



Environmental Quality Board
COMMONWEALTH OF PUERTO RICO
Office of the Governor

35 Years of Environmental Management

7/12/05- 02521

Office of the Chairman

July 12, 2005

Christopher T. Penny, P.E.,
Naval Facilities Engineering Command Atlantic (Code EV23)
6506 Hampton Boulevard
Norfolk, VA 23508

**RE: Time Critical Removal Action/Interim Measures Work Plan
Surface Munitions and Explosives of Concern at Munitions
Response Area – Live Impact Area, Munitions Response Sites
1 through 7, 16, 17 & 30
June 2005-07-12**

The Puerto Rico Environmental Quality Board respectfully submits to U.S. Department of the Navy the comments contained herein regarding the munitions of explosives concern investigations for the Island of Vieques.

If you have any questions or comments, do not hesitate to contact me at 787-365-8573.

Cordially,



Yarissa A. Martínez León
Special Assistant

enclosure

cc: Daniel Rodríguez, EPA Vieques Field Office w/ enclosures

**UXO Pro, Inc. Comments on the
Advent Environmental Time Critical Removal Action/Interim Measures Work Plan
Response Area – Live Impact Area, Munitions Response Sites
1 Through 7, 16, 17, and 30
Vieques, Puerto Rico**

Comments Developed July 8, 2005

Cmt. No.	Pg.	Sec.	Comment/Recommendation
1	N/A	N/A	There is no signature page accompanying the document where corporate managers (QC, Safety, Operations) can sign to show that they have reviewed the document and concur with its contents. It is recommended that future documents contain such a signature page to demonstrate that the document is being reviewed and approved by the responsible corporate-level personnel.
2	2-1	2.2, Table 2-1	The Puerto Rico explosives regulation (TITLE 25. INTERNAL SECURITY, SUBTITLE 1. GENERALLY, PART V. REGULATION OF FIREARMS, EXPLOSIVES, AND OTHER DANGEROUS DEVICES, CHAPTER 59. EXPLOSIVES ACT) is still not included in the list of ARARs. This regulation requires users of explosives to obtain a permit and contains other requirements and was provided to NAVFAC and the Title II services contractor during development of the Title II services contractor's TCRA/IM work plan. At that time it was agreed that this relevant regulation would be included in all subsequent plans involving use of explosives on Vieques. It is recommended that the Puerto Rico explosives regulation be provided to NAVFAC and the contractors again so they are able to comply with its requirements.
3	2-7	2.5.1.1	This section includes possibly installing construction fencing as a security measure. This is probably an appropriate action, but it is not a requirement and the "location of the fencing may be altered or eliminated entirely at the discretion of the Navy following the ecological evaluation". It is recommended that a site visit be conducted to determine what fencing has actually been installed at the site.
4	2-9	2.5.3	There is very little information in this section concerning what data is required to be collected for each MEC found. Form 2-1, the MEC Information Form, also has very little information that is required to be collected. This issue has been raised repeatedly, and the MR Committee has been assigned to review the data that is required to be collected. But, this has not been accomplished. The concern is that data that may be needed for future decision making will not be collected. It is recommended that this issue of what data is required to be collected for each MEC be discussed in detail within the project team and that agreement be achieved. This will allow consistent and compatible data to be collected throughout the life of the project that will support future decision making requirements.

Cmt. No.	Pg.	Sec.	Comment/Recommendation
5	2-17	2.11.3	This section on “MEC Safety” describes an “engineering pamphlet thing”, the requirements of which will be followed. It is recommended, since this is a safety issue, that the work plan provide the specific title of the document.
6	2-19	2.11.8	<p>This section describes determining when to dispose of MEC that has been found as follows: “Finally, the next planned demolition event for the site will be considered to determine if additional measures will be necessary to maintain control/security of the item. Additionally, activities that may result in increased trespassing or attempts to access the work areas will be evaluated to determine if additional measures should be taken to discourage access, prevent access, or minimize potential encounters with MEC.”</p> <p>This appears to be appropriate precautions to prevent local residents and visitors from coming into contact, either accidentally or intentionally, with the found MEC. However, this procedure doesn’t say who is responsible for performing this evaluation and for taking any actions determined to be appropriate as a result of the evaluation. Someone should be designated as being responsible for performing this important evaluation and there should be a procedure for documenting that the evaluation took place and the results of the evaluation. Also, it is recommended that this evaluation be included in the progress reports to the regulators so they are able to monitor the evaluations and the actions implemented as a result.</p>
7	3-1	3.2	<p>Hugh Sease is referenced in this section as the owner of OER, a subcontractor to Advent on this project. OER is designated as responsible for purchasing and using explosives because Advent doesn’t have the required BATF permits. However, on Figure 2-2 Hugh Sease is listed as the Corporate QC and Safety Manager for Advent.</p> <p>This relationship is highly irregular and should not be allowed to continue. It is not acceptable for QC and safety personnel to perform operational field activities. They should be insulated from the influence of the operational side of the organization so that they can perform their QC and safety functions independently. In this case Advent has constructed what appears to be the ultimate conflict of interest. They are using the manager of corporate QC and safety as a subcontractor for the operational purchasing and use of explosives. How is Advent going to provide independent QC and safety oversight of this critical function if the corporate manager for QC and safety is actually in charge of performing the work himself? This should be unacceptable to NAVFAC and the Title II contractor and should not be allowed to continue because it appears to violate the most basic concepts of conflict of interest concerning QC and safety and casts the entire QC and safety program into question. It is recommended that this situation be immediately reevaluated and corrective action taken.</p>

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8	3-4	3.3.3.1.3	This section lists the storage capacity of building 4710B as 3,000-lbs. However, Section 3.3.1 lists the approved NEW for the magazines as 2,000-lbs. This inconsistency should be corrected.
9	No page # in Chapt. 10	Figure 10-1	<p>There are no specific personnel listed on this QC organization chart. The QC section should list the personnel that are going to fill the important positions of Corporate QC Manager, Program QC Officer, UXOQCS, Program Manager, etc.</p> <p>Note that this is required by Section 10.8 which states, “The designated UXOQCS will be specified in the Removal Contractor’s Site Specific Work Plan.” This is the “Removal Contractor’s Site Specific Work Plan” so the UXOQCS clearly should be specified.</p>
10	N/A	10.8	This section states that, “The UXOQCS is to be physically onsite whenever project-related fieldwork is in progress.” However, this is in conflict with a bullet on Page 2-14 which states, “A UXOQCS may not be required full-time onsite.” It is recommended that this apparent conflict be resolved.
11	N/A	10.20	This section describing Corrective Action Requests (CAR) doesn’t appear to be adequate. Upon generation the CAR is forwarded to the Project Manager and is not provided to the UXOQCS until corrective action is completed. This is not proper QC procedure. The UXOQCS should be in charge of ensuring that corrective action is implemented and the UXOQCS should be informed of the generation of all CARs and should be provided a copy of all CARs. The UXOQCS can’t do his job if he isn’t required to be made aware of all CARs. This procedure should be modified.
12	N/A	N/A	There is no information on how to implement field change requests (FCRs) and there is no Field Change Request Form. Changes to the plan as a result of unanticipated conditions or the discovery of a better way to perform a field operation occur frequently and are a part of normal process improvement on any project. There should be a mechanism for routinely documenting and approving changes to field practices and procedures. An FCR form and procedures for its use should be added to the QC plan.
13	N/A	App. D	<ol style="list-style-type: none"> 1. Many of the forms in Appendix D are incorrectly numbered when they are referenced in the text. 2. The Inspection Schedule and Tracking Form (Form 10-6), referenced in Section 10.11, is not included in the Appendix D. 3. Form 10-7 is missing from Appendix D.

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