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LETTER AND COMMENTS ON BEHALF OF SEACOAST ANTI POLLUTION LEAGUE
REGARDING DRAFT DECISION DOCUMENT FOR SITE 27 NSY PORTSMOUTH ME
10/23/2000
LEPAGE ENVIRONMENTAL SERVICES

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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 27*

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 27*.

- 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 2-6.
- 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 only contaminant of concern at Site 27 is petroleum product. This statement is at odds with information in the 1996 *Community Relations Plan*, which states on page 2-13 that "Site 27 will be expanded to include the potential source areas which may be contributing to the metals contamination in groundwater at Site 27." Exceedances of criteria for metals in groundwater at Site 27 were subsequently documented in the 1999 *Groundwater Monitoring Summary Report* (see section 4.3 and Tables 4-8 and 4-9, for example). It is not clear how the Navy progressed from intending to expand the area (presumably the area of investigation) at Site 27 in 1996 to No Further Action in 2000. Clearly this issue needs to be revisited before proceeding with No Further Action at Site 27. We are including subsequent comments in hopes of moving the Decision Document along in the review process once the groundwater contamination issue is resolved.

4. Page 1-1, STATUTORY DETERMINATIONS. While it is true that petroleum products are specifically exempt under CERCLA, as noted in Comment Number 3, above, there are concerns regarding concentrations of metals in groundwater at the site. The text should be revised to reflect this. This comment also applies to the STATUTORY AUTHORITY FINDING section on page 2-7.

5. Page 1-2, STATUTORY DETERMINATIONS. The last sentence in the section states that the site is referred to the State of Maine's petroleum program. The specific program should be identified and the State regulations governing the program should also be cited. This comment also applies to the STATUTORY AUTHORITY FINDING section on page 2-7.

6. Page 2-1, SITE NAME, LOCATION, AND DESCRIPTION. The site is described in the second paragraph as consisting of contaminated soil surrounding a former petroleum pipeline running parallel to Berth 6. As noted in Comment Number 3, above, there is also a problem with metals contamination in groundwater. The text must be revised.

7. 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?

8. 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*.

9. Pages 2-3 and 2-4, SITE HISTORY AND ENFORCEMENT ACTIVITIES. The references and results for the soil and groundwater sampling should be included in the text.

10. Page 2-4, SITE HISTORY AND ENFORCEMENT ACTIVITIES. The paragraph in the middle of the page states that the boundaries of Site 27 were redefined to include only the contaminated soil in the area of the fuel spill along Berth 6. What is the basis for this statement? What was the decision-making process and where is it documented? As noted in Comment Number 3, above, the 1996 *Community Relations Plan* states that Site 27 will be expanded to include potential source areas which may be contributing to the metals contamination in groundwater at Site 27 and groundwater criteria exceedances were identified in the 1999 *Groundwater Monitoring Summary Report*.

11. Page 2-4, SITE HISTORY AND ENFORCEMENT ACTIVITIES. Were the risks of dermal contact with contaminated groundwater evaluated? The text states that the chemicals in soil and groundwater at Site 27 have the potential to migrate to the offshore. The potential offshore human health and ecological risks are should also be presented.

12. Page 2-6, COMMUNITY PARTICIPATION. When does the Navy anticipate holding the public comment period for the *Decision Document for Site 27*? Comment Number 1, above, also applies to this section.

13. Page 2-5, SCOPE AND ROLE OF OPERABLE UNIT. The text states that low levels of fuel oil remain in the soil at the site. It is likely that free product also remains at the site, which may have to be addressed under State regulations. Because the issues identified in Comments Number 3, 4, 6, and 10, above, the Navy is not yet at the point of removing all OU5 sites from being addressed under CERCLA. The text should be revised.

14. Pages 2-6 and 2-7, SITE CHARACTERISTICS. Comments Number 3, 6, 10, and 11, above, also apply to this section.

14. Page 2-7, STATUTORY AUTHORITY FINDING. Comments Number 3, 4, and 5, above, also apply to this section.

15. Figures 2-3, 2-4, and 2-5. The heavy line (the historical shoreline?) that runs near the shore should be identified in the legend. The references for Figures 2-4 and 2-5 should be cited on the figures as well.

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