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TRANSMITTAL LETTER FOR THE SIGNATURE COPY OF THE RECORD OF DECISION
FOR OPERABLE UNIT 7 (OU 7) AND U S NAVY RESPONSES TO U S EPA REGION I AND
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMENTS NSY
PORTSMOUTH ME
9/13/2013
TETRA TECH



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PITT-09-13-023

September 13, 2013

Project Number 112G02100

Mr. Matthew Audet
USEPA, Region 1
5 Post Office Square
Suite 100
Mail Code OSRR07-3
Boston, Massachusetts 02109-3912

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

Reference: Contract No. N62470-08-D-1001 (CLEAN)
Contract Task Order No. WE13

Subject: Signature copy of Record of Decision for Operable Unit 7 and responses to comments
Portsmouth Naval Shipyard (PNS), Kittery, Maine

Dear Mr. Audet/Mr. McLeod:

On behalf of the U.S. Navy, Tetra Tech is pleased to provide to U.S. Environmental Protection Agency Region I (USEPA) and Maine Department of Environmental Protection (MEDEP) one copy of the subject document and the responses to comments on the draft document. As discussed among the Navy, USEPA and MEDEP, the responsiveness summary was updated and the description of the selected remedy was revised to allow for potential onsite stabilization of soil prior to offsite disposal. The document was also revised based on the responses to USEPA comments dated August 27, 2013 and MEDEP comments dated August 21, 2013. The transcripts from the July 23, 2013 public hearing, public comments received during the public comment period, and Navy responses to these comments are included in Appendix C.

The signature copy of the ROD is being provided for USEPA signature and for MEDEP concurrence. MEDEP concurrence letter, when received, will be included in Appendix A of the final signed copy of the ROD. The final ROD (hard copies and electronic copies) will be distributed after signature by the Navy and USEPA.

If you have any comments or questions, or if additional information is required, please contact Ms. Elizabeth Middleton at 757.341.1985.

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
Public Affairs Office
Attn: Danna Eddy
Portsmouth, NH 03804-5000

Sincerely,

Deborah J. Cohen, PE
Project Manager

DJC/clm
Enclosure

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Mr. Matthew Audet
Environmental Protection Agency
Mr. Iver McLeod
Maine Department of Environmental Protection
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Without Enclosure

Mr. Doug Bogen (e-mail)
Ms. Mary Marshall (e-mail)
Mr. Peter Britz (e-mail)
NH Fish & Game (D. Grout) (e-mail)
Ms. Carolyn Lepage (e-mail)
ME Dept. of Marine Resources (D. Nault) (e-mail)
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U.S. Fish and Wildlife (K. Munney)

Hard Copy

NAVFAC MIDLANT. (Code OPTE3/E. Middleton)
(1 copy and responses to comments)
NAVFAC MIDLANT PWD ME (Code PRN4, M. Thyng)
(1 copy and responses to comments)

**RESPONSES TO MEDEP COMMENTS DATED AUGUST 21, 2013
DRAFT RECORD OF DECISION FOR OPERABLE UNIT 7
PORTSMOUTH NAVAL SHIPYARD, KITTERY, MAINE**

1. **Comment:** 2.8 Remedial Action Objectives, p. 21. “Depths of remediation were based on the exposure depths evaluated in the HHRA, surface soil from 0 to 2 feet bgs and subsurface soil from 2 to 10 feet bgs or groundwater table at high tide, whichever is shallower.”

As a reminder, as stated in MEDEP’s April 29, 2013 comment letter on the Draft Final FS for OU7, if a typical excavation depth for construction work at the Shipyard could result in unacceptable exposure for a construction worker then the contaminated soil should be removed regardless of whether or not the soil is saturated.

Response: The exposure scenario is based on typical excavation depth, and no text revision is necessary for Section 2.8.

2. **Comment:** 2.12.2 Description of Selected Remedy, p. 27, 3rd paragraph. “Based on the concentrations of dioxins/furans and total PCBs detected at OU7, remediation of subsurface soil to industrial worker cleanup levels will also result in concentrations of these COCs less than the residential cleanup level...”

Please clarify/revise this statement. Is this referring to surface soil concentrations of these COCs that, as with lead in surface soil, will be incidentally reduced to below residential cleanup levels due to removal of subsurface soil?

Response: The referenced portion of the sentence is referring to dioxins/furans and total PCBs in subsurface soil. Dioxins/furans and PCBs are not COCs for surface soil for any receptor because concentrations were at acceptable levels in surface soil. The only COC in surface soil was lead based on residential exposure. As discussed in the second paragraph of Section 2.12.2, for Excavation Area 1, excavation will be conducted from ground surface to the specified depth and the excavation will also reduce the concentration of lead in surface soil at the site to less than residential cleanup levels.

The referenced sentence will be revised to clarify the portion discussing dioxins/furans and total PCBs. The following provides the text revision:

“Because Based on the concentrations of dioxins/furans and total PCBs detected at OU7 were only elevated in the two excavation areas, remediation of subsurface soil to industrial worker cleanup levels will also result in concentrations of these COCs less than the residential cleanup level for dioxins/furans and total PCBs. Additionally, excavating these areas will also result in lead in surface soil meeting the residential cleanup level for lead and lead in surface soil less than residential cleanup level.”

In addition, text will also be added to Table 2-7 of Section 2.12.3 (Expected Outcomes of Selected Remedy) to explain that excavation of dioxins/furans and total PCB contamination will also reduce concentrations of these COCs to less than residential cleanup levels.

3. **Comment:** App. E. ARARs , Table E-1, State Action-Specific ARARs and TBCs. Include Waste Management in this table, as is stated in the June 2013 OU7 Final Feasibility Study.

Requirement	Citation	Status	Synopsis	Evaluation/Action To Be Taken
Waste Management	Additional Standards Applicable to Waste Facilities Located in a Flood Plain (06-096 CMR 854.16)	Relevant and Appropriate	Any facility located or to be located within 300 feet of a 100 year flood zone must be constructed, operated, and maintained to prevent wash-out of any hazardous waste by a 100 year flood or have procedures in place which will cause the waste to be removed to a location where the waste will not be vulnerable to flood waters and to a location which is authorized to manage hazardous waste safely before flood water can reach the facility.	Any remedial activities conducted within 300 feet of the 100-year flood zone would be conducted in compliance with these standards.

Response: Although other ARARs cover potential concerns of sedimentation and erosion from any future maintenance of the shoreline erosion controls along the OU7 shoreline, the requested ARAR will be included in the Table E-1 of the ROD, as follows.

Requirement	Citation	Status	Synopsis	Evaluation/Action To Be Taken
Waste Management	Additional Standards Applicable to Waste Facilities Located in a Flood Plain (06096 CMR 854.16)	Relevant and Appropriate	Any facility located or to be located within 300 feet of a 100 year flood zone must be constructed, operated, and maintained to prevent wash-out of any hazardous waste by a 100 year flood or have procedures in place which will cause the waste to be removed to a location where the waste will not be vulnerable to flood waters and to a location which is authorized to manage hazardous waste safely before flood water can reach the facility.	Future maintenance activities as part of long-term management of shoreline erosion controls conducted within 300 feet of the 100-year flood zone will be conducted in compliance with these standards.

**RESPONSES TO USEPA COMMENTS DATED AUGUST 27, 2013
DRAFT RECORD OF DECISION FOR OPERABLE UNIT 7
PORTSMOUTH NAVAL SHIPYARD, KITTERY, MAINE**

1. **Comment:** Section 2.1: Change the last sentence from “The Navy is the lead agency for CERCLA activities at the facility, and USEPA and MEDEP are support agencies.” to “The Navy is the lead agency for CERCLA activities at the facility, and USEPA and MEDEP provide regulatory oversight.”..

Response: The quoted text in the last sentence of Section 2.1 is the same language that has been used in the past three Record of Decision (ROD) documents for Portsmouth sites, including the most recent ROD for Operable Unit (OU) 4. Therefore, the Navy would prefer to keep the language the same for OU7 for consistency.

2. **Comment:** Table 2-1: In the 2nd investigation (Groundwater Monitoring), change the 2nd sentence under “Activities” from “The purposed of the program...” to “The purpose of the program...”

Response: The text will be corrected as provided.

3. **Comment:** Section 2.12.1: In the first bullet change the sentence “Excavation under Alternative 3 will result in unrestricted exposure for current industrial workers and unrestricted exposure to surface soil at OU7.” to “Excavation under Alternative 3 will result in unrestricted exposure for current industrial workers and unrestricted exposure to current and future industrial workers to surface soil at OU7.” Alternatively, confirm that excavation under Alternative 3 will result in “unrestricted exposure” for hypothetical residents.

Response: The excavation under Alternative 3 will also reduce risks to acceptable levels for hypothetical residential exposure to surface soil. The first sentence of the bullet will be corrected to read “will also address potential unacceptable risks for exposure to surface soil for hypothetical ~~recreational~~ **residential** exposure.”

4. **Comment:** Table 2-3: Please explain in footnote 1 the meaning of “pick-up levels”. To ensure that the high PCBs cleanup level (7.3 mg/kg) for residents is not precedential, please add a footnote indicating this cleanup level is based only on carcinogenic risk, that a non-carcinogenic residential cleanup level would be lower, and that this cleanup level was negotiated based on the likelihood that the post-excavation exposure point concentration will have acceptable residential carcinogenic and non-carcinogenic risk, to be confirmed by post-excavation confirmation sampling.

Response: The text in footnote 1 for Table 2-3 will be revised to read “and are not intended as **excavation** (pick-up) levels **that need to be met on a sample by sample basis.**”

Footnote 3 will be added to provide additional information on the residential Total PCB cleanup level. The proposed footnote is as follows:

“The selected residential cleanup level for total PCBs was developed based on site-specific potential carcinogenic risks. Although a non-carcinogenic based residential cleanup level may be lower, as discussed in the development of preliminary cleanup levels in the FS for OU7, there is uncertainty in a cleanup level based on non-carcinogenic risks. However, as shown in

the FS for OU7, remediation of contaminated soil based on the industrial cleanup level for total PCBs will also result in acceptable carcinogenic and non-carcinogenic residential risks for exposure to total PCBs in soil at OU7.”

Confirmation sampling is a specific component of the Selected Remedy (discussed in Section 2.12.2); therefore, the Navy does not propose to include discussion of confirmation sampling under the remedial action objective/cleanup level discussion (Section 2.8/Table 2-3).

5. **Comment:** Section 2.12.2: In the 1st bullet it is stated that prohibited residential uses shall include “any form of housing”; however, in the next to last paragraph in Section 2.1 it is stated that current activities include a hotel (Bldg. H23). Perhaps, the language should be changed to indicate that prohibited residential uses shall include any form of housing, other than transient officers’ housing. Alternatively, explain what this transient housing entails in terms of exposures.

Response: The text in the first bullet will be revised to read “any form of *residential* housing (*excluding transient housing such as a hotel*), child care facilities,…”.