

**EQB Comments on  
Navy Responses to EQB Comments on the Draft MEC Master Work Plan  
Former Vieques Naval Training Range (VTNR)  
Vieques, Puerto Rico  
Dated: April 4, 2006**

1. **Section 1.9, Pg 1-20:** Please add that EQB will be notified of revisions to this work plan prior to their implementation.

**Navy's Response:**

**The last sentence in the second paragraph will read: 'NOSSA, in conjunction with the USEPA and PREQB, will review all proposed Work Plan revisions.'**

**EQB: Response accepted.**

2. **Section 2.4.3, Pg 2-12:** Please add a requirement under "pre-mobilization" for the RA contractor to develop a site-specific work plan containing all of the required site-specific information.

**Navy's Response:**

**The following bulleted item will be added to the 'pre-mobilization' list**

- **Development of a site-specific work plan by the Remedial Action contractor containing all of the required site-specific information.**

**EQB: Response accepted.**

3. **Section 2.4.6, Pg 2-14:** This section refers to the MR-SIMS system that is used to collect field data. It is recommended that data collection requirements for this system be reviewed by the MR Committee so they can examine what data is going to be captured. Note that the MR committee was assigned by the CTC to review the data being collected and has never completed that task.

**Navy's Response:**

**Noted. The MRSIMS system has been demonstrated to some project team personnel. A future demonstration will be scheduled.**

**EQB: Yarissa Martinez (EQB), Jim Pastorick (EQB consultant) and Daniel Rodríguez (EPA) have received a demonstration of the MR SIMS and the data collection and handling system. Comments on this system were made in EQB's Site Visit Report and were sent to the Navy as Enclosure 2 in a letter from Yarissa Martinez to Chris Penny dated March 7, 2005. Those comments are reproduced below for use in revising the MWP:**

1. **Photo documentation of objects found is not strictly controlled. Indeed, EQB's Comment #1 to the MKM work plan states in part: "*Section 2.11.1 provides only generalities such as, "Data collected during the site clearance will consist primarily of field observations and measurements of the munitions items found" and, "Photographs of munitions items will be collected as deemed necessary". It is recommended that the plan be modified to note what data is going to be collected on MEC. For example, when should it be considered necessary to***

*collect photos of MEC?”*

Indeed, the MKM Project Manager and QC Manager told me that they are taking numerous photographs of the site, MEC, targets, debris, etc. However, they said that this is not a requirement of their contract. They keep their own photo log and the photographs are currently not a part of the Vieques GIS.

It is recommended that the Navy be informed of the value of adding site photographs to the GIS. For example, if a local resident accuses the Navy of finding chemical or depleted uranium MEC it would be helpful for the Navy to have a photograph, linked to the GIS, of every MEC that was disposed of by blow-in-place. With this information the Navy could demonstrate that no chemical or depleted uranium MEC were disposed of.

Adding site photographs to the Vieques GIS would be an easy task (most GIS systems have a photo log and site photos incorporated into them) and it is highly recommended that the Navy make this improvement to the current GIS system. It is recommended that the Navy be requested to add this topic to the agenda for the next CTC meeting.

4. The Vieques GIS is a very efficient system. Using this system it should be easy and cost effective for CH2M Hill to produce data reports to include with the bi-weekly reports. Another good option would be for the Navy to give the regulators and USFWS access to the web-based GIS. This would allow persons with access to view the project progress and data at any time. It is recommended that the Navy be requested to include discussion of producing specific data reports on request or allowing the regulators and USFWS to have access to the web-based GIS on the agenda for the next CTC meeting.

4. Section 2.4.8, Pg 2-15: There is no mention of potentially clearing vegetation by controlled burning. Since this is a MWP it may be appropriate to say that controlled burning is being considered, may be implemented if regulatory issues can be resolved, and, if used, will be described in a site-specific work plan.

**Navy's Response:**

**At this time, due to the legal limitations, controlled burning cannot be conducted at the Former VNTR. If this changes this document will be revised to include that vegetation clearance method as an option. Specific plans to carry out this operation will be developed and any general procedures will be included in a revision of this document.**

**EQB: Response accepted.**

5. Section 2.4.10, Pg 2-16: This section on “hand excavation tools” limits the depth of excavation to 1-ft. It is recommended that this limit be removed from the work plan because in some circumstances it may be easy to dig to deeper depths by hand (for example, on a beach). The dept limit for excavation should be specified in the site specific work plan, not this master work plan.

**Navy's Response:**

**See response to EPA comment number 16.**

**EQB: Response accepted.**

6. Section 2.4.11, Pg 2-20: This section requires that Fort Gillem, Georgia be contacted in the event that RCWM is found. Please inform EQB why this unit has been selected. Other Navy units may be closer and able to respond faster. Is there a requirement to contact the 52<sup>nd</sup> Ordnance Group in this case?

**Navy's Response:**

**Currently the 52<sup>nd</sup> Ordnance Group is DoD's point of contact for all RCWM. After notification to the 52<sup>nd</sup> Ordnance Group they may elect to have a geographically closer unit respond.**

**EQB: The plan may be correct that the 52<sup>nd</sup> Ordnance Group should be called in the event that RCWM is found. However, several indicators point to the fact that this is not the correct procedure including:**

- 1. A reviewer from EQB called the number provided in the plan (404 469-3333) at 4:30 PM EST on April 5, 2006 and was forwarded to a voicemail box. It is not likely that a phone number that automatically directs the caller to voicemail is the correct phone number to be used in this potential emergency situation.**
- 2. The U.S. Army Corps of Engineers Huntsville Engineering and Support Center has posted an Interim Guidance Document on their website from Army Chief, Environmental Community of Practice, Directorate of Military Programs, dated April 23, 2004 titled: Interim Guidance - Notification Procedures for Discovery of Recovered Chemical Warfare Materiel (RCWM) During USACE Projects. This guidance provides specific and different contact and reporting requirements than those provided in the MWP.**

**Although this isn't a USACE project, the Navy has used USACE guidance in the past where that guidance was adequate and was further developed than available Navy guidance. Since the Army is the Program Manager for CWM within the DoD it may be appropriate to consider adopting the reporting requirements contained in this document available at:**

**<http://www.hnd.usace.army.mil/oew/interimguid.aspx>**

7. Section 2.4.13, Pg 2-21: The first bullet on the page says that the contact information for EQB and other organizations can be found in Appendix A. This is not correct (appendix A is historical munitions use"). Possibly this reference should be appendix D, the "BIP notification protocol".

**Navy's Response:**

**The reference will be corrected to indicate 'Appendix D.'**

**EQB: Response accepted.**

8. Section 2.4.13, Pg 2-21: It is recommended that the disposal notification requirement for EQB be added to this section. Otherwise, it is only found on Appendix D (24-48 hours).

**Navy's Response:**

**The following will be added as the second to last sentence in the Notification Procedures section: 'The PREQB shall be notified within 24 to 48 hours.'**

**EQB: Response accepted.**

9. Section 2.4.13, Pg 2-21: Range fires have been a problem. It is recommended to include precautions to be taken to prevent range fires caused by MEC detonations in this section on MEC disposal or to include a new section on this subject. It is appropriate that the MWP identify this problem and analyze applicable solutions.

**Navy's Response:**

**A Prescribed Burn Plan for the TCRA within the LIA, which contains several preventative measures for the spread of fire resulting from MEC detonations, is currently under review by EPA, DOI and EQB. Fire preventative measures proposed include: the establishment of fire breaks surrounding the detonation areas, vegetation clearance of selected areas to suppress the spread of fire and the maintenance of a standby water supply to wet down fire breaks away from any range fires. Once the Draft Prescribed Burn Plan is finalized the fire prevention measures can be amended to the Master Work Plan.**

**EQB: Response accepted.**

10. Section 3.1, Pg 3-1: This general introduction should say that the specific explosives that will be procured and the procedures to be used for transportation and storage will be included in the site-specific work plan. Including this statement would be consistent with other chapters that say the MWP is general guidance and specific requirements will be covered in the site-specific work plan (see sections 2.1 and 5.1 for examples).

**Navy's Response:**

**The following will be added as the last sentence in Section 3.1 General: 'Specific explosives that will be procured and the procedures to be used for storage and transportation will be included in the associated site-specific work plan.'**

**EQB: Response accepted.**

11. Section 3.2, Pg 3-1: Reference the Puerto Rico explosives law (which requires users and transporters of explosives to have a permit from the Superintendent of Police) as required permit.

**Navy's Response:**

**The following will be added as the last sentence in Section 3.2 Licenses and Permits: 'In addition, users and transporters of explosives over public transportation routes will be required to obtain a permit from the Superintendent of Police, as required by the Commonwealth of Puerto Rico law.'**

**EQB: Puerto Rico Law No. 134 of, June 28, 1969, requires more than obtaining permits for "users and transporters of explosives over public transportation routes". The following text, taken directly from Law 134, requires permits for manufacture, transport, receipt, storage, possession, handling and use of explosives. It is recommended that the MWP be modified to completely comply with Law 134.**

**"(a) No person shall carry out any or any one of the activities herein listed without having first obtained the corresponding permit or permits from the Superintendent issued in accordance with the provisions of this chapter and its regulations:**

- (1) Manufacture explosives or substances that may be used to manufacture explosives;**
- (2) transport explosives or substances that may be used to manufacture explosives;**

- (3) receive, store or possess explosives or substances that may be used to manufacture explosives;
- (4) use explosives or substances that may be used to manufacture explosives;
- (5) operate an establishment where explosives or substances are handled that may be used to manufacture explosives.”

12. Section 3.3.1, Pg 3-1: EQB and EPA have publicly recommended that minimally polluting explosives be used as donor explosives for MEC disposal on Vieques because of the intense public concern about airborne emissions. It is highly recommended that this section be modified to include use of explosives identified as minimally polluting. There has been significant research by DoD into this issue in the past few years and it may be possible to use explosives identified as minimally polluting. It is recommended that some research be put into examining the characteristics of binary explosives and other “green explosives” that maybe be suitable substitutes for the referenced explosives which are known to have caused environmental contamination at other sites. Another potential source of information is Randall J. Cramer at the Navy Surface Warfare Center, Indian Head, Maryland who has published information on this subject ([cramerrj@ih.navy.mil](mailto:cramerrj@ih.navy.mil)).

**Navy Response:**

**The Navy will research the cost- benefit of utilizing green explosives during munitions response actions. The analytical testing of soils and air completed to date within the LIA have not demonstrated there is no adverse impacts from the detonations that have occurred.**

EQB: EQB agrees that the practical effect on contamination of using low-polluting explosives is likely to be minimal. However, since this is an issue of great concern to Vieques residents it is recommended that this approach be taken.

Another measure, discussed at the last CTC meeting, is using small shaped charges to open the MK 80 series bombs to determine that they are inert filled. Adding this procedure to the MWP will be an additional way to demonstrate that the plan incorporates using the minimum amount of donor explosives for MEC disposal.

13. Section 3.4.3, Pg 3-3: This section says that a guard will be posted during non-working hours. However, there is a new guidance to the Puerto Rico explosives law (“Guidance for the Administration, Application and Oversight of the Puerto Rico Explosive’s Law”, Chapter XVIII, “Magazines, Guidance, Safety Precautions to be taken in the Magazines’ Surroundings”) that requires a guard at all times (24 hours/day) whenever explosives are stored. It is recommended that this guidance be added to the list of ARARs.

**Navy’s Reponse:**

**The following ARAR will be added to Table 1-1 in Section 1.2: ‘Guidance for the Administration, Application and Oversight of the Puerto Rico Explosive’s Law, Puerto Rico explosives law Chapter XVIII.’ However, it should be noted that NAVFAC is in consultation with PR State Police to clarify the requirements for guards. Because during working hours personnel are on-site in the vicinity of the storage area and during non-working hours a security guard is stationed in the vicinity of the stored explosives, it is believed the intent of the law is being met. The results of these discussions will be included in revisions to this document.**

EQB: Response accepted.

14. Section 3.8, Pg 3-6: Please add to this section that the NAVFAC RPM will notify EQB and the Puerto Rico Police in the event that explosives are found to be lost or stolen.

**Navy's Response:**

**The following will be added as the last sentence in the first paragraph of Section 3.8: 'The NAVFAC RPM will notify EQB and the Puerto Rico Police.'**

15. Section 9.3.1 – 9.3.9, Pg9-5: These sections are confusing and should be revised. Section 9.3 discusses "definable features of work". However, the DFW discussed in 9.3.2 are different than the DFW identified in Table 9-1. It is recommended that the text be modified to discuss the same DFW that are identified in Table 9-1.

**Navy's Response:**

**The following sentence will be added to the end of the first paragraph of Section 9.3.1: 'The following are some examples of DFWs. A comprehensive list of DFWs along with Work Audit Procedures can be found in Table 9-1.'**

**EQB: The added sentence essentially prompts the reader to ignore the text in Sections 9.3.1 through 9.3.9 and to rely on Table 9-1 for information on DFWs. Response accepted.**

16. Table 9-1: Table 9-1 is a good effort at identifying all of the relevant QC inspections. However, it appears that the DFW contained in Table 9-1 are not complete. For example, there are no DFW associated with geophysics, subsurface clearance or UXO disposal. It is recommended that Table 9-1 be modified to completely capture all of the DFW that are relevant to the full spectrum of activities that can be conducted at VNTR.

**Navy's Response:**

**Table 9-1 will be revised to include additional definable features of work including the following: digital geophysical surveys, geophysical prove-outs, subsurface MEC clearance and MPPEH processing.**

**EQB: Response accepted.**

17. Section 9.5.4, Pg 9-18: This section references a "deficiency log". However, an example of this log is not provided. It is recommended that an example "deficiency log" be added to the forms at the end of this chapter.

**Navy's Response:**

**The text of the second paragraph in Section 9.5.4 has been changed to read '...will be noted on the deficiency log (Form 9-11) so it can be...'**

**EQB: It is assumed that the deficiency log form will also be added to the document. Response accepted.**

18. Section 9.8.2, Pg 9-20: This section describes determining whether a Corrective Action Request is "high priority" or "low priority". However, there is no guidance on how to make this determination. It is recommended that this section be modified to provide guidance for determining the priority of the CAR.

**Navy's Response:**

**Section 9.8.2 will be modified to reflect the prioritization of Corrective Action**

**Requests.**

**EQB: Response accepted.**

19. Appendix D: It is recommended that EQB be notified via telephone or voicemail message in addition to E-mail.

**Navy's Response:**

**Due to the number of people and entities that need to be notified the preferred method of notification is by email, particularly for ongoing operations such as the TCRA. Appendix D has been revised by adding the following to the "Additional Requirements/Remarks" block in Table D-1 for PREQB 'For BIP operations not related to ongoing operations (e.g., TCRA) notify via telephone'.**