leave anything on site
14 here, so we took the most conservative approach, and we
15 would relocate this material to a place that is
16 controlled; it's fenced; it is well-monitored; and it's
17 compatible with some of the wastes that have already
18 been deposited at the consolidation unit.

19 So it's a critical -- critical piece for
20 people to understand. It's really managing waste in one
21 location versus 15 different locations throughout the
22 island. So I think the consolidation unit is really the
23 best alternative that we could do, short of shipping it
24 off-island at high taxpayer cost and controlling and
25 really keeping it sequestered in one area. So that's --

1 that's essentially what the solution to the sites are.

2 So if anyone does have comments in regard to
3 these sites, please submit them by the 14th. If not,
4 verbal comments will be taken tonight and we will try to
5 incorporate those and -- or get responses to you, but
6 certainly, will be incorporated into the responses and
7 summary of the record of decision for these sites.

8 MR. KASPERBAUER: Maybe it's not a part of
9 this discussion; maybe it should be entered into it.

10 Does this mean that the building of a school
11 there is out of the picture from now on?

12 MR. IKEHARA: I believe that decision was
13 made at a higher level than we, but I -- the latest
14 intel I have on that is that the school will not be
15 built there. There's a good possibility that since it
16 was not used for its intended purpose, that that land
17 will revert back to the DOD. The intended purpose of
18 the -- of the 80 acres was to build the northern high
19 school. And that -- that has been located elsewhere
20 now.

21 MR. KASPERBAUER: Oh, really?

22 MR. IKEHARA: Right. What GovGuam did
23 instead was to put in production wells, which was not
24 part of the intended purpose.

25 MR. KASPERBAUER: I know that that was on

1 the perimeter.

2 MR. IKEHARA: It was within the 80 acres.

3 MR. KASPERBAUER: I thought those wells were
4 to feed the school.

5 MR. IKEHARA: No.

6 MR. KASPERBAUER: Yeah.

7 MR. IKEHARA: (Laughter) Nice try.

8 MR. KASPERBAUER: I mean, schools need
9 wells.

10 MR. IKEHARA: Yes, but subsequently --

11 MR. KASPERBAUER: -- the wells were done
12 ahead of time; the schools were delayed.

13 MR. IKEHARA: Other locations were selected
14 because of population densities and other decisions that
15 the planning folks put together. And I don't -- I don't
16 know the exact details of it, but it appears that the
17 northern school will not be built in that area. It's
18 sort of outside our lane, but just...

19 Any other questions or comments? I
20 appreciate you folks coming in tonight and -- and
21 offering your opinions and questions. And they will be
22 annotated.

23 Again, there's more time. If you think of
24 anything else in regard to or presented solution to
25 these three sites, please, by all means, submit them to

1 us and we will incorporate them.

2 Our next scheduled Restoration Advisory
3 Board meeting would be in the -- in the middle of
4 summer, towards the end of July.

5 I believe the discussions with our
6 contractors, we will be having another public meeting
7 shortly for other sites that we're trying to take to the
8 record of decision. This -- as Danny mentioned earlier,
9 this is really our last year to do studies, to really
10 get to RODs for all the sites that we have. Any
11 cleanup -- any projects that we have after this year
12 will really be cleanup projects that are driven by
13 decision documents, such as RODs, or other action memos.

14 But we're really getting into the final
15 phase of really getting rid of a lot of our sites by
16 cleanup, and I think -- I think that's an important
17 milestone for us. We've moved completely out of the
18 study phase, and we're really digging dirt right now.

19 And I think it's been a long voyage for a
20 lot of us. A lot of folks here that have been with us
21 in the RAB, and I commend you for sticking with us. I
22 appreciate the support -- we appreciate the support, and
23 I believe the base is doing the best we can to clean up
24 past sins. I think it's a program that's -- that's been
25 a value, and we'll continue to pursue that until we're

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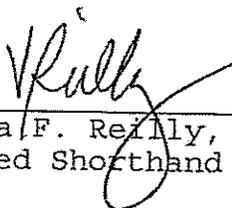
Thank you, everyone.

[Whereupon the meeting was concluded at 8:00 p.m.]

REPORTER'S CERTIFICATE

I, Veronica F. Reilly, Certified Shorthand Reporter, hereby certify that at said time and place, I reported in stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting under my direction; and the foregoing transcript, pages 1 to 15, both inclusive, constitutes a full, true, and correct record of such testimony adduced and oral proceedings had and of the whole thereof.

Witness my hand at Barrigada, Guam, this 20th day of May 2009.



Veronica F. Reilly, CSR-RPR
Certified Shorthand Reporter

ATTACHMENT 3

Notice of Availability of the Proposed Plan

ANDERSEN AIR FORCE BASE INSTALLATION RESTORATION PROGRAM PUBLIC MEETING

A public meeting will be held on Thursday, April 30, 2009 at 6:30 p.m., at the Guam Marriott Resort & Spa, Lobby Level, The View, Tumon, Guam. The purpose of the meeting is to present the Proposed Plan for Remedial Alternatives at Installation Restoration Sites 41, 42, and 43 at the Marianas Bonins (MARBO) Annex, Andersen Air Force Base.

Documents are available for public viewing at the Nieves M. Flores Memorial Library, Hagatna, Guam and the Robert F. Kennedy Memorial Library, Mangilao, Guam.

For questions regarding the Proposed Plan, please call the Remedial Project Manager, Mr. Gregg Ikehara at 671-366-4692.

NOTICE OF AVAILABILITY

Andersen Air Force Base Installation Restoration Program has prepared a Proposed Plan for Remedial Alternatives at Sites 41, 42, and 43 at the MARBO Annex within the Site Wide Operable Unit. Remedial action is required for the three Sites.

The Proposed Plan describes the remedies considered for the three Sites and evaluates the potential risks posed to human and ecological receptors, and establishes a risk-based cleanup standard. The preferred remedies presented in the Proposed Plan include remedial action (soil removal to allow unrestricted future land use), land use controls, and no action. The final remedy will be selected after public comments are received.

The Proposed Plan is available for public review at the Nieves M. Flores and Robert F. Kennedy Memorial Libraries. The 30-day public comment period for the Proposed Plan will end 14 May 2009. Comments can be mailed to 36 CES/CEVR Unit 14007, APO AP 96543-4007 and must be postmarked on or before 14 May 2009.

For questions regarding the Proposed Plan, please call the Remedial Project Manager, Mr. Gregg Ikehara at 671-366-4692.

ATTACHMENT 4

USAF Responses to Regulatory Comments

(Please note that page numbers as referenced in the regulatory comments may have shifted in the final document following text edits made in response to the comments.)

**USAF Responses to Comments from
EPA Review of the Agency Draft Record of Decision for Sites 41, 42, and 43,
Marbo Annex, Andersen Air Force Base, Guam, April 2009
Comments Dated 6/2/2009**

GENERAL COMMENT

1. Throughout the Agency Draft Record of Decision for Sites 41, 42, and 43, Marbo Annex (ROD) the selected remedy is described as consistent with the preference for treatment; however excavation and off site disposal are not considered a treatment. We agree that the selected remedy for sites 41, 42 and 43 will be protective and will provide unrestricted land use, but all reference to excavation and offsite disposal as a remedy consistent with the preference for treatment should be removed. The possibility for treatment with triple super phosphate is included in several discussions, but it is not listed as a principal component of the remedy.

Response: The text has been revised to indicate that the remedy is not consistent with the preference for treatment, and that in this case, excavation and offsite disposal of contaminated soil is more practicable for remediation of the sites compared to treatment, and allows future unrestricted land use.

2. The remedy descriptions typically state that the material will be disposed of at an approved off-site location. Some of the discussions mention management of the material at the consolidation unit. Please be more clear throughout about where the material is going. If everything that passes the TCLP is going to the CU, then please state/explain that in any reference to final disposition. An approved off-site disposal location implies a regulated landfill.

Response: The text has been revised to clarify that non-hazardous waste (based on TCLP analysis) will be placed in the Andersen AFB consolidation unit for management, and hazardous waste will be shipped off-island for disposal.

SPECIFIC COMMENTS

1. **Section 1.4, Description of Selected Remedy, Pages 1-2 through 1-4:** The first bullet point under the Site 42 and Site 43 subheadings discusses small quantities of Chemical of Concern (COC) impacted soil that will be removed. It appears from the text that the intention of these statements is to differentiate the COC impacted soil from lead impacted soil but this is not clear. Please specifically identify all COCs driving remedial action.

Response: The text has been revised to clarify that the additional small quantities of soil to be removed (in addition to lead-contaminated soil) are contaminated with total petroleum hydrocarbons-diesel range organics (TPH-DRO).

USEPA Follow-up on Above Responses to Comments (via email on 23 June 2009):

Comment: The replies all look good except for number 7. Depth to contamination is not a good enough reason to end up with unrestricted use. If a problem exists at depth, then we would still need an LUC restricting excavation to 16 feet. In this case, there is one hit of 570 ppm lead at 16 feet. This is relatively low, and averages out to be below 400 ppm for the site. Since the details are discussed on page 2-23, please just delete the last sentence of the second paragraph in Section 2.8 (Lead contamination in the subsurface at 16 feet bgs ...).

Response: The text has been deleted as recommended.

Please note that as per similar comment from EPA Office of Regional Counsel (comments #1 and #2 below), text pertaining to contamination at depth being left in place has also been deleted from Section 1.4. The overall objective of the remedy is to reduce average site-wide COC concentrations to below RGs. Since concentrations of the contamination identified at depth are only marginally higher than RGs, average site-wide concentrations after cleanup would most certainly be below RGs.

USAF RESPONSES TO USEPA OFFICE OF REGIONAL COUNSEL COMMENTS

1. Page 1-3, Site 42: remove the language from the bullet discussing lead at 16 feet.

Response: Comment incorporated. The language has been removed as it is discussed later in the document (see comment #2 below).

2. Page 1-4, Site 43: Similar to the lead at depth, for the TPH, contamination at depth needs an LUC, or the average risk must be acceptable. Remove the sentence in the bullet that mentions leaving TPH at depth. The details can be discussed later in the document.

Response: Comment incorporated.

3. Page 1-7, the USAF signature page: Change the wording as follow: "This signature sheet documents the USAF co-selection approval of the remedy ~~selected~~ in this Record of Decision for Sites 41, 42, and 43 within the MARBO Annex."

Response: Comment incorporated.

4. Page 1-9: Use the same revised wording as above referencing EPA's co-selection of the remedy.

Response: Comment incorporated.

about where the excavated soil is going. Is it a licensed hazardous waste landfill? Contaminated soil that would be hazardous waste under Subtitle C of RCRA would need to go to a hazardous waste landfill.

Response: As per comment #2 under "General Comments" (above), the text has been revised to clarify that non-hazardous waste (based on TCLP analysis) will be placed in the Andersen AFB consolidation unit for management, and hazardous waste will be shipped off-island for disposal at a RCRA-regulated facility.

15. Page 2-83, Section 2.12.3: Delete the last sentence that says "The cost estimate will be refined further prior to implementation of the remedy."

Response: Comment incorporated.

16. Page 2-89, a few editing suggestions:

Reword first few sentences as follows: "The cleanup will achieve a risk-based cleanup level for carcinogens equal to 1×10^{-5} for a potential future resident... This cleanup level is within EPA's acceptable risk range of 10^{-4} to 10^{-6} . The cleanup will achieve a risk-based cleanup level for non-carcinogens equal to a hazard quotient of 1..."

I'm not sure we need the last sentence about 1×10^{-5} being considerably less than naturally occurring concentrations, but if you keep it, move it up before the non-carcinogen risk sentence.

Response: The text " 1×10^{-5} being considerably less than naturally occurring concentrations" has been moved up as requested. The text has not been modified to state that the cleanup will achieve a cancer risk of 1×10^{-5} or a hazard quotient of 1. This is because background levels of arsenic and vanadium correspond to higher levels of risk (see Table 2-15c).

17. ARARs Table 2-16:

- Identify PRGs as TBCs not ARARs.
- Safe Drinking Water ACT MCLs not needed as ARARs for soil cleanup.
- OSHA is not an ARAR. It's just an "other Law" that all parties need to comply with, procedurally as well as substantively.
- Endangered Species Act is a location-specific ARAR, not chemical-specific.

Response:

-- The USEPA Region IX guidance to utilize PRGs as a basis for preliminary site screening and to establish RGs has been designated as a TBC, not an ARAR.

-- The Safe Drinking Water Act ARAR (which cites groundwater MCLs) has been deleted.

--The OSHA requirements have been deleted from the list of ARARs.

--This ARAR has been moved from the chemical-specific ARAR section of Table 2-16 to the location-specific section.

**USAF Responses to Comments from
EPA Review of the Draft-Final Record of Decision for Sites 41, 42, and 43,
Marbo Annex, Andersen Air Force Base, Guam, July 2009
(Comments via emails dated 10/16/2009 and 10/23/2009)**

1). Comment: One final correction related to the ARARs: On page 2-72, you state that LUCs will not achieve all ARARs because contaminants will be left in place. This is not true, LUCs do achieve the ARARs. If you're basing this statement on the Land Ban, that is triggered by placing contaminants, not by pre-existing contamination.

Response: The paragraph has been revised as follows to also incorporate a similar comment from the EPA's Office of Legal Counsel (see comment #4 below):

"The Land Use Controls with Engineering Controls alternative (which, with respect to Site 43, also involves the removal of ACM) and the Soil Removal (Unrestricted Land Use) alternative would both comply with ARARs. A summary of the key ARARs that apply to each of the two alternatives is set forth in Table 2-11. A more detailed discussion of the ARARs for the selected remedy is presented in Section 2.12.1, Section 2.13.2 and Table 2-16".

2). Comment: One more thing, the language on page 2-72 also mentions MCLs as an ARAR. That should be removed in the final version.

Response: The language on page 2-72 actually references PRGs, not MCLs. As per previous comment on the Agency-Draft ROD (#17 above), The ARAR citing use of PRGs as a basis for preliminary site screening and to establish RGs has been designated as a TBC, not an ARAR.

3). Comment: A few changes should be made to the ARARs compliance box in Table 2-11 (Common Elements and Distinguishing Features of Alternatives).

(a) 40 CFR 61 should be added to the LUCs with Engineering Controls alternative since it is my understanding that removal of the ACM would have been a part of this alternative if it had been selected.

(b) Some of the citations in the ARARs compliance box for the Soil removal alternative got cut off. It starts with "402". Instead it should begin as follows: 16 USC 1531; 50 CFR 200, 402. Again, 40 CFR 61 should be added to address the removal of the ACM. 40 CFR 61 is included in the major ARARs Table for the selected remedy (Table 2-16), but somehow it was left off of Table 2-11.

Response: The recommended changes have been incorporated in Table 2-11.

4). Comment: I think the text discussing ARARs on page 2-72 should be shortened and revised as follows (deletions shown in ~~strikeout~~, additions shown in redline and underline):

~~The Land Use Controls with Engineering Controls alternative does not comply with some of the ARARs (e.g., chemical specific ARARs) because COC impacted soil above RGs would remain on site indefinitely. The Soil Removal (Unrestricted Land Use) alternative would comply with all applicable ARARs.~~

~~ARARs that are common to all alternatives (with the exception of the *No Action* alternative) include 40 CFR 141.61(a); USEPA region IX preliminary PRGs to screen and establish RGs; 5 Guam Code Annotated (GCA), Chapter 63; and Solid Waste Management Act (SWMA), 10 GCA, Chapter 51 (see Table 2-11 above). ARARs unique to the soil removal alternative include control and monitoring of dust emissions (Clean Air Act [CAA], 40 CFR 50) and the Hazardous materials transportation Act (HTMA), 49 CFR 100-199. For the Soil Removal (Unrestricted Land Use) alternative, ARARs would be achieved immediately upon remedial action.~~

The Land Use Controls with Engineering Controls alternative (which, with respect to Site 43, also involves the removal of ACM) and the Soil Removal (Unrestricted Land Use) alternative would both comply with ARARs. A summary of the key ARARs that apply to each of the two alternatives is set forth in Table 2-11. A more detailed discussion of the ARARs for the selected remedy is set forth in Section 2.12.1, Section 2.13.2 and Table 2-16.

Response: Comment incorporated. See also comment #1 above.

5). Comment: On the second to last line on p. 2-79, "TBC" should be "TBCs".

Response: Comment incorporated.

ATTACHMENT 5

Federal Facility Agreement Notice Letters



DEPARTMENT OF THE NAVY
COMMANDER, JOINT REGION MARIANAS
PSC 455, BOX 152
FPO AP 96546-1000

IN REPLY REFER TO:
9510
Ser J4/1235
November 23, 2009

Mr. Mark Ripperda
US Environmental Protection Agency
75 Hawthorne St. H-9-4
San Francisco, CA 94105-3901

Dear Mr. Ripperda,

SUBJECT: NOTIFICATION OF TRANSFER OF ENVIRONMENTAL RESTORATION
PROGRAM RESPONSIBILITY

This letter serves as notification that all Environmental Restoration Program responsibilities for Andersen Air Force Base (AAFB), a property listed on the National Priorities List, will be officially transferred to the United States Navy under the Commander, Joint Region Marianas (CJRM), effective October 1, 2009, pursuant to chapter 2.17 of the April 2008 Department of Defense Environmental Supplemental Guidance (EVSG) for Implementing and Operating a Joint Base. This action is being taken to implement the 2005 Defense Base Realignment and Closure (BRAC) Act which requires the transfer of all installation support functions and administrative custody of real property from AAFB to the U.S. Navy.

In accordance with the EVSG, the Navy, as the supporting component, "will assume responsibility for environmental restoration data reporting, budgeting, record keeping, and financial liability" (Ch. 2.17.6), "will assume responsibility for all Restoration Advisory Boards" (Ch. 2.17.8), and will be required to "honor all existing, previously negotiated Federal Facility Agreements in place at the installations to become the Joint Base [Region] at the time of transfer." (Ch. 2.17.5).

If you have any questions, please contact Mr. Richard Raines, P.E., at telephone (671) 339-8420 or at richard.raines@fe.navy.mil.

Sincerely,

P. S. LYNCH
Captain, CEC, U.S. NAVY
Regional Engineer
By direction of the Commander

Copy to:
Guam Environmental Protection Agency
CNIC (N45)
NAVFAC Pacific (EV)
36CES



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 36TH WING (PACAF)
UNIT 14007, APO AP 96543-4007

06 November 2009

36 CBS/CEVR
Unit 14007
APO AP 96543-4007

Mr. Mark Ripperda
Project Manager
U.S. Environmental Protection Agency
75 Hawthorne St., H-9-4
San Francisco, CA 94105-3901

Dear Mr. Ripperda

This letter provides notice of a change in administrative responsibility pursuant to paragraph 28 of Federal Facility Agreement (FFA) Docket Number 93-117 (FFA).

As you are aware, Andersen Air Force Base is in the process of realigning installation management functions to a newly established Joint Region Marianas pursuant to the 2005 Defense Base Closure and Realignment Commission Final and Approved Recommendations. Title to Andersen Air Force Base real property will remain in the United States and the property will continue to be utilized by the Air Force. As of October 1, 2009, however, administrative custody and responsibility for managing real property assets will transfer from the Air Force to the Navy. The Air Force will become a supported component of the Joint Region Marianas and the Navy will become the supporting component.

In accordance with the April 2008 Department of Defense Environmental Supplemental Guidance for Implementing and Operating a Joint Base, the Navy, as the supporting component, *"will be responsible for all existing and future environmental permits, requirements, plans, and agreements at the installations to become the Joint Base."* (Ch. 1.1.2). As the supporting component, the Navy will be required to *"honor all existing, previously negotiated Federal Facility Agreements in place at the installations to become the Joint Base at the time of transfer."* (Ch. 2.17.5). The Navy is being supplied with an Environmental Condition of Property Report and with access to current environmental files including the FFA. No change to the FFA will be necessary in order for the Navy to assume responsibility for implementation of the FFA and the transfer of responsibility will not change the rights of the parties under the FFA or impede any action under the FFA. The Environmental staff will remain located at Andersen Air Force Base following 01 October 2009 and will be available to assist with any issues related to the FFA. However, the civilian environmental staff will become Navy employees and, likewise, funding responsibility will reside with the Navy.

Please contact Mr. Russell Littlejohn, Environmental Flight Chief, at (671) 366-2556 if you have any questions or concerns or would like to discuss possible changes/addendums to the FFA to further document the substitution of the United States Navy for the United States Air Force as the entity responsible for implementation of the FFA.

Sincerely



GREGG IKEHARA
Chief, Installation Restoration Program

cc:

Ms. Lorilee Crisostomo, GEPA
Mr. Rich Howard, Tech Law Inc.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 36TH WING (PACAF)
UNIT 14007, APO AP 96543-4007

06 November 2009

36 CES/CEVR
Unit 14007
APO AP 96543-4007

Ms. Lorilee Crisostomo
Project Manager
Guam Environmental Protection Agency
P.O. Box 22439 GMF
Barrigada, Guam 96921

Dear Ms. Crisostomo

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Sincerely



GREGG IKEHARA
Chief, Installation Restoration Program

cc:

Mr. Mark Ripperda, USEPA

Mr. Rich Howard, Tech Law Inc.