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

SEP 17 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christopher T. Penny
Project Coordinator
Installation Restoration Section (South)
Environmental Program Branch
Environmental Division,
Atlantic Division (LANTDIV), Code 182
Naval Facilities Engineering Command
6506 Hampton Blvd.
Norfolk, VA 23508-1278

Re: Atlantic Fleet Weapons Training Facility (AFWTF) - EPA I.D.# PRD980536221
Draft Expanded Range Assessment and Phase I Site Inspection Work Plan (ERA/SI)

Dear Mr. Penny:

The United States Environmental Protection Agency (EPA) has completed its review of the *Draft Expanded Range Assessment and Phase I Site Inspection Work Plan (ERA/SI)* submitted on the Navy's behalf by your consultant, CH2MHill, on July 9, 2004. Enclosed with this letter are comments on the ERA/SI by both EPA Region 2 (see Technical Review prepared by Tech Law Inc.) and the staff of EPA's Federal Facilities Restoration and Reuse Office. It is EPA's understanding that the Puerto Rico Environmental Quality Board (PREQB) and the United States Fish and Wildlife Service (USF&WS) have previously submitted comments on the ERA/SI directly to your consultant, CH2MHill.

As discussed previously in my letter of August 26, 2004, EPA's position regarding used munitions left on the former AFWTF range, which has been affirmed by Mr. William Frank of EPA's Federal Facilities Enforcement Office, is now and has been that, consistent with its position regarding lead shot on private ranges, when a military range is closed (i.e., put to a use inconsistent with a range), then any remaining fired or used munitions have been discarded and, therefore, are a solid waste for RCRA statutory purposes. Therefore, used munitions left on the former AFWTF range are not eligible for the exemption from solid waste at 40 CFR § 266.202(a). Furthermore, if determined to be a hazardous waste pursuant to 40 CFR § 261, those wastes must be managed pursuant to the requirements of RCRA. In addition, such waste may be subject to the statutory requirements of Section 3008(h) of RCRA and 40 CFR § 264.101, and CERCLA.

Also, as discussed previously in my letter of August 26, 2004, several key documents cited in the ERA/SI have not been approved by EPA, nor have concerns raised by EPA, the Puerto Rico Environmental Quality Board (PREQB) and the U.S. Fish & Wildlife Service (USFWS) with respect to certain of those documents been fully addressed by the Navy. In particular, you have never addressed our June 12, 2003 concerns regarding the April 2003 *Final Draft Preliminary Range Assessment Report* (PRA), or submitted a revised PRA. Moreover, the PRA has not yet undergone public review as we recommended in our June 12, 2003 letter.

Within 75 days of your receipt of this letter, please submit a revised draft ERA/SI to address all the above and enclosed comments, and those made directly by PREQB and the USF&WS.

Please telephone Mr. Tim Gordon of my staff at (212) 637- 4167 if you have questions.

Sincerely,



Adolph Everett, P.E.
Chief, RCRA Programs Branch

Enclosures

cc: Mr. Esteban Mujica Cotto, Director Puerto Rico Environmental Quality Board (PREQB), w/o encl.
Ms. Yarissa Martinez, PREQB, with encl.
Dr. Juan Fernandez, Office of Special Commissioner for Vieques and Culebra, with encl.
Mr. Felix Lopez, U.S. Dept. of the Interior, Fish & Wildlife Service, with encl.
Mr. Paul Rakowski, Naval Facilities Engineering Command, w/o encl.
Mr. Byron Brant, Naval Facilities Engineering Command, w/o encl.
Mr. John Tomik, CH2M Hill, with encl.
Ms. Erica Downs, TechLaw Inc., with encl.

**TECHNICAL REVIEW OF THE
DRAFT EXPANDED RANGE ASSESSMENT
AND PHASE I SITE INSPECTION WORK PLAN
FOR
FORMER VIEQUES NAVAL TRAINING RANGE
VIEQUES ISLAND, PUERTO RICO
DATED JULY 2004**

Submitted to:

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

Submitted by:

**TechLaw, Inc.
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Contract No.	: 69-W-02-038
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**July 29, 2004
(Slightly Revised by EPA September 14, 2004)**

**TECHNICAL REVIEW OF THE
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I. GENERAL COMMENTS

The review of the subject document included a line-by-line comparison with the previous (May 2004) preliminary draft version. Some of the sections have undergone significant revision. The revisions are considered appropriate, except as noted in the below Specific comments. In addition, the document was evaluated in light of the comments provided on the previous version of the document to ensure that the requested revisions had been made. As no Comment Resolution Document was included with the latest version, it was assumed that any comments not appropriately responded to were considered invalid by the writers. Since no explanation for the lack of a response to these comments was provided, the unresolved comments are reiterated in the attached review, and a reference to them having been previously provided is made therein.

It should be noted that the Range Assessment and Phase 1 Site Inspection, while a step in the right direction, provides an assessment/inspection of only a small fraction of the area of the Munitions Response Areas (MRA) included in the action. A breakdown of this includes:

Live Impact Area (MRA-LIA): Total area - 900 acres; Area investigated - 5 acres or 0.56 percent of the area.

Surface Impact Area (MRA-SIA): Total area - 2,500 acres; Area investigated - 3.7 acres or 0.15 percent of the area.

Eastern Maneuver Area (MRA-EMA): Total area - 10,675 acres; Area investigated - 27 acres or 0.25 percent of the area.

Eastern Conservation Area (MRA-ECA): Total area - 200 acres; Area investigated - 0 acres or 0.0 percent of the area.

Beach Area (MRA-Beach Area): Total area - not specified; Area investigated - 296.5 acres, percentage unknown.

Any conclusions and recommendations drawn from the results of the activities delineated in the reviewed work plan should be carefully evaluated in light of the small percentages of the total respective areas investigated. Results noting that specific areas are likely contaminated with munitions and explosives of concern (MEC) and require further investigation can be generally

accepted. However, results suggesting that there is no MEC contamination in a specific area and recommending no further action should be viewed with caution.

II. SPECIFIC COMMENTS

1. **Abbreviations and Acronyms:** The acronym “EOD” is incorrectly defined in the Abbreviations and Acronyms Section as “Explosive Ordnance Detachment” instead of the correct “Explosive Ordnance Disposal” as found in Joint Publication 1-02 (Department of Defense Dictionary of Military and Associated Terms) and NAVSEA OP 5, Volume 1 (Ammunition and Explosives Ashore Safety Regulations for Handling, Storing, Production, Renovation and Shipping). This was noted in the comments provided on the previous (May 2004) version of the work plan. Revise the cited section of the document to include the correct definitions of the acronym “EOD.”
2. **Section 2.2.1, VNTR Background:** The first paragraph in this section on page 2-1 notes that “Although the Island of Culebra was the focal point for naval gunfire in the 1960s and early 1970s, VNTR, formerly known as the Atlantic Fleet Weapons Training Facility (AFWTF), began developing facilities on the eastern end of Vieques in 1964 when it established a gunnery range in the LIA. In 1965, the Navy established the LIA, also known as the Air Impact Area, and began construction of Observation Post (OP) 1 on Cerro Matias.” This would seem to indicate that the first gunnery activity on the eastern end of the island began in the 1964 time frame. This appears to conflict with Section 2.3.2 Surface Impact Area (MRA-SIA) on page 2-2, where the first sentence of the first paragraph states that “The SIA was established in the 1950s, when several Marine targets were constructed in the SIA. Marine artillery ranging from 76mm to 175mm rounds were directed toward these targets from artillery gun positions within the MRA-SIA and MRA-EMA.” It also seems to differ from Section 2.3.3 Eastern Maneuver Area (MRA-EMA) where it is stated in the first two sentences on page 2-11 that “The MRA-EMA encompassing 10,673 acres (4,320 hectares) was established in 1947 and provided maneuvering areas and ranges for the training of Marine amphibious units and battalion landing teams in exercises that included amphibious landings, small arms fire, artillery and tank fire, shore fire control, and combat engineering tasks. The heaviest training events occurred from the mid-1950s until the early 1960s.” This would seem to indicate that development of the eastern end as a live fire/gunnery range began earlier than the 1964 time frame stated in Section 2.2.1. A comment similar to this was provided on the previous (May 2004) version of the document. Review the statements and chronology noted in the referenced sections and expand or revise them as necessary to eliminate the noted discrepancies.
3. **Section 3.1, Rationale and Approach for Site Inspection:** In the fourth paragraph of the referenced section, it is stated that “Standards operating procedures (SOPs) will be provided...” The use of the word “Standards” does not correlate with the definition of the acronym “SOP” provided in the Acronyms and Abbreviations Section on page v. Correct this discrepancy.

4. **Table 5-1, Primary MEC Sources:** In Table 5-1 on page 5-2, the subsection entitled Surface Impact Area has OP-10, OP-11, OP-12 and OP-13 listed with a MEC Activity of “Potentially used for artillery fire.” While these observation posts (points) were very likely used to observe and correct the fall of shot during artillery firing operations, they are not normally used as a location from which artillery is fired or into which artillery is fired to impact. An exception to this rule occurs when a firing point (gun emplacement) and the observation post (point) are co-located for some reason, such as direct and observed fire conducted concurrently. This type of artillery fire is a rare occurrence. Because most OPs never have artillery pieces firing from them, the statement that the OPs were “Potentially used for artillery fire” with no expanded explanation may create an incorrect analysis by the reader that these sites were artillery impact areas or that unfired munitions may have been discarded there. A similar comment was provided on the previous (May 2004) version of the document. Revise/expand the referenced portion of the table to eliminate this potential misinterpretation.
5. **Section 5.2.1, Explosive Hazard Evaluation (EHE) Module and 5.2.3 Relative Risk Site Evaluation (RRSE) Module:** In these two sections on page 5-9, the second paragraph states that “There are also three other possible outcomes for the EHE (or RRSE) module:” The text then describes only two possible outcomes in each of the two listed sections. Revise the two noted sections to contain the three other possible outcomes for each module, or revise the sections to state that there are only two other possible outcomes.
6. **Appendix A, CH2M HILL Site Safety and Health Plan, Section A.1 Project Information and Description:** This section states that the size of the site is 14,500 acres. However, the second paragraph of Section 2.1 on page 2-1 gives the size of the site as approximately 14,600 acres. Revise the cited sections as necessary to provide the same size figures or the site.
7. **Appendix A, CH2M HILL Site Safety and Health Plan, Table A-1 Hazards Analysis:** In this table on page 4, under the heading of “Recommended Controls,” it is stated that “Initiating explosives, such as blasting caps, will remain separated at all times.” No statement is provided as to what they will be separated from (e.g., each other, primary explosives, or some other item). Revise the table to include a description of what the primary explosives must be separated from.

Comments by U.S. Environmental Protection Agency
Federal Facilities Restoration and Reuse Office Staff on the
July 2004 Expanded Range Assessment and Phase I Site Inspection (ERA/SI)
Work Plan

1. This version of the document is far better than the first. The text concerning no further action (NOFA) decisions is much clearer. I still have concerns about the adequacy of the Functional Check and resulting data, but it will probably be sufficient if the data collected is only used for its stated purpose.

2. The munitions response site prioritization protocol (MRSP) has been proposed in the *Federal Register* (FR), but it is not yet final. EPA and the States (through ASTSWMO) have submitted numerous technical and policy comments on the MRSP and have substantial issues outstanding which need to be addressed in the final protocol. During the Munitions Hazard Assessment work group (which includes DoD), the group compared the MRSP and other existing hazard assessment methods and determined that there is a need for a site specific hazard assessment tool, since the existing tools (including MRSP) do not seem adequate at the facility level to prioritize between sites. The main point here being that the Vieques project team will make the decisions about the prioritization of the sites using whatever tools they deem necessary and adequate. This is not an independent decision made by DoD using only the MRSP.

3. It is clear that the Navy has to start somewhere, and the approach described in this document looks as though it will be the starting point. Since the text now clearly states that information generated from the investigations will not be used to make NOFA decisions, then it is acceptable to let the data collection begin.

4. Use of a functional check area (FCA) approach: This approach in of itself is probably adequate for a first cut at what might be in the areas where they will be looking. Especially for gathering up surface/near surface items. What will be more challenging is the signal responses they get associated with the seeded items at depth, and how those translate to the statement that " All significant subsurface anomalies will be considered to potentially be MEC." What constitutes a significant anomaly will need to be clearly defined from outset of the establishment of the FCA locations, since it will have a bearing on later prioritizations and response actions.

5. Prioritization: The use of the munitions response site prioritization protocol (MRSP) for prioritizing next response activities may be a challenge. Here are a couple of things to think about. First, the radiation and chemical modules will not have any data for input, since no chemical or rad data is being collected. This presumably would lead to a hybrid approach for the MRSP of using the explosives hazard evaluation (EHE) module as a stand alone. Second, there is currently an EPA-led Munitions Hazard Assessment work group (which includes DoD) to develop a site-specific explosive hazard assessment tool. The work group has concluded that the EHE is useful for setting national funding priorities, but may not be very good at the facility level for establishing priorities between different sites. This is due to the fact that inputs tend to be on a broader level than what we typically look for in site-specific risk assessments. The Munitions Hazard Assessment work group is targeting next summer (2005) for release of a draft site-specific explosive hazard assessment tool for public comment. It may be timely for the project teams efforts at the Vieques Naval Training Range. It may also be interesting to see a comparison of the results if that draft site-specific explosive hazard assessment tool and the EHE

module are run side by side.

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