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NSY PORTSMOUTH
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LETTER AND COMMENTS FROM U S EPA REGION I REGARDING DRAFT RECORD OF DECISION FOR OPERABLE UNIT 2 (OU 2) NSY PORTSMOUTH ME
09/07/2011
U S EPA REGION I

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND - REGION I
1 CONGRESS STREET, SUITE 1100 (HBT)
BOSTON, MASSACHUSETTS 02114-2023

September 7, 2011

Linda L. Cole, P.E.
NAVFAC Mid-Atlantic
9742 Maryland Ave
Bldg Z-144, 1st Floor
Norfolk, VA 23511

Re: **EPA comments on Draft OU2 Record of Decision, Portsmouth Naval Shipyard, Kittery, Maine**

Dear Ms. Cole:

I have reviewed the subject document provided by the Navy and have the attached comments.

If you have any questions, please feel free to contact me at audet.matthew@epa.gov or 617.918.1449.

Sincerely,

Matthew R. Audet, P.G.
Remedial Project Manager
Office of Site Remediation and Restoration

cc. Iver McLeod/ME DEP
Deb Cohen/Tetra Tech NUS
RAB Members

Attachment 1
US EPA Comments on Draft OU2 Record of Decision
Portsmouth Naval Shipyard

1. Section 2.12.2, p.36: Since Building 310 itself, the soil cover, and shoreline stabilization are important elements of the remedy (by limiting or preventing exposure), they should not simply be discussed in the LUC section, but rather should be discussed as part of the main discussion of the remedy. For example, rather than simply noting a LUC performance objective of "maintain[ing] current . . . shoreline stabilization features" treat shoreline stabilization as a part of the remedy and describe the necessary elements.

2. Section 2.12.2, pp.36-37: Change "Within 90 days of ROD signature, the Navy shall develop a LUC RD that shall contain LUC implementation actions, including maintenance, monitoring and enforcement requirements that are consistent with the requirements under this ROD" to "Within 90 days of ROD signature, the Navy shall develop, prepare and submit to EPA for review and approval a LUC RD that shall contain LUC implementation actions, including maintenance, monitoring and enforcement requirements that are consistent with the requirements under this ROD.".

3. Fig. 2-3, p.38: The figure says that the LUC area includes the shoreline stabilization area, but the shoreline stabilization area continues off-map. Clarify and map exact LUC region.

4. Section 2.12.2, p.40: Same comment as regarding p.36.

5. Section 2.12.2, p.42: Same comment as regarding pp.36-37.

6. ARARs (Appendix E)

   a) Both tables: For all location-specific ARARs (federal and state), in "Evaluation/Action to be Taken," add that these requirements continue to apply during operations & maintenance.

   b) Both tables: Add a new federal location-specific ARAR to reflect the new federal floodplain and wetlands requirements at 40 C.F.R. part 9. Here is a proposed item to replace both of these items:

Requirement	**Citation**	**Status**	**Synopsis**	**Evaluation/Action to be Taken**
Floodplain Management and Protection of Wetlands	40 C.F.R. 9	Relevant and Appropriate	FEMA regulations that set forth the policy, procedure and responsibilities to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands.	Remedial alternatives conducted within the 500-year floodplain of the Piscataqua River or within federal jurisdictional wetlands will be implemented in compliance with these standards.

c) Both tables: Add a federal action-specific entry for the TSCA PCB remediation waste cleanup requirements at 40 C.F.R. § 761.61. Before finalizing the ROD, the Navy must apply in writing to EPA Region 1 for risk-based disposal approval regarding any PCB remediation waste, pursuant to 40 C.F.R. § 761.61(c). The ROD ARAR would then state that the Navy had applied for and received such an approval.

7. Section 2.7.1: In the subsection entitled "Risk Characterization", change the next to last sentence on page 20 from "The ratio of exposure to toxicity is called a hazard quotient (HQ)." to "The ratio of exposure dose to the reference dose (RfD) is called a hazard quotient (HQ).

8. Section 2.7.2: Change the last sentence of the 2nd paragraph from "The following are some of the specific activities conducted during and associated results of the onshore ecological risk assessment at OU2:" to "The following are some of the specific activities conducted during the onshore ecological risk assessment at OU2 and associated results:"

9. Section 2.8: The 5th sentence in the 2nd paragraph should identify the remediation guidelines that were used. Assuming that EPA Regional Screening Levels were used, the sentence should be revised from "Dioxin/furan concentrations were less than residential and industrial remediation guidelines; therefore, they were not identified as COCs for remediation." To "Dioxin/furan concentrations were less than residential and industrial remediation guidelines (EPA Regional Screening Levels), therefore they were not identified as COCs for remediation."

10. Table 2-9: It appears that the language concerning MEDEP concurrence with WDA-3 in Table 2-8 was carried over into Table 2-9. The sentence should be changed from "[MEDEP concurs with Alternative WDA-3 and a letter of concurrence is included in Appendix A.]" to "MEDEP concurs with Alternative DRMO-4 and a letter of concurrence is included in Appendix A.]"

11. Section 2.11: This section asserts that the contaminant concentrations at OU2 are "not highly toxic or highly mobile, therefore principal threat wastes are not present at the site." Section 2.5.3 indicates that elevated concentrations of lead (>15000 mg/kg), copper (> 10,000 mg/kg), and PCB (> 10 mg/kg) were detected at the site. Please explain in Section 2.11 why these chemicals are not considered highly toxic or highly mobile.

12. Section 2.13: The text after the bullet entitled "Preference for Treatment as a Principal Element" should be reviewed because it states that treatment is not a principal element because there are no principal threat wastes at the site. Please revise if Section 2.11 does not explain why the elevated concentrations of lead (>15000 mg/kg), copper (> 10,000 mg/kg), and PCB (> 10 mg/kg) detected at the site are not principal threat wastes.