

N00102.AR.002245
NSY PORTSMOUTH
5090.3a

LETTER REGARDING SEACOAST ANTI-POLLUTION LEAGUE REVIEW COMMENTS ON
THE INTERIM AND DRAFT PRELIMINARY REMEDIATION GOALS FOR OPERABLE UNIT 4
(OU 4) NSY PORTSMOUTH ME
6/11/2001
LEPAGE ENVIRONMENTAL SERVICES

Lepage Environmental Services, Inc.

P. O. Box 1195 • Auburn, Maine 04211-1195 • 207-777-1049 • Fax: 207-777-1370

June 11, 2001

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

Subject: Review of May 2001 Interim Submittal on Preliminary Remediation Goals for Operable Unit 4, and of Followup Comments on Responses to Comments on the November 2000 Draft *Preliminary Remediation Goals for Operable Unit 4*

Dear Ms. Raymond:

We are transmitting comments on behalf of the Seacoast Anti-Pollution League (SAPL) concerning the May 2001 Interim Submittal on Preliminary Remediation Goals for Operable Unit 4. We are also submitting comments on the Navy's responses to SAPL's April 11, 2001 followup comments the earlier comment/response cycle on the Draft *Preliminary Remediation Goals for Operable Unit 4*. Comments are as follows:

1. Proposed Preliminary Remediation Goals for Copper. Concerns regarding the Preliminary Remediation Goal (PRG) proposed for copper in the November 2000 report were discussed at the April 3, 2001 technical meeting. These concerns included a detection limit for copper that exceeded the screening concentration, and a particularly high value for copper at one station that appeared to be an outlier that should not be included in determining the mean. The Navy agreed to submit revised calculations that considered a lower detection limit and elimination of outliers. These revised calculations are included in the May 2001 Interim Submittal. As the Maine Department of Environmental Protection (MEDEP) states in their June 11, 2001 comment letter, the Interim Submittal raised more questions about the copper PRG than it answered. The MEDEP found that, even though the high values thought to be outliers were to be eliminated from consideration, the mean PRG for copper for monitoring stations increased, from 547 mg/kg in the November 2000 report to 625 mg/kg in the May 2001 Interim Submittal.

We concur with the MEDEP's position that the effect on the copper PRG of revising the detection limit should be discussed and explained. If the MEDEP's analysis is correct, the reference screening value (RSV) and the threshold effects value (TEV) should be adjusted downward, and the PRG and whole sediment hazard quotients should be recalculated. In addition, the PRG from Station 3.2 should also be considered a potential outlier.

2. Readability of the Document. SAPL had commented in the original comment letter (dated January 25, 2001) on the November 2000 Draft *Preliminary Remediation Goals for Operable Unit 4* that the document was very difficult to read and understand. MEDEP expressed similar concerns regarding the document. This issue was discussed at the April 3, 2001, technical meeting, with both the Navy and the Environmental Protection Agency (USEPA) acknowledging at the technical meeting that the readability of the report needed to be improved so that the regulatory agencies' technical experts could express confidence in the PRG development. Suggestions for improving the document included adding example calculations and rewriting the Executive Summary so that the public could understand the process and the results.

The Navy's May 10th response on this issue states that the report is a very technical document and the Navy does not believe that it is appropriate to revise the document to provide non-technical discussions. The Navy will also prepare a fact sheet for the public that will provide a non-technical explanation of the PRG development process.

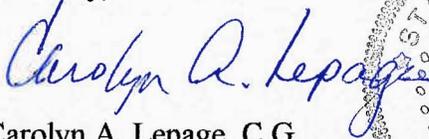
Although a revised Executive Summary is preferable, SAPL welcomes the fact sheet and suggests that it be inserted into the final version of the report that will be sent to the information repositories and to Restoration Advisory Board members. However, as discussed at the April technical meeting, it is not just the public that has difficulty with the document. It is crucial that the technical experts also be able to follow and understand the PRG document and all other technical documents. If they cannot, how can the public have any confidence in the process or the results? It appears that additional revision is still necessary before the PRG document will be acceptable. With regard to other technical documents in the future, an effort must be made to improve readability. It is not unreasonable to expect that the Executive Summary, at a minimum, should be understandable to the interested layperson.

3. Verifying Assumptions. SAPL had a couple of comments in the January 25th letter regarding verification of some assumptions made in developing the PRG process. One of these was the assumption regarding selection and remediation of limiting contaminants of concern (CoCs), those CoCs that are responsible for much of the baseline risk. The assumption is that by remediating limiting CoCs, collocated CoCs will be remediated to levels that will not have adverse effects. SAPL asked if the data support this assumption. The Navy's May 10th response states that the assumption was taken from a USEPA document recommending the limiting CoC approach, and there is no site-specific data to support the assumption because all chemical concentrations around the Shipyard are not yet below PRG concentrations. How will the Navy test this assumption once site-specific data is available?

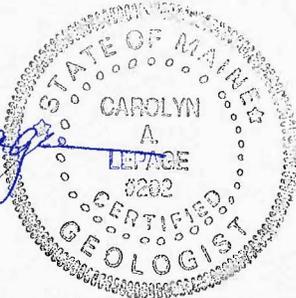
4. Dioxin Information. In one of its April 11th additional comments regarding human health risks, SAPL pointed out that dioxin was not evaluated in the risk assessments and has only recently been tested in various sampling programs around the Shipyard. The Navy stated in its May 10th response that dioxin concentration data will require a screening evaluation for assessment of potential ecological risk. The Navy also states that participants at the April 3rd technical meeting were given an action item to look into what dioxin screening levels are available for sediment and fish tissue (mussel and juvenile lobster, in particular). SAPL notes that the Maine Bureau of Health recently updated its Fish Tissue Action Levels. When fish tissue concentrations exceed action levels, the development of Fish Consumption Advisories is considered. The table identifying current action levels (the table is dated 12/00) used by the Bureau of Health for screening evaluations lists the Cancer Action Level for dioxin as 0.0015 ppb, and the NonCancer Action Level as 0.0019 ppb. A footnote to the table states that these values are scheduled for review upon completion of the USEPA's draft health assessment for dioxin. What other screening levels were gathered by the meeting participants? How will this information be incorporated into the evaluation of the OU4 data and the PRG process?

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, Seacoast Anti-Pollution League
Iver McLeod, Department of Environmental Protection
Meghan Cassidy, Environmental Protection Agency
David R. Brown, Sc.D.