



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JAN - 7 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Mark E. Davidson  
US Navy  
BRAC PMO SE  
4130 Faber Place Drive  
Suite 202  
North Charleston, SC 29405

Re: Naval Activity Puerto Rico (NAPR), formerly Naval Station Roosevelt Roads,  
EPA I.D. No.: PR2170027203,

- 1) November 9, 2007 Responses to Comments and Revised Phase I RFI Reports for SWMUs 27, 28, and 29;
- 2) August 31, 2007, Draft Full RFI Work Plans for SWMUs 27, 28, and 29;
- 3) November 20, 2007 Responses to Comments and Revised Phase I RFI Reports for SWMUs 16, SWMU 42, and AOC A.

Dear Mr. Davidson:

This letter is addressed to you as the Navy's designated project coordinator pursuant to the January 29, 2007 RCRA Administrative Order on Consent ("the Consent Order") between the United States Environmental Protection Agency (EPA) and the U.S. Navy (the Navy). EPA Region 2 has completed its reviews of the above documents, which were submitted on behalf of the Navy, pursuant to the requirements of the Consent Order. Based upon our reviews, EPA has several comments, which are discussed below. Additional comments are given in the enclosed Technical Reviews prepared by our consultant, TechLaw, Inc.

Responses to EPA Comments and Revised Phase I RFI Final Reports for SWMUs 27, 28, and 29

EPA has completed its review of the Responses and Revised Phase I RFI Reports submitted on November 9, 2007 by Baker Environmental on behalf of the Navy. Those Responses and the Revised Phase I RFI Reports were submitted to address EPA's June 28 and September 24, 2007 Comments on the Draft Phase I RFI reports. Except for three specific comments given in the enclosed Technical Review, the revised Phase I RFI Reports and the Responses to Comments are

acceptable. You may address those three specific comments in an addendum to the Phase I RFI Reports rather than re-submitting those documents. Subject to you addressing those three specific comments, the November 9, 2007 Revised Phase I RFI Reports for SWMUs 27, 28, and 29 are acceptable.

Please submit within 45 days of your receipt of this letter, an addendum addressing the specific comments given in the enclosed Technical Review dated December 13, 2007.

#### Draft "Full RFI" Work Plans for SWMUs 27, 28, and 29

EPA has completed its review of the Full RFI Work Plan for these three SWMUs which was submitted on August 31, 2007 by Baker Environmental on behalf of the Navy. As you know, this work plan for a "Full RFI" was developed prior to the Navy responding to EPA's June 28, 2007 comments on the Draft Phase I RFI Reports for SWMUs 27, 28, and 29. Therefore, EPA will conditionally approve the "Full RFI" Work Plan; however, that approval is subject to the Navy acceptably addressing EPA's comments (see above) on November 9, 2007 Navy Responses. If in those Responses, it is determined that the "Full RFI" Work Plan should be modified, please submit the modified "Full RFI" Work Plan concurrently with your Responses to EPA's comments discussed above, i.e., within 45 days of your receipt of this letter.

Subject to the Navy proposing no modification to the August 31, 2007 "Full RFI" Work Plan (as a result of addressing EPA's above comments on the Navy's November 9, 2007 Responses), implementation of the "Full RFI" shall proceed pursuant to the schedule given in Figure 5-1 of the Work Plan (i.e., field work should commence by April 8, 2008).

#### Responses to Comments and Revised Phase I RFI Reports for SWMUs 16, SWMU 42, and AOC A

EPA has completed its review of the Response to Comments and Revised Phase I RFI Reports submitted on November 20, 2007 by Baker Environmental on behalf of the Navy. Those Responses and the Revised Phase I RFI Reports were submitted to address EPA's September 24, 2007 letter commenting on the Navy's July 20, 2007 Responses to EPA's (original) May 29, 2007 Comments on the Draft Phase I RFI reports for SWMUs 16 and 42, and AOC A.

With regard to November 20, 2007 revised Final Phase I RFI Report for SWMU 16, EPA has determined that it is acceptable.

With regard to revised Final Phase I RFI Report for SWMU 42, EPA has determined that the Recommendation given in Section 6.2 of the November 20, 2007 Report for a Corrective Action Complete without Controls is not fully acceptable, for two reasons. Firstly, while the risk assessment performed for SWMU 42, which is given in Appendix D of the Phase I RFI Report is

acceptable for screening purposes, the exposure scenarios evaluated do not include a residential land use. Therefore, that risk evaluation is not sufficient to support any future unrestricted land use. Accordingly this SWMU would require a land use restriction, unless potential risks due to possible future residential exposures are fully evaluated and found to be below acceptable thresholds.

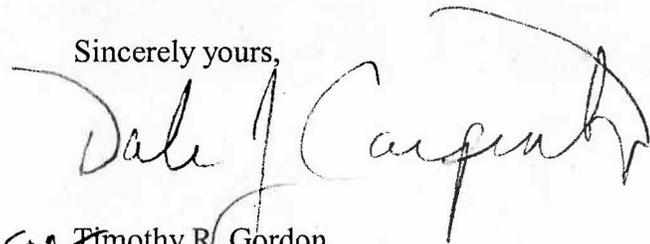
Secondly, the recommendation in Section 6.2 of the November 20th RFI Report states that the Corrective Action Complete recommendation should include a "...stipulation that the sediment [in the lagoons] be removed and disposed of properly in the event that the plant ceases operation." Such a stipulation constitutes a "Control", pursuant to EPA's February 2003 Final Guidance on Completion of Corrective Action Activities at RCRA Facilities. Therefore, please revise the Phase I RFI Report to include either a Corrective Action Complete recommendation With Controls (rather than Without Controls) and describe the control (the current description that the sediment [in the lagoons] be removed and disposed of properly in the event that the plant ceases operation is adequate), or a revised risk assessment that evaluates any future exposure scenarios resulting from residential land use of the SWMU site.

With regard to revised Final Phase I RFI Report for AOC A, except for two specific comments, given in the enclosed Technical Review, the November 20, 2007 Revised Phase I RFI Report is acceptable.

Please submit within 45 days of your receipt of this letter, an addendum addressing the specific comments given above regarding SWMU 42 and discussed in the enclosed December 14, 2007 Technical Review regarding AOC A. You may address these comments on the SWMU 42 and AOC A in a "hard copy" addendum to the Phase I RFI Reports; however, please also submit at that time updated CDs with the revised Final Phase I RFI Reports for both SWMU 42 and AOC A.

If you have any questions on the above or enclosed comments, please telephone me at (212) 637-4167.

Sincerely yours,



For  
Timothy R. Gordon  
Remedial Project Manager,  
Resource Conservation and Special Projects Section  
RCRA Programs Branch

Enclosures (2)

cc: Ms. Josefina González, P.R. Environmental Quality Board, w/encls.  
Mr. Julio I. Rodriguez Colon, P.R. Environmental Quality Board, w/encls.  
Mr. Pedro Ruiz, Naval Activity Puerto Rico, w/o encls.  
Mr. David Criswell, US Navy, BRAC PMO, w/o encls.  
Mr. Mark Kimes, Baker Environmental, w/encls.  
Mr. Andrew Dorn, TechLaw Inc., w/o encls.  
Mr. Felix Lopez, USF&WS, w/o encls.

**TECHNICAL REVIEW OF THE NAVY RESPONSES  
TO EPA COMMENTS DATED SEPTEMBER 24, 2007 FOR THE  
FINAL PHASE I RCRA FACILITY INVESTIGATION REPORTS FOR  
SWMU 16 and 42 and AOC A  
NAVAL ACTIVITY PUERTO RICO**

**NAVAL ACTIVITY PUERTO RICO  
CEIBA, PUERTO RICO  
EPA ID No. PR2170027203**

**Submitted to:**

**U.S. Environmental Protection Agency  
Region 2  
290 Broadway  
New York, NY 10007-1866**

**Submitted by:**

**TechLaw, Inc.  
One Penn Plaza, Suite 2509  
New York, NY 10119**

<b>EPA Task Order No.</b>	<b>002</b>
<b>Contract No.</b>	<b>EP-W-07-018</b>
<b>TechLaw TOM</b>	<b>Andrew Dorn</b>
<b>Telephone No.</b>	<b>312-345-8963</b>
<b>EPA TOPO</b>	<b>Timothy Gordon</b>
<b>Telephone No.</b>	<b>212-637-4167</b>

**December 14, 2007**

**TECHNICAL REVIEW OF THE NAVY RESPONSES  
TO EPA COMMENTS DATED SEPTEMBER 24, 2007 FOR THE  
FINAL PHASE I RCRA FACILITY INVESTIGATION REPORTS FOR  
SWMU 16 and 42 and AOC A  
NAVAL ACTIVITY PUERTO RICO**

**DRAFT PHASE I RCRA FACILITY INVESTIGATION REPORT FOR AOC A  
REPORT**

**SPECIFIC COMMENTS**

**8. Section 5.5.2 STL Savannah SDG 22098-2:** The Navy's response has addressed Specific Comment 8. For future sampling events, please adhere to Section 3.4.1 of EPA's Test Methods for Evaluating Solid Waste, Physical/Chemical Methods Manual (SW-846) and EPA Region 3 fact sheet on quality control blanks dated November 15, 2001, for information on quality control tools (available at: [www.epa.gov/region3/esc/QA/Blanks\\_QC\\_Tools.pdf](http://www.epa.gov/region3/esc/QA/Blanks_QC_Tools.pdf)).

**10. Tables:** The Navy's response has partially addressed Specific Comment 10. Equipment blank concentrations in sample 2006ER05 resulted in qualifying the detected concentrations of toluene in samples AOCACC02 and AOCACC06 as estimated values, while the detected concentration in sample AOCACC05 was rejected. Table 5-2 indicates that toluene was undetected in samples AOCACC02 and AOCACC06. Revise Table 5-2 to resolve this apparent discrepancy.

**NAVAL ACTIVITY PUERTO RICO  
CEIBA, PUERTO RICO  
EPA ID NO. PR2170027203**

**TECHNICAL REVIEW OF THE NAVY RESPONSES TO EPA  
COMMENTS DATED JUNE 28, 2007 (SWMU NOS. 27, 28, AND 29)**

**DATED NOVEMBER 9, 2007**

**Submitted to:**

**U.S. Environmental Protection Agency  
Region 2  
290 Broadway  
New York, NY 10007-1866**

**Submitted by:**

**TechLaw, Inc.  
One Penn Plaza, Suite 2509  
New York, NY 10119**

<b>Task Order No.</b>	<b>002</b>
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<b>U.S. EPA TOPO</b>	<b>Timothy Gordon</b>
<b>Telephone No.</b>	<b>212-637-4167</b>
<b>TechLaw TOM</b>	<b>Andrew Dorn</b>
<b>Telephone No.</b>	<b>312-345-8963</b>

**December 13, 2007  
(slightly revised by EPA on December 18, 2007)**

**NAVAL ACTIVITY PUERTO RICO  
CEIBA, PUERTO RICO  
EPA ID NO. PR2170027203**

**TECHNICAL REVIEW OF THE NAVY RESPONSES TO EPA  
COMMENTS DATED JUNE 28, 2007 (SWMU NOS. 27, 28, AND 29)**

**DATED NOVEMBER 9, 2007**

The following comments were generated based on review of the November 9, 2007 *Navy Responses to EPA Comments dated June 28, 2007*. Except as noted in the Specific Comments below, the Navy's responses to comments are adequate.

**SPECIFIC COMMENTS**

- 1. Navy Response to EPA Comment No. 1 for SWMU 27:** The Navy response appears to address the first part of the comment in that there is agreement that the north and east flanks of the sludge drying beds must be addressed through the Full RFI. However, the portion of this comment requesting that the investigations define the likely source area for those releases and the potential for unacceptable risks to human health and/or the environment was not specifically addressed in the Navy response.
- 2. Navy Response to EPA Comment No. 2 for SWMU 27:** The descriptive statistics are helpful; however, the explanation for several populations is incomplete. There are additional explanations for multiple populations, including contamination, that are not presented here. In addition to a statistical explanation, the text should explain why the interpretation of multiple populations is due only to physical characteristics, and not other factors including different sampling analyses, differing sample times, or contamination.

In addition, the statement "the absence of data points above the predicted quantile lines for each distribution at the upper concentration ranges of the data is not indicative [of] a contaminated population" does not identify whether there is or is not contamination. The quantile line is merely a best fit line for the data and does not provide an indication of the presence or absence of contamination. Concentrations above the 95% upper confidence limit (UCL) are shown however, for example in Figure 1-B. This probability plot shows four data points exceeding the 95% H-UCL of 194.57 mg/kg from Table 1C. If the Chebyshev approach is used, there are three data points that exceed 231.58 mg/kg. The other distributions show similar results. These four data points appear to be potential hot spots in the background data and should be further evaluated as the site moves forward.

- 3. Navy Response to EPA Comment No. 3 for SWMU 29:** The revised text in Section 6.1 of the Draft Phase I RFI Report, which includes the identification of chemicals exceeding human health and/or ecological screening criteria, is still inaccurate. This section now states "Arsenic exceeding its human health screening levels at all locations in subsurface soil,

although concentrations were less than its background level. Chromium, cobalt, copper, vanadium, and zinc exceed their respective ecological screening values in the shallow subsurface soil only at 29SB03-01.” In addition, this section notes that “Arsenic, copper, zinc, and mercury all exceed screening criteria and background levels at location 29SB01-00 in the surface soil.”

A review of Table 5-1, Summary of Detected Results – Surface Soil, and Table 5-2, Summary of Detected Results – Subsurface Soil, indicates that these statements are both incomplete and inaccurate. For example, similar arsenic and barium contaminations are noted in sample 29SB05-00. Furthermore, vanadium contamination was also detected above human health and ecological screening criteria in all of the surface soil samples presented in Table 5-1. In addition to the examples noted here, please further modify Section 6.1, Conclusions, of the Draft Phase I RFI Report to conform to the data collected at this site.