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LETTER REGARDING SEACOAST ANTI-POLLUTION LEAGUE REVIEW COMMENTS ON
THE JANUARY 2001 DRAFT FINAL DECISION DOCUMENT FOR SITE 26 NSY
PORTSMOUTH ME
5/22/2001
LEPAGE ENVIRONMENTAL SERVICES

Lepage Environmental Services, Inc.

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May 22, 2001

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

Subject: Comments on the Responses to Comments on the January 2001 Draft Final
 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 Navy's May 4, 2001 responses to SAPL's April 6, 2001, comments on the January 2001 Draft Final *Decision Document for Site 26*:

1. General Comment. We opened our April 6th comments with a general comment that the Decision Document is very difficult for the general public to follow and understand, even for those who have some knowledge of the Superfund-related activities at the Shipyard. We also suggested that an effort should be made to improve the readability of the document. The Navy's May 4th response covers two areas. The first is that the format of the document is the standard format for decision documents and was prepared in accordance with USEPA guidance. The second is that the draft document was presented at the November 2000 Restoration Advisory Board (RAB) meeting, and that the RAB presentations are provided to assist the RAB and attending community members in understanding the technical documents generated during the investigation and remediation efforts at the Shipyard.

We have several comments on the Navy's response. The response does nothing to address the issue that the public cannot readily follow and understand the Decision Document. That the document meets USEPA guidance is irrelevant to addressing the public's concern, and probably indicates that the USEPA guidance itself could stand some significant revisions. In fact, the overall impression given by the response is that the Navy really doesn't care that the public doesn't understand the basis for the no further action decision at Site 26 as long as the USEPA guidance is met and the agency is satisfied.

With regard to the presentation at the RAB meeting (it was the September 2000 meeting, not the November 2000 meeting), SAPL appreciates the Navy's efforts to inform the RAB members and other attendees about technical (and decision) documents. These presentations are important and should be continued. However, to imply that the RAB should understand the Decision Document based on a single presentation is not fair. The presentations at the RAB meetings generally summarize the document under discussion. The information presented is simplified, and the audience has an opportunity to ask questions if certain points are unclear. Attendees can walk away with the feeling that they understood the oral presentation. However, when faced with the details of the written document several months later, all may not be clear. During the public comment period, which ran from March 8, 2001 through April 6, 2001, the public's input was solicited on the written document, not the September 2000 oral presentation. That is why it is crucial that the public be able to follow and understand the decision-making process that is outlined in the document. Furthermore, it is this document, not the RAB meeting presentation, that the Navy, the regulatory agencies, and the citizens will refer to in the future when questions arise about Site 26.

For the reasons outlined above, the Navy's response to SAPL's General Comment in the April 6th letter is unresponsive and unacceptable.

2. There are a couple of typos in the responses to Comments 3 and 4 from the April 6th letter. In the last sentence of the response to Comment 3, "form" should be "from". The second "except" should be replaced by "for" in the second sentence of the text revision in the response to Comment 4.

3. While the text addition and heading revision in the response to Comment 5 should help the reader understand land and resource uses at the site, the use of the word "relevant" is still confusing. As we stated in our original comment, it is not clear to the reader why "current and potential future site [land] and resource uses for Site 26 are not relevant" just because Site 26 consists of portable tanks. Relevant to what? This passage must be revised.

4. The Navy also provided revised text to insert in the Community Participation heading in Section 2.0. The proposed text includes a summary of the comments received during the public comment period, which ran from March 8, 2001 through April 6, 2001. The passage characterizes the one significant comment received from SAPL as related to the format of the document. That characterization is too narrow. Comment 1 in the April 6th letter stated that the document was very difficult for the public to read and follow, and that efforts should be made to improve its readability. Format, while important, is only one aspect of the document that should be considered in making revisions to improve readability. Therefore, the characterization of SAPL's comment should be revised to more accurately reflect the concern regarding the public's ability to read and follow the document.

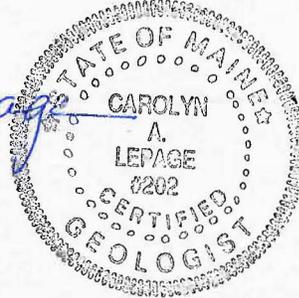
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If you have any questions regarding the comments above, please give me a call at 207-777-1049.

Sincerely,



Carolyn A. Lepage, C.G.
President



cc: Jim Horrigan, SAPL
Iver McLeod, Maine Department of Environmental Protection
Meghan Cassidy, US Environmental Protection Agency