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LETTER AND COMMENTS ON BEHALF OF SEACOAST ANTI POLLUTION LEAGUE ON U S  
NAVY RESPONSES REGARDING DRAFT DECISION DOCUMENT FOR SITE 27 NSY  
PORTSMOUTH ME  
12/27/2000  
LEPAGE ENVIRONMENTAL SERVICES

# Lepage Environmental Services, Inc.

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December 27, 2000

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

Subject: Comments on the Navy's November 22, 2000, Responses to Comments on the 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 Navy's responses to our October 23, 2000, comments on the August 2000 Draft *Decision Document for Site 27*. Most of the Navy's responses, which are dated November 22, 2000, were acceptable. For those issues that are still outstanding, we have repeated our original comment from our October 23<sup>rd</sup> letter below, and stated our additional comment.

**Original Comment 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.

**Additional Comment.** The Navy's response refers to responses to EPA comment 17, MEDEP's comments 10a and 11, and MEDEP's October 12<sup>th</sup> email. The Navy's responses to these comments raise several concerns which we summarize as follows:

**Decision-Making Process.** Our original comment focused on how the Navy proceeded from proposing in 1996 to expand Site 27 to determining in 2000 that No Further Action was

appropriate for Site 27. The reason for this concern is that we do not recall discussions of the 1996/1997 monitoring results for Site 27 or reaching the conclusion that concentrations of metals that exceed the State of Maine's Maximum Exposure Guidelines (MEGs) could be dismissed as not being of concern, nor can we find the paper trail leading to the No Further Action decision. The MEDEP's October 12<sup>th</sup> email indicates that we are not alone in our concern about the decision-making process. Our recommendation is that the issue be discussed in a meeting or conference call, rather than continue to go back and forth with the written comment and response-to-comment volleying.

**Application of Modeling Results to Decision-Making.** On a number of occasions in the past, we have expressed our concern regarding how the modeling results are or will be used in making decisions regarding site risks and remedial actions. We have been and continue to be particularly concerned that the conclusions of the modeling would be applied without regard to the underlying assumptions and limitations of the modeling effort. These concerns are brought to the fore by the Navy's statements in the *Decision Document for Site 27* and in responses to comments that results of the on-shore/off-shore contaminant migration modeling indicate groundwater migration from Site 27 is not affecting the offshore. For that reason, we reiterate our comment regarding the description of OU5 conditions from our February 19, 1999, letter on the *Draft On-Shore/Off-Shore Contaminant Fate and Transport Modeling Phase II Report*:

"There are passages in the report that present confusing information about OU5. The model focused on groundwater-seep/sediment relationships at the shoreline. We understand that, for the purposes of the model, sediments were not considered at OU5 because the shoreline is a seawall that presumably had no sediment immediately adjacent (and no seeps?). Both the Phase I and Phase II modeling (see pages 2-10 and 3-2, for example) considered that OU5 was not a **current** (emphasis added) source of heavy metal contamination to sediments. Yet contaminated sediments exist in the vicinity that may be attributed to releases from OU5. This fact is acknowledged on page 2-10, which states that metal contamination in nearby sediments may be the result of past releases from OU5 or from other past or present Shipyard sources or other non-Shipyard sources elsewhere in the estuary.

The confusion results from statements such as in the second bullet on page 6-2 that states, "Based on site conditions (seawall), OU5 sediments are not of concern.", or on page ES-2 (BASELINE MODEL RESULTS, first paragraph), that only surface water is of concern at OU5. For the purposes of presenting the model results, these statements appear to be accurate. However, they ignore the potential impact of OU5 on the quality of nearby sediments. Many readers, particularly those who are not modelers and especially those reviewing the Phase II report several years in the future when feasibility study and remedial action decisions are being made, are likely to focus on the Executive Summary and the Conclusions and Recommendations (Section 6) sections of the report. Therefore, we think it is critical that the statements regarding the lack of concern for groundwater

and sediments in relation to OU5 clearly state that they are made for the purpose of reporting the modeling results, and do not represent full characterization of potential contributions, particularly historical impacts, of OU5 to offshore media quality.”

It appears that the modeling assumptions and limitations are being forgotten in the Navy's application of the modeling results to decisions relating to OU5 and Site 27. To state that the results of the modeling indicate groundwater contamination at Site 27 is not affecting the offshore is to ignore the assumptions regarding the hydrogeologic setting and contaminant migration at OU5 that went into the model in the first place. For that reason, we believe that statements in the document and responses regarding the modeling results should either be deleted or should be rewritten with appropriate qualifiers.

**Original Comment 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.

**Additional Comment.** The Navy's response states that groundwater is not of concern because it is brackish/saline and because the onshore/offshore contaminant fate and transport modeling indicated that groundwater migration is not impacting the offshore. The fact that groundwater is brackish or saline at the site indicates communication with the offshore waters, providing an opportunity for contaminants to migrate to the offshore. Please refer to our Additional Comment to Original Comment 3, above, for our concerns regarding statements on modeling.

**Original Comment 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*.

**Additional Comment.** As with our Original Comment 3 and Additional Comment, above, we are concerned with the decision-making process and documentation, in this instance for redefining the site boundaries. The Navy's response to the MEDEP's October 12<sup>th</sup> email includes a brief statement about redefining the Site 27 boundaries, but really does not answer our question about process and documentation. Therefore, our Original Comment still requires a response.

**Original Comment 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.

**Additional Comment.** The Navy's response indicates only human risks for exposure to fresh groundwater were evaluated, so the Site 27 groundwater was not included in the on-shore human health risk assessment. We believe that the risk from dermal contact (construction worker) should be considered. In addition, the Navy's response states that the modeling indicates Site 27 is not impacting the offshore, so discussion of offshore risks is not relevant to Site 27. For reasons outlined in our Additional Comment to Original Comment 3, above, we believe it is appropriate to consider potential impacts to and associated risks for areas offshore of Site 27.

**Original Comment 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.

**Additional Comment.** What is the anticipated timeframe for the public comment period?

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

**Additional Comment.** Several Additional Comments (see above) also apply here.

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

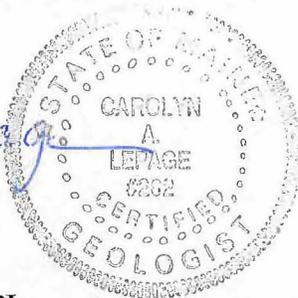
**Additional Comment.** Additional Comments for Original Comments 3 and 4 also apply here.

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