

RESPONSES TO COMMENTS – SEPTEMBER 26, 2001
DRAFT FINAL RECORD OF DECISION – SITE 41, SCRAP YARD (May 2001)
IHDIV-NSWC, INDIAN HEAD, MARYLAND

COMMENTS FROM JEFF MORRIS, EFACHES – June 4, 2001

1. **General:** In general, whole numbers ten and less should be spelled out in text.

Response: Agree. Such numbers will be spelled out, unless accompanied by units of measure (e.g., 2 years), as per the TtNUS Style Guide for the CLEAN contracts.

2. **Section 1.5, Statutory Determinations:** The initial paragraph states that the remedy “utilizes permanent solutions and alternative treatment (or resource recovery) technologies,” yet the second sentence says that treatment is impractical. Since Section 1.4 includes the removal and disposal or treatment of contaminated soil, it would seem that treatment could be a principal element of the remedy. It could simply be that I misunderstand the meaning of “treatment” for the purposes of this section, although removal of contamination from one location and depositing it at another would not be protective. (Treatment is also mentioned as a potential part of the remedy in Sections 2.10.2, 2.10.4, 2.10.6, 2.13.4, and 2.13.5.)

Response: The first paragraph is standard language contained in the EPA ROD guidance and is to be included for every ROD. Note that the sentence in question ends with the phrase “to the maximum extent practicable.” The selected remedy does include treatment of soil containing more than 500 ppm PCBs (if any is encountered). The maximum PCB concentration detected in soil during the RI was 180 ppm. Therefore, treatment is not a principal element. Most (if not all) contaminated soil would be transferred to an off-site landfill without treatment. The phrase “if any is encountered” will be added to the first bullet on Page 1-2.

3. **Section 1.6, ROD Data Certification Checklist:** A comparison with the EPA ROD guidance showed that the bullet is missing on how source materials constituting the prime threat will be addressed.

Response: The following bullet will be added: “How source materials constituting principal threats are addressed.”

4. **Section 1.7, Authorizing Signature:** The Indian Head CO should sign this, according to OPNAVINST 5090.

Response: Marc A. Siedband, Captain, U.S. Navy will be added.

5. **Section 2.1, Site Name, Location, and Description:** Is the EPA identification number mentioned in the first paragraph the proper number (i.e., CERCLIS) or should be using another number, such as the NPL Docket number? (This comment also applies to Section 1.1.)

Response: EPA ROD guidance states that the CERCLIS number should be used. No revision required.

6. **Section 2.3, Community Participation:** This section should mention the RAB. Also, the ROD Checklist says the section should “describe efforts to solicit views on the reasonably anticipated future land uses and potential beneficial uses of groundwater.”

Response: The following paragraph will be added to this section: “A Restoration Advisory Board (RAB) made up of community members and Navy, federal, and state officials meets several times a year. The RAB is designed to act as a focal point for the exchange of information between IHDIV-NSWC and the local community regarding restoration activities.” The second part of the comment is not applicable because the community and the RAB have no input on land and groundwater use at IHDIV-NSWC.

7. **Section 2.4, Scope and Role of Response Action:** The ROD Checklist asks for the authorities under which the actions will be taken, but the way this is worded these are not given here for Site 41, only for the other 47 sites.

Response: The second sentence of this section will be revised as follows: "The Selected Remedy is the first and final remedial action for Site 41 under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)."

8. **Section 2.5.5, Summary:** The first paragraph mentions that VOCs are "considered to be soluble." It would be clearer to specify that they are soluble in water. This section, as well as the one that follows it (2.6), makes no mention of the state restrictions on potable supply wells near contaminated sites. Is this applicable?

Response: The first paragraph will be revised as indicated in the comment. Note that the language on state restrictions on wells near identifiable sources of contamination was removed from the Site 12 ROD based on EPA attorney comments. In addition, this is not applicable to Site 41 because most of the contamination will be removed as part of the selected remedy.

9. **Section 2.6, Current and Potential Future Land and Resources Uses:** See comment above. (I think this is where the restriction reference belongs, if it is applicable.)

Response: See response to above comment.

10. **Section 2.7.1.4, Risk Characterization:** The first paragraphs under Carcinogenic Risks and Noncarcinogenic Risks states that the unacceptable carcinogenic risks for future child and adult residents are hypothetical. Given that the public reads these documents, it might be good to clarify, once again, that future residential use will not be permitted.

Response: Do not agree. This section is too early in the document for such a statement. This section is summarizing RI information. Remedial alternatives are not discussed until Section 2.9.

11. **Section 2.7.3, Conclusions:** It would be good to emphasize that the hypothetical residential receptors do not represent reasonably anticipated land use and connect them directly with risk drivers. I also think it would make a stronger conclusion to start the first paragraph with what is now the second sentence.

Response: Do not agree. The human risk drivers are the same, regardless of the receptor.

12. **Section 2.9.1.2, Alternative 2 – Soil Removal with Land Use Controls and Monitoring:** The description here differs somewhat from that in Section 1.4. For example, 1.4 says the concrete slab will be steam cleaned to remove "residual soil and PCB contamination," while this section limits the removal to "residual soil." I think the two sections should be compared and inconsistencies corrected. Also, the plan for handling the excavated soil is unclear – soil could be contaminated with substances other than PCBs at sufficient high levels to require management as a hazardous waste, which could involve treatment (i.e., incineration).

Response: The third bullet in Section 2.9.1.2 will be revised to indicate that the concrete slab will be cleaned to remove residual soil and surface PCB contamination. Based on the history of the site, materials stored, and contaminants detected, it is unlikely that the contaminated soil would contain a listed hazardous waste or exhibit a characteristic of a hazardous waste. Section 1.4 will be modified similarly.

13. **Section 2.10.1, Overall Protection of Human Health and the Environment:** Should the discussion of Alternative 2 include the disposal and/or treatment of the removed soil?

Response: A statement will be added that excavated materials would be treated/disposed off site.

14. **Section 2.10.2, Compliance with ARARs:** This section states that MCLs are not ARARs, but unless the state restriction against wells near contaminated sites applies or a variance is granted, how can this be, given the EPA policy of treating all groundwater as a potential drinking water source?

Response: Based on a conference call with IHIRT on September 21, 2001, to discuss EPA attorney comments, the ROD will be revised to indicate that all groundwater contamination is within the footprint of the site. Therefore, groundwater restoration would not be required. Section 2.10.2 will be revised accordingly. Also, from a regulatory perspective, the state restriction on wells is not a reason to not remediate groundwater; however, it helps in enforcement of institutional controls on groundwater use.

15. **Section 2.10.4, Reduction of Toxicity, Mobility, or Volume through Treatment:** Is it not possible, too, that soil contaminated with metals or PAHs might require treatment?

Response: See response to comment 2.

16. **Section 2.13.1:** See comment on Section 2.10.2.

Response: See response to comment 14.

COMMENTS FROM EPA ATTORNEY – August 30, 2001

1. **General:** I think this will be fine once the statement is clearly put up front that the site contaminants in shallow groundwater do not extend beyond the footprint of the site. There is too much reliance in current and anticipated future use.

Response: The remedial action objectives (Section 2.8) and other appropriate sections will be revised to indicate that groundwater contamination does not extend off site. The justification for not needing groundwater remediation will be similar to that provided in the ROD for IHDIV-NSWC Site 12 (Town Gut Landfill).

2. **Page 1-2, Section 1.5, last paragraph:** This section states that a statutory review will be conducted within 5 years. Will a review be required every 5 years thereafter?

Response: The subject text is standard language provided in EPA ROD guidance. However, the NCP [40 CFR 430(f)(4)(ii)] states "If a remedial action is selected that results in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, the lead agency shall review such action no less often than every five years after initiation of the selected remedial action." For the Site 12 ROD, the IHIRT decided that no change from the standard language is needed. TtNUS proposes to rely on language similar to that included in the Site 12 ROD.

3. **Page 2-3, Section 2.5.1, second paragraph:** Should the first sentence be reworded to read "Subsurface soil conditions at the site were investigated through soil borings and during the installation of soil borings and monitoring wells during the SI."?

Response: This sentence will be revised.

4. **Page 2-3, Section 2.5.1, third paragraph:** In the third line, what is meant by "losing stream conditions?"

Response: Losing streams are where surface water discharges to groundwater. Gaining streams are where groundwater discharges to surface water. This is somewhat explained in the next sentence that states "These conditions may cause the water table to be slightly elevated . . ."

5. **Page 2-4, first paragraph:** The statement that groundwater from the shallow aquifer is not used as a potable water supply doesn't affect the whether or not to clean the shallow aquifer.

Response: Agree. However, the intent of this section is to describe the physical setting of the site. See response to comment 1 concerning the need for groundwater remediation.

6. **Page 2-4, Section 2.5.2, first paragraph:** Move the last sentence to the beginning of the next paragraph.

Response: The sentence will be moved.

7. **Page 2-4, Section 2.5.2, second paragraph:** In the last sentence, change "reasonable" to "likely." Also, can't rule out likelihood as a means of avoiding cleanup.

Response: The sentence will be revised. See response to comment 1.

8. **Page 2-5, second paragraph:** Provide the general results of the RI sampling. Has the potable well been affected by releases from the site.

Response: This paragraph will be revised to indicate the general classes of chemicals detected in various site media, as follows: soil (VOCs; SVOCs, pesticides, PCBs, and metals), groundwater (VOCs

and metals), surface water (some VOCs and SVOCs; mostly metals), sediment (SVOCs, pesticides, and metals). A statement that the potable well has not been affected will be added.

9. Page 2-8, third paragraph: Delete “Conservatively and for the purpose of completeness” from the third and fourth lines. Although shallow groundwater is not a potable water supply, it is not a reason not to remediate.

Response: The subject text will be deleted. See response to comment 1.

10. Page 2-8, fourth paragraph: What is the purpose of the statement that the water supply well is at least 400 feet from the site? To say that even if the site were used for residential purposes, the shallow groundwater would not be the likely drinking water source? Why say at least?

Response: The purpose of this statement is to indicate that although shallow groundwater is contaminated, realistic risks to human health are unlikely. The phrase “at least 400 feet” will be replaced with “approximately 425 feet.”

11. Page 2-9, Section 2.6, second paragraph: Need to state that contamination is only under the site and doesn't extent beyond the boundaries of the site. Otherwise, need to discuss clean-up options, regardless of anticipated future use. Also need to state that the potable water well is beyond the sphere of influence of the site.

Response: Statements will be added concerning the extent of groundwater contamination and that the potable water supply well is not affected.

12. Page 2-9, Section 2.6, third paragraph: Delete “for purposes of completeness and” from the last sentence. This phrase doesn't add much.

Response: The sentence will be revised.

13. Page 2-11: Delete “for purposes of completeness and” from the first and last paragraphs.

Response: The paragraphs will be revised.

14. Page 2-13, Risk Characterization: The term “slope factor” needs to be explained if possible.

Response: The EPA definition of slope factor is complicated and not in layman's terms. The term “(cancer potency factor)” will be inserted following slope factor.

15. Page 2-14, last paragraph and page 2-15, first and second full paragraphs: Three sentences are repeated in these paragraphs. Isn't there a better way to do this than to repeat these three sentences in each paragraph?

Response: The second and third sentences are repeated in each paragraph. However, the first sentences that describe the receptor and exposure media are different (employee is exposed to surface soil, child resident is exposed to surface/subsurface soil and groundwater, etc.). A similar comment was made for the Site 12 ROD, and the IHIRT decided no revisions were necessary.

16. Pages 2-15 and 2-16, Noncarcinogenic Risks: The statement that an HI greater than 1.0 indicates the potential for adverse noncancer effects is repeated throughout this section.

Response: This statement will be deleted, except where it is first mentioned.

17. Page 2-17, Uncertainty Analysis: Can't count on uncertainties concerning evaluation of residential land use and hypothetical exposure.

Response: These statements were directly from the uncertainty analysis provided in the human health risk assessment in the RI report. According to EPA ROD guidance, the risk characterization section of the ROD should include a brief discussion on sources of uncertainty in the risk assessment. No revisions were made. See response to comment 1 concerning groundwater remediation.

18. Page 2-19, first paragraph: Is the discussion of the salinity of Mattawoman Creek important here?

Response: These statements are from the ecological risk assessment in the RI report. However, since no conclusions are drawn from this in the ROD, the sentence concerning salinity will be deleted.

19. Page 2-19, Contaminant Sources, Release Mechanisms, and Migration Pathways, second paragraph: The last sentence mentions that contaminants can be deposited in sediment or surface water. Would this be caused by groundwater migration or precipitation runoff?

Response: The sentence will be revised to indicate that both of these are potential migration pathways.

20. Page 2-20, Assessment and Measurement Endpoints: Is the assessment endpoint a group of environmental receptors? I do not understand this concept. Is the assessment endpoint to be protected or is it protective of other things?

Response: The assessment endpoint is the effects of contaminants on a receptor's growth, survival, and reproduction. The subject text is directly from the RI report and will not be revised.

21. Page 2-23, Section 2.7.2.5, first paragraph: The next to last sentence states that Step 3A reduces uncertainties and the conservative nature of the screening-level ERA. We would rather err on the side of being conservative, right?

Response: The ERA was conducted in accordance with EPA guidance. Not including Step 3A would make the ERA overly conservative and not realistic (for the reasons state earlier in the subject paragraph).

22. Page 2-23, Section 2.7.2.5, second paragraph: In the fourth line, change "on" to "of." The end of the paragraph states that if a preliminary COPC exceeded none or one of the alternative guidelines, it was dropped from further consideration. Should it be retained if it exceeded the Dutch Intervention Value?

Response: In most cases, a preliminary COPC was retained if it exceeded the Dutch Intervention Value and one other alternate guideline (i.e., ORNL or Dutch Target Value).

23. Page 2-24, first paragraph: The third sentence is awkward. The phrase "(but not always)" is not needed. The phrases "close to" or "approximately equal to" convey the same meaning. The last sentence states that a preliminary COPC if the HQ from foodchain modeling was less than 10. Was this done without comparing to another guideline?

Response: The third sentence will be revised as follows: "For the most part, the use of literature-based input parameters in place of the conservative parameters from the initial foodchain modeling will reduce an HQ substantially, usually by an order of magnitude." Note that there are no alternative guidelines for foodchain modeling like there are for environmental media.

24. Page 2-25, first three paragraphs: What is the logic as to how these paragraphs are constructed? Is there any reason why the discussion of contaminants is broken up?

Response: Except for antimony, the comparison of site metal concentrations to three sets of background data is presented in alphabetical order. The paragraph breaks are somewhat arbitrary. Instead of

providing one long paragraph (or several short ones), two or three metals are discussed in each paragraph.

25. Page 2-25, last two paragraphs: No conclusion is provided whether 1,2,4-trichlorobenzene was retained as a COPC.

Response: The last paragraph will be revised to indicate that potential risks are still present from arsenic, cadmium, lead, and Aroclor 1260 and, to a lesser degree, copper, mercury, selenium, zinc, and 1,2,4-trichlorobenzene.

26. Page 2-26, Section 2.8, second paragraph and page 2-27, first paragraph: What does evaluation of ARARs have to do with selecting or identifying remedial action objectives? The fact that residential use is not a reasonably anticipated future land use scenario and groundwater is not a source of drinking water doesn't mean we wouldn't clean groundwater.

Response: Exceedance of a chemical-specific ARAR could drive the need for remediation, even if risks were acceptable. See response to comment 1 concerning groundwater remediation.

27. Page 2-28, paragraphs following in-text table: Need to address groundwater contamination even if it's only to say it's limited to the footprint of the scrap yard (disposal area) and, therefore, it doesn't need to be cleaned up.

Response: See response to comment 1.

28. Page 2-28, Section 2.9: The last sentence states that containment or on-site treatment alternatives would interfere with scrap yard operations. Is this a valid consideration if the necessary cleanup involved containment or treatment?

Response: Inasmuch as implementability is one of the criteria for evaluating potential remedial alternatives; the continued operation of the scrap yard is important to the facility; and the two cannot be carried on simultaneously, the difficulty of implementing a potential remedial alternative is viewed as a valid consideration.

29. Page 2-30, Section 2.9.2, third paragraph: Revise the second sentence to indicate that shallow groundwater use as a source of drinking water will be prohibited.

Response: This sentence will be revised.

30. Page 2-30, Section 2.9.3, last paragraph: Would the use of shallow groundwater not be permitted for any purpose?

Response: The last sentence will be revised to indicate that the use of shallow groundwater as a source of drinking water would not be permitted.

31. Page 2-31, first line: Add "established in the NCP" following "with respect to the nine evaluation criteria."

Response: This sentence will be revised.

32. Page 2-31, Section 2.10.1, second paragraph: Add the following – "Therefore, Alternative 1 will not be considered further in this analysis." Also, delete discussion of Alternative 1 under the other evaluation criteria.

Response: Sections 2.10.1 through 2.10.9 will be revised accordingly.

33. **Page 2-31, Section 2.10.1, last paragraph:** Is the groundwater contamination confined to the footprint of the site?

Response: Groundwater contamination does not extend off site. See response to comment 1.

34. **Page 2-31, Section 2.10.2, second paragraph:** In the third line, change "contamination" to "contaminant."

Response: This change will be made.

35. **Page 2-32, first full paragraph:** Replace "provides" with "whether there is." (The remedy does not provide the basis for a waiver.) Reference Table 2-21 here.

Response: The wording change will be made. This is not the appropriate place to reference Table 2-21, because the table only discusses ARARs for the selected remedy. However, a note will be added to the table to refer to the FS for ARARs for other alternatives.

36. **Page 2-32, second full paragraph:** Most of these are probably not ARARs since they apply to off-site activities.

Response: The last sentence that discusses off-site transport, disposal, and treatment will be deleted.

37. **Page 2-32, third full paragraph:** Why aren't MCLs ARARs for this site? The statement that none of the chemicals detected in surface water exceeds state criteria may be the main/only reason why shallow groundwater doesn't need to be cleaned up. No exceedances of MCLs beyond the site footprint?

Response: This paragraph will be revised to indicate that groundwater beneath the site is not within the area of attainment, and ARAR-based clean-up levels would not apply. See response to comment 1.

38. **Page 2-32, Section 2.10.3, second paragraph:** The text states that monitoring would be effective in determining whether groundwater contaminants are migrating beyond the site boundary. This is the first specific reference to the concept that the contaminants are within the site boundary in shallow groundwater. This needs to be stated expressly in the very beginning. Delete all the repetitive statements about how the site will not be used for residential purposes, except as it relates to specific restrictions.

Response: See response to comment 1. The repetitive statements will be deleted, as appropriate to the context.

39. **Page 2-35, Section 2.12.2:** The next to last sentence says the remedial design will need to be approved by EPA and MDE. Isn't it approved by Navy only, maybe in consultation with EPA and MDE.

Response: The sentence will be deleted.

40. **Page 2-35, Section 2.12.2.1:** Some of the areas where contaminated soil will be removed are outside the scrap yard. What is the true boundary of the site?

Response: The site is the fenced scrap yard and all areas of soil contamination between the scrap yard and Mattawoman Creek.

41. **Page 2-36, second paragraph:** The last sentence state that a maintenance plan will need to be developed, if necessary, to verify the integrity of the bituminous pavement. Why wouldn't it be necessary?

Response: If decontamination of the concrete slab were successful, the installation and maintenance of bituminous pavement would not be needed.

42. **Page 2-37, first paragraph after bullets:** In the last sentence, change “on” to “of” and delete the first “be.”

Response: This sentence will be revised.

43. **Page 2-40, Section 2.13.1, second paragraph:** Add “of contaminated soil” to the end of the second sentence.

Response: This sentence will be revised.

44. **Page 2-40, Section 2.13.2, first paragraph:** I think Table 2-21 (ARARs) should be referenced earlier in Section 2.10.2.

Response: See response to comment 35.

45. **Page 2-42, Section 2.13.4, first paragraph:** In the second sentence, add “considered” after “alternative.”

Response: This sentence will be revised.

46. **Page 2-42, Section 2.13.4, second paragraph:** Revise the last sentence as follows – “On-site treatment of shallow groundwater was not considered because ~~it is not used as a source of drinking water, is not expected to be developed as a source of drinking water in the future,~~ the contamination does not extend beyond the site boundary and is not adversely affecting water quality in Mattawoman Creek.”

Response: This sentence will be revised

47. **Table 2-2:** The exposure route for shallow groundwater for the on-site resident should be ingestion instead of incidental ingestion.

Response: This change will be made.

48. **Table 2-21, page 1 of 2:** This table should include MCLs as a chemical-specific ARAR to be monitored at the site boundary.

Response: MCLs will be added to this table.

49. **Table 2-21, page 2 of 2:** Should erosion control regulations be included as an action-specific ARAR, or are they covered in one of the listed regulations?

Response: Maryland Regulations for Erosion and Sediment Control (COMAR 26.17.01) will be added to this table.

50. **Figure 2-6:** What does the “J” stand for?

Response: The “J” is a data validation qualifier that means estimated. This will be added to the legend on Figure 2-6. The data qualifiers will also be added to the legends of Figures 2-7 through 2-9.

51. **Page 3-1, Section 3.1, second paragraph:** Would all uses of shallow groundwater be prohibited or only use as a potable water supply?

Response: This sentence will be revised to indicate that shallow groundwater use as a potable water supply would not be permitted.

52. **Page 3-1, Section 3.2, third paragraph:** Change “or” to “of” in the first sentence.

Response: This sentence will be revised.

53. **Page A-2, Contaminant:** The definition states that adverse effects could occur at high enough concentrations. The concentration doesn't have to be high in some cases. Replace "high enough concentration" with "certain threshold concentration."

Response: This definition will be revised.

54. **Page A-2, Feasibility Study:** The text says to see Remedial Investigation and Feasibility Study. Need to add RI/FS to the glossary.

Response: This definition will be added.

55. **Page A-2, Information Repository:** Change "and made available" to "that is made available."

Response: This definition will be revised.

56. **Page A-3, Record of Decision:** Change "that explains which clean-up alternative(s) will be used" to "that selects the clean-up alternative(s) which will be used."

Response: This definition will be revised.