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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR 17 2011

Kevin Cloc, RPM  
Vieques Restoration Section  
Naval Facilities Engineering Command  
6506 Hampton Blvd.  
Norfolk, VA 23508-1278

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Re: SWMU-4, Former OB/OD Area  
Former Naval Ammunition Support Detachment  
Vieques, Puerto Rico

Dear Mr. Cloc:

In recent email correspondence regarding future activities at Solid Waste Management Unit 4 (SWMU-4) the Navy provided the following key elements as components of the proposed path forward:

- Finalize the Remedial Investigation (RI) report incorporating comments provided by the Environmental Protection Agency (EPA) and/or the Puerto Rico Environmental Quality Board (PREQB). The RI will also outline the process for the reopening of Laguna Boca Quebrada (the "lagoon") to the ocean.
- Prepare a Feasibility Study, Proposed Plan, and Record of Decision based on site conditions that includes a lagoon with open access to the ocean.
- Prepare a work plan to re-open access to the lagoon.
- Prepare a sampling and analysis plan (SAP) to perform a fish/crab tissue evaluation for the lagoon following re-establishment of lagoon access to the ocean. The SAP and aforementioned work plan may be combined into one document. This will depend on how the Navy proposes to proceed with the reopening of the lagoon.

The Navy has indicated that implementation of the above program is necessary to maintain project schedules as well as to achieve the goal of the US Fish and Wildlife Service of reopening the lagoon to the ocean in the near-term. EPA has indicated that the Navy's proposal would be acceptable provided it included the characterization of the lagoon, which has not been done to date.

However, the Navy has declined to perform the requested characterization based on the following rationale:

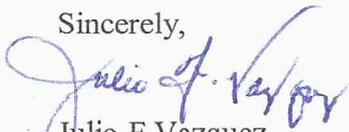
1. "The potential items in the lagoon would be the same as those found on the surrounding terrestrial areas, the majority of which are 20-mm. Due to the presence of mangrove detritus in the lagoon, a geophysical survey would have to be conducted from the water's surface to avoid these obstructions. To detect items as small as 20-mm, the separation distance between the geophysical device and the items would need to be no greater than 2 feet. Therefore, only 20-mm items in less than about 2 feet of water could be detected, so much of the lagoon would not have geophysical coverage for 20-mm items."
2. "Most importantly, however, is that regardless of the results of the geophysical findings, the ultimate remedy and land use for the site would be the same. That is, whether or not geophysics confirms the presence of anomalies in the lagoon, access to the lagoon will always be restricted because of the potential presence of MEC. Further, any remedy to physically address potential MEC in the lagoon would involve either filling in the lagoon or dredging the lagoon, both of which would result in significant damage to or destruction of the lagoon, and even dredging would not change the land use restriction due to the potential for MEC to remain following the dredging."

In response to the Navy's first concern, EPA acknowledges that characterization of the lagoon will be technically challenging and difficult to implement. To better understand any potential issues we are recommending that this characterization effort be conducted as a pilot study, which would be able to provide enough flexibility to meet the challenges mentioned. We still expect that any safety hazard that may constitute an imminent and substantial endangerment to the local populace and/or site personnel be removed as it is routinely done under such efforts. It is worth to note that such a study would have broader application to other areas of this site and, potentially, other federal facilities.

On the other hand, and to address your second rationale point, there are significant issues that the Navy's proposal fails to address. First and foremost is that trespassing, and even fishing, are both occurring in this area at the present time. As such, it is apparent that whatever mechanism that is currently being used to restrict access is ineffective. Therefore, it is unclear to EPA how the Navy, in the absence of further characterization and removal efforts, will be able to certify that any proposed remedy which includes access restrictions will be protective of human health and the environment. The issue of enforceability of the land use restrictions will require the Navy to meet the Federal Facility Land Use Control Checklist criteria, which includes levels of enforceability that have yet to be developed for this area. Therefore, the Navy should start identifying how it intends to meet such criteria now, including criteria for determining if/when removal actions to address MEC in lagoons and underwater areas are required.

If you have any questions with regard to the above mentioned changes please contact me at (212) 637-4323.

Sincerely,



Julio F Vazquez  
Special Projects Branch