

Lepage Environmental Services, Inc.

P. O. Box 1195 • Auburn, Maine 04211-1195 • 207-777-1049 • Fax: 207-777-1370

September 11, 2002

Mr. Orlando J. Monaco
Code EV21 LM
Naval Facilities Engineering Command, EFANE
10 Industrial Highway, Mail Stop #82
Lester, PA 19113-2090

Subject: August 2002 Draft Final *Record of Decision for Site 7*

Dear Mr. Monaco:

The following comments on the August 2002 Draft Final *Record of Decision for Site 7* (ROD) are submitted on behalf of the Brunswick Area Citizens for a Safe Environment (BACSE):

1. September 5, 2002 Conference Call. BACSE is disturbed by the information provided during the September 5th conference call regarding the Site 7 ROD. The Navy's new position that regulatory agency approval of post-ROD documents is no longer acceptable to the Navy causes BACSE great concern regarding the effectiveness of the remedy. Furthermore, the method and timing the Navy chose to communicate the position is totally unacceptable and severely diminishes the trust and credibility the Navy has built over the years.

RODs for other sites at Brunswick Naval Air Station have specified regulatory agency approval of long-term monitoring plans and other post-ROD site-related documents. When BACSE participated in the April 9, 2002 public informational meeting on the *Proposed Remedial Action Plan for Site 7*, and provided written comments on the PRAP, there was no indication that the Navy intended to diverge from the way the other sites have historically been handled. The Navy never indicated to the public, either orally or in writing, that the Navy would no longer accept the authority of the regulatory agencies. In fact, the PRAP Introduction clearly states that the U.S. Environmental Protection Agency (EPA) Region 1 and the State of Maine Department of Environmental Protection (MEDEP) provide regulatory oversight of the Navy's environmental activities. BACSE, the RAB, and the public had no indication that the Navy intended to change the definition of "regulatory oversight" as it applies to Site 7.

BACSE finds it unacceptable for the Navy to change the rules so late in the game, especially given the push to get the Site 7 ROD signed by the end of September. BACSE feels that, by waiting until the last minute to state the Navy's new policy, the Navy has nullified the public comment period for the PRAP. The Navy must reopen the PRAP public comment process and provide full disclosure to the public.

Page 2 of 4, O. Monaco
September 10, 2002
Draft Final Record of Decision for Site 7

2. **General Comment.** BACSE concurs with the majority of the Maine Department of Environmental Protection's (MEDEP) comments on the Site 7 ROD as provided in the agency's comment letter dated September 5, 2002, and will not repeat agency comments below.
3. **Page 2-1, Section I.C. Lead Agency.** Please explain the meaning of "regulatory oversight" as it pertains to the EPA and MEDEP, the Navy, and Site 7 remedial activities.
4. **Page 2-2, Section 1.D. Site Description.** The second bullet on page 2-2 states that the land use is industrial. However, the site is described in later passages as open (the following bullet) and undeveloped (page 2-10). Please correct.
5. **Page 2-10, Section V.A. Site Overview.** The third bullet states that the sand layer is underlain by a "prominent" clay layer. Does the Navy mean "predominantly" clay instead?
6. **Page 2-11, Section V.B.1. Groundwater Contamination.** "Has" should be changed to "have" in the first line of the first bullet.
7. **Page 2-12, Section V.B.2. Soil Contamination.** The first sentence in the second bullet is confusing and should be revised. Also, "ready" should be replaced by "readily".
8. **Page 2-12, Section V.C.1.b. Groundwater.** Please provide the basis, including the reference citation, for stating that the seven elements mentioned in the third line of the first bullet are consistent with background levels.
9. **Page 2-13, Section V.D.1. Site Description.** Please provide the basis, including the reference citation, for stating that no areas of archaeological or historical importance are known to be present.
10. **Page 2-13, Section V.D.2. Geology and Hydrogeology.** Please either remove the sentence regarding the absence of the transitional unit at Site 7, or include an explanation as to why this is relevant to the site's geologic characterization.
11. **Page 2-13, Section V.D.3.a. Soil.** Please revise the first sentence in the section read "Surface soil at Site 7 does not pose an unacceptable risk to human health..."
12. **Page 2-18, Section VII.A. Human Health Risk Assessment.** The paragraph at the top of page 2-18 ends with the statement that risk estimates for surface water, and leachate seep and sediment were not included in this table as they did not pose a significant risk. As currently written, the statement implies that surface water and leachate are present at Site 7, which is incorrect. The sentence should be rewritten to clearly state that the risks associated with those media are not presented in Table 2-4 because the media are not present at the site.

- 13. Page 2-21, Section IX. DESCRIPTION OF ALTERNATIVES.** The sentence at the top of page 2-21 causes confusion. It states that the no action alternative discussed in the Feasibility Study did not involve implementing any actions or controls, but did include monitoring. However, the information presented under the Alternative 1 - No Action heading further down page 2-21 indicates there is nothing other than 5-year reviews included in the No Action alternative. The text must be revised to clarify this issue.
- 14. Page 2-26, Section X.A. Evaluation Criteria Used for Comparative Analysis.** The table at the bottom of page 2-26 requires a footnote explaining that the timeframes represented for the seventh criteria, Cost, are 20 years and 10 years for Alternatives 1 and 2, respectively.
- 15. Page 2-28, Section X.B.7. Cost.** The opening sentence should be corrected to indicate that the timeframes are 20 years and 10 years for Alternatives 1 and 2, respectively.
- 16. Page 2-29, Section X.B.9. Community Acceptance.** The ROD states that Alternative 1 is not acceptable, and Alternative 2 is acceptable to the community. BACSE had publicly supported the Navy's Proposed Remedy as presented in the PRAP. However, the Navy's new position, as stated in the September 5th conference call (see comment 1, above), that it will no longer accept regulatory agency approval of post-ROD documents in effect changes the alternative 2 that was presented in the PRAP. Therefore, BACSE withdraws its support of Alternative 2. The text must be revised to reflect the lack of public acceptance for Alternative 2.
- 17. Page 2-32, Section XI.C.5. Outcomes.** "Hazard(s)" should be changed to "unacceptable risk(s)" in the first two sentences in the section.
- 18. Page 2-33, Section XII. STATUTORY DETERMINATIONS.** The timeframe for completing the evaluation of different technologies and presenting it for discussion to the regulatory agencies and the RAB must be provided. It is not acceptable to leave the timeframe open-ended. This comment also applies to the last paragraph in Section X.D. on page 2-35.
- 19. Page 2-33, Section XII.A. The Selected Remedy is Protective of Human Health and the Environment.** Language regarding risk relative to the State of Maine risk threshold (see the second bullet in Section X.B.2 on page 2-27) should be added to this section.

Page 4 of 4, O. Monaco
September 10, 2002
Draft Final Record of Decision for Site 7

Please do not hesitate to call me if you have any questions.

Sincerely,



Carolyn A. Lepage

Carolyn A. Lepage, C.G.
President



cc: Loukie Lofchie, BACSE
Tom Fusco, BACSE
Ed Benedikt, BACSE
Anthony Williams, NASB
Claudia Sait, MEDEP
Mike Barry, EPA
✓ Al Easterday, EA ES&T