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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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January 5, 2000

Mr. Fred Evans
Department of the Navy
Northern Division
Naval Facilities Engineering Command
10 Industrial Highway, Mailstop 82
Lester, PA 19113-2090

re: Draft Final Work Plan for Mercury Burial Vault II and Drum Investigation at
Portsmouth Naval Shipyard, Kittery, Maine, December 1999

Dear Fred:

The Maine Department of Environmental Protection has reviewed the document
referenced above. The Department's comments follow.

General Comment

1. The Draft Final Work Plan is very confusing regarding what, when, and if any
materials (soil, product, ash, water) will be sampled and what they will be sampled for.
The main body of the work plan does not indicate any sampling of material will occur.

Yet several responses to MEDEP comments indicate sampling will occur. For instance,
response to MEDEP Comment 19 states, "...should drums be removed from a
excavation, the excavation will be inspected for evidence of current releases. If leaks or
spills are detected the soil within the excavation will be sampled for volatile organic
compounds, semivolatile organic compounds, PCBs/pesticides, and metals. If ash is
visible within the landfill, regardless of whether there are signs of a current release, the
soil within the excavation will be analyzed for volatile organic compounds, [etc.]."
Response to MEDEP Comment 23 states, "...waste characterization samples will be
analyzed for TCL/TAL VOCs, SVOCs, Pesticides/PCBs, metals, and cyanide. If ash is
present in the waste, the characterization will include dioxin analysis." Likewise,
Response to Comment 25 states, "...DRO and GRO analysis will be analyzed using..."

Curiously, all these Responses are prefaced by, "This section has been removed." But
then they go on to describe what sampling will occur. If any sampling is to be done then
these sections should not be removed.

Furthermore, the inclusion of the TtNUS Work Plan for Geological Services indicates
that sampling will occur.

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In addition, responses to SAPL comments 25 ("...when in doubt, a sample will be collected for analysis), and 30 ("A soil sample from the bottom of the excavation will be analyzed for...Dioxin analysis will be included if ash...") indicate sampling will occur.

Please state specifically in the Foster Wheeler section of the work plan what sampling will occur. If any sampling is to occur then a Sampling and Analysis Plan should be submitted. Also, any analytical methods that will be used must be approved by USEPA and MEDEP.

2. There are many problems with the responses to MEDEP comments dated April 30, 1999. As indicated in the previous comment, several of them are contradictory to the work plan. And in many instances, a substantial number of responses ignores our line-of-inquiry (concerns) by simply stating "this section has been removed". The MEDEP objects to this as the concern is then taken out of the Work Plan and often vaguely addressed by brief statements that follow in their responses ("however, ..."). It is difficult to know what will be done under a variety of possible field situations that could be encountered. The scope of the Work Plan seems to be readily changeable.

Specific Comments

3. 4.3 Investigation Activities, p. 4-2

"If water is encountered during any given excavation, it will be returned to the excavation at the completion of the investigation activities."

Where will the water be kept in the meantime?

4. 4.4 Backfill, p. 4-4

a) "...each of the excavations will be backfilled with the material that was excavated from the location."

The Navy's response to SAPL Comment 26 states, "...the soil from the [mercury burial vault] site will not be tested for use as backfill. New fill will be purchased as "certified clean" soil. This contradicts the statement from Section 4.4. If the soil from the excavation will not be used as fill then what will the Navy do with it? Please clarify.

b) Please indicate that the MEDEP Residential Soil Criteria are currently in Draft form.

5. Appendix A, TtNUS Work Plan for Geological Services

Please be sure that this Appendix is updated as discussed at the December 15, 1999 Technical Meeting and as recorded in the December 28, 1999 minutes of that meeting.

The following comments refer to the Navy Response to Comments included with the Draft Work Plan.

6. Response to USEPA Comment 5

The USEPA commented that, "In order to implement major changes, a process must be established for regulator notification and concurrence prior to implementation of the change."

The Navy responded, "...should major field changes be required, they will be communicated to the EPA and MEDEP Remedial Project Managers..."

Please note that as EPA stated, regulator concurrence must be reached prior to implementation of the change.

7. Response to MEDEP Comment 3b

Original Navy statement: "The landfill...is currently being used for recreational activities..."

MEDEP comment: "This statement should be clarified. The Navy halted the use of the landfill for soccer and baseball several years ago..."

Navy response: "No revisions to the text will be made. Based on the Risk Evaluation of Surface Soils from the...JILF...using the field for youth soccer did not pose a health problem."

This was not the point of my original comment. The MEDEP is not disputing the results of the Risk Evaluation of Surface Soils. However, it would be helpful to state that the only current recreational use of the landfill is the running track. Otherwise, the Navy's statement gives the impression that the landfill is currently being used for other recreational activities, which is not the case.

8. Response to MEDEP Comment 4

Original MEDEP comment: "Please place this work plan in context, i.e., indicate that this project is being undertaken as part of the CERCLA clean up of the PNSY."

Navy response: "The objective of the project has been revised..."

Nevertheless, the objective should still indicate that the project is being undertaken as part of the CERCLA clean up of the Portsmouth Naval Shipyard. Please add this language.

9. Response to MEDEP Comment 10

“The Navy reserves the right to discontinue testpitting prior to the number of testpits or drums specified if it believes it has collected adequate information.”

As previously stated, any major field changes (such as reducing the number of test pits) require concurrence by the regulators.

10. Response to MEDEP Comment 14

“...no permits are required for the testpitting if the work is being overseen by the MEDEP’s Bureau of Remediation and Waste Management.”

It is important to note that this waiver of permits is primarily due to PNSY being a CERCLA site and the Bureau of Remediation and Waste Management (BRWM) is acting within its authority under CERCLA. It should not be construed to indicate that any project that is overseen by the BRWM is free from permitting requirements.

11. Response to MEDEP comment 17

“...the Navy will ensure...that contingencies are in place should a release occur.”

Please discuss these contingencies.

12. Response to MEDEP Comment 19

This response does not indicate that ash will be analyzed for dioxins. Please clarify that this is the case.

13. Response to MEDEP Comment 27

MEDEP comment: “FCRs need to be acted on in a timely manner.”

Navy response: “This section has been removed.”

Why has this section been removed? Does the Navy no longer have a process for dealing with Field Change Requests?

14. Response to MEDEP Comment 29

“The Construction Schedule has been removed from the Work Plan.”

Attachment 2 of the Draft Final Work Plan contains the Construction Schedule as is appropriate. Please do not remove it from the Work Plan.

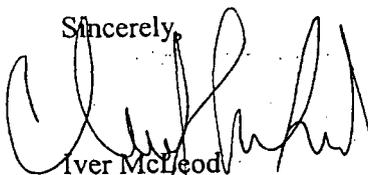
15. Response to SAPL Comment 40

“This section has been revised to indicate the final investigation report will contain the results of laboratory and field testing, interpretation of the data, and document any deviations from the Work Plan.”

In fact, this section of the Draft Final Work Plan does not indicate that the closeout report will contain interpretation of the data or document any deviations from the Work Plan. Please revise this section.

Please feel free to contact me at (207) 287-8010 if you have any questions.

Sincerely,



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