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TRANSMITTAL LETTER FOR THE SIGNATURE COPY OF THE RECORD OF DECISION  
FOR OPERABLE UNIT 9 (OU 9) 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



**TETRA TECH**

PITT-09-13-024

September 13, 2013

Project Number 112G02214

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. WE26

Subject: Signature copy of Record of Decision for Operable Unit 9 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 responses to comments on the draft. As discussed among the Navy, USEPA, and MEDEP, the responsiveness summary was updated and revisions were made based on the responses to USEPA comments dated August 29, 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 were 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,

Matthew Kraus, QEP  
Project Manager

MK/clm  
Enclosure

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**TETRA TECH**

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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PNS Code 100PAO (e-mail)  
Ms. Diana McNabb (e-mail)  
Mr. Jack McKenna  
Lisa Joy (e-mail)  
Paul Dombrowski (e-mail)  
NIRIS RDM  
NOAA (K. Finkelstein) (e-mail)  
U.S. Fish and Wildlife (K. Munney)(e-mail)

**Hard Copy and/or CD**

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)  
Deborah Cohen, Tetra Tech, Pittsburgh  
(1 copy and responses to comments)

**RESPONSES TO MEDEP COMMENTS DATED AUGUST 21, 2013  
DRAFT RECORD OF DECISION FOR OPERABLE UNIT 9  
PORTSMOUTH NAVAL SHIPYARD, KITTERY, MAINE**

1. **Comment:** 2.7.1. Risk Characterization, p. 16, 5<sup>th</sup> paragraph. After indicating EPA's acceptable risk range add, "MEDEP's acceptable risk benchmark is  $1 \times 10^{-5}$ ."

**Response:** The following text will be added, similar to the wording that was provided in the Remedial Investigation (RI) and Feasibility Study (FS) reports, "The State of Maine cancer risk guideline is  $1 \times 10^{-5}$ ."

2. **Comment:** 2.12.2 Description of Selected Remedy, p. 24, 1<sup>st</sup> sentence. After "residential use" add "...where CoC concentrations exceed cleanup levels..."

**Response:** The first sentence of Section 2.12.2 (on page 24) is a summary of the remedy components and no revision to the first sentence is proposed based on this comment. However, clarifying text will be added to the next paragraph, which discusses more specifics about residential land use controls (LUCs). The following text revision will be made (added text in bold and italics):

"LUCs will be implemented for OU9 through a LUC RD for the areas shown on Figure 2-3. ***Two areas for LUCs at OU9 were identified; the area north of Building 62 is where PAH-contaminated subsurface soil (2 to 8 feet bgs) based on potential residential risks was delineated, and Building 62 Annex is where ash contaminated with PAHs is presumed to be present beneath the floor of the building.*** LUCs to prevent residential land use...."

3. **Comment:** Figure 2-3. Change the word "restricted" in the balloons to "prohibit" to be consistent with the bullets in Section 2.12.2.

**Response:** The suggested wording change will be made to Figure 2-3.

4. **Comment:** App. C. Even though these pages are copied from the OU9 RI Report it would be useful to change the two title pages stating "RAGS TABLES 7 and 9" by using strikeout to indicate that Table 7 is not included.

**Response:** Appendix D of the ROD (Human Health Risk Tables) provides excerpts from Appendix C of the RI Report. A note will be added to the cover page for the RAGS TABLES 7 and 9 to indicate that only RME Table 9s from the RI Report are included.

**RESPONSES TO USEPA COMMENTS DATED AUGUST 29, 2013  
DRAFT RECORD OF DECISION FOR OPERABLE UNIT 9  
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 OU9 for consistency.

2. **Comment:** Table 2-2: In footnote no. 1, change “...occupational works for exposure...” to “...occupational workers for exposure...” .

**Response:** The text in footnote no. 1 will be corrected as provided.

3. **Comment:** Section 2.6, page17: In the 2<sup>nd</sup> full paragraph on page 17, change “...for occupation workers...” to “...for occupational workers...”.

**Response:** The text on Page 17 will be corrected as provided.

4. **Comment:** Section 2.8: At the end of the 2<sup>nd</sup> full paragraph it is stated “The cleanup level was developed using site-specific exposure assumptions and based on a chemical-specific cancer risk of  $1 \times 10^{-4}$ .” Please clarify, because it is unclear whether or not the cleanup level for each individual carcinogenic PAH is 1E-04 or whether the cleanup level for all carcinogenic PAHs combined is 1E-04. Please provide documentation for derivation of cleanup levels in Appendix D.

**Response:** The cleanup level for carcinogenic PAHs was calculated using the benzo(a)pyrene (BAP) cancer slope factor based on the BAP toxicity equivalency quotient (TEQ) for all carcinogenic PAHs. The BAP TEQ is the sum of each individual carcinogenic PAH concentration times its toxicity equivalency factor in relation to BAP. Therefore, the cleanup level is for all carcinogenic PAHs evaluated collectively based on the BAP TEQ. This information is provided in the sentences at the beginning of the 2<sup>nd</sup> full paragraph.

Development of the cleanup level for carcinogenic PAHs based on BAP TEQ is detailed in Appendix A.1 of the Feasibility Study (FS) Report for OU9. A reference to this information will be included in the text of Section 2.8.