

4/25/06-02531



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
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April 25, 2006

Mr. Christopher Penny  
Eastern Vieques Remedial Project Manager  
Commander Atlantic Division  
Naval Facilities Engineering Command  
6506 Hampton Boulevard  
Norfolk, VA 23508-1278

Re: Review of the Draft Time Critical Removal Action/Interim Measures Work Plan Amendment, Munitions Response Area-Eastern Conservation Area and Munitions Response Area-Live Impact Area, Munitions Response Site: 9 through 12, 14, and 21 through 28 Former Vieques Naval Training Range (VNTR) Vieques, Puerto Rico

Dear Mr. Penny:

The U.S. Environmental Protection Agency (EPA) and the Puerto Rico Environmental Quality Board (EQB) have completed the review of the Draft TCRA/IM Work Plan Amendment, Former Naval Training Range (VNTR), Vieques, Puerto Rico, dated December 20, 2005. Enclosed you will find our comments.

If you have any questions, please contact me at (787) 741-5201.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Daniel Rodríguez".

Daniel Rodríguez  
Remedial Project Manager  
Enforcement and Superfund Branch

Enclosures (3)

cc: Yarissa Martinez, EQB, w/ encl.  
Felix Lopez, FWS, w/ encl.  
John Tomik, CH2M Hill, w/ encl.  
Doug Maddox, FFRRO, w/ encl.  
Tom Hall, Tech Law, w/ encl.  
Jim Pastorik, UXO Pro, w/encl.

**EPA Comments on the  
Draft Time Critical Removal Action/Interim Measures  
Work Plan Amendment, Munitions Response Area-Eastern  
Conservation Area and Munitions Response Area-Live Impact Area,  
Munitions Response Site: 9 through 12, 14, and 21 through 28  
Former Vieques Naval Training Range (VNTR)  
Vieques, Puerto Rico  
December 20, 2005**

## **GENERAL COMMENTS**

1. The DTCRA/IMWP Amendment states that, "All information presented in the March 2005 work plan is accurate to the date of this amendment with the exception of the information presented in this document." However, the March 2005 work plan states in Section 2.12.1.2 that, "At the operating site, two scrap metal holding areas will be established." It further states that, "These areas are approximately 10,000 square feet in plain view and are fenced to control access." This seems to conflict with the June 2005 Advent work plan, where Attachment 2-1 indicates that, "At the operating site, two scrap metal containers will be pre-positioned." Actual practice as observed during the March 22, 2006, oversight visit appears to be the placement of the scrap on the ground surface in the vicinity of the two fenced sites, which seem to currently be unused. This should be reconciled by the Navy, and any discrepancies in the CH2MHill, Advent, and MKM work plans that address the related surface removal activities should be corrected to present the same process for dealing with scrap metal.

Please review the cited portions of the listed work plans and ensure that each describes the same process for establishing and operating the holding areas for scrap metals. Also, please provide the EPA with the details of the process used to correct the work plans being used for in-process work when the procedures provided therein are different from those actually in use or proposed for use.

## **SPECIFIC COMMENTS**

1. **Section 3, Changes to Technical Approach, page 3-1:** Subsection 3.1, Vegetation Clearance introduces the possibility of controlled burning as an additional vegetation clearance procedure option. However, the wording of the subsection appears to limit the option to those MRSs listed in the amendment and does not seem to include those listed in the March 2005 work plan. If this is not the intent of the amendment, and all of the MRSs previously included in the TCRA are also being considered for vegetation removal by controlled burning, the wording of the subsection should be revised to so indicate. Please review the cited subsection and revise it as deemed appropriate.

**EQB Comments on the  
MKM Engineers TCRA Removal Action Interim Action Work Plan  
Surface MEC at MRS 8, 13, 15, 18 – 20, 29, and 31  
Former Vieques Naval Training Range  
Vieques, Puerto Rico  
November 5, 2005**

Cmt. No.	Page	Section	Comment/Recommendation
1	21 28 28	2.5.3 2.11.1 2.11.2	<p>Section 2.5.3 says, “All MEC items will be identified by type, size, fuze, condition, etc. by using the hand held data recorder.” This section also refers to Section 2.11 for a description of the information that will be acquired from each MEC. However, Section 2.11 doesn’t provide specific information on the data that will be acquired on each MEC. Instead Section 2.11.1 provides only generalities such as, “Data collected during the site clearance will consist primarily of field observations and measurements of the munitions items found” and, “Photographs of munitions items will be collected as deemed necessary”. It is recommended that the plan be modified to note what data is going to be collected on MEC. For example, when should it be considered necessary to collect photos of MEC? It is noted that regulator members of the CTC have been requesting to come to agreement on what data elements are appropriate to be collected on this project for over two years and the CTC has still not been presented with a description of the data that is being collected and none of the plans have contained a thorough description of the data collection elements. It is possible that, unless this process is completed, data needed for future decision making will not be collected and will not be available when needed.</p> <p>In a related matter, Section 2.11.1 and 2.11.2 both say that Appendix F contains the “minimum data parameters” that will be recorded. However, review of the large volume of forms in Appendix F did not reveal any form containing minimum parameters for data collection. It is recommended that this subject be addressed by the CTC and that agreement be achieved on what data parameters are necessary for future decision making.</p>
2	25	2.7	Section 2.7 says, “A UXOQCS may not be required full-time onsite.” This is contradicted by Section 10.5 on Page 64 which says “A UXOQCS will be on site full time to conduct daily audits of MEC

Cmt. No.	Page	Section	Comment/Recommendation
			activities and documentation.” It is recommended that the plan be modified to correct this important discrepancy. Is the UXOQCS required to be on-site on a full-time basis (i.e., whenever site operations are being conducted) or not?
3	29	2.11.2	Under “MEC Data Records” and “Record Keeping/Accountability” it says that all field data will be uploaded “into the Navy’s dataset system developed for the entire Vieques facility.” It is recommended that this system, and the data elements being recorded, be reviewed by the CTC (see comment #1 above). Such an undertaking (developing a system for the entire Vieques facility) should be understood by all organizations that are going to use this data in the future. What data is being recorded? Is it easy to produce reports from this system that can be included in the bi-weekly reports to increase the amount of information on the project available to the regulators?
4	33	2.13	<p>This section contains the statement that “MKM will <u>collect up to 100 munitions items/acre and up to 200 MPPEH items/acre and all scrap items that have a shape that resembles a munitions item</u> as stated in the SOW ...” This statement conflicts with the project objective presented in Section 2.5.1, Page 18 which says “MKM has been contracted to remove <u>all MEC equal to or greater than 20mm in size and all MPPEH greater than 2-inches X 2-inches from the surface or partially exposed.</u>” Both of these statements conflict with Section 2.5.3, page 20, which says “A magnetometer assisted visual survey will be performed to locate all surface MEC for 100 percent of the project area (200 acres). <u>All metallic items present at ground surface or partially exposed at the surface will be removed.</u>”</p> <p>The reader of this plan doesn’t know if all metal items at the surface or partially exposed are going to be removed, or whether the removal is restricted to only MEC and MPPEH greater than 20-mm or whether a limit of 100 munitions and 200 MPPEH is going to be enforced. It is critical that everyone involved in the project, including the regulators and other members of the CTC, completely understand the project objectives and scope. It is recommended that this be clarified and that the plan be modified to contain only the correct interpretation of the project objectives and scope.</p>
5	62	10.4.1	This section says that Appendix I is a “UXO Personnel Training and Experience Hierarchy”. However, Appendix I is “Vieques Radiation Safety Activities and Surveys”. It is recommended that this error be corrected.
6	73	10.10	Most of this section is not relevant to this project. The second paragraph discusses anomaly reacquisition

Cmt. No.	Page	Section	Comment/Recommendation
			and the third paragraph discusses digital geophysical mapping. Neither of these activities are part of this project and reference to them should be removed from the plan.
7	96	13.0	This section describes the project GIS system. Many large MEC projects have at least a portion of the project GIS that is accessible by the Project Team. It is recommended that the Navy consider giving access to at least a portion of the Vieques GIS to members of the CTC to allow them to remain up-to-date on site operations and progress.
8			General comment: It is noted that this is the first plan for the Vieques project that was not submitted to the regulators in draft form. This appears that the Navy doesn't feel that this is necessary or valuable because a plan is currently being implemented for similar work. However, as can be seen by review of the comments above, there are some large discrepancies in the understanding of what is required to be detected and removed from the project site and what data is being recorded on MEC. These are major technical issues and resolution of these issues is not facilitated by eliminating the opportunity for the regulators to review the work plan in draft form. It is recommended that the Navy submit draft versions of future plans to the regulators.

**EQB Comments**  
**Draft Time Critical Removal Action/Interim Measures Work Plan Amendment**  
**Surface Munitions and Explosives of Concern at Munitions Response Area -**  
**Eastern Conservation Area and Munitions Response Area – Live Impact Area,**  
**Munitions Response Site: 9 through 12, 14, and 21 through 28**  
**Former Vieques naval Training Range, Vieques, Puerto Rico**  
**December 20, 2005**

The subject document is intended to expand the area of the Time Critical Removal Action (TCRA) to include the remaining area to the east of the original TCRA project including the remainder of the LIA and the ECA.

The amendment provides adequate information for its intended purpose (to expand the boundaries of the TCRA project) with the following exception:

1. The LIA Munitions Response Sites (MRS) shown in Figure 1-1 do not match the written description of the expansion area. The written description is, “Munitions Response Area-Live Impact Area: Munitions Response Sites 9 through 12, 14, and 21 through 28. Review of the map in Figure 1-1 shows the following discrepancies:
  - a. MRS 20 is bounded in green indicating that it is also included in the expansion area.
  - b. MRS 26 cannot be found on the map.
  - c. MRS 29 is bounded in green indicating that it is also included in the expansion area.

It is recommended that these discrepancies between the written description of the TCRA expansion area and the boundary shown in Figure 1-1 be reconciled and corrected.

There are some uncompleted planning tasks that should be finalized to ensure the adequate documentation of the TCRA project. The following comments address these uncompleted planning tasks.

1. It is not certain whether or not work has started in the expansion area. Access for regulatory members of the Project Team to the web-based Vieques GIS has been promised at the last CTC and MR committee meetings, but this has not yet been provided. Access to the web-based GIS would allow the reviewer to determine whether or not work has already begun in the expansion area. Without this access one can only ask the question, “Has work begun in the expansion area?” If it has, it should be noted that this TCRA Amendment has not been formally reviewed and approved by the lead regulatory agency, the EPA. It is recommended that it be determined whether or not work has begun in the TCRA expansion area prior to the approval of this amendment and what, if any, impact this may have on the approval and regulatory oversight of the work that has been completed.

2. Issues involving the work plans for this project have not been resolved. The following two important planning documents are either not finalized or were finalized without comment by the regulators:
  - a. The Master Work Plan (Draft MEC Master Work Plan, Former Vieques Naval Training Range, Vieques, Puerto Rico) was issued as a draft in September 2005. The regulatory agencies commented on the MWP and responses to those comments were posted to the Vieques web site on April 4, 2006. These comments have yet to be discussed and resolved. Therefore, this work is currently be performed without an agreed-upon MWP.
  - b. The TCRA Work Plan being used by MKM Engineers, Inc.(Time Critical Removal Action/Interim Measures Work Plan, Surface Munitions and Explosives of Concern at Munitions Response Sites 8, 13, 15, 18 through 20, 29, and 31, Former Vieques Naval Training Range, Vieques Island, Puerto Rico, November 5, 2005) was not issued as a draft document. Because of this the regulators were not provided with an opportunity to comment on this important document and it was immediately put into use.

Both of the above issues represent potentially important discrepancies that may cause technical problems if the work is being accomplished under incomplete plans or plans that are not formally reviewed by the regulators. Enclosed you will find EQB's comments on the Final MKM TCRA Work.

It is recommended that the relevant plans be discussed and finalized as soon as possible to correct this deficiency.

3. The requirements of the plans are not being fully implemented. For example, concerning security for MEC left in place the document "Final Time Critical Removal Action/Interim Measures Work Plan", March 2005, says (Page 2-12, Section 2.5.4):

"The specific location of the item will be evaluated to determine any security or access concerns. 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 UXO."

This paragraph requires frequent communication between the Navy, EPA, EQB, USFWS and possibly other organizations to assess "activities that may result in increased trespassing or attempts to access the work areas" and to evaluate them "to determine if additional measures should be taken to discourage access, prevent access, or minimize potential encounters with UXO." It appears that this requirement was not fulfilled during the recent Easter holiday because the regulatory agencies and USFWS are not known to have been contacted by the

Navy to discuss this important issue.

It is recommended that the requirements of this approved plan, and other plans upon acceptance by the regulators, be fully implemented during the TCRA in the expansion area covered by this amendment.