



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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December 23, 2008

NAVFAC MIDLANT
9742 Maryland Ave
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Attn: Kirk Stevens
Code EV4, bldg N-26
rm 3208

re: Feasibility Study Report for OU2, Portsmouth Naval Shipyard, Kittery, Maine, Nov. 2008

Dear Kirk,

The Maine Department of Environmental Protection has reviewed the documents referenced above.

General Comments

1. In Section 1, the text notes in several places that the DRMO cap is "interim". In discussion with Navy at the November 20, 2008 technical meeting there was agreement to provide supporting information that would demonstrate that the cap can serve as a permanent remedy for that portion of the DRMO. This information must be reviewed by MEDEP engineering staff to ensure the cap is sufficiently protective. Until we agree with the Navy's supporting information the existing interim cap should not be considered an effective alternative or component of an alternative.
2. According to data from previous investigations there are concentrations of lead as high as 255,000 mg/kg - 25.5% - at the southwest corner of Building 298 in the top six inches of soil. Other nearby locations have soil concentrations of 130,000 mg/kg and 110,000 mg/kg in the top two feet of soil. MEDEP's Remedial Action Guidelines do not allow any anthropogenic compounds in soil at concentrations greater than 10,000 ppm (1%). The interim cap does cover these locations however, regardless of the cap, either interim or permanent, such highly contaminated soil must be removed and transported to a proper disposal facility. In addition to MEDEP policy regarding soil contamination, the concentrations are too high to risk any possible erosion into the river due to potential future catastrophic flooding resulting from global warming.
3. There are several places in the text, especially the tables in Section 5, where the word "implantation" has been used where "implementation" should be used. Please correct these errors.

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Specific Comments

4. 1.4.2 and 1.4.3, pp. 1-4 - 1-5: Based on discussion at the technical meeting regarding the removal of contaminated soil and regrading of the area near Building 348, the text needs to reference this area as it is likely a part of past DRMO activity. If the evaluation of this area determines residual impacted soils remain, then the figures and calculations of areas/volumes may need to be revised.

5. 1.5, p. 1-9: "...the trench is considered a clean area within OU2." The MEDEP has no record of ever receiving the November 2005 Building 298 Trenching Closeout Report in which the clean designation was made. Please forward a copy of this document to us. If contamination exists below the depth of the trench land use controls will be necessary to prevent excavation into contaminated soil.

6. 2.1.2., 2-6, first paragraph: "...there are no wetlands..." After this phrase please add "as defined in EO11990..." to differentiate it from the definition of wetlands as defined in MEDEP Ch. 1000. As defined in Ch. 1000 the shoreline at OU2 is considered a wetland.

7. 2.5, p. 2-17, 1st paragraph: "The area around Building 348 was not included..." See Comment 4 above.

8. 2.5, p. 2-17, last sentence: Change 1,6000 to 1,600.

9. 2.5, p. 2-18, 1st paragraph: "The area including the bedrock outcrop to the west..."

This text appears to contradict the later evaluation of remedial options (WDA-3 and WDA-4) that include removal and or consolidation of these pockets of soil into the main portion of the Waste Disposal Area. Please revise as needed, or simply note that they were not included in the volume calculations.

10. 2.5, p. 2-18, 2nd paragraph: "Addressing the area contaminated with lead at concentrations greater than 4,000 mg/kg would likely result in exposure concentrations less than the construction worker PRG based on 60-day exposure..." Please clarify this statement. The table on p. 2-15 indicates that the 60-day construction worker PRG for lead is 2,000 mg/kg.

11. Table 2-1: In the OUI Feasibility Study the chemical-specific ARARs included "Recommendations of the Technical Review Workgroup for Lead for an Approach to Assessing Risks Associated with Adult Exposures to Lead in Soil, USEPA, Jan. 2003." Please include this in the OU2 ARARs table or explain why it is not included.

12. Table 2-1: USEPA Region 9 PRGs: The reference should be to the updated September 2008 table.

13. Table 2-2: Eocation-Specific ARARs: The OU3 ARARs table included the RCRA Floodplain Restrictions for Hazardous Waste Facilities, stating, "Remedial alternatives that involve construction in the 100-year floodplain would be designed, constructed,

operated, and maintained to prevent washout of any hazardous waste by a 100-year flood and to result in no adverse effects on human health or the environment if washout were to occur." This should be included in the OU2 ARARs table.

14. Table 2-3, p. 3/5: Maine Air Pollution Control Laws should be under State, not Federal, ARARs.

15. Table 3-1, p. 2/4: The screening comment for ex-situ chemical fixation should be the same as for in-situ chemical fixation but is not. Please clarify.

16. 3.5.2, p. 3-20: "The depth of waste and contaminated soils within the DRMO area extends 6 feet below ground surface ..." MEDEP agrees with the statement in general but notes that there are locations at the DRMO (DSB-5, FCS-50, OU2-131) where the data indicate lead >1,000 mg/kg is found below 6 feet. The confirmation sampling proposed for any of the excavation alternatives could be applied to potential areas extending below 6 feet. Please revise the sentence to "The depth of *the majority* of waste and contaminated soils..." or similar to reflect the limited areas where contamination may extend below 6 feet.

17. 4.2.2.1, p. 4-7, last sentence: LUCs are critical to the success of Alternative WDA-2. Therefore, verification of the continued effectiveness of LUCs should be on at least a quarterly basis in the beginning.

18. 4.2.7.2, p. 4-22, last sentence: "...there are no active treatment technologies to reduce contaminant toxicity, mobility, or volume associated with Alternative DRMO-3."

Soil washing/screening should reduce volume. As stated in p. 3-10, "The use of soil washing along with screening would yield clean material that could be used as backfill on site..."

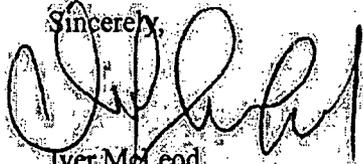
19. 4.2.8.1, p. 4-24: "...capping the portion of the DRMO area adjacent to Building 298 causing unacceptable industrial risk..." The highest concentrations of lead in soil at the DRMO are found at the southeast corner of Building 298 and must be removed. See Comment 2.

20. 4.2.8.2, Implementability, p. 4-27: This section states that Alternative DRMO-4 would require a significant amount of planning to implement. However, Alternative DRMO-3, which requires significantly more excavation, is considered "relatively simple to implement." Please explain this discrepancy.

21. Table 5-2, p. 1: The table states that under Alternative DRMO-3 LUCs and O&M would not be required. The depth of excavation for this alternative is six feet although there are high levels of contamination in the soil deeper than six feet. As long as any contamination over unacceptable risk levels remain in the soil LUCs will be required to ensure that contact with those contaminants do not occur. Likewise, LUCs will be necessary to prevent future potential contact with any contaminants below existing buildings.

Please feel free to contact me at (207) 287-8010 if you have any questions.

Sincerely,



Iver McLeod

Project Manager

Bureau of Remediation and Waste Management

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