



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

CERTIFIED MAIL RETURN RECEIPT REQUESTED

March 16, 1995

Captain Lance Horne, USN
Shipyard Commander
Portsmouth Naval Shipyard
Portsmouth, NH 03803-5000

Re: U.S. Environmental Protection Agency **Disapproval** of the Media Protection Standards Proposal Chapters 2, 3 & 4 (off-shore media portion) and comments on Final Human Health Risk Assessment Report for Off-Shore Media and Draft Ecological Risk Assessment Report for Portsmouth Naval Shipyard (PNS).

Dear Captain Horne:

Please find enclosed our comments on the subject submittals. Pursuant to Part II.G of the HSWA Permit issued to PNS, EPA is disapproving the Proposal for the deficiencies specified in the enclosed comments. A revised version of the MPSP chapters 2 and 3 which demonstrates that all deficiencies identified in this disapproval have been corrected must be submitted to EPA by June 15, 1995. Submittal of Chapter 4 must be made within 30 days of approval of Chapters 2 and 3.

EPA also anticipates that all Maine Department of Environmental Protection comments contained in letters from Maine DEP to Lt. Conroy U.S. Navy Northern Division dated November 29, 1994 and December 1, 1994 will also be addressed in revision of the subject submittals.

Enclosed with our comments on the subject submittals are a letter dated November 22, 1994 from Kenneth Finklestein of the National Oceanic and Atmospheric Administration to Ernest Waterman of EPA and a Memorandum dated January 3, 1995 from Patti Tyler of EPA to Ernest Waterman. These documents should aid you in revising the Media Protection Standards Proposal and Ecological Risk Assessment Report.

If you have any questions regarding this letter or its attachment please contact Ernest Waterman, of my staff, at (617) 223-5511.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matthew R. Hoagland".

Matthew R. Hoagland, Chief
ME, NH, & VT Waste Regulation Section

enclosure



cc: N. Beardsley ME DEP
~~J. Conroy USN-NORTH DIV~~
F. Endyke USN PNS
E. Waterman EPA

ATTACHMENT

Draft Media Protection Standards Chapter 2

1. Revise proposed standards for Mercury to reflect use of toxicity information for methyl mercury in the risk assessment.

Mercury found in biota should have been treated as methyl mercury.

2. Translate proposed standards for biota into sediment and surface water standards that will be protective of human health.

The corrective action can remediate the sediment and surface water not biota. This information was useful and important but must be built upon to determine appropriate target levels for the media which will actually be controlled or remediated.

3. Expand the presentation of information on data used to establish background levels and justify use of this data.

Data drawn from Great Bay appears to potentially be within the zone of influence of shipyard releases. Comparability of mussel watch data to shipyard area needs to be demonstrated. The significance of using the 84th percentile of mussel watch sediment data is unclear.

Draft Media Protection Standards Chapter 3

1. Clarify use of mussel watch data.

Screen used arbitrarily defines concentrations at upper end of mussel watch distribution as indication of risk. Mussel watch data has no effects information average or below average concentrations in this data set might have link to ecological effects. Navy appears to have recognized this but mussel watch data role as a warning level is unclear.

2. Sediment Level 1: WA Cleanup Standards should use low end of Washington data range (WA-SC).
3. Sediment level 6: Benthic Community Anomaly should consider literature based values on what is normal distribution.

The screen formulated by the Navy defines upper end of Piscataqua distribution as indication of risk and does not consider whether benthic community structure itself is an indication of stress.

4. Revise the text to discuss the mussel screening criteria.

The chapter discusses two screening criteria (water and sediment) and presents results from three screening criteria (water sediment and mussels).

5. Provide an addendum or otherwise revise the report to provide a summary of the Proposal which will be easily interpretable for the lay reader.
6. Revise as warranted based upon information in the Draft Ecological Risk Assessment Report completed since submission of the Media Protection Standards Proposal.

Draft Media Protection Standards Chapter 4

1. Revise Chapter 4 as needed based on impact of revisions to Chapter 2 & 3.
2. On page 4-9 explain the sentence which reads "One would not expect to find marine organisms living in the immediate area of seep sample locations and would not expect marine organisms to be exposed continuously to this level of contaminant."

Why not?

3. On page 4-9 explain the sentence which reads "Station 1 is located in Portsmouth Harbor, not in the immediate vicinity of the shipyard, and is not representative of the area of potential impact by releases from the Shipyard."

Why is the station not representative?

Final Human Health Risk Assessment Report for Off-Shore Media

1. Revise risk assessment to treat mercury in biota as methyl mercury.

Draft Ecological Risk Assessment

1. Expand to address all Contaminants of Concern in the Shipyard vicinity or explain and justify why this report focuses on lead.

With minimal justification this Phase II portion of the ecological risk assessment drops a range of contaminants that appear ecologically significant and focuses on lead.

2. Address comments contained in the attached memorandum from Patti Tyler of EPA and attached letter from Kenneth Finklestein.