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LETTER AND COMMENTS ON BEHALF OF SEACOAST ANTI POLLUTION LEAGUE
REGARDING DRAFT OPERABLE UNIT 3 (OU 3) PROPOSED REMEDIAL ACTION PLAN
NSY PORTSMOUTH ME
12/6/2000
LEPAGE ENVIRONMENTAL SERVICES

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December 6, 2000

Portsmouth Naval Shipyard
Code 106.3R, Bldg. 44
Attn: Ms. Marty Raymond
Portsmouth, New Hampshire 03804-5000

Subject: November 2000 Draft *Operable Unit 3 Proposed Remedial Action Plan*

Dear Ms. Raymond:

We are transmitting the following comments on behalf of the Seacoast Anti-Pollution League (SAPL) on the November 2000 Draft *Operable Unit 3 Proposed Remedial Action Plan* (PRAP).

1. General Comment. The PRAP needs to be simplified so that the general public, who presumably know nothing about either the CERCLA program or Operable Unit 3 (OU3), can readily understand the Navy's proposed remedial action and the basis for the remedy selection. We suggest shortening the document (for example, historical information could be summarized in bullet form), reorganizing text to avoid jumping around, and adding definitions to the Glossary as noted in our comment below.

2. Page 1, Introduction. It is important that the reader understands up front that the Navy is now proposing to split remedial action at OU3 into source control and management of migration actions, as this represents a departure from the information presented in the *Feasibility Study for OU3* (FS). The first paragraph states that the PRAP summarizes the Navy's proposed remedial action for soil and groundwater within (emphasis added) OU3. The text should be amended to clearly state that management of migration from OU3 will be addressed separately, and should also provide the anticipated timeframe for taking appropriate action. The relationship of OU6 to OU3 and OU4 should also be spelled out. In addition, when the FS is mentioned in the second paragraph of this section, the text should clearly state that the separation of OU3 source control and management of migration has not been addressed in the FS.

3. Page 1, Introduction. As the PRAP text states on page 5, the remaining contamination in soil and groundwater at Site 11 will be addressed as part of Site 8, the Jamaica Island Landfill (JILF). Therefore, we do not think it is accurate or appropriate to state that there will be no further action at Site 11. The text should be corrected here and in subsequent sections (see the last bullet in the next section on page 1, for example). In addition, the basis and supporting documentation for no further action at Site 9 must be provided in the PRAP.

4. Page 1, The Cleanup Proposal. The institutional controls implemented at OU3 (third bullet) must take access to the shore into consideration to prevent potential human exposure to seeps. The fourth bullet should state that monitoring will also be conducted to check on groundwater contamination conditions, especially for indications of releases from drums or other buried sources.

5. Page 1, What Do You Think? The text states "... the Navy wants to hear from you before making a decision." In fact, the Navy has already made a decision to pursue the selected remedy. It might be more accurate to say that the Navy wants to hear from the public before finalizing the selection of the remedial alternative.

6. Page 2, Site Background, Site 8. It is important that the public know what was present at Site 8 before filling with industrial wastes began in 1945. The text should state that prior to landfilling, the area between Seavey Island and Jamaica Island consisted of tidal flats.

7. Page 2, Figure 1. The fonts used on Figure 1 (and possibly the size of the figure) should be changed so that any text included on the facility map can be easily read.

8. Page 3, Site Background, Site 8. Recent investigations revealed potential and actual drum disposal areas, but these investigations covered only part of the landfill. The potential for as-yet undiscovered drums and for those drums to leak at some time in the future remains. Any summary of the early-2000 test pitting and prior geophysical survey should identify the percentage of the JILF landfill that was not covered by the survey or included in the test pitting investigation, and a statement that the presence of drums and potential for releases from drums can not be ruled out.

9. Page 3, Site Background, Site 9. The reference to groundwater samples collected in 1996 and 1997 at MBI and MBII should be corrected. The actual location of MBII was not known until July 2000.

10. Page 4, Site Background, Site 11. The background provided on the removal of the tanks and associated contaminated soil should also state that contaminated soil remains at Site 11.

11. Page 4, Site Characteristics. The next-to-last sentence on the page states that low levels of dioxin were detected during the most recent test pitting. The text should be amended to make it clear that the most recent test pitting was the only time samples were analyzed for dioxin. In addition, the last sentence on the page is confusing as presently written. Does it mean that there was no pattern to the detections? That results were scattered? Please revise to clarify.

12. Page 5, Scope and Role of Operable Unit. OU6 and its relationship to OU3 and OU4 should be described in this section. We find the fifth sentence in the section to be confusing. If

the alternatives for OU3 only address source control (contaminants within OU3), how do the alternatives take into consideration potential impacts of OU3 on offshore areas?

13. Page 5, Figure 2. The figure should include a legend identifying the cross-hatching and JTP-01, JTP-02, etc.

14. Page 6, Summary of Site Risks, Human Health Risks. The State of Maine risk guidelines were exceeded for receptors in several scenarios, including the construction worker. How will risks associated with construction of the cover and erosion controls be addressed?

15. Page 6, Summary of Site Risks, Human Health Risks. The section ends with the statement that no adverse health risks are anticipated for recreational exposure to seep/surface water or sediment at OU3. We find that statement confusing if we are now focusing on soil and groundwater contamination within OU3 in this PRAP, and not addressing migration of contaminants to the offshore areas at this time. Are seeps/surface water and sediment part of OU3 or OU6? In addition, as we noted in our comments on the OU3 FS, children were observed along the shore in the vicinity of seep 1011 during the August 29th seep observation site visit. These children could very easily have accessed seep 1004.5, where pesticide concentrations in particular are high. We also noted that the area around the seeps in Jamaica Cove was muddy, so that a person walking (or playing) in the area might track mud offsite for a continuing exposure. We commented that, as long as access to the shore area is not strictly controlled, consideration of risks associated with seeps should include these additional exposures and that risks for children should be recalculated to account for frequent, not limited, exposure to seeps.

16. Page 6, Summary of Site Risks, Ecological Risks. The discussion of ecological risks should include the statement that the impact of seep discharges on intertidal biota has not yet been evaluated. Furthermore, the statement at the end of the first paragraph is not correct. The May 2000 *Estuarine Ecological Risk Assessment* (which should be cited in the text and added to the reference list at the end of the PRAP) found that the risk from sediment in Back Channel and Sullivan Point is intermediate, not low. In addition, we do not agree with the statement that data for contaminants in surface water that may be attributable to OU3 are low enough to be in compliance with surface water standards. The issue of what constitutes an appropriate mixing zone and where compliance should be determined with regard to contaminants discharging through seeps has not been resolved. Furthermore, concentrations of contaminants in seeps indicate that water quality standards are not being met. The text should be revised.

17. Page 6, Summary of Site Risks, Ecological Risks. The paragraph at the top of the right column is confusing and should be rewritten to clearly identify for the public why the Navy believes that potential offshore impacts are not of concern. The revision should identify the uncertainties related to offshore migration of contaminants. The fifth line in the second paragraph in the right column should end "... or be deposited..." We suggest that the last sentence in the

section end with "...actual or potential releases of hazardous substances from buried waste into the environment."

18. Page 7, Summary of Site Risks, Chemicals of Concern (COCs). The list of potential ecological COCs should include DDT and its congeners, as they are listed as such in Table 4-8 in the *Estuarine Ecological Risk Assessment* (EERA). In addition, the EERA states in Section 4.2.4 on page 4-23 that "Because of elevated concentrations in estuarine media (sediment and some biota), the pesticide DDT and its metabolites (DDD and DDE, tDDx) were also included as COCs in the risk assessment." Groundwater (including seep) concentrations of DDT and its congeners, as well as associated risks, must be addressed by remedial measures at OU3.

19. Page 7, Remedial Action Objectives. The fourth Remedial Action Objective listed addresses the JILF's current and future land uses while providing sufficient protection for human health and the environment. However, the performance of the remedial measures (capping, etc.) must not be jeopardized by future land uses. The priority is remediation, not future use as a parking lot.

20. Pages 7 and 8, Summary of Remedial Alternatives. The OU3 FS should be referenced at the beginning of this section. It is also not clear to the public what the difference between Alternatives 3 and 4 are. Does the cut-off barrier in Alternative 5 extend completely around the JILF, or does it consist of partial barriers that could be more cost effective, as has been suggested in comments on the OU3 FS? The text requires clarification.

21. Page 8, Evaluation of Alternatives. The first two criteria listed are "threshold" criteria that must be satisfied for an alternative to be eligible for selection. Therefore, the word "should" must be changed to "must" in the first two criteria listed in the section. In addition, the next five criteria are "balancing" criteria. Therefore, to avoid confusion, the word "balance" should be replaced by "evaluate" in the first sentence of the section.

22. Page 9, Table 1. We suggest that the column headings be in bold and/or a more distinctive font to stand out more. Alternative 2 does not comply with ARARs as it does not include installation of a cover that meets the State of Maine Hazardous Waste Management Rules. The short-term effectiveness of Alternatives 3 and 4 are described in the PRAP text as being similar, yet have different ratings in Table 1. This difference should be corrected in the table or explained clearly in the text. The entry for Implementability for Alternative 4 should be corrected (...presents a few concerns?).

23. Page 10, Preferred Alternative. The text on page 10 states that 21 acres of the landfill surface will be provided with a cover. However, the JILF is described on page 4 as being 25 acres in area. Why won't the entire 25-acre area be covered? The PRAP text should be amended to clarify that specific details of the cover will be developed in the design phase of the project, and

that the regulatory agencies must approve the final design. The last sentence on the page states that the Navy is considering only rip-rap for shoreline erosion control measures. Yet at the November 30th Restoration Advisory Board meeting, the Navy stated that it was also considering the use of wetlands for erosion control. If that is the case, the PRAP text should be revised to reflect it.

24. Page 10, Figure 3. Figure 3 should be clearly identified as a conceptual cover (versus cap) design. Minimum required thicknesses of materials should be provided as well.

25. Page 11, Preferred Alternative. The statement in the second paragraph that the source at Site 11 has been removed should be deleted. Contaminated soil remains at Site 11 and is to be addressed along with the JILF. Therefore, the statement regarding no further action at Site 11 should also be deleted.

26. Page 11, Figure 4. Why is the area at and near Site 11 not being capped if Site 11 contamination is to be managed along with from JILF?

27. Page 12, Glossary of Technical Terms. The following terms should be added to the Glossary: aquifer, enhanced drainage, institutional controls, erosion controls, monitoring, Restoration Advisory Board, barrier layer, CERCLA, capital costs, and present worth. The definitions of the following terms already in the Glossary are confusing to the public and should be revised: groundwater, Operable Unit (what's an activity?), composite liner (doesn't a liner go under a landfill?), and sediment.

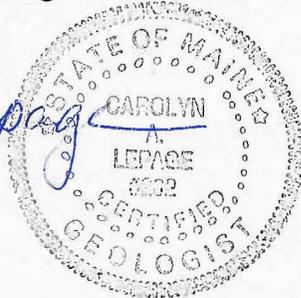
28. Page 13, Availability of Documents for Portsmouth Naval Shipyard. The PRAP is weak on reference citations. The reader must be provided with reference citations in the text for where to look for supporting documentation, such as the EERA and other risk assessment documents and RFI and RFI Data Gap Reports. The references should be added to the list at the end of 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