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LETTER REGARDING U S EPA REGION I GRANT FOR A TIME EXTENSION ON
SUBMISSION OF DRAFT FINAL FEASIBILITY STUDY REPORT FOR OPERABLE UNIT 3 (OU
3) NSY PORTSMOUTH ME
6/29/2000
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

June 29, 2000

Mr. Fred Evans
Department of the Navy
Northern Division
Naval Facilities Engineering Command
10 Industrial Hwy., Mail Stop #82
Lester, PA 19113-2090

Re: Request for Time Extension on the Feasibility Study Report for Operable Unit 3
Portsmouth Naval Shipyard National Priorities List Site
Kittery, Maine

Dear Mr. Evans:

The United States Environmental Protection Agency (EPA) has received the Department of the Navy's request for a time extension for submission of the Operable Unit 3 (OU3) Draft Final Feasibility Study (FS) for the Portsmouth Naval Shipyard National Priorities List Site (PNS). The Navy's request is made pursuant to Section XIII - EXTENSIONS of the Federal Facility Agreement for PNS. This represents the Navy's second request for extension on the above-mentioned document. The Navy's request was submitted to EPA in a letter dated June 19, 2000. EPA hereby grants this extension for the reasons stated below.

In this extension request, the Navy requests that the deadline for submission of the Draft Final FS be changed from June 26, 2000 to July 26, 2000. This represents a time extension of an additional 30 calendar days for submission of the Draft Final FS for OU3. This 30-day extension is in addition to a 68-day extension previously granted by EPA.

The basis for the extension request, as articulated by the Navy, is to allow the Navy additional time to give full consideration to all written comments received on the draft FS and interim submittals. As indicated in the Navy's request, in considering these comments thoroughly, the Navy hopes to have the OU3 FS be a product of consensus between EPA, the Maine Department of Environmental Protection (MEDEP) and the Navy to the maximum extent practicable. In particular, the Navy's extension request identifies outstanding issues regarding groundwater seeps, including issues regarding seep/surface water dilution factor development, management of seep migration, and the appropriateness of using Whole Effluent Toxicity testing on the seeps. These issues have been the topic of significant discussion and several submittals from the Navy and comments from EPA and MEDEP since the Navy's submission of the draft FS for OU3.

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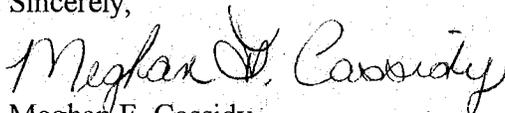
The Navy's request for a time extension also addresses how the extension impacts the overall OU3 schedule as it relates to expected funding availability. The Navy reports that if the requested extension is granted, both the Remedial Design (RD) and Remedial Action (RA) for OU3 will remain in the same funding years as originally scheduled. Therefore, funding for the RD and RA is not likely to be lost. However, the Navy indicates that any further delays in the OU3 FS, Proposed Remedial Action Plan, or Record of Decision may impact the availability of funds for the design and construction of a remedy at OU3. As stated previously, this is a critical factor as EPA reviews changes to schedules.

EPA strongly supports the goal of developing a FS that is the product of consensus. However, EPA believes that the parties must evaluate the impact of any further delays, as well as how the outstanding issues may change the overall outcome of the FS when determining the merits of granting an extension. EPA must also consider the technical and regulatory issues related to the outstanding issues regarding the FS. As of this date, EPA believes that information presented and discussed during the last extension period does not change the alternatives currently being evaluated in the FS.

Based on all of the above, EPA believes that good cause exists to justify the need for a time extension, and EPA hereby agrees to the 30-day extension. In granting this extension, EPA notes that it is not likely that any further extensions related to the draft final FS will be considered appropriate.

If you have any questions regarding this matter, please contact me at (617) 918-1387.

Sincerely,



Meghan F. Cassidy
Remedial Project Manager

cc: Marty Raymond/PNS
Iver McLeod/ME DEP
Carolyn Lepage/Lepage Environmental
RAB Members
Mary Sanderson/EPA
Betsy Mason/EPA