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LETTER AND COMMENTS ON BEHALF OF SEACOAST ANTI POLLUTION LEAGUE  
REGARDING DRAFT DECISION DOCUMENT FOR SITE 26 NSY PORTSMOUTH ME  
10/23/2000  
LEPAGE ENVIRONMENTAL SERVICES

# Lepage Environmental Services, Inc.

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October 23, 2000

Portsmouth Naval Shipyard  
Code 106.3 R, Building 44  
Attn: Ms. Marty Raymond  
Portsmouth, New Hampshire 03802

Subject: August 2000 Draft *Decision Document for Site 26*

Dear Ms. Raymond:

We are transmitting the following comments on behalf of the Seacoast Anti-Pollution League (SAPL) on the August 2000 Draft *Decision Document for Site 26*.

- 1. Page 1-1, STATEMENT OF BASIS AND PURPOSE.** The last sentence in the second paragraph states that the Rice Public Library Information Repository is scheduled to be reopened in September 2000. Given that it is October, is the Information Repository now open or is it now scheduled to be reopened at a later date? The text should be revised appropriately here and on page 2-5.
- 2. Page 1-1, STATEMENT OF BASIS AND PURPOSE.** The last sentence in the section mentions Appendix A. There is no Appendix A in the Draft Document, nor is there an Appendix A listed in the Table of Contents. The report should be amended appropriately.
- 3. Page 1-1, DESCRIPTION OF SELECTED REMEDY.** This section states that the portable tanks that comprise Site 26 only contain petroleum waste. While this may be accurate regarding the current waste handling procedures, it is very likely that hazardous substances were disposed along with oil in the past. This section, as well as similar passages on pages 2-3, 2-5, and 2-6, should be revised to clarify that point. We also note that, under State of Maine law, waste oil containing other contaminants is likely a hazardous waste.
- 4. Page 1-1, STATUTORY DETERMINATIONS.** While it is true that petroleum wastes are specifically exempt under CERCLA, as noted in Comment Number 3, above, it is likely that past disposal was not limited to petroleum wastes alone. The text should be revised to reflect this.

**5. Page 1-2, STATUTORY DETERMINATIONS.** The last two sentences in the section are confusing. The last sentence states that the site is not referred to another regulatory program. This implies that the portable waste oil tanks will be unregulated in the future. Yet the previous sentence states that the tanks are managed under the Shipyard's Oil Spill Prevention Control and Countermeasures (SPCC) Plan. The text should be revised to clarify this point, and should mention the program or regulation governing the SPCC Plan. In addition, it is our understanding that management of the tanks is also a response to a Consent Order from the State of Maine. If this is the case, that information should be added as well. This comment also applies to the STATUTORY AUTHORITY FINDING section on page 2-6.

**6. Page 2-1, SITE HISTORY AND ENFORCEMENT ACTIVITIES.** We note that the *Community Relations Plan* mentioned at the bottom of the page was released in 1996. Does the Navy have any plans to issue an updated Plan in the near future?

**7. Page 2-3, SITE HISTORY AND ENFORCEMENT ACTIVITIES.** It would be appropriate to add the references for the OU2 and OU3 Risk Assessments to the paragraph listing risk assessments conducted at the Shipyard. The paragraph regarding the interim offshore monitoring should also include a reference to the *OU4 Record of Decision*.

**8. Page 2-3, SITE HISTORY AND ENFORCEMENT ACTIVITIES.** The paragraph summarizing the history of Site 26 seems weak on site-specific references and information regarding past waste handling practices. Two of the documents cited, the *Community Relations Plan* and the *Amended Site Management Plan*, contain the same 4-line paragraph about Site 26. Neither includes the dates the tanks were used or describes waste handling and disposal in any detail. We do not have a copy of the 1991 *RCRA Facility Work Plan* or the SPCC Plan, so were unable to check those references for the following information. What is the reference for the dates of tank operation? When and where were wastes pumped into railroad cars? Where were the wastes taken? Were any of the wastes disposed in the Jamaica Island Landfill or other on-yard sites? When did transfer to rail cars cease and disposal at the hazardous waste facility start? Were there any other disposal means used in the interim? What specific information is available regarding spills that occurred prior to 1996? Where in the Information Repository can the reader find this information? Comment Number 3, above, also applies to this section.

**9. Page 2-5, COMMUNITY PARTICIPATION.** When does the Navy anticipate holding the public comment period for the *Decision Document for Site 26*? Comment Number 1, above, also applies to this section.

**10. Page 2-5, SCOPE AND ROLE OF OPERABLE UNIT.** It is incorrect to state that "Site 26 is no longer a potential source of contamination to the offshore..." As long as the tanks are in use they will pose a potential threat to the offshore, although the threat may not be as large since operations and spill prevention were improved. The text must be revised.

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**11. Pages 2-5 and 2-6, SITE CHARACTERISTICS.** Comments Number 3, 5, and 8, above, also apply to this section.

**12. Page 2-6, STATUTORY AUTHORITY FINDING.** Comments Number 3, 4, and 5, above, also apply to this section.

If you have any questions regarding the comments above, please give me a call at 207-777-1049.

Sincerely,



Carolyn A. Lepage, C.G.  
President



cc: Johanna Lyons, SAPL  
Iver McLeod, Department of Environmental Protection  
Meghan Cassidy, Environmental Protection Agency