



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

PERMIT
FOR CORRECTIVE ACTION

NAVAL SUPPORT ACTIVITY BETHESDA
BETHESDA, MARYLAND
EPA ID NO. MD4170024687

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
PERMIT
FOR CORRECTIVE ACTION;
PURSUANT TO THE RESOURCE CONSERVATION AND RECOVERY ACT
AS AMENDED BY THE HAZARDOUS AND SOLID WASTE
AMENDMENTS OF 1984

Permittee: Naval Support Activity Bethesda

Permit Number: MD4170024687

Facility: Naval Support Activity Bethesda
Bethesda, Maryland

The United States Environmental Protection Agency (EPA), under the authority of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. § 6901 et seq., and the regulations promulgated thereunder and set forth at 40 C.F.R. Parts 260-271, is hereby issuing this permit for corrective action (Permit) to the Naval Support Activity Center (NSA or the Permittee), located in Bethesda, Maryland at latitude 38° 53' 51" North and longitude 77° 00' 33" West (the Facility).

The complete RCRA permit for purposes of Section 3005(c) of RCRA, 42 U.S.C. § 6925(c), consists of two portions: this Permit, issued by EPA, which addresses the provisions of HSWA, and permit number A-221 issued by the Maryland Department of the Environment (MDE) on December 15, 1995, which addresses the provisions of the Code of Maryland Regulations (COMAR), Title 26, Subtitle 13, for which the State of Maryland (State) has received authorization under Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to carry out such program in lieu of the federal hazardous waste management program under RCRA. As of the date of issuance of this Permit, the State has not received authorization to administer the corrective action provisions of HSWA. This Permit, which addresses corrective action provisions of HSWA, will be enforced by EPA. The MDE permit will be enforced by MDE, but EPA may also exercise its enforcement discretion if and when appropriate.

The Permittee must comply with all terms and conditions set forth in this Permit, including the attachments hereto. Additionally, the Permittee shall comply with all applicable federal regulations, including 40 C.F.R. Parts 260 through 264, Part 266, Part 268, Part 270, Part 273 and Part 124. Nothing in this Permit shall limit EPA's authority to undertake, or require any person to undertake, response action or corrective action under any law, including, but not

limited to, Section 104 or 106 of CERCLA, 42 U.S.C. § 9604 or 9606, and Section 7003 of RCRA, 42 U.S.C. § 6973. Nor shall any permit condition relieve the Permittee of any obligations under any law, including, but not limited to, Section 103 of CERCLA, 42 U.S.C. § 9603, to report releases of hazardous wastes, constituents, or substances to, at, or from the Facility.

This Permit is based on information provided to EPA by the Permittee and MDE. Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), provides EPA the authority to review and amend the Permit at any time. Any inaccuracies found in the information submitted by the Permittee may be grounds for the termination, modification or revocation and reissuance of this Permit (see 40 C.F.R. §§ 270.41, 270.42 and 270.43). The Permittee must inform EPA of any deviation from or changes in the submitted information that would affect the Permittee's ability to comply with the applicable statutes, regulations or permit conditions.

This Permit is effective on Sept. 25, 2013, and shall remain in effect until Sept. 25, 2018, unless revoked and reissued, modified or terminated in accordance with 40 C.F.R. §§ 270.41, 270.42, 270.43 or continued in accordance with 40 C.F.R. § 270.51(a).

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LIST OF ATTACHMENTS

The following Attachments are incorporated, in their entirety, by reference into this Permit. These incorporated attachments are enforceable conditions of this Permit. The EPA has, as deemed necessary, modified specific language from the permit application. Additional modifications are prescribed in the permit conditions (Parts I and II), and thereby supersede the language of the Attachments.

Attachment A	Final Decision and Response to Comments
Attachment B	List of SWMU and AOCs

PART I - STANDARD CONDITIONS

A. DEFINITIONS

Pursuant to the authority granted by Section 3005(c)(3) of RCRA, 40 C.F.R. § 270.32(b)(2) and for the purposes of this Permit, terms used herein shall have the same meaning as those set forth in 40 C.F.R. Parts 260 through 264, 268 and 270, unless this Permit specifically states otherwise. Where terms are not otherwise defined, the meaning associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the terms. The following definitions also apply to this Permit.

1. Area of Concern - an area of concern is hereby defined for purposes of this Permit to mean an area at the Facility or an off-site area, which is not at this time known to be a solid waste management unit, where hazardous waste and/or hazardous constituents are present or are suspected to be present as a result of a release from the Facility.
2. Days – except as otherwise provided herein, calendar days. If any requirement under the terms of this Permit would fall on a Saturday, Sunday or federal holiday, then the requirements shall fall on the following day.
3. Regional Administrator – the Regional Administrator for EPA Region III or his authorized representative.
4. Release - any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

B. DUTIES AND REQUIREMENTS

1. Duty to Comply

The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued under 40 C.F.R. § 270.61 or the analogous provisions of the State's authorized hazardous waste management regulations. Any other permit noncompliance constitutes a violation of RCRA and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application (40 C.F.R. § 270.30(a)).

2. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a new permit (40 C.F.R. § 270.30(b)).

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit (40 C.F.R. § 270.30(c)).

4. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment (40 C.F.R. § 270.30(d)).

5. Duty to Properly Operate and Maintain

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the Permit (40 C.F.R. § 270.30(e)).

6. Duty to Monitor and Record Results

Pursuant to 40 C.F.R. § 270.30(j), the Permittee shall comply with the following requirements:

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All sampling and analyses shall be of adequate quality, scientifically valid, of known precision and accuracy, and of acceptable completeness, representativeness and comparability. Laboratory analysis of each sample must be performed using an appropriate method for testing the parameter(s) of interest taking into account the sample matrix. The test methods found in the EPA publication Test Methods for Evaluating Solid Waste. Physical/Chemical Methods (SW-846), 3rd Edition, as updated, shall be used for: the Toxicity Characteristic analytes (40 C.F.R. § 261.24); the Free Liquids Test (Method 9095) used to determine if free liquid is a component of a waste as a specific requirement for bulk and containerized wastes (40 C.F.R. § 264.314(c)); and the chemical analysis of wastes for hazardous waste

incineration permits (40 C.F.R. § 270.62(b)(2)(i)(C)).

- b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by 40 C.F.R. § 264.73(b)(9) and records of all data used to complete the application for this Permit for a period of at least three (3) years from the date of the sample, measurement, report, certification or application. This period may be extended by request of the Regional Administrator at any time and is automatically extended during the course of any unresolved enforcement action regarding the Facility (40 C.F.R. § 264.74). The Permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the active life of the Facility, and for disposal facilities, for the post-closure care period as well (40 C.F.R. § 270.30(j)).
- c. Records of monitoring information shall specify:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.

7. Duty to Provide Information

The Permittee shall furnish, within a reasonable specified time, any relevant information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Regional Administrator upon request, copies of records required to be kept by this Permit (40 C.F.R. §§ 270.30(h) and 264.74(a)).

8. Duty to Allow Inspection and Entry

Pursuant to 40 C.F.R. § 270.30(i), the Permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept

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under the conditions of this Permit;

- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- d. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

9. Duty to Submit Certified Documents

- a. Except for submissions for which the Permittee is asserting a business confidentiality claim pursuant to Paragraph 9.d. and e., below, at least two copies (one hard copy and the second copy can be a hard copy, electronic copy or on compact discs) of all plans, reports, notifications or other documents which are required by this Permit to be submitted to the Regional Administrator or EPA, shall be sent Certified Mail, Return Receipt Requested, overnight mail, or hand carried to:

Office of Remediation (3LC20)
EPA Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103

- b. Each report, notification or other submission shall reference the Permittee's name, permit number and Facility location. In addition, one electronic copy of such submission shall be sent to:

Waste Management Administration
Hazardous Waste Program
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230-1719
(410) 537 - 3344

- c. All applications, reports or other information submitted to the Regional Administrator shall be signed and certified as described in 40 C.F.R. §§ 270.11 and 270.30(k).
- d. The Permittee may assert a business confidentiality claim covering all or part of any information submitted to EPA pursuant to this Permit in the

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manner described in 40 C.F.R. § 2.203(b). Any assertion of confidentiality shall be adequately substantiated by the Permittee when the assertion is made in accordance with 40 C.F.R. § 2.204(e)(4). Information subject to a confidentiality claim shall be disclosed only to the extent allowed by, and in accordance with, the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such confidentiality claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to the Permittee. The Permittee shall not assert any confidentiality claim with regard to any physical, sampling, monitoring, or analytical data.

- e. One hardcopy of all submissions for which the Permittee is asserting a business confidentiality claim pursuant to Paragraph 9.d, above, shall be sent Certified Mail, Return Receipt Requested, overnight mail, or hand-carried to:

Office of Remediation (3LC20)
EPA Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103

10. Duty to Maintain Documents at the Facility

Pursuant to 40 C.F.R. § 264.73, the Permittee shall maintain at the Facility (or other location approved by the Regional Administrator) during the term of this Permit, including any reissued permit, all documents and raw data, such as laboratory reports, drilling logs, and other supporting information generated from investigations required by this permit including amendments, revisions and modifications to these documents.

11. Duty to Minimize Waste

The Permittee shall certify no less often than annually that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that the Permittee generates to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage or disposal is the practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment. The Permittee shall maintain each such certification of waste minimization at the Facility until closure of such Facility (40 C.F.R. §264.73(b)(9)).

12. Duty to Comply with the Land Disposal Restrictions

All activities of the Permittee which involve the land disposal of hazardous waste

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are subject to the provisions of RCRA § 3004(b)-(m), 42 U.S.C. § 6924(b)-(m), and applicable regulations thereunder at 40 C.F.R. Part 268.

13. Reporting Requirements

a. Planned Changes

The Permittee shall give notice to the Regional Administrator, as soon as possible, of any planned physical alterations or additions to the Facility (40 C.F.R. § 270.30(l)(1)).

b. Anticipated Noncompliance

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the Facility or activity which may result in noncompliance with permit requirements (40 C.F.R. § 270.30(l)(2)).

c. Monitoring Reports

Monitoring reports shall be reported at the intervals specified elsewhere in this Permit (40 C.F.R. § 270.30(l)(4)).

d. Noncompliance with Schedules for Interim and Final Requirements

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than fourteen (14) days following each schedule date (40 C.F.R. § 270.30(l)(5)).

e. Twenty-four Hour Reporting

The Permittee shall report to the Regional Administrator any noncompliance which may endanger health or the environment within 24 hours from the time the Permittee becomes aware of the circumstances. The report shall contain the information listed in 40 C.F.R. § 270.30(l)(6).

f. Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within fifteen (15) days, the Permittee shall submit a letter report including a copy of the manifest, to the Regional Administrator (40 C.F.R. § 270.30(l)(7)).

g. Unmanifested Waste Report

The Permittee shall submit a report to the Regional Administrator within 15 days of receipt of unmanifested waste (40 C.F.R. § 270.30(l)(8)).

h. Biennial Report

The Permittee shall submit a biennial report covering Facility activities during odd numbered calendar years (40 C.F.R. § 270.30(l)(9)).

i. Other Noncompliance

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The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time monitoring reports are submitted. The reports shall contain the information listed in 40 C.F.R. § 270.30(1)(6) (40 C.F.R. § 270.30(1)(10)).

j. Failure to Submit Relevant and/or Accurate Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, the Permittee shall notify the Regional Administrator of such failure within seven (7) days of becoming aware of such deficiency or inaccuracy. The Permittee shall submit the correct or additional information to the Regional Administrator within fourteen (14) days of becoming aware of the deficiency or inaccuracy (40 C.F.R. § 270.30(1)(11)). Failure to submit the information required in this Permit or misrepresentation of any submitted information is grounds for termination of this Permit (40 C.F.R. § 270.43).

C. APPROVAL/DISAPPROVAL OF SUBMISSIONS

EPA will review the plans, reports, schedules and other documents (hereinafter collectively referred to as "submissions") submitted by the Permittee which require EPA approval. EPA will notify the Permittee in writing of EPA's approval or disapproval of each submission.

Each submission required by this Permit is, upon approval by the Regional Administrator, incorporated into this Permit. Any noncompliance with such EPA-approved submission shall be deemed noncompliance with this Permit.

In the event of EPA disapproval in whole or in part of any submission, EPA shall specify the deficiencies in writing. Such disapproval shall not be subject to the Dispute Resolution provision set forth in permit condition I.D., immediately below, of this Permit. The Permittee shall modify the submission to correct/address the specified deficiencies within a reasonable time period established by EPA taking into account the tasks to be performed, and submit the revised submission to EPA for approval. If the revised submission is disapproved, EPA will notify the Permittee of the deficiencies in writing and specify a schedule for the Permittee to correct the deficiencies and resubmit the submission to EPA. The Permittee shall correct the deficiencies as directed by EPA and forward the revised submission to EPA within the time period specified by EPA. In the event the Permittee disagrees with EPA's disapproval of the revised submission the Permittee shall notify EPA in writing and the disagreement shall be resolved in accordance with the Dispute Resolution provision in permit condition I.D. of the Permit.

D. DISPUTE RESOLUTION

Except as otherwise provided in this Permit in the event the Permittee disagrees, in whole or in part, with EPA disapproval of any submission required by this Permit, the Permittee

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shall notify EPA in writing of its objections, and the basis therefore, within twenty-one (21) days of receipt of EPA's disapproval.

Such notice shall set forth the specific matters in dispute, the basis for the Permittee's belief that its position is consistent with the permit requirements, and any supporting documentation.

EPA and the Permittee shall have an additional twenty-one (21) days from EPA receipt of the notification to meet or confer to resolve any dispute. In the event agreement is reached, the Permittee shall submit the revised submission and implement the same in accordance with such agreement.

In the event EPA and the Permittee are not able to reach agreement within this twenty-one (21)-day period, the Permittee shall have the opportunity to submit written comments regarding EPA's disapproval, and receive a written decision from the EPA Regional Administrator or his delegate (e.g., the Division Director or the Office Director) regarding the Permittee's objection. EPA will notify the Permittee in writing of its decision and the Permittee shall comply with the terms and conditions of EPA's decision. The Permittee does not waive its right to assert any and all available defenses in a proceeding to enforce this permit, nor does it waive any statutory or regulatory rights it may have, if any, to affirmatively challenge EPA's decision in the dispute.

E. EFFECT OF PERMIT

1. This Permit authorizes only the management of hazardous waste expressly described in this Permit and does not authorize any other management of hazardous waste.
2. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege, nor does it authorize any injury to persons or property, or invasion of other private rights, or any infringement of State or local laws or regulations. (40 C.F.R. §§ 270.30(g) and 270.4(b) and (c)). Compliance with this Permit during its term constitutes compliance with Subtitle C of RCRA, except for those requirements not included in the Permit which are described in 40 C.F.R. § 270.4(a)(1)(i)-(iv). However, compliance with the terms of this Permit does not constitute a defense to any action brought under Section 7003 of RCRA, 42 U.S.C. § 6973, Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended 42 U.S.C. §9606(a) (commonly known as Superfund), or any other law governing protection of public health or welfare or the environment.
3. Nothing contained herein shall in any way be deemed to waive the Permittee's obligation to comply with 40 C.F.R. Part 270, Subpart C, and applicable regulations set forth at 40 C.F.R. Part 124.

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F. PERMIT MODIFICATION, REVOCATION AND REISSUANCE

1. This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay any permit condition (40 C.F.R. § 270.30(f)). Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations and laws (RCRA § 3005(c)(3), 42 U.S.C. § 6925(c)(3)).
2. The Regional Administrator will modify the Permit in accordance with 40 C.F.R. § 270.41 and Section 3005(c) of RCRA, 42 U.S.C. § 6925(c), in the event that investigations required in this Permit, or any other information available to the Regional Administrator, identify solid waste management units (SWMUs) that require corrective measures. This paragraph does not limit the Regional Administrator's authority to otherwise modify this Permit in accordance with 40 C.F.R. Part 270, Subpart D.
3. This Permit may be modified if the Regional Administrator determines good cause exists for modification as set forth in 40 C.F.R. § 270.41.

G. PERMIT EXPIRATION AND CONTINUANCE

1. Pursuant to 40 C.F.R. § 270.50, this Permit shall be effective for a fixed term not to exceed ten years. Pursuant to 40 C.F.R. § 270.51, this Permit and all conditions herein will remain in effect beyond the Permit's expiration date if the Permittee has submitted a timely and complete application for a new permit (see 40 C.F.R. §§ 270.10 and 270.13 - 270.29) and, through no fault of the Permittee, the Regional Administrator has not issued a new permit under 40 C.F.R. § 124.15 on or before the expiration date of this Permit. In addition, each permit for a land disposal facility shall be reviewed by the Regional Administrator five years after the date of permit issuance or reissuance and shall be modified as necessary, as provided in 40 C.F.R. § 270.41 (40 C.F.R. § 270.50(d)).
2. If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must submit a complete application for a new permit at least 180 days before this Permit expires, unless permission for a later date has been granted by the Regional Administrator (40 C.F.R. §§ 270.10(h) and 270.30(b)).
3. The corrective action obligations contained in this Permit shall continue regardless of whether the Permittee continues to operate or ceases operation and closes the Facility. The Permittee is obligated to complete Facility-wide corrective action under the conditions of a RCRA permit regardless of the operational status of the Facility. The Permittee must submit an application for a

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new permit at least 180 days before this Permit expires pursuant to 40 C.F.R. § 270.10(h), unless the Permit has been modified to terminate the corrective action schedule of compliance.

H. TRANSFER OF PERMIT

1. This Permit is not transferable to any person, except after notice to the Regional Administrator. (40 C.F.R. § 270.30(1)(3)) The Permit may be transferred by the Permittee to a new owner or operator only if the Permit has been modified or revoked and reissued under 40 C.F.R. § 270.40(b) and 270.42(a) to identify the new Permittee and incorporate such other requirements as may be necessary under the appropriate Act. (40 C.F.R. § 270.40). The Regional Administrator may require modification or revocation and reissuance of the Permit to change the name of the Permittee and incorporate such other requirements as may be necessary under RCRA. (40 C.F.R. § 270.30(1)(3)).
2. Before transferring ownership or operation of the Facility during its operating life, the Permittee transferring its interest in the Facility shall notify the new owner or operator in writing of the requirements of 40 C.F.R. Parts 264 and 270 (40 C.F.R. § 264.12(c)).

I. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby (40 C.F.R. § 124.16(a)(2)).

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PART II – SPECIFIC FACILITY CONDITIONS

EPA acknowledges that the Permittee has completed some of the tasks required by this Permit and that Permittee already has prepared and submitted under RCRA Corrective Action Permit, EPA ID No. MD4170024687 (December 30, 2000) some of the information and data required by this Permit. Information and data submitted by Permittee includes the EPA-approved RCRA Facility Investigation (RFI) Report dated June 2008 which included an investigation of the Solid Waste Management Unit (SWMUs) and Areas of Concern (AOCs) included in this Permit.

A. CORRECTIVE ACTION FOR CONTINUING RELEASES; PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

1. Section 3004(u) of RCRA, 42 U.S.C. § 6924(u), and regulations codified at 40 C.F.R. § 264.101, provide that all permits issued after November 8, 1984 must require corrective action as necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any SWMU, regardless of when waste was placed in the unit.
2. Under Section 3004(v) of RCRA, 42 U.S.C. § 6924(v), and 40 C.F.R. §264.101(c), EPA may require that corrective action at a permitted facility be taken beyond the facility boundary where necessary to protect human health and the environment, unless the owner or operator of the facility concerned demonstrates to the satisfaction of EPA that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action.
3. Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), and 40 C.F.R. § 270.32(b) provide that each Permit shall contain such terms and conditions as EPA determines necessary to protect human health and the environment.
4. The Permittee may have completed some of the tasks required by this Permit and may have some of the information and data required by this Permit. This previous work may be used to meet the requirements of this Permit, upon submission to and approval by the EPA in accordance with permit conditions I.C (Approval/Disapproval of Submissions) and I.D. (Dispute Resolution).
5. The Permittee shall prepare Facility-specific scopes of work and reports relating to Interim Measures (IM), the RFI, the CMS and any Risk Screening and Risk Assessment in accordance with the relevant Scope of Work Scopes and relevant guidance available at: http://www.epa.gov/reg3wcmd/ca/ca_resources.htm, and are incorporated herein by reference. The Permittee shall establish specific and appropriate elements of such scopes of work and reports to EPA's satisfaction under Permit Conditions I.C. and I.D. of this Permit.

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B. INTERIM MEASURES

1. In the event Permittee identifies a newly discovered solid waste management unit (SWMU) or new releases of hazardous waste and/or hazardous constituents at or from the Facility not previously identified, or discovers an immediate or potential threat to human health and/or the environment at the Facility, Permittee shall notify the EPA Project Coordinator orally within forty-eight (48) hours of discovery and notify EPA in writing within three (3) calendar days of such discovery summarizing the potential for the migration or release of hazardous wastes, solid wastes and/or hazardous constituents at and/or from the Facility and the immediacy and magnitude of the potential threat(s) to human health and/or the environment, as applicable. Upon written request of EPA, Permittee shall submit to EPA for approval an IM Workplan in accordance with the IM Scope of Work that identifies interim measures which will mitigate the migration or release of hazardous wastes, solid wastes and/or hazardous constituents at and/or from the Facility and mitigate any threat to human health and/or the environment. If EPA determines that immediate action is required, the EPA Project Coordinator may orally authorize Permittee to act prior to EPA's receipt of the IM Workplan.
2. If EPA identifies a newly discovered SWMU or new releases of hazardous waste and/or hazardous constituents at or from the Facility not previously identified, or discovers an immediate or potential threat to human health and/or the environment at the Facility, EPA will notify Permittee in writing. Within ten (10) days of receiving EPA's written notification, Permittee shall submit to EPA for approval an IM Workplan in accordance with the IM Scope of Work, that identifies interim measures which will mitigate the migration or release of hazardous wastes, solid wastes and/or hazardous constituents at and/or from the Facility and mitigate any threat to human health and/or the environment. If EPA determines that immediate action is required, the EPA Project Coordinator may orally require Permittee to act prior to Permittee's receipt of EPA's written notification.
3. All IM Workplans shall ensure that the interim measures are designed to mitigate the migration or release of hazardous wastes, solid wastes and/or hazardous constituents at and/or from the Facility and mitigate any immediate or potential threat(s) to human health and/or the environment, and should be consistent with the objectives of, and contribute to the performance of any long-term remedy which may be required at the Facility.
4. Each IM Workplan shall include the following sections as appropriate and approved by EPA: Interim Measures Objectives, Public Involvement Plan, Data Collection Quality Assurance, Data Management, Design Plans and Specifications, Operation and Maintenance, Project Schedule, Interim Measures Construction Quality Assurance, and Reporting Requirements.
5. Concurrent with submission of an IM Workplan, Permittee shall submit to EPA an IM Health and Safety Plan.

C. RCRA FACILITY INVESTIGATION

1. Within thirty (30) calendar days of the effective date of this Permit, the Permittee shall submit, to the EPA and the MDE, a workplan for the RCRA Facility Investigation (RFI Workplan) for the SWMUs and AOCs listed in Attachment B hereto. The RFI Workplan shall be developed as appropriate and approved by EPA in accordance with, at a minimum, the RFI Scope of Work, RCRA, its implementing regulations, and relevant EPA guidance documents.
2. The RFI Workplan shall be designed to determine the presence, magnitude, extent, direction, and rate of movement of all hazardous wastes within and beyond the Facility boundary. The RFI Workplan shall document the procedures Permittee shall use to conduct those activities necessary to: (A) characterize the source(s) of contamination; (B) characterize the potential pathways of contaminant migration; (C) define the degree and extent of contamination; (D) identify actual or potential human and/or ecological receptors; and (E) support the development of alternatives from which a corrective measure(s) will be selected by EPA. EPA may require that the RFI Workplan be implemented in a phased approach. A specific schedule for expeditious implementation of all activities shall be included in the RFI Workplan.
3. The RFI Workplan shall include: (A) a Project Management Plan; (B) a Data Collection Quality Assurance Plan; (C) a Data Management Plan; and (D) a Community Relations Plan and shall provide for the submission of a draft and final RFI report.
4. Concurrent with the submission of the RFI Workplan, Permittee shall submit an RFI Health and Safety Plan.
5. Upon receipt of EPA approval of the RFI Workplan, Permittee shall implement the EPA-approved RFI Workplan in accordance with the terms and schedules contained therein. Upon completion of implementation of the RFI Workplan, Permittee shall submit to EPA for approval a draft RFI Report in accordance with the schedule set forth in the EPA-approved RFI Workplan. After receiving comments from EPA on the draft RFI Report, Permittee shall submit to EPA for approval a final RFI Report, in accordance with the requirements and schedule contained in the EPA-approved RFI Workplan.
6. RCRA Facility Reporting Requirements
 - a. The Permittee shall also submit quarterly (i.e., every three months) progress reports to the EPA and the MDE beginning three months after the EPA's approval of the RFI and continuing until the RFI Report is submitted. The quarterly reporting shall include, at a minimum: activities completed within the reporting period, any deviations from the RFI Plan,

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and the identification and schedule of remaining activities. EPA shall include any other specifications in its approval of the RFI Plan.

- b. The Permittee may submit in writing justification requesting an alternate progress-reporting schedule for the EPA's approval. This alternate progress-reporting schedule may be approved by the EPA without requiring a permit modification to Permit Condition II.C.7.

7. RCRA Facility Investigation Report

- a. Within thirty (30) calendar days of receipt of EPA's written determination that implementation of the RFI Workplan is complete, Permittee shall submit to EPA for approval a draft RFI Report(s) in accordance with the schedule set forth in the EPA-approved RFI Workplan. The RFI Report shall include an analysis, summary and results of all investigations performed pursuant to the RFI Workplan. The RFI Report shall be designed to ensure that the investigation data are sufficient in scope (e.g., quality assurance procedures have been followed) and quantity to characterize the nature and extent of contamination, potential threat to human health and the environment, and to support the Corrective Measures Study. The RFI Report shall conform to the requirements of RFI Requirements.
- b. The RFI Report shall include a discussion of the feasibility of implementing interim measures immediately; see Permit Conditions II.B. and II.H. (Interim Measures; Emergency Response; Release Reporting).

D. CORRECTIVE MEASURES STUDY

1. Within ninety (90) calendar days of receipt of EPA approval of the Final RFI Report, Permittee shall submit to EPA for approval a Draft CMS Report in accordance with the CMS Scope of Work.
2. Within thirty (30) calendar days of receipt of EPA's comments on the Draft CMS Report, Permittee shall submit to EPA the Final CMS Report, revised to respond to all comments received from and/or remedy all deficiencies identified by EPA on the Draft CMS Report.

E. PUBLIC COMMENT AND PARTICIPATION

1. After approval of the Final CMS Report, EPA will make both the Final RFI Report and the Final CMS Report, a description of EPA's proposed corrective measure(s) and EPA's justification for proposing selection of such corrective measure(s) (the Statement of Basis) available to the public for review and comment for at least forty-five (45) calendar days.

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Following the public review and comment period, EPA will notify Permittee of the corrective measure(s) selected by EPA in a RCRA Final Decision and Response to Comments (FDRTC). If the corrective measure(s) selected by EPA after consideration of public comments differs significantly from the corrective measure(s) recommended in the Statement of Basis, EPA will explain in the FDRTC the basis for such difference.

F. CORRECTIVE MEASURE(S) IMPLEMENTATION

1. Upon issuance of the FDRTC, said FDRTC shall be incorporated into and become enforceable under this Permit.
2. Corrective Measure Workplan and Design
 - a. Within thirty (30) days of the issuance of the FDRTC, Permittee shall submit to EPA a Corrective Measures Implementation Workplan (CMI Workplan) for implementation of the corrective measures selected in the FDRTC. The CMI Workplan is subject to approval by EPA and shall be developed in accordance with relevant guidance available at: http://www.epa.gov/reg3wcmd/ca/ca_resources.htm, and incorporated herein by reference.
 - b. Within thirty (30) calendar days of receipt of EPA approval of the CMI Workplan, Permittee shall submit to EPA for approval a CMI Design Report. The CMI Design Report shall be developed in accordance with relevant guidance available at: http://www.epa.gov/reg3wcmd/ca/ca_resources.htm, and incorporated herein by reference.
3. Corrective Measure Construction
 - a. Permittee shall commence and complete construction of the Corrective Measure selected in the FDRTC in accordance with the Scope of Work for the CMI, the schedules and specifications set forth in the EPA-approved CMI Workplan and the EPA-approved CMI Design Report.
 - b. Within thirty (30) calendar days of completion of construction of the Corrective Measure selected by EPA in the FDRTC, Permittee shall submit to EPA for approval a CMI Report. The CMI Report shall be developed in accordance with relevant guidance available at: http://www.epa.gov/reg3wcmd/ca/ca_resources.htm, and incorporated herein by reference and shall describe activities performed during construction, provide actual specifications of the implemented remedy, and provide a preliminary assessment of CMI performance.
 - c. EPA shall determine, on the basis of the CMI Report and any other relevant information, whether the constructed project is consistent with the EPA-approved CMI Design Report. If EPA determines that the constructed project is consistent with the EPA-approved CMI Design Report and that the Corrective Measures

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have achieved or are achieving all of the requirements set forth in the FDRTC and the performance criteria established in the CMI Design Report, EPA shall approve the CMI Report.

d. If EPA determines that the constructed project is inconsistent with the EPA-approved CMI Design Report and/or that the Corrective Measures have not achieved or are not achieving all of the requirements set forth in the FDRTC and the performance criteria established in the CMI Design Report, EPA shall notify Permittee in writing of those activities that must be undertaken to complete the corrective measures requirements and shall set forth a schedule for the completion of those activities. Permittee shall complete the activities in accordance with the schedule set forth in the EPA notification.

4. Corrective Measures Assessment Reports

a. Within ninety (90) days after approval of the CMI Report pursuant to paragraph II.F.3.c or d, Permittee shall submit a CMI Assessment Report for EPA approval. The CMI Assessment Report shall provide an evaluation of the corrective measures' effectiveness in achieving the requirements set forth in the FDRTC and the performance criteria established in the EPA-approved CMI Design Report.

b. If based on the CMI Assessment Report or any other information, EPA determines that the Corrective Measures are not achieving the requirements set forth in the FDRTC and the performance criteria established in the EPA-approved CMI Design Report, EPA shall notify Permittee in writing of those activities that must be undertaken to meet the objectives of the Corrective Measures and shall set forth a schedule for the completion of those activities. Permittee shall complete the activities in accordance with the schedule set forth in the EPA notification.

G. EVALUATION OF THE FINAL REMEDY

Commencing one year from the submittal date of the final CMI Report, the Permittee shall submit an annual progress report on the final remedy performance. If the EPA determines that the final remedy will not comply with the media clean-up requirements, the EPA may require the Permittee to perform additional studies and/or perform modifications to the existing Final Remedy. If necessary, the EPA or the Permittee may seek modification of this Permit pursuant to 40 C.F.R. § 270.41 or § 270.42 and § 124.5 to implement modifications to the existing Final Remedy.

H. EMERGENCY RESPONSE; RELEASE REPORTING

1. Emergencies

If, at any time during the term of this Permit, the Permittee discovers that a release of hazardous waste or hazardous constituents at or from the Facility is

presenting or may present an imminent and substantial endangerment to human health or the environment, the Permittee shall:

- a. Notify EPA as soon as practicable of the source, nature, extent, location and amount of such release, the endangerment posed by such release and the actions taken and/or to be taken, to the extent known, to address such release. Such notification shall be confirmed in writing within five (5) days of discovery of such release and;
- b. Unless otherwise directed by EPA, immediately take such actions as are necessary and appropriate to address such release.

2. Releases

The Permittee shall notify the EPA in writing of the nature, source, extent, location of a release of hazardous waste or hazardous constituents at or from the Facility within five (5) days of discovery of such release if such release:

- a. Is not being addressed by corrective measures at the time of such discovery.
- b. Is not being addressed pursuant to Permit Conditions II.B., Interim Measures, or II.G Emergency Response.

3. If, based on the information submitted in Permit Condition II.G.2, a release has not been adequately remediated to be protective of human health and the environment, the EPA may require the SWMU and/or AOC to be included in an RCRA Facility Investigation (Section II.C.) or may require Interim Measures (see Section II.B.).

4. Nothing in this Permit shall limit the EPA's authority to undertake or require any person to undertake response action or corrective action under any law, including but not limited to, Sections 104 or 106 of CERCLA, 42 USC § 9604 or 9606, and Section 7003 of RCRA, 42 USC § 6973. Nothing in this Permit shall relieve the Permittee of any obligation it may have under any law, including, but not limited to, Section 103 of CERCLA, to report releases of hazardous waste, hazardous constituents or hazardous substances to, at or from the Facility.

I. GUIDANCE DOCUMENTS

All work to be performed at the Facility pursuant to this Permit shall be in general accordance with applicable EPA RCRA corrective action guidance available at: http://www.epa.gov/reg3wcmd/ca/ca_resources.htm.

J. RECORDKEEPING

Upon completion of closure of any current or future SWMU, the Permittee shall maintain in the Facility operating record, documentation of the closure measures taken.

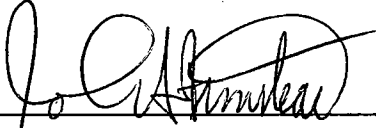
K. ACCESS FOR CORRECTIVE ACTION OVERSIGHT

EPA and its authorized representatives shall have access to the Facility at all reasonable times for the purpose of monitoring compliance with the provisions of this Permit. The Permittee shall use its best efforts to obtain access to property beyond the boundaries of the Facility at which corrective action is required by this Permit (see Section 3004(v) of RCRA, 42 USC § 6924(v) and 40 C.F.R. § 264.101(c)); (1) for itself and any contractor of the Permittee for the purpose of taking corrective action required by this Permit, and (2) for EPA and its authorized representatives for the purposes described in this paragraph.

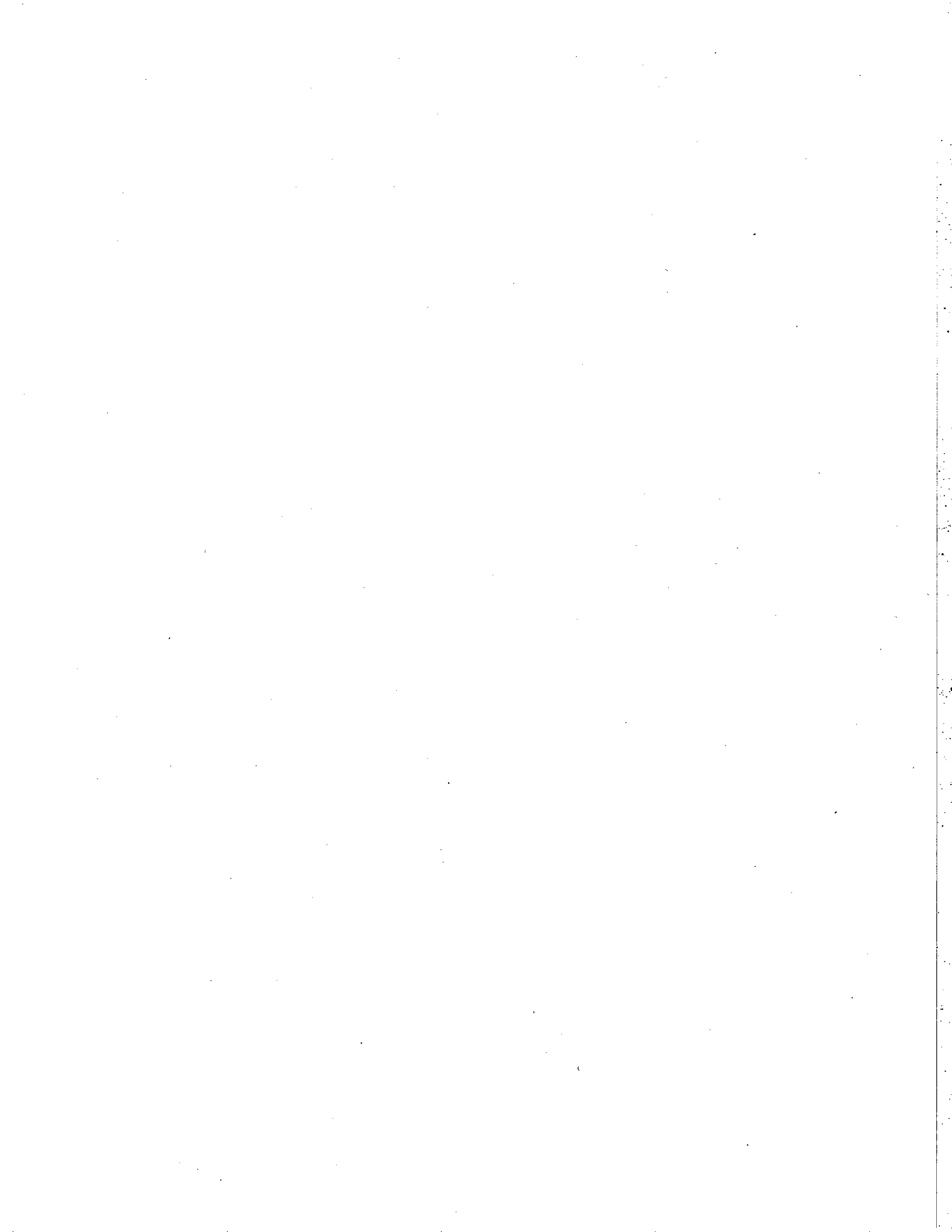
L. COMPLETION OF REMEDY

Within ten (10) days of receipt of notification by the EPA that the final remedy is complete, the Permittee shall submit a written certification to EPA, registered mail, stating that the remedy has been completed in accordance with the requirements of this Permit. The certification must be signed by the Permittee and by an independent registered professional engineer registered in the State of Maryland. In cases where no other Permit Conditions remain, the Permit may be modified not only to reflect the completion determination, but also to change the expiration date of the Permit to allow earlier permit expiration in accordance with 40 C.F.R. Part 124, § 270.41, and § 270.42, as applicable.

9.25.13
Date Signed



John A. Armstead, Director
Land & Chemicals Division
EPA Region III



Attachment B

SWMU/ AOC	Description	Work Completed to Date	Current Status
SWMU 1	Bldg 256 Storage Facility	Wipe sampling (SWMU floor) and subsurface soil sampling were performed during the Priority III RFI field event.	NSA will provide EPA with documentation for encapsulation and building use
SWMU 2	Former Laboratory Waste Disposal Area	A radiological survey, geophysical survey, surface and subsurface soil sampling, monitoring well installation, groundwater sampling, and monitoring well slug tests were performed during the Priority I RFI field event. Additional surface debris removal activities were completed in 2013.	NSA to request SWMU location to be moved over, technical memo will be submitted for add'n work
SWMU 3	Asbestos Burial Area	A radiological survey, geophysical survey, surface and subsurface soil sampling, monitoring well installation, and groundwater sampling were performed during the Priority I RFI field event.	EPA to review Master Plan
SWMU 17	Military Gas Station Waste Oil Tank	Subsurface soil sampling was performed during the Priority III RFI field event.	GW investigation to be completed with sitewide GW investigation
SWMU 20	AFRRRI Mixed Waste Underground Storage Tanks	A radiological survey and surface/subsurface soil sampling were performed during the Priority II RFI field event. A Work Plan documenting the planned additional investigation activities at SWMU 20 has been submitted and approved by the USEPA.	EPA to review 3/22/13 Tech Memorandum – add'n work proposed
SWMU 22	Uniformed Services University of the Health Services Scintillation Fluid Disposal Facility	Wipe sampling was performed during the Priority III RFI field event. Additional information associated with the response to USEPA comments on the Draft-Final RFI Report for SWMU 22 was submitted in a technical memorandum.	EPA to review March 28, 2013 Tech Memorandum
SWMU 23	Storm Sewer System	Surface water and sediment sampling was performed during the PI RFI field event. A BERA and SERA were prepared based on the results of the RFI sampling and submitted to the USEPA. Revised versions of both documents addressing USEPA comments were submitted to the USEPA in August 2013.	Navy to segment stream into separate units based on SERA/BERA
SWMU 32	Metal Storage Yard	A radiological survey, geophysical survey, surface and subsurface soil sampling, monitoring well installation, groundwater sampling, and monitoring well slug tests were performed during the Priority I RFI field event. A removal action to remediate PCBs in soil and investigate a subsurface anomaly was performed in December 2012.	EPA to review 4/11/13 Tech Memorandum – results of soil excavation and confirmation sampling
SWMU 33	Million Dollar Hill	A radiological survey, geophysical survey, surface and subsurface soil sampling, monitoring well installation and groundwater sampling were performed during the Priority I RFI field event. A removal action to remediate PCBs in soil was performed in December 2012.	EPA to review 4/11/13 Tech Memorandum – results of soil excavation and confirmation sampling

SWMU/ AOC	Description	Work Completed to Date	Current Status
SWMU 35	Debris Disposal Area Near Buildings 147 and 239	A geophysical survey and subsurface soil sampling were performed during the Priority III RFI field event. A Work Plan documenting the planned additional investigation activities at SWMU 35 has been submitted and approved by the USEPA.	EPA to review 3/22/13 Tech Memorandum – add'n work proposed
AOC 2	Bldg 42 UST and Bldg 53 UST	A geophysical survey and subsurface soil sampling were performed during the Priority III RFI field event.	EPA to review Land Use Controls/Base Master Plan info submitted by NSA
AOC 3	Removed UST	A geophysical survey and surface/subsurface soil sampling were performed during the Priority III RFI field event.	EPA to review MDE UST program regulations to determine if unit can be handled under that program - Closure proposed
AOC 5	Bldg 188 UST	A geophysical survey and surface/subsurface soil sampling were performed during the Priority III RFI field event.	EPA to review MDE UST program regulations to determine if unit can be handled under that program - Closure proposed
AOC 6	Power Plant Spill	Surface and subsurface soil sampling were performed during the Priority II RFI field event.	EPA to review 4/2/13 Closure plan from 6/5/96 submitted
AOC 11	USUHS Hydraulic Fluid Spill	Surface and subsurface soil sampling, monitoring well installation, and groundwater sampling were performed during the Priority I RFI field event.	NSA will submit map of storm drain, EPA hydro review needed