

N00102.AR.002249
NSY PORTSMOUTH
5090.3a

LETTER REGARDING U S NAVY TRANSMITTAL OF FISCAL YEAR 2002 AMENDED SITE
MANAGEMENT PLAN WITH RESPONSES TO U S EPA REGION I AND MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMENTS ON REMEDIAL
DESIGN/ACTION NSY PORTSMOUTH ME
6/14/2001
NAVFAC NORTHEAST



DEPARTMENT OF THE NAVY

ENGINEERING FIELD ACTIVITY, NORTHEAST
NAVAL FACILITIES ENGINEERING COMMAND
10 INDUSTRIAL HIGHWAY
MAIL STOP, #82
LESTER, PA 19113-2090

IN REPLY REFER TO
5090
Code 1823/FE
14 June 2001

Ms. Meghan Cassidy
1 Congress Street
Suite 1100
Mail Code HBT
Boston, MA 02114-2023

Mr. Iver McLeod
Maine Department of Environmental Protection
State House Station 17
Augusta, ME 04333-0017

Dear Ms. Cassidy/Mr. McLeod:

Subject: FISCAL YEAR 2002 (FY02) AMENDED SITE MANAGEMENT PLAN
FOR THE INSTALLATION RESTORATION PROGRAM, PORTSMOUTH
NSY, KITTERY, ME

In accordance with Section 12.5 of the Federal Facility Agreement for Portsmouth Naval Shipyard (FFA), the draft FY02 Amended Site Management Plan (SMP) for Portsmouth Naval Shipyard's Installation Restoration Program dated June 2001 has been submitted (under separate cover) for your review and comment. The following modifications were made to the reflect time extensions granted by USEPA:

- Operable Unit 1. The only modifications made to the schedule were inputting the actual dates.
- Operable Unit 2. The only modifications made to the schedule were inputting the actual dates.
- Operable Unit 3. The schedule was modified to include the modifications made to the schedule based on comments received on the Remedial Design/Remedial Action schedule and inputting the actual dates. The Navy's responses to comments on the OU3 Remedial Design/Remedial Action schedule is attached as enclosure (1).

Subject: FISCAL YEAR 2002 (FY02) AMENDED SITE MANAGEMENT PLAN
FOR THE INSTALLATION RESTORATION PROGRAM, PORTSMOUTH
NSY, KITTERY, ME

- Operable Unit 6. The schedule has been revised to indicate a DQO meeting will be held within 90 days of signing the OU3 Record of Decision and the work plan will be completed prior to completion of the remedial action for OU3.
- Sites 26 and 27. The only modifications made to the schedule was inputting the actual dates.
- Site Screening Areas. The only modifications made to the schedule was inputting the actual dates.

The SMP schedules reflects the current enforceable schedules under the FFA. Based on discussions at the May 23, 2001 Restoration Advisory Board meeting, the Navy recognizes it needs to request a time extension for site 34, former Oil Gasification Plant, and a time reduction for site 31, Topeka Pier Site.

Comments on the Site Management Plan are requested on or before July 14, 2001.

If additional information is required please contact Mr. Fred Evans at (610) 595-0567 x159.

For the Community Restoration Advisory Board (RAB) members; if you have any comments or questions on these issues, they can be provided to the Navy at a RAB meeting, by calling the Public Affairs Office at (207) 438-1140 or by writing to:

Portsmouth Naval Shipyard
Code 106.3R Bldg 44
Attn Marty Raymond
Portsmouth, NH 03804-5000

Sincerely,



Frederick J. Evans
Remedial Project Manager
By Direction of the
Commanding Officer

Subject: FISCAL YEAR 2002 (FY02) AMENDED SITE MANAGEMENT PLAN
FOR THE INSTALLATION RESTORATION PROGRAM, PORTSMOUTH
NSY, KITTERY, ME

Encl:

- (1) Responses To Comments on the OU3 Remedial Design/Remedial
Action Schedule

Copy to:

NOAA (K. Finkelstein)
USFWS (K. Munney)
MEDMR (D. Card)
NHFG (C. McBane)
Mr. Doug Bogen
Mr. Jeff Clifford
Ms. Michele Dionne
Ms. Mary Marshall
Mr. Phil McCarthy
Mr. Jack McKenna
Mr. Onil Roy
Mr. James Horrigan
Dr. Roger Wells
Ms. Carolyn Lepage
PNS Code 100PAO
COMSUBGRU TWO (R. Jones)
PNS (Code 106.3R)
TtNUS (D. Cohen)

**RESPONSES TO USEPA COMMENTS DATED MAY 15, 2001
OU3 PROPOSED DESIGN SCHEDULE
PORTSMOUTH NAVAL SHIPYARD, KITTERY, ME**

- 1. Comment:** The schedule shows some of the pre-design work being completed prior to development of the Pre-Design Work Plan. EPA agrees that some of the work can be performed without a work plan in place. However, EPA reminds the Navy that no sampling and/or analytical work should be undertaken without an approved work plan in place.

Response: Comment noted. The Navy has performed the hydrographic survey, and is planning to perform the topographic survey prior to completion of the Pre-Design Work Plan. All other work outlined in the Pre-Design Work Plan submitted on June 4, 2001 is planned following completion of the work plan.

- 2. Comment:** The schedule does not include any regulator or RAB review of the data package produced as a result of pre-design field work. If the data is intended to be used in the design, there should be an opportunity for review and comment. This is consistent with the concept of a secondary document.

Response: The data package was produced as a result of pre-design field work was meant to provide information on results of the laboratory testing prior to submittal the draft Remedial Design, similar to the data packages for the Interim Offshore Monitoring. Comments will be requested and responded to on or before the submittal of the draft Remedial Design.

- 3. Comment:** Section 9.13.A of the FFA requires that a Remedial Action Report will be submitted following the completion of remedial action at each OU. The schedule should refer to a Remedial Action Report in lieu of a Construction Close-Out Report. The Remedial Action Report should be completed in accordance with Section 9.13 of the FFA.

Response: The schedule will be revised to indicate submittal of a Remedial Action Report in accordance with Section 9.13.A of the Federal Facilities Agreement for Portsmouth Naval Shipyard (FFA).

- 4. Comment:** Section 9.13.B of the FFA requires that a draft Long-Term Monitoring Plan and a draft Operations and Management Plan must be submitted prior to finalization of the Remedial Action Report. The schedule must reflect this requirement.

Response: The schedule will be revised to indicate submittal of a draft Long-Term Monitoring Plan and a draft Operations and Management Plan prior to finalization of the Remedial Action Report in accordance with Section 9.13.B of the FFA.

- 5. Comment:** As required by CERCLA and outlined in the draft Record of Decision, five-year reviews will be necessary at OU3. The due date for the first five-year review is five years after the start of remedial action (start of significant and continuous on-site action). Therefore, according to the proposed schedule, the first five-year review will be due in October 2007. This should be shown on the schedule.

Response: Comment noted. The schedule will be revised to reflect the requirement for due date for the first five-year review is five years after the start of remedial action (start of significant and continuous on-site action).

**RESPONSES TO MEDEP COMMENTS DATED MAY 15, 2001
OU3 PROPOSED DESIGN SCHEDULE
PORTSMOUTH NAVAL SHIPYARD, KITTERY, ME**

General Comment

1. **Comment:** In addition to this construction schedule the MEDEP believes that a separate, much faster schedule is necessary and warranted for the institutional controls. We also believe an interim schedule for maintaining existing erosion controls is warranted.

Response: Comment noted. The Navy recognizes MEDEP's concern regarding institutional controls and for maintaining the existing erosion controls. The Navy will work with USEPA and MEDEP establish proper institutional controls for OU3. The Navy, in correspondence dated January 7, 2000, provided information to USEPA and MEDEP regarding the inspection of shoreline at the Installation Restoration Program sites.

2. **Comment:** The field work and geotechnical analysis (Line 17) is scheduled to start on May 16, 2001, before the date for Regulatory/RAB receipt of the Draft Workplan (6/4/01). Likewise, mobilization for field work is scheduled to start on 8/3/01 yet the field work, as stated above, is scheduled to start 5/16/01. We presume that if the start date for field work is in error then the dates for the tasks following it are also in error. Please clarify.

Response: The start date for field work in the schedule is correct. However,

3. **Comment:** The duration for Remedial Design (482 days) seems excessively long. Is this due to the additional factors regarding remediation of OU3, i.e. erosion control, removal of waste, possible wetlands construction, etc.?

Response: The duration for Remedial Design, which will be performed by the US Army Corps of Engineers (USACE), overlaps with the Pre-Design Investigation, which is being performed by TetraTech NUS, to ensure all information the USACE needs for design are collected as part of the Pre-Design investigation. Similarly, Foster Wheeler will be involved in the design to provide a constructability review.