



DEPARTMENT OF THE NAVY

ENGINEERING FIELD ACTIVITY, NORTHEAST
NAVAL FACILITIES ENGINEERING COMMAND
10 INDUSTRIAL HIGHWAY
MAIL STOP, #82
LESTER, PA 19113-2090

IN REPLY REFER TO

5090
EV21/OJM
December 8, 2005

Ms. Claudia Sait
Maine Department of Environmental Protection
Bureau of Remediation and Waste Management
17 State House Station
Augusta, ME 04333

Dear Ms. Sait,

SUBJECT: SITE 9 BARRACKS REMOVAL, NAVAL AIR STATION,
BRUNSWICK, ME

This letter is intended to propose a mutually agreeable way forward with respect to the specific concerns raised in your October 19 and November 9 2005 letters. First, I would like to stress our continuing commitment to amicably reach a reasonable resolution of this issue. More specifically, I assure you that the Navy shares your concern that strict compliance with the requirements of the ROD and NASBINST 5090.1B be observed.

- Status of Site 9 Barracks Removal Project: Your November 9, 2005 letter requested information on the demolition of the barracks and the status of the foundations. On November 18, 2005, I spoke to the Site Superintendent for the demolition contract. Based on his description of the demolition, workers performing the barracks' demolition did not come in contact with the ash landfill material, nor did they in any way disturb that material so as to create a threat to human health or the environment. The Site Superintendent provided a visual of what he encountered and dealt with during the barracks' demolition. He stated that the slab of the barracks was 1'-1 1/2' above ground surface, over a crawl space of 4'-4 1/2', so that the floor of the crawl space was located about 3' below ground surface. The foundation was a reinforced perimeter wall on which the floor slab rested. He said that the barracks were demolished, along with the floor slab, and about 1'-1 1/2' of the foundation wall, meaning the foundation wall was taken down to about ground surface. 4" diameter holes were drilled into the floors of the mechanical rooms to

allow for drainage. The site was cleared of construction debris, then rough graded with the remaining material, which was mostly the existing soil, along with any remaining bits of construction debris. To reiterate, no excavation in the landfill occurred. The Navy feels that the procedure employed for the barracks removal was optimally protective of the underlying ash landfill material.

- NASBINST 5090.1B: As you correctly indicate in your November 9, 2005 letter, this instruction restricts digging anywhere in the broad "area of institutional controls and land-use restriction" (AICLUR) without the "express written permission of the Public Works Officer or Environmental Division Director."¹ The site 9 barracks is located within the AICLUR, however the barracks removal was performed in compliance with NASBINST 5090.1B as all work was performed in accordance with a work plan previously approved by the Navy. The work plan included specific measures designed to avoid disturbance of the ash landfill. As such, there was no failure of communication between the Navy and the barracks removal contractor. As previously agreed to and in an effort to prevent miscommunication, NASB will begin the review and update process for NASBINST 5090.1B within the next several months. A draft version will be distributed to the stakeholders for review and comment prior to final approval by the NASB Commanding Officer. Tighter land and groundwater use controls, with a follow-up action to generate a Land Use Control Remedial Design, (formerly the Land Use Control Implementation Plan (LUCIP)), for Site 9 will be specifically addressed in this process. Any inconsistencies between the ROD and NASBINST 5090.1B will be resolved in favor of the ROD. Once finalized and implemented, the Navy believes these corrective measures will provide the necessary safeguards to the satisfaction of all parties.
- Site 9 Record of Decision: The ROD provides, "Should the barracks be removed, modified, or excavated, the Operations Instruction will restrict excavation in the inactive landfill area without prior written approval from EPA and

¹ The following provisions of NASBINST 5090.1B pertain: Paragraph 5(a), page 2 of enclosure (1), and figure 5 of enclosure (2). All land use restrictions contained within NASBINST 5090.1B were previously reviewed and accepted by MEDEP and USEPA.

5090
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MEDEP." ² As indicated above, the USEPA / MEDEP written approval requirement is not currently incorporated into USEPA / MEDEP approved controls within NASBINST 5090.1B. Per your request and as indicated above, this issue will be addressed in the review and revision process for NASBINST 5090.1B. Nonetheless, the Navy proceeded in good faith with the barracks removal project believing that it had obtained the actual concurrence of MEDEP and all other stakeholders. Since 2003, the Navy and the stakeholders have repeatedly discussed the barracks' demolition. First, within the context of soil excavation (which combined a military construction project with an environmental one), and then as the separate project as it exists today. Through these discussions, all stakeholders (including MEDEP) have been aware of the Navy's courses of action with respect to these projects. Additionally, no excavation was included in the demolition project. As a result, the Navy believed all stakeholders (including MEDEP) approved of the project, obviating the need for prior written approval. The Navy is committed to ensuring such a disconnect will not reoccur.

I look forward to working with you to promptly resolve this matter. If you have any further questions, please do not hesitate to contact me.

Sincerely,



ORLANDO J. MONACO
By direction of the
Commanding Officer

Copy to:
Christine Williams, USEPA Region I
Captain George Womack, BNAS
Lisa Joy, BNAS
Carolyn Lepage, Lepage Environmental
Con Mayer, EFANE
Al Haring, EFANE
Franco Lagreca, EFANE

² See ROD at page 2-40.