



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

N00102.AR.001033
NSY PORTSMOUTH
5090.3a

ANGUS S. KING, JR.
GOVERNOR

MARTHA KIRKPATRICK
COMMISSIONER

August 22, 2001

Mr. Fred Evans
Department of the Navy
Northern Division
Naval Facilities Engineering Command
10 Industrial Highway, Mailstop 82
Lester, PA 19113-2090

re: Responses to MEDEP Comments dated July 30, 2001 on Draft Final Record of Decision for Operable Unit 3, Portsmouth Naval Shipyard, Kittery, ME

Dear Fred:

The Maine Department of Environmental Protection has reviewed the Responses to Comments referenced above. As we discussed these comments and the Navy's responses in a telephone call on August 9 we find the Navy's responses acceptable. However, some of the responses could be clearer. For the record, I would like to provide the State's interpretation of some of these comments. No response is necessary unless the State's interpretation differs greatly from the Navy's intent.

Comment 3. The Navy's response was "The Navy disagrees with adding the text on dioxin because this information was not used by the Navy in making its decision for OU3." This response, though accurate, gives the impression that the Navy ignored dioxin completely when selecting a remedy for OU3. The MEDEP understands that the presence of dioxin would not affect the remedy for OU3. However, as we discussed the presence of dioxin, if it migrates out of the landfill with groundwater, could affect a potential remedy for OU6. Therefore, you stated the Navy will begin to address dioxin in the landfill during the OU6 DQO process.

Comment 4. The Department is satisfied with the revised wording for this section. However, we should point out that our satisfaction is in part due to wording in the Navy's original response that we overlooked. The Navy stated, "Therefore, the Navy believes that there is a low potential for the presence of drums of hazardous materials in the landfill..." This is the point we wanted to make clear. We're satisfied that available data indicate that the landfill likely does not contain hazardous wastes at high concentrations, e.g. hotspots, but we also believe, as the Navy stated, that there is a possibility that there are drums of hazardous materials in the landfill simply because of the fact that their heterogeneous nature makes it impossible to fully characterize any particular landfill.

Comment 6. The Navy indicated that restrictions will be necessary to protect the landfill cover system regardless of the type of groundwater beneath it. Implicit in this statement

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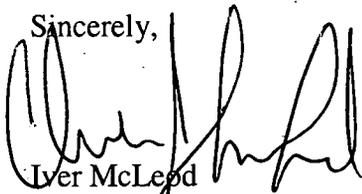
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is that those restrictions will prevent anybody puncturing the landfill cap to put in a well. Thus restrictions to protect the cover also satisfy MEDEP's concern for using groundwater from the landfill.

Comment 7. This comment was related to the issue of slope failure and 100-year flood level versus predicted sea level rise from global warming. I found this response somewhat difficult to follow. My understanding, from discussions at our August 7 technical meeting, is that the liner will be placed on the sides of the landfill only as far down as the highest river level used in the design, i.e., the 100 year flood elevation or predicted sea level rise. Not placing the liner below water level will prevent water from building up behind the liner and causing pressure buildup resulting in slope failure. The problem with using a higher flood elevation, i.e. based on sea level rise, is that the liner will cover even less of the landfill as it will when using a 100 year flood elevation. In order to maximize the area of landfill covered with a liner, the MEDEP is in agreement that the 100-year flood elevation should be used in the landfill design.

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

Sincerely,



Iver McLeod
Project Manager
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