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NSY PORTSMOUTH
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LETTER AND U S EPA REGION I COMMENTS TO DRAFT FEASIBILITY STUDY OPERABLE
UNIT 9 (OU9) NSY PORTSMOUTH ME
1/29/2013
U S EPA REGION I



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND - REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

January 29, 2013

Liz Middleton, EIT
Remedial Project Manager
Northeast IPT, NAVFAC Mid Atlantic
Code OPTE3
9742 Maryland Ave
Norfolk, VA 23511

Re: **EPA comments on Navy's *Draft Operable Unit 9 Feasibility Study*,
Portsmouth Naval Shipyard, Kittery, Maine**

Dear Ms. Middleton:

I have reviewed the subject documents provided by the Navy. The Agency's comments are provided in Attachment 1.

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

Sincerely,

A handwritten signature in blue ink that reads "Matthew R. Audet." The signature is written in a cursive style.

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

EPA comments on Navy's *Draft Operable Unit 9 Feasibility Study*, Portsmouth Naval Shipyard, Kittery, Maine

1. *Pg. ES 1.* The document states that OU9 consists of Site 34 – Former Oil Gasification Plant, Building 62. The site also includes the surrounding land area, running down to the Piscataqua River. The full extent of the Site boundaries should be described.
2. *Pg. 1-3.* The text states: The Federal Facility Agreement (FFA) for PNS was signed by USEPA and the Navy in September 1999, became effective February 2000, and supersedes the HSWA Permit. Please explain why the FFA supersedes the HSWA permit?
3. *Figure 1-2* should depict the precise boundaries of OU 9 including the extent of the 2007 excavation.
4. *Table 1-1.* Please explain further why facility background levels are relevant to whether site related pesticide storage releases occurred. Couldn't background levels be elevated due to regular application of pesticides in other areas.
5. *Page 1-9* states that any work to be performed near or within these buildings that would affect the structures must comply with Section 106 of the National Historic Preservation Act." Please affirm that the SHPPO consulted?
6. *Pg. 1-10, §1.6.2.* This section is written in a confusing manner and could be read to contradict itself. Please rewrite to clarify extent of contamination.
7. *Table 2-2.* The ARARs analysis should also address: the Essential Fish Habitat Assessment requirements of 16 U.C.C. §1851 et seq; the Fish and Wildlife Coordination Act, 16 U.S.C §§ 661-677(e); and the Rivers and Harbors Act of 1899, 33 U.S.C§493 et seq, 33 CFR Parts 320-323, Section 10.
8. *Page 2-9, ¶ 3.* This paragraph is poorly written. EPA has often demolished buildings to conduct remedies. A more appropriate statement would be that because the Shipyard has no current plans to demolish this building, the existing building, along with institutional controls on any future use of the land, will need to be imposed to make the remedy protective.
9. *Page 3-1.* The description of the initial screening criterion of effectiveness is not consistent with the NCP. See 40 CFR §400.430.
10. *Page 3-8.* The text states: "Currently, there is no reason to anticipate the transfer of OU9 land to the public (i.e., OU9 will be owned by the Navy in the near and extended future). Therefore, deed restrictions are not needed for OU9." Please note the ROD will require the Navy to affirm the requirement for permanent LUCs in the event of property transfer.
11. *Page 4-1.* Overall Protection of Human Health and the Environment is not consistent with language in the NCP. Is should be made consistent.
12. *Page 4-10.* Table B-3 makes no mention of RCRA closure requirements. If the waste that remains on site is RCRA waste, then the closure requirements are relevant and appropriate and perhaps applicable.

The table does state that "wastes generated as part of remedial activities would be analyzed to determine whether they are RCRA characteristic hazardous wastes. If determined to be hazardous waste, then the waste would be managed in accordance with regulatory requirements. Those requirements would be ARARs and should be identified in the table.

13. *Appendix E.* EPA did not complete a detailed technical evaluation of the analysis presented in Appendix E. In general, EPA supports Navy's efforts to evaluate the sustainability of planned remediation efforts and identify opportunities to mitigate environmental impacts of the remediation. EPA agrees that these considerations can be evaluated under the short-term effectiveness criteria. Further, EPA suggests that a valuable use of the results presented here will be in the design of the selected remedy to ensure that the drivers of any significant impacts are considered and that those environmental impacts are mitigated to the extent practicable. The Navy's efforts should be consistent with EPA Region 1's recently updated Clean and Green Policy (http://www.clu-in.org/greenremediation/docs/R1GRPolicy_Feb2012.pdf). In addition, EPA has developed a number of Green Remediation Fact Sheets that provide best management practices (BMPs) for a number of common remediation processes. Navy should consider these as they move forward with the remediation of the NUSC site: excavation and surface restoration (http://www.clu-in.org/greenremediation/docs/GR_Quick_Ref_FS_exc_rest.pdf), bio-remediation (http://www.clu-in.org/greenremediation/docs/GR_factsheet_biorem_32410.pdf), and clean fuel and emission technology (http://www.clu-in.org/greenremediation/docs/Clean_FuelEmis_GR_fact_sheet_8-31-10.pdf). Review of these BMP fact sheets may provide additional recommendations for reducing the environmental footprint of the remedies that could be added to the Recommendations Section of this analysis.