



DEPARTMENT OF THE NAVY

NORTHERN DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
10 INDUSTRIAL HIGHWAY
MAIL STOP. #82
LESTER, PA 19113-2090

N00102.AR.000379
NSY PORTSMOUTH
5090.3a

IN REPLY REFER TO

5090
Code 1823/JMC

AUG 23 1996

Ms. Meghan Cassidy
U.S. Environmental Protection Agency
Mail Code - HBT
JFK Federal Building
Boston, MA 02203-2211

Ms. Nancy Beardsley
Maine Department of Environmental Protection
State House Station 17
Augusta, ME 04333-0017

Subj: SITE MANAGEMENT PLAN, PORTSMOUTH NAVAL SHIPYARD,
KITTEERY, ME

Dear Ms. Cassidy and Ms. Beardsley:

Enclosed are the response to comments on the Draft Site Management (SMP) for Portsmouth Naval Shipyard. Please provide any comments you have on these responses within 30 days of receipt so they we can incorporate them into the Final CRP. If you have any questions on this matter please call me at (610) 595-0567 extension 117.

Sincerely,

JAMES M. CONROY, PE
LT, CEC, USN
Remedial Project Manager
By direction of the
Commanding Officer.

Encl: Response to comments, Draft Site Management Plan

Distribution:
PNS (Code 121.10, F. Endyke)
Brown and Root Environmental (L. Klink)

**RESPONSE TO EPA COMMENTS DATED MAY 15, 1996
ROUGH DRAFT SITE MANAGEMENT PLAN
PORTSMOUTH NAVAL SHIPYARD, KITTERY, MAINE**

EPA SPECIFIC COMMENTS

1. **Comment:** Page 1-4, 1st paragraph

Indicate in the text whether the On-shore Feasibility Study referenced here is the draft, draft final, etc.

Response: The text will be revised here and throughout the SMP by placing "draft" before "Onshore Feasibility Study".

2. **Comment:** Page 1-4, 3rd paragraph

The purpose of the draft Groundwater Monitoring Plan is not to implement a long-term monitoring plan, but rather to implement an interim plan. Change the text accordingly.

Response: The text will be revised as follows: "The purpose of this plan is to facilitate the implementation of a cost-effective, long-term monitoring plan for SWMUs of concern at NSY Portsmouth. *groundwater investigation and interim monitoring plan for sites of concern at PNS.*

Also, the reference to this Plan will be updated (and the reference list updated accordingly).

3. **Comment:** Page 1-5, Paragraphs 1-4

Update the discussion regarding MPSs. Indicate that any existing MPSs will be used as preliminary remediation goals.

Response: Although MPSs will not be finalized, the development of MPSs to date will help serve as a basis for the development of PRGs. The discussion will be updated as follows to reflect recent consensus: "*Although they will not be finalized, both the Ecological and Human Health MPSs finalized, they will be combined to develop one set of, they will be utilized in developing PRGs for surface water and sediment which take into consideration protection of both ecological receptors and human health. After the combined MPSs have been developed, they Surface water and sediment PRGs will be used for the development and evaluation of offshore surface water and sediment remedial objectives and alternatives in an Offshore FS.*

The ~~combined~~ *draft human health and draft ecological MPSs, and the results of the groundwater monitoring, will be used may also be used in the contaminant fate and*

transport modeling effort to evaluate the effects of groundwater contaminant migration on the offshore environment..."

4. **Comment:** Page 2-1, Section 2.0

Replace "SWMU" with "AOC" in the heading for this section.

Response: The section title will be simplified to "Site Descriptions."

5. **Comment:** Page 2-1, Section 2.1.1

SWMUs should be designated as AOCs rather than SWMUs.

Is the description/title of SWMU #27 going to be changed? The fact that the scope of the work is now focusing on a larger area and will not be concentrated on petroleum-related products must be presented in the text.

Response: Throughout the SMP, "SWMU" will be changed to "site" to reflect the change from RCRA to CERCLA terminology.

The title of Site 27 will be changed throughout the SMP from "Fuel Oil Spill at Berth 6" to "*Berth 6 Industrial Area.*" The first mention of Site #27 will include "*(formerly Fuel Oil Spill Area).*" Also, Site 27 will be moved from OU-1 to OU-5. This will affect Table 4-1 as well; the "OU-1" Operable Unit designation will be changed to "OU-5."

6. **Comment:** Page 2-2

The No Further Remedial Action AOCs should not be included as part of OU-1, but rather should be designated as a separate OU.

Response: Sites listed under *Proposed No Further Remedial Action* and *Proposed No Further Remedial Action at this Time* will be moved to follow all the OU descriptions, consistent with the Community Relations Plan that was prepared at a later date. This affects Table 4-1 as well; for Sites 12, 13, 16, and 23 (and Site 21 soils), the Operable Unit designation will be changed from "OU-1" to "PNFRA" which will be defined in a footnote as "Proposed No Further Remedial Action" and for Site 21 groundwater, dashes will be inserted.

7. **Comment:** Page 2-2, Section 2.2

Add an introduction to this section explaining the change from SWMUs to AOCs. Then, change the SWMU designations to AOC designations in order to be consistent with the Federal Facility Agreement (FFA).

Response: The "SWMU" designation will be changed to "site." The explanation is more appropriately placed in Section 1 under the CERCLA discussion as follows: "Ongoing work still meets the intent of the HWSA Permit, but ... and combines both RCRA and CERCLA criteria. *Consistent with the transition from RCRA to CERCLA, the SWMU terminology has since been replaced with "site."*"

8. **Comment:** Section 3.0

EPA's comments on this section are provided as redline/strikeout changes to the original text and are attached.

Response: The provided text revisions will be incorporated into the SMP as requested.

9. **Comment:** Page 5-1, 1st paragraph

The text does not include Site 29, Incinerator Site, in the list of sites that have schedules. Include this site and a schedule for it, or explain under which OU this site is included.

Response: Agree. Text will be added indicating that Site 29 is included as part of OU-2.

10. **Comment:** Page 5-1, Section 5.1.1, 3rd paragraph

Preparation of a final Primary Document occurs following procedures spelled out in the FFA. This does not include a formal "regulator concurrence period".

Response: The second sentence of the paragraph will be replaced with the following: "*If no comments are received on the draft final version, it becomes the final document. If comments are received, the necessary modifications will be made and the final Primary Document will be issued.*"

11. **Comment:** Sections 5.1.1, 5.1.2, and 5.1.3

These sections do not reflect ongoing FFA discussions. However, since discussions are ongoing, these sections may continue to change.

Response: Agree. These sections will be updated to include the most recent available information. The following updates are currently planned:

Move "Site Screening Process Work Plans" from Section 5.1.1 to Section 5.1.2 since these are secondary documents.

Replace "~~Intermediate Remedial Design (RD) (>50%) and Final Remedial Designs~~" with "*Remedial Designs*"

Move "*Historical Radiological Assessment*" from Section 5.1.1 to Section 5.1.2 since this is a secondary document.

In Section 5.1.2, revise to "~~Final Remedial Designs~~ (*intermediate deliverables*)"

In Section 5.1.3, replace "~~Final Remedial Design—45 day review period and Final Remedial Design—2 week review period~~" with "*Remedial Design Schedule, including review times, will be proposed by the Navy with submittal of the Draft Proposed Plan*"

The last sentence in Section 5.1 will be replaced with the following: "*The FFA describes "deliverables" required during the cleanup process. These documents are separated into two categories; primary and secondary documents.*"

Section 5.1.1 and 5.1.2 headers will be removed and the section text reorganized as follows: "*Primary documents are developed by the Navy and are initially provided as a draft. The Navy provides responses to comments received on draft documents and following resolution a draft final document is prepared. The draft and draft final documents are subject to review by the EPA, MEDEP, and RAB. If no comments are received on the draft final version, it becomes the final document. If comments are received, the necessary modifications will be made and the final Primary Document will be issued. Secondary documents, as listed in the FFA, also undergo review; however, a draft final version is not provided.*"

Following is a list of primary and secondary documents:

Primary Documents

(from existing text with revisions noted above)

Secondary Documents

(from existing text with revisions noted above)

12. **Comment:** Page 6.1

The correct mailing address for EPA is as follows:

Ms. Meghan Cassidy
U.S. EPA
Mailcode - HBT
JFK Federal Building
Boston, MA 02203-2211

Response: The address will be changed as requested.

13. **Comment:** Page 6-2

The correct mailing address for Ken Finklestein is as follows:

Dr. Ken Finklestein
NOAA
c/o EPA Region I
Mailcode - HIO
JFK Federal Building
Boston, MA 02203-2211

Response: The address will be changed as requested.

14. **Comment:** Page 6-2

Remove the tile "Dr." from Mr. Ken Munney's name.

Response: The title will be changed as requested.

**RESPONSE TO MEDEP COMMENTS DATED MAY 15, 1996
ROUGH DRAFT SITE MANAGEMENT PLAN
PORTSMOUTH NAVAL SHIPYARD, KITTERY, MAINE**

MEDEP SPECIFIC COMMENTS

1. Comment: Section 1.2, Paragraph 2

The IR Program is designed to identify contamination of Navy and Marine Corps facilities..."

Explain Marine Corps facilities.

Response: The text will be revised by replacing "Navy and Marine Corps facilities" with "Department of Defense facilities".

2. Comment: Section 1.2, Paragraph 3

Include a sentence noting that PNS was listed as a National Priorities Site in May 1994. Consider mentioning the State's involvement with this site. Although not a party to the HSWA permit, the MEDEP has been actively involved in the oversight of the investigation and remediation of PNS since 1988. It might be useful to mention the State's role in this and in following paragraphs.

Response: The text at the end of the paragraph will be revised as follows:

"Until the mid-1990s, investigations at PNS were conducted under RCRA authority. Effective May 31, 1994, PNS was included on the National Priority List (NPL). Subsequently, the studies have been conducted under the authority of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund."

The following text will be inserted after the first sentence in the paragraph.

"Since 1988, the MEDEP has also provided oversight of investigation and remediation of PNS."

3. Comment: Page 1-3, Paragraph 2

"The work conducted subsequent to the HSWA Permit was formally separated into onshore and offshore components. This was because the onshore portion of the study was being delayed by the more complex offshore investigation."

Offshore and onshore investigations were defined in the HSWA Permit. The decision

to move the onshore studies ahead of the offshore studies occurred years after the issuance of the HSWA permit.

Response: This paragraph will be replaced by the following text:

"In 1994, the USEPA directed that the onshore and offshore components of work required by the HSWA permit be separated, because the onshore portion of the study was being delayed by the more complex offshore investigation."

4. **Comment:** Page 1-3, Paragraph 3

"NSY Portsmouth also holds a permit issued under State of Maine hazardous waste authority to operate a Hazardous/Solid Waste Storage Facility."

I'm not sure this fact is relevant. The State holds many other permits with PNS, such as, mixed waste, air, solid waste, etc.

Response: The reason for this statement is to show that current waste is handled in accordance with today's standards as established by a RCRA permit issued by the State of Maine and not a total discussion of State regulation.

5. **Comment:** Page 1-4, Paragraph 1

"The Final MPSs are utilized in the Onshore Feasibility Study (FS) Report..." "The ARARs Report..."

Given our transition to the CERCLA process, consider re-writing the MPSs section to state that the MPSs will be used to develop Preliminary Remediation Goals in the FS. Define ARARs.

Response: The text will be revised as follows: "The final MPSs ~~are utilized~~ were essentially used as Preliminary Remediation Goals (PRGs) in the Draft Onshore Feasibility Study (FS) Report (Halliburton NUS, 1995a)."

"The *Applicable or Relevant and Appropriate Requirements* (ARARs) Report and Revised CMS Proposal (Halliburton NUS, 1994a) also were utilized in developing the Draft Onshore FS. *ARARs are legally applicable or relevant and appropriate requirements, standards, criteria or limitations as used by CERCLA and as defined in the National Contingency Plan.*"

6. **Comment:** Page 1-5, Paragraph 1

"Once the EERA has been finalized, the results will be used to develop ecological surface water and sediment MPSs."

I believe the surface water and sediment MPSs have been developed.

Response: This sentence will be replaced with the following:

"Draft MPSs have been developed from the work completed in developing the EERA. This effort will be included in the development of any PRGs for surface water and sediment."

7. **Comment:** Page 1-5, Paragraph 2

"The Human Health Risk Assessment Report is final, and..."

Despite the fact that the report is marked final, it is possible that the report will be appended or modified to include the Phase II data. Furthermore, EPA has not approved nor disapproved the report. A meeting is scheduled next week to discuss how to proceed.

Response: Please note that the last sentence of the paragraph does indicate that Navy, USEPA and MEDEP are considering revising the Human Health Risk Assessment using the results of the EERA Phase II data. The sentence will be revised to read: "The Human Health Risk Assessment Report is final, and the results ~~are currently being used~~ *have been used* to establish ..."

8. **Comment:** Page 1-5, Paragraph 3

"The EERA data has also been used by the Navy Environmental Health Center (NEHC) to develop a risk assessment for seafood consumption (NEHC, 1995)."

NEHC developed three iterations of risk assessment tables (tables only) using only the Phase II Offshore data. The risk assessment tables now under review were submitted in April 1996.

Response: This sentence will be deleted. The work done by NEHC was not part of the CERCLA process.

9. **Comment:** Page 1-5, Paragraph 5

"This "tie-in" between the onshore and offshore will be accomplished through the development of a groundwater and surface water model."

Consider re-writing to include the proper name of the offshore migration report.

Response: The text will be revised as follows:

"This "tie-in" between the onshore and offshore will be accomplished through the development of a ~~groundwater and surface water model~~ *an onshore/offshore contaminant fate and transport model (in preparation).*"

10. **Comment:** Page 1-5, Paragraph 6

Consider removing section 1.2.3 entirely except for the last few sentences which should be placed after paragraph 3 of section 1.2.

Response: The entire Section 1.2.3 will be moved after paragraph 3 of Section 1.2.

11. **Comment:** Page 2-1, Paragraph 4

SWMU #21 - Acid/Alkaline Drain Tank for groundwater should be included as requiring further remedial action.

Response: Under No Further Remedial Action at this Time, the following clarification will be made: "*Sites Proposed For No Further Remedial Action at this Time*" and "*Site #21 - Acid/Alkaline Drain Tank (soils only)*." Otherwise, Section 2.2.7, describing SWMU 21, states that additional groundwater investigation will be conducted at SWMU #21 in conjunction with investigation of the West Timber Basin Landfill (Site 31). Site 31 is a Site Screening Area and has no OU designation at this time.

Also, the No Further Remedial Action sites will be clarified to "*Sites Proposed For No Further Remedial Action.*"

12. **Comment:** Page 2-2, Paragraph 2

SWMU #21 - Acid/Alkaline Drain Tank. It should be clarified that the soil portion of the site does not require any action at this time.

Response: Agree. See the response to MEDEP Comment No. 11 above.

13. **Comment:** Page 2-3, Paragraph 1

"Additional investigation may be required for this SWMU."

Additional investigation is required and is scheduled to be performed.

Response: Agree. The text will be updated as follows: "Recently available Initial Assessment Study (IAS) interview sheets indicate potential historical fill line leakage, *necessitating expansion of the area of investigation.* Additional investigation ~~may be~~

~~required~~ is scheduled to be performed, including surface soil sampling (at Building 238 and Building 7 basement/crawl space areas) and monitoring well installation."

14. **Comment:** Page 2-3, Paragraph 4

"The environmental assessment for the Fuel Oil Spill Area comprising Berth 6 was expanded by the Navy in the RFI to include the tank farm to identify potential causes for fuel oil contamination at Berth 6."

Please clarify this sentence. In fact, consider rewriting the whole paragraph.

Response: The first sentence will be rewritten as follows: "The ~~environmental assessment~~ *field investigation* for the Fuel Oil Spill Area ~~comprising adjacent to~~ Berth 6 was expanded by the Navy in the RFI to include the tank farm ~~to identify potential causes for~~ as a *potential contributor* of fuel oil contamination at Berth 6."

Also, in the first paragraph of Section 2.2.2, the site map reference will be corrected from Figure 8-11 to Figure 8-12.

15. **Comment:** Page 2-3, Paragraph 4

"These areas were found to be unrelated and therefore the Fuel Oil Tank farm investigation was continued separately under State permit for that facility."

Please clarify this sentence and define "these areas."

Response: The sentence will be rewritten as follows: "~~These areas were~~ *The Fuel Oil Spill Area* was found to be unrelated *to the Fuel Oil Tank Farm.* ~~and~~ Therefore, the Fuel Oil Tank farm investigation was continued separately under the State permit for that facility."

16. **Comment:** Page 2-3, Paragraph 5

"This study will develop recommendations..."

The Navy will develop recommendations based on this study.

Response: The sentence will be revised as follows: "The study will *be used to* develop recommendations..."

17. **Comment:** Page 2-4, Paragraph 1

"SWMU #27 will be expanded to include the source area (when located) which is

resulting in the metals contamination in groundwater at SWMU #27."

Consider re-writing the sentence to state that investigations of SWMU #27 will be expanded to locate potential source areas that may be contributing to metals contamination in groundwater at the site.

Response: The sentence will be revised as follows: "Site SWMU #27 will be expanded to include the *potential source areas (when located) which is resulting in which may be contributing to the metals contamination in groundwater at Site SWMU #27. To reflect this change, Site #27 has been renamed to Berth 6 Industrial Area.*"

18. **Comment:** Page 2-5, Paragraph 2

"Other wastes included water rinse from..."

Change "water rinse" to "rinse water".

Response: The text will be revised as requested.

19. **Comment:** Page 2-10, Section 2.3

Site Screening Areas should be defined. All the Site Screening Areas should be shown on a plan.

Response: The following sentence will replace the last sentence of Section 2.3: "*These Site Screening Areas (SSAs), shown in Figure 8-4, are geographical areas which require preliminary screening to determine whether further study pursuant to the CERCLA RI/FS process will be required. SSAs may expand or contract in size as information becomes available indicating the extent of contamination and the geographical area needed to be studied. The evaluation process is referred to in the FFA as the Site-Screening Process (SSP), and provides procedures for determination, investigation, and scheduling of SSAs. In addition to the following SSAs, the FFA provides for determination and investigation of future SSAs.*"

20. **Comment:** Page 2-13, 2-14, Summary of Findings SWMU #27

SWMU #27 has not been clearly delineated. Soils investigations were performed near the reported pipe rupture, yet three of the five monitoring wells installed at this site are located south of the rupture. We should clarify that SWMU #27 does not only include the ruptured pipe areas as shown in Figure 8-12.

Response: Table 2-2 (which will be renumbered as Table 2-3) will be updated to provide the recent decisions related to Site #27, as follows:

The following sentence will be added at the end of the table entries for "Source of Contamination" and "Extent of Contamination": *"The area will be expanded to include the potential source areas which may be contributing to the metals contamination in groundwater at Site #27."*

The table entry for "Additional Sampling Needs" will be revised as follows: "Source of metals contamination in groundwater, which probably is not ~~site-related~~ related to the ruptured underground pipeline, needs to be determined as part of the expanded site investigation."

21. **Comment:** Page 2-14, Additional Sampling Needs

"Source of metals contamination in groundwater, which probably is not site-related, needs to be determined."

The source of metals contamination may be site-related, it depends on what you're calling the site.

Response: Refer to the response to MEDEP Comment 20 above.

22. **Comment:** Page 2-25, Summary of Findings SWMU #8

A discussion of the seeps at the JILF was not included in this section. There have been several rounds of seep sampling performed at the JILF and the results of that sampling should be discussed in the JILF section.

Response: The following will be added to the "Analytical Parameters" entry of the table:

Naval Command Control and Ocean Surveillance Center (NCCOSC)

Seeps:

Volatile Organic Compounds (VOCs)
Polycyclic Aromatic Hydrocarbons (PAHs)
Chlorinated Pesticides
Polychlorinated Biphenyl Congeners (PCBs)
Metals

The following will be added to "Nature of Contamination" (Note that referenced Table 2-15 will become Table 2-16):

"Offshore Summary of Findings: Refer to Table 2-16 for a summary of the entire offshore investigation. Concerning the JILF, heavy metals were at elevated levels in depositional areas of the JILF, including Clark Cove and the Back Channel. No severe ecological impacts were observed. However, indications of localized ecological stress at Clark Cove included anomalies in benthic community structures, water column

toxicity, and absence of eelgrass. Also, sediment toxicity in the Back Channel and off Sullivan Point was found. The presence of lead at the JILF links this site to ecological risk resulting from lead exposure; plausible mechanisms include surface runoff, direct discharge or leaching, and groundwater transport from the site to the estuary. Other site contaminants of concern with potential risk to estuarine receptors include copper, zinc, silver, cadmium, and nickel."

Also, the following text will be inserted into Section 2.2.16 on offshore areas: "An ecological risk assessment, in accordance with CERCLA procedures and recommendations, investigated the likelihood of adverse ecological effects as a result of hazardous waste releases from the Shipyard. This data (Phase I) was also used to prepare a human health risk assessment to assess human health exposures from offshore media."

23. **Comment:** Page 2-32, Summary of Findings SWMU #11

It appears that the Datagap data was not included in this summary. Please explain.

Response: The RFI Data Gap is included in Table 2-12, Summary of Findings (pages 2-31 to 2-32). Analytical parameters are indicated under HNUS RFI Data Gap (Phase VI) and exceedances of MPSs, including the Datagap data is provided under the Nature of Contamination.

24. **Comment:** Page 2-37, Summary of Findings, Offshore Areas

"USEPA risk estimates were exceeded for consumption of lobsters, clams, and flounder..."

Shouldn't clams be changed to mussels?

Response: Agree. The text will be corrected.

25. **Comment:** Page 3-5, Section 3.3

Consider rewriting the first sentence in this section. CERCLA is applied to sites which are listed as National Priority Sites.

Response: Please see EPA redline changes to Section 3.0 (EPA Comment No. 8).

26. **Comment:** Page 4-1, Paragraph 2

"The air media is not considered."

Please explain why the air media is not considered. It appears that air media should be considered at PNS.

Response: A new paragraph will be inserted to replace the existing sentence which states that the air media is not considered, as follows: *"Although the air media is not directly addressed by the Relative Risk Site Evaluation, the soil media PRGs do include consideration for inhalation of airborne contaminants as a soil exposure pathway. The PRGs combine current EPA toxicity values with "standard" exposure factors to estimate concentrations in environmental media (soil, air, and water) that are protective of humans, including sensitive groups, over a lifetime."*

As already stated in the first paragraph of Section 4.1, the ranking of sites is not a substitute for a baseline risk assessment of health assessment. The air media would be considered in the baseline risk assessment.

27. **Comment:** Page 4-3, Table 4-1, Site 32

I believe that this site is ranked "Low" based on one soil sample analyzed for hazardous waste characteristics for disposal purposes only. The sample was collected in the area which the Navy believes to be the Topeka Pier site. The MEDEP cannot concur with the "Low" designation because we have very limited information about the site. Consider designating the site as "not evaluated" until the State agrees that the sample collected is representative of the Topeka Pier Site risk.

Response: The "Rank" will be changed from "Low" to "Unknown." Additionally, a footnote will be added as follows: *"As provided in Appendix B, only one sample was collected, resulting in a ranking of Low. It is unknown whether this limited result is representative of the site."*

28. **Comment:** Page 5-1, Schedules

Schedules are currently undergoing evaluation. Modifications of and changes to schedules have been discussed by the project managers and are still under discussion.

Response: No response required.

**ADDITIONAL NAVY GENERATED CHANGES
(AND CHANGES FOR CONSISTENCY WITH REGULATORY AGENCY COMMENTS ON
CRP)
ROUGH DRAFT SITE MANAGEMENT PLAN
PORTSMOUTH NAVAL SHIPYARD, KITTERY, MAINE**

1. General Revision: NSY Portsmouth will be changed to PNS throughout.

2. Page 1-4, Paragraph 2 (as per MEDEP Specific Comment 3 on Community Relations Plan): The reference (and reference list) for the air monitoring report will be updated as follows: "... the Phase II Ambient Air Quality and Meteorological Monitoring Report (~~Halliburton NUS, 1995b~~ *Brown & Root Environmental 1996*) was prepared as a confirmation air monitoring study."

3. Page 1-5, second paragraph (as per MEDEP Specific Comment 6 on the Community Relations Plan): The following sentence will be inserted following the second sentence:
"The data collected from Phase II is currently being evaluated to assess human risk."

4. Page 2-2: Subsection numbers (2.1.1, 2.1.2, etc.) will be removed.

The following revision will be made to Section 2.1, consistent with the Community Relations Plan: "In order to expedite the process... characteristics, ~~four~~ *five* Operable Units have been designated. *The five OUs are depicted in Table 2-1.*" (Other tables in Section 2.0 will be renumbered and properly referenced. Table 2-1 from the Community Relations Plan, which describes the sites within each OU, will be inserted.)

5. Page 2-6, Section 2.2.9: The section header will be deleted. The DRMO impact area text will be retained as part of the preceding DRMO Salvage Yard discussion and not as a separate section. Subsequent sections will be renumbered accordingly.

6. Page 2-7, Section 2.2.11: The section header will be deleted. The JILF impact area text will be retained as part of the preceding JILF discussion and not as a separate section. Subsequent sections will be renumbered accordingly.

7. Page 2-8, Section 2.2.13: "toxic" will be deleted from the next to last line on the page.

8. Page 2-11, Section 2.3.3 (as per MEDEP Specific Comment 9 on the Community Relations Plan): The text will be revised from "A second timber basin..." to "*Another existing timber basin (at Site 32 - Topeka Pier Site...*"

ATTACHMENT

**SECTION 3.0 REVISIONS REQUESTED BY THE EPA
(EPA COMMENT NO. 8)**

3.0 REGULATORY PROCESS ACTIVITIES

Beginning in 1980, investigation of NSY Portsmouth hazardous waste sites were conducted under the Department of Navy Assessment and Control of Installation Pollutants (NACIP) Program. Since 1986, investigations at NSY Portsmouth have been conducted under the Department of Defense (DOD) IR Program. Funding to pay for such investigations are allocated for DOD sites under the Defense Environmental Restoration Account (DERA).

~~Recently, a~~ A Federal Facilities Agreement (FFA) ~~is under development~~ has been developed for NSY Portsmouth between the USEPA New England Region, State of Maine and NSY Portsmouth. The FFA was developed to enable the Navy to meet the provisions of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), Resource Conservation and Recovery Act of 1976 (RCRA) and applicable state law. ~~Among other things, an FFA outlines roles and responsibilities, establishes deadlines/schedules, and outlines work to be performed.~~

The IR Program parallels ~~the~~ CERCLA, otherwise known as Superfund. Under the Superfund program, ~~abandoned waste sites past disposal activities which potentially contained may have resulted in the release of hazardous constituents to the environment would undergo several phases of environmental investigation that would ultimately determine the need for a remedy, and if necessary, the selection and implementation of the remedy for the site.~~ The phases of investigation under CERCLA include the Preliminary Assessment/Site Inspection (PA/SI), Remedial Investigation (RI), Feasibility Study (FS), Record of Decision (ROD) and Remedial Design/Remedial Action (RD/RA). The process required by the FFA is analogous to CERCLA with one exception: the PA/SI is replaced by the Site Screening Process (SSP). Superfund also has provisions for Interim Measures (IM) that can be implemented if a site poses an immediate threat to the environment.

The RCRA established a national strategy for the management of ongoing solid and hazardous waste operations at active sites. NSY Portsmouth engages in the generation, treatment, storage and disposal of hazardous wastes which requires the facility to be permitted under the jurisdiction of RCRA. The Hazardous and Solid Waste Amendments (HSWA) of RCRA were enacted in 1984 and broadened the authority of RCRA to include a multi-step corrective action process for releases of hazardous wastes to the environment.

The RCRA Facility Assessment (RFA) is the first step of the RCRA corrective action process and is similar to a CERCLA PA/SI. The RCRA corrective action process closely resembles the CERCLA program (see Table 3-1), and consists of the RFA (release identification step), the RCRA Facility Investigation (RFI, release extent

characterization), the Corrective Measures Study (CMS, selection of corrective measure), and Corrective Measures Implementation (CMI, implementation of corrective measures). The RCRA corrective action program also includes an Interim Measures (IM) step that may be conducted in cases when short-term actions are needed to respond to immediate threats.

Most environmental activities at NSY Portsmouth were initiated under RCRA in accordance with the HSWA permit. However, NSY Portsmouth was included on the National Priority List (NPL) effective May 31, 1994 and is now governed by CERCLA as described in FFA.

This section describes the CERCLA remedial process, the RCRA Corrective Action Process and describes the similarities and differences between RCRA and CERCLA.

3.1 CERCLA PROCESS ACTIVITIES

This section provides a description of the CERCLA remedial process.

3.1.1 Preliminary Assessment/Site Investigation and Site Screening Process

The initial study conducted under CERCLA at a site in response to a real or suspected hazardous substance release is the Preliminary Assessment/Site Investigation (PA/SI). The PA/SI is usually conducted by U.S. EPA or an authorized state agency. At Federal Facilities, the lead agency (the Navy in the case of PNS) collects the data for the PA/SI. The U.S. EPA evaluates the PA/SI data. The PA/SI relies heavily on existing information, and is limited in scope. If the PA/SI identifies sites or study areas as potentially posing a threat to human health or the environment, a Remedial Investigation/Feasibility Study is conducted.

The Site Screening Process (SSP) is as outlined in the FFA's is an alternative to the PA/SI process. The SSP is the mechanism for evaluating whether identified Site Screening Areas (SSAs) should proceed with an RI/FS. SSAs refer to areas not previously identified that may pose a threat, or potential threat, to public health, welfare or the environment.

The SSP considers current CERCLA and RCRA guidance to determine if there have been releases of hazardous substances, pollutants, or contaminants, to the environment from the SSA. The SSP Report provides the basis whether an RI/FS be performed or removed from further study. Those SSAs which require an RI/FS become Areas of Concern (AOCs). AOCs are areas at the site where hazardous substances, pollutants or contaminants are or may have been placed or may come to be located.

3.1.2 Remedial Investigation/Feasibility Study

The Remedial Investigation/Feasibility Study (RI/FS) is the next phase of the CERCLA remedial process and is required for all AOCs. The RI is intended to determine the nature and extent of contamination, potential migration pathways, toxicity and persistence of contaminants and potential (risk) for adverse impacts to human health or the environment. The FS is intended to develop remedial objectives, identify Applicable or Relevant and Appropriate Requirements (ARARs), develop and screen remedial alternatives, analyze remedial alternatives, and recommend compare the alternative(s) that best meet against the CERCLA criteria (protection of human health and the environment, compliance with ARARS, reduction of toxicity, mobility, or volume through treatment, short-term effectiveness, long-term effectiveness, implementability, cost, state acceptance, community acceptance). CERCLA does not provide specific requirements for concentration limits or groundwater monitoring.

After completion of the RI/FS, a Proposed Remedial Action Plan (PRAP) is completed which outlines the Navy's proposed remedial alternative. The PRAP is released to the public and prior to the a formal public comment period is held. Subsequently, a Record of Decision (ROD) that identifies the preferred remedial alternative(s) is issued by the Navy and the U.S. EPA. The State of Maine has the opportunity to concur on the ROD.

3.1.3 Removal Action

A removal action may be completed prior to or during the RI/FS to reduce the threat to human health or the environment by removing released hazardous substances or reducing potential exposure pathways. Time-critical Emergency removal actions are taken when there is an imminent threat to human health or the environment. Time-critical removal actions are taken when a threat to public health or welfare or the environment and it is determined that less than six months exists before on-site removal activity must be initiated. Non-time-critical removal actions may be delayed are those actions where a planning period of at least six months or more based on the exists before on-site activities to reduced the threat to human health of or the environment exists.

In order to select the best remedial alternative for non-time-critical removal actions an Engineering Evaluation/Cost Analysis (EE/CA) is prepared. Unlike the FS, the EE/CA focuses only on the material to be removed and does not use the full CERCLA criteria. A Removal Action Memorandum is completed prior to a formal public comment period. Both time-critical and non-time critical removal actions require that a public comment period be held in order that the public be afforded an opportunity to comment on the removal.

Subsequent to a removal action, the FS may conclude that no further action is required to reduce the threat to human health and the environment. In this case, a no action ROD would be issued and the CERCLA remedial process would be concluded.

3.1.4 Interim Remedial Actions

An interim remedial action may be completed prior to or during the RI/FS to reduce the threat to human health or the environment by removing released hazardous substances or reducing potential exposure pathways. In order to select the best remedial alternative for an interim remedial action, a Focused FS is may be prepared. An interim action must be consistent with the anticipated long-term remedial action. An interim ROD is issued and interim remedial design and remedial action activities are initiated. After implementation of the interim remedial action, the FS may conclude that no further action is required to reduce the threat to human health and the environment. In this case, a no action ROD would be issued and the CERCLA remedial process would be concluded.

3.1.5 Remedial Design/Remedial Action

The ROD establishes the scope and schedule for the development of the Remedial Design (RD) and Remedial Action (RA). The RD often proceeds in a stepped process (30% complete, 60% complete, 90% complete and 100% complete) and addresses detailed design issues not addressed during the FS. The RA involves implementation of the RD. The FFA establishes a process for developing an RD/RA schedule.

3.2 RCRA PROCESS ACTIVITIES

This section provides a description of the RCRA corrective action process. Any facility that treats, stores or disposes of hazardous waste must have a permit issued by the U.S. EPA or the state if it has been granted RCRA oversight authority. The State of Maine has been granted virtually all RCRA authority, with the exception of RCRA corrective action authority.

3.2.1 RCRA Facility Assessment

The initial study conducted under RCRA at a site in response to a real or suspected release is the RCRA Facility Assessment (RFA). The RFA is usually conducted by U.S. EPA or an authorized state agency. The RFA relies heavily on existing information, and is limited in scope. If the RFA identifies a Solid Waste Management Unit (SWMU) or Area of Concern (AOC) as potentially posing a threat to human health or the environment, a RCRA Facility Investigation/Corrective Measure Study is conducted.

3.2.2 RCRA Facility Investigation/Corrective Measure Study

The RCRA Facility Investigation/Corrective Measure Study (RFI/CMS) is the next phase of the RCRA corrective action process. The RFI is intended to determine the nature and extent of contamination, potential migration pathways, toxicity and persistence of contaminants and potential (risk) for adverse impacts to human health or the environment. The CMS is intended to establish corrective action objectives, screen corrective measure technologies, identify corrective measure alternatives, evaluate corrective measure alternatives, and justify and recommend the corrective measures that best meet RCRA criteria (technical, environmental, human health and institutional). RCRA requires that the recommended corrective action include a specific groundwater monitoring program and remove or treat hazardous materials that exceed specific concentration limits. After completion of the RFI/CMS, a permit modification is required to establish the scope and schedule of the CMI. A permit modification includes a public comment period.

3.2.3 Interim Corrective Measure

An interim corrective measure may be completed prior to or during the RFI/CMS to abate, minimize, stabilize, mitigate or eliminate a release or a threat of a release. Interim measures may include institutional or physical actions. Interim measures typically include an investigation program, design program and construction program.

3.2.4 Corrective Measure Implementation

After the U.S. EPA selects the preferred corrective measures from the CMS alternatives, the Corrective Measure Implementation (CMI) phase is initiated. The CMI is comprised of the program (design) plan, operation and maintenance plan, construction, and a compliance schedule.

3.3 SIMILARITIES AND DIFFERENCES BETWEEN CERCLA AND RCRA

As discussed previously, the primary difference between the CERCLA and RCRA corrective action processes is that CERCLA is implemented for sites which have been abandoned, the owners are insolvent, or there are several parties involved and a mechanism is required to share liability and RCRA is implemented for sites which continue to manage hazardous wastes. The CERCLA process generally involves the public more during the process, whereas RCRA only intermittently involves the public. The technical processes are similar, as both involve distinct steps to identify and characterize releases and to select and implement a remedy. The CERCLA process uses broader evaluation criteria for the selection of the remedy and requires only permitting equivalency.