



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

October 19, 2005

Mr. Orlando Monaco  
Department of Navy  
Engineering Field Activity-Northeast  
Code 1823/OM  
10 Industrial Highway, Mailstop 82  
Lester, PA 19113-2090

Re: Site 9 Barracks Removal-Non Compliance  
Naval Air Station, Brunswick, Maine

Dear Mr. Monaco:

In September 1999, the Record of Decision (ROD) for the Site 9 was signed by the United States Navy (Navy) and the United States Environmental Protection Agency (EPA) with concurrence by the Maine Department of Environmental Protection (MEDEP). The selected remedy for Site 9, the former Neptune Drive Disposal Site, was natural attenuation with long-term monitoring and institutional controls.

The ROD (Section XI.3), in part, states:

- The Navy will implement institutional controls to prevent the use of and contact with impacted groundwater at Site 9, and to prevent the disturbance of or contact with the contents of the ash landfill at Site 9 without prior written approval from EPA and MEDEP.
- The Navy will have ultimate responsibility for ensuring that these controls, as a component of the selected remedy, continue to be in place and effective, and protective of human health and the environment."
- Should the barracks be removed, modified or excavated, the Operations Instructions will restrict excavation in the inactive landfill area without prior written approval from EPA and MEDEP.
- If the contents of the landfill are disturbed, they shall be disposed of in accordance with EPA and state hazardous and/or solid waste regulations.
- If the contents are not disturbed, any excavation shall be backfilled to the existing grade.

The Navy failed to meet the requirement of the ROD to obtain prior written approval to demolish Barracks 218, 219, and 220. Therefore the Navy is in non-compliance of the ROD. While MEDEP would be within its right to request that EPA assess stipulated penalties under the Federal Facilities Agreement per paragraph 16.7 (Records of Decision and Plans for Remedial Action) and Section XXI (Stipulated Penalties), MEDEP was aware that the Navy was planning to remove the barracks and the failure to obtain prior written approval appears to be more of an oversight than intentional. However, this oversight calls into question the effectiveness of the Base Instructions, therefore the Navy must determine how this oversight occurred and implement a procedure to prevent it from happening again. The Navy must also provide MEDEP with the

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details of the demolition of the barracks for the record so MEDEP can determine if any environment impact occurred and if any follow up actions are necessary to protect human health and the environment.

MEDEP anticipates discussing this matter further at the upcoming November conference call and requests that a representative from the Base be available to participate. MEDEP's final decision on this matter will be dependent on the Navy's response to this incident and its efforts to prevent it from occurring again.

Respectfully,

A handwritten signature in cursive script, appearing to read "Claudia Sait". The signature is written in black ink and is positioned above the printed name.

Claudia Sait  
Project Manager-Federal Facilities  
Bureau of Remediation & Waste Management

Cf: File  
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