



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

COPY

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Dear [REDACTED]

Thank you for your letters dated October 10, 2000, and October 16, 2000, to Ms. Stacy Gent-Howard of my staff. Within these letters, you requested copies of the quarterly reports from Marine Corps Base (MCB) Camp Lejeune for April and September 2000, you reiterated your concern regarding the file retention and destruction policy, and you requested a copy of the five year review for the remedial action at MCB Camp Lejeune.

Regarding your request for copies of the April and September 2000 quarterly reports, the requirement for submittal of quarterly reports was deleted by agreement of EPA Region 4, the State of North Carolina, and MCB Camp Lejeune. These reports were viewed as a duplication of effort, as the progress of remedial actions at each site is discussed at periodic meetings between the agencies and MCB Camp Lejeune. Meeting minutes from these periodic meetings can be found on the MCB Camp Lejeune Administrative Record Internet site at <http://www.bakerenv.com/camplejeune/>.

In your October 10, 2000, letter you reiterated your concern, originally expressed in your September 18, 2000, letter, that the Federal Facilities Agreement (FFA) allows for destruction of the Administrative Record after ten years. Your perception seems to be that this time frame allows for records destruction beginning in 1999. However, the FFA specifically states that records are not to be destroyed/disposed of for a minimum of ten years from the termination of the FFA. In accordance with Section XXXVI of the FFA (enclosed), this agreement does not terminate until EPA Region 4 and the North Carolina Department of Health and Natural Resources (DEHNR) provide written notice to the Marine Corps/U.S. Navy that all terms of the FFA have been met. Thus, the time period for destruction of records has not even begun. Also of note, Section XVIII of the FFA (enclosed) requires the Marine Corps/U.S. Navy to provide notice forty-five days prior to the destruction of any records, and contains provisions for the records to be transferred to EPA Region 4 or the DEHNR, rather than being destroyed. In discussions with EPA Region 4 Legal Counsel and the EPA Region 4 Federal Facilities, Department of Defense Section Chief, the intent of these provisions is that the records be maintained indefinitely, either by the Marine Corps/U.S. Navy, or a regulatory agency. Therefore, destruction of records did not commence in 1999.

Regarding the MCB Camp Lejeune Administrative Record, as stated within the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 113(k) and 42 U.S.C. Section 9613(k), the Administrative Record is to be "available to the public at or near the facility at issue." This section also provides that duplicates may be placed at any

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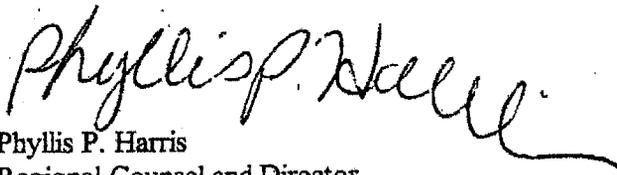
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other location. MCB Camp Lejeune has designated two locations for retention of the Administrative Record. These locations are the MCB Camp Lejeune Central Library, building 1220 MCB Camp Lejeune, and the Onslow County Library, Jacksonville, North Carolina (see enclosures). The Internet version of the Administrative Record you refer to is also considered the official Administrative Record, and is replacing the paper records held at the two libraries mentioned above. This on-line copy of the Administrative Record is considered to be up-to-date, per discussions between Ms. Gent-Howard of my staff and Ms. Gena Townsend, the EPA Region 4 Remedial Project Manager for MCB Camp Lejeune. You may be unable to locate certain documents of interest for the reason stated in paragraph 2, above; i.e. there may be a subsequent agreement between the parties to the FFA that transcends the provisions agreed to in the 1989 FFA.

Finally, concerning your request for a copy of the 1994 and 1999 *Five Year Reviews*, the requirement within the FFA is for these reviews to be completed each five years after the Record of Decision (ROD) is reached. The first *Five Year Review* document has just recently been completed. A copy of this document is enclosed.

If you have any further questions, please contact Mr. Frank Ney at (404) 562-9532 or Ms. Stacy Gent-Howard at (404) 562-9633. Thank you for your continued interest and concern over the groundwater contamination and cleanup at MCB Camp Lejeune.

Sincerely,



Phyllis P. Harris
Regional Counsel and Director
Environmental Accountability Division

Enclosures

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