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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CENTRO EUROPA BUILDING, SUITE 417
1492 PONCE DE LEON AVENUE, STOP 22
SAN JUAN, PR 00907-4127

February 28, 2007

Mr. Christopher Penny, P.E.
East Vieques Project Coordinator
Commander Atlantic Division
Naval Facilities Engineering Command
6506 Hampton Boulevard
Norfolk, VA 23508-1278

Re: Draft Engineering Evaluation/Cost Analysis for MEC Removal, Beaches and Roadways in the Munitions Response Area – Eastern Maneuver Area, Surface Impact Area, Live Impact Area, and Eastern Conservation, Former Vieques Naval Training Range (VNTR), Vieques, Puerto Rico

Dear Mr. Penny:

On June 12, 2006, EPA submitted comments on the Draft Engineering Evaluation/Cost Analysis for MEC Removal, Beaches and Roadways in the Munitions Response Area – Eastern Maneuver Area, Surface Impact Area, Live Impact Area, and Eastern Conservation, Former Vieques Naval Training Range (VNTR) document dated May 2006. To this date EPA has not received a response to our comments.

As discussed during our past Munitions Response Program Subcommittee (MRP) meetings EPA does not agree with the selected alternative (Alternative # 2, clearance to two feet on roads and four feet on beaches) and understands that the best approach is Alternative 3 (clearance to depth of detection), since this approach presents a more complete removal of MEC from both the roads and beaches, thus eliminating the potential risk that this artifacts may pose to human health.

In an attempt to resolve this issue, during the September MRP meeting it was agreed, after a lengthy discussion, that the Navy was to include a "Fourth Alternative" that proposed clearing the beaches and roads to depth of detection. EPA intended that this alternative would not be absolute (i.e., clearance of MEC would not be prosecuted beyond a depth where further excavation may result in safety or working conditions being too hazardous or technically impractical). This alternative could take a "common sense" approach under these conditions.

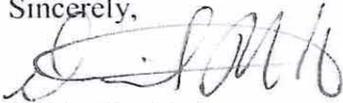
A few days before the December MRP meeting, the Navy presented "Clearance to Anticipated Depth of Intrusion", as a revision of the original Alternative 2 found in the EE/CA, instead of presenting the clearance to depth as a fourth alternative as agreed during the September MRP meeting. EPA reviewed the modified Alternative 2 and found that the alternative does not address EPA's concern.

In the spirit of cooperation and seeking for a positive and prompt resolution to this matter, EPA presents the following language that could be used as a new alternative or a modification to the existing alternative 3:

"This alternative consists of the surface and subsurface removal of MEC from select roadways, including a buffer, and beaches. Anomalies selected for investigation will be investigated to detection depth unless this is found to be impractical by the contractor. If this is the case, this will be referred to the senior Navy official on site for a determination to proceed or to abandon the investigation of the anomaly. If the decision is made to suspend investigation of the anomaly, the regulatory agencies will be expeditiously informed of this, to include the reasons for suspension of the investigation of the anomaly. The circumstances surrounding any selected anomalies not fully characterized will be documented in the final removal action report."

We remain available to meet with you to further discuss this alternative to reach a resolution. If you have any questions, please contact me at (787) 741-5201.

Sincerely,



Daniel Rodríguez
Remedial Project Manager
Enforcement and Superfund Branch

cc: Yarissa Martinez, EQB
Richard Henry, FWS
Doug Maddox, FFRRO
Tom Hall, Tech Law
Jim Pastorik, UXO Pro
John Tomik, CH2M Hill
Felix López, FWS