

N00102.AR.002388
NSY PORTSMOUTH
5090.3a

LETTER REGARDING SEACOAST ANTI-POLLUTION LEAGUE COMMENTS ON DRAFT
EXPLANATION OF SIGNIFICANT DIFFERENCES FOR RECORD OF DECISION FOR
OPERABLE UNIT 3 (OU 3) NSY PORTSMOUTH ME
5/16/2003
LEPAGE ENVIRONMENTAL SERVICES

Lepage Environmental Services, Inc.

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

May 16, 2003

Portsmouth Naval Shipyard
Code 106.3R, Bldg. 44
Attn: Ms. Marty Raymond
Portsmouth, New Hampshire 03904-5000

Subject: March 2003 Draft *Explanation of Significant Differences for the Record of Decision for Operable Unit 3*

Dear Ms. Raymond:

Lepage Environmental Services, Inc., (Lepage) is submitting the following comments on behalf of the Seacoast Anti-Pollution League (SAPL) regarding the March 2003 Draft *Explanation of Significant Differences for the Record of Decision for Operable Unit 3* (the ESD):

1. General Comment. SAPL concurs with the Maine Department of Environmental Protection's (MEDEP) comments dated May 15, 2003, and will not repeat those comments in this letter.

2. Page 1, Statutory Basis for Issuance of the Explanation of Significant Difference. *"The Navy as lead agency for PNS, has determined that a significant change to a component of the remedy (the area of the landfill on which to install a hazardous waste landfill cover) will be made."*

This statement implies that the only significant change made to the remedy is that a smaller area of landfill cover will be installed. However, the removal of 2.6 acres of landfilled material from the former tidal flat area at Jamaica Cove and subsequent construction of wetlands within that area are also significant, particularly because the landfilled material was saturated by tidally-influenced groundwater. SAPL believes that the reduction in saturated landfilled material (and presumably the reduction in adverse impacts on adjacent environmental media) and addition of wetlands along the shoreline are also significant and should also be mentioned in this passage of the ESD.

3. Pages 6 and 7, Basis for this Explanation of Significant Difference and Description of the Significant Difference. The August 2001 *Record of Decision for Operable Unit 3* states on page 1-3 *"In addition to the items specifically associated with OU6, the Navy will re-evaluate the feasibility fo consolidation of portions of the landfill (in the Jamaica Cove area and the vicinity of the former location of Mercury Burial Site II) into the existing landfill. ... Removal of waste material in the former Mercury Burial Site II area is being considered so that the Navy can locate the discharge from the two freshwater ponds that is believed to enter the landfill in this area and redirect the discharge away from the landfill, thus reducing the amount of groundwater flowing into this portion of the landfill."*

The Draft ESD only addresses the consolidation of the Jamaica Cove portion of the landfill. How will the decision regarding the consolidation of material in the Mercury Burial Vault II area be documented?

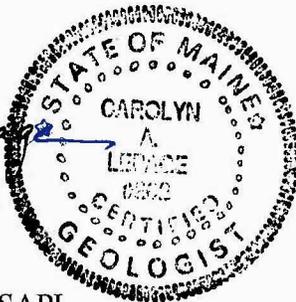
4. Page 7, Updated Cost Estimate. It is not clear why \$14.045 million was used to calculate the acceptable range of the original ROD cost estimate. Please clarify in the text.

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

Sincerely,

Carolyn A. Lepage

Carolyn A. Lepage, C.G.
President



cc: James Horrigan, SAPL
Iver McLeod, MEDEP
Matt Audet, USEPA