



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
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AUG 24 2006

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Gentlemen:

Subject: Request for Schedule Extension – Area 10 Sand Piles Remedial Investigation, U.S. Army letter dated August 17, 2006

The U. S. Environmental Protection Agency (EPA) has received the Army's request for a schedule extension for submittal of a draft Area 10 Remedial Investigation. The Army is requesting a 19-day extension with a new delivery date of September 8, 2006, for the subject document. The extension request was initially discussed during a teleconference that was held between the Federal Facility Agreement (FFA) parties, Cabrera Services, and Mr. Mike Styvaert of the U.S. Army Field Support Command on August 2, 2006, and again during the August 16, 2006, FFA Project Managers Conference Call. The change in approach to the Area 10 Sand Piles cleanup from a Non-Time-Critical Removal Action (NTCRA) documented in an Engineering Evaluation/Cost Analysis (EE/CA) to a separate Operable Unit remedial action was a result of the lack of Army funds to implement the NTCRA for the Area 10 Sand Piles and the need to move forward with a proposed cleanup action for the Installation Wide Operable Unit (IWOU) which includes the Area 10 Sand Piles. While the FFA parties agreed to keep the Area 10 Sand Pile actions on a separate course from the IWOU remedial actions, it is EPA's position that

additional risk assessment is not necessary to implement the proposed action in the EE/CA and that further process delays could jeopardize the U.S. Nuclear Regulatory Commission decision to decommission the Area 10 Sand Piles as a result of actions taken under Superfund authority.

A detailed EE/CA has been prepared to support this NTCRA (*Final Area 10 Sand Piles Engineering Evaluation and Cost Analysis* [Cabrera Services, Inc.; October 2005]) which would have resulted in an action to cleanup the area starting in May 2006. The NTCRA for the Area 10 Sand Piles was delayed due to lack of available funding from the Army and the FFA parties agreed to continue to keep the Area 10 Sand Piles action separate from the IWOU in order to complete the decision process on the rest of the actions for the IWOU. The strategy agreed to was to make the Area 10 Sand Piles as separate operable unit and convert the EE/CA to a Remedial Investigation/Feasibility Study (RI/FS). The EPA is recommending to the parties that this strategy be reconsidered to allow the Area 10 Sand Pile action to proceed as briefed to the public on October 24, 2005.

During the August 2, 2006, teleconference, the Army indicated that the RI risk assessment did not identify any unacceptable risks to human health and the environment from the sand piles. Therefore, the Army will not be producing an FS for this project and will not be performing the cleanup under the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the previously agreed path forward (*Regulatory Oversight of Lake City Army Ammunition Plant Area 10 Remediation*, U.S. Nuclear Regulatory Commission letter dated August 3, 2001) to address the combined depleted uranium (DU) and lead in the sand pile to meet Nuclear Regulatory Commission (NRC) decommissioning requirements.

The EPA is extremely disappointed with the turn of events described above as it appears that the Army has disregarded an agreement which required considerable resources from all the FFA parties and the NRC, to plan, coordinate, review, and approve. This project has been ongoing since the 1990s and action to address the principle threats of lead and DU in the soil still has not occurred.

Sufficient information and justification already exists to execute the removal action as described in the October 2005 EE/CA, and risk has already been satisfactorily documented for this site. Since sufficient information and justification exist to execute the removal action, there is no need to produce a RI for this action. This finding is consistent with Agency guidance that integrates the removal and remedial programs to efficiently achieve human health and environmental protection. The NTCRA under CERCLA described in the October 2005 EE/CA and referenced in the existing agreement between the Agency, the Army, the Missouri Department of Natural Resources, and the NRC satisfies the requirements and concerns of the Agency.

Therefore, the Army should execute the NTCRA under CERCLA as described in the October 2005 EE/CA, and as agreed by the FFA parties and the NRC in our letters of July 2001 and August 2001. A schedule to demonstrate how this action will be implemented should be produced within thirty days of receipt of this letter. If the Army is unable to implement this CERCLA response action within a reasonable timeframe (i.e., completed by the close of fiscal year 2007), the Agency will refer this matter to the respective authorities of the state of Missouri, to address under their Resource Conservation and Recovery Act authority, and to the NRC to address under their license.

Please contact me at (913) 551-7776 if you have any questions or concerns regarding this letter. Alternatively, you may contact the Project Manager, Ms. Robin Paul, at (913) 551-7699.

Sincerely,



Gene Gunn
Chief
Federal Facility/Special Emphasis Branch
Superfund Division

cc: Ms. Kristine Stein, Lake City
Mr. Scott Honig, MDNR