



DEPARTMENT OF THE NAVY
PORTSMOUTH NAVAL SHIPYARD
PORTSMOUTH, N. H. 03804-5000

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IN REPLY REFER TO:

December 29, 1999

MEMORANDUM

FOR THE MEMBERS OF THE RESTORATION ADVISORY BOARD CERCLA REMEDIAL
ACTION PROGRAM, PORTSMOUTH NAVAL SHIPYARD, KITTERY, MAINE

Enclosed please find the draft minutes from the November 24, 1999, Restoration Advisory Board meeting for your review and comment. Comments are requested by January 19, 2000. You may provide your comments to me at (207) 438-3830.

Sincerely,

Ken Plaisted
Navy Co-Chairman
Restoration Advisory Board

Distribution:

Doug Bogen
Jeff Clifford
Michele Dionne
Eileen Foley
Carolyn Lepage
Mary Marshall
Phil McCarthy
Jack McKenna
Mary Menconi
Onil Roy
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Johanna Lyons
EPA (M. Cassidy)
NOAA (K. Finkelstein)
MEDMR (D. Card)
USFWS (K. Munney)
NHF&G (C. McBane)
MEDEP (I. McLeod)
NORTHDIV (F. Evans)
COMSUBGRU TWO (R. Jones)
Tetra.tech NUS (L. Klink, D. Cohen)
PNS (Codes 106, 106.3, 106.3R, 100PAO, 105, 105.5, NRRO)

**RESTORATION ADVISORY BOARD MEETING
PORTSMOUTH NAVAL SHIPYARD
MARRIOTT COURTYARD, PORTSMOUTH, NH
NOVEMBER 18, 1999**

The meeting began at 7:10 p.m. and ended at 9:45 p.m. Community members attending were: Doug Bogen, Jeff Clifford, Mary Menconi, and Michele Dionne; regulatory members Meghan Cassidy (EPA) and Denise Messier (MEDEP); and Navy members Ken Plaisted and Fred Evans. Others attending were Carolyn Lepage, the Seacoast Anti-Pollution League's (SAPL) technical advisor; Johanna Lyons and Steve Haberman of SAPL; Marty Raymond, Alan Robinson, and Tom DeVaney from the Portsmouth Naval Shipyard (PNS). Among the guests were Linda Klink and Debra Cohen from Tetra Tech NUS, Kristen Wandland from ENSR, and Don Card. Community members Roger Wells, Phil McCarthy, Onil Roy, Eileen Foley and Mary Marshall were absent.

INTRODUCTION

Doug Bogen, community co-chair, welcomed the Restoration Advisory Board (RAB) and introduced the primary topics of the evening; an explanation of the Federal Facility Agreement (FFA) and a review of the Draft Feasibility Study (FS) for Operable Unit 3 (OU 3).

STATUS OF WORK

Fred Evans provided a handout summarizing the work status. Recent activities by the Navy have focused on the stabilization of the shoreline at the Defense Reutilization and Marketing Office (DRMO). The slope stabilization is complete, with a slope of 1.5:1. The fence is still being completed. Photographs of the operation were presented to the RAB. A letter that presents the results of Round I of interim monitoring of sediment, mussel and juvenile lobsters for lead at the DRMO as well as the monitoring stations up and down river of DRMO has been sent out to the RAB.

The Navy is planning to remove, if found, the Mercury Burial Vault II (MBII) in early summer, 2000. Comments were received by the Navy on the draft final Phase II Fate and Transport Modeling Report and the executive summary of the Revised Draft Final Ecological Risk Assessment - Offshore. The Navy is working on the response to these comments. The FFA has been released for public comments. All comments are due to the Navy by December 11, 1999.

The first round of monitoring under the Interim Monitoring Plan was conducted in September, and the Navy received comments on the Draft Final Interim Monitoring Plan. The Navy is working on the response to these comments. The Navy is also preparing the Draft Seep/Sediment Report.

In addition, the Navy is holding a technical meeting on Tuesday November 30, 1999 regarding the Jamaica Island Landfill (JILF) test pitting. *Note the meeting was subsequently rescheduled until December 15, 1999.*

REGULATOR UPDATES

EPA --- Meghan Cassidy told the RAB that EPA's geotechnical engineer had visited the DRMO during the slope stabilization, and was pleased with the process. EPA is currently reviewing the offshore sediment data and the FS for OU3.

MEDEP --- Denise Messier summarized recent activities by the state. The state's visited the DRMO during the slope stabilization and found nothing of concern. The state is currently working on comments on the OU3 FS and FFA. The state may or may not comment on the FFA. Iver MacLeod (MEDEP) is compiling comments on the OU3 FS, and expressed concerns through Denise Messier to the RAB over the Applicable and Relevant and Appropriate Regulations (ARARs). The state was not able to comment formally to the RAB on these concerns.

FEDERAL FACILITY AGREEMENT

Meghan Cassidy of EPA presented the draft FFA to the RAB. The FFA was forwarded to the RAB in mid-October for review. The Site Management Plan, an appendix to the FFA, was not included with the FFA. The Navy had sent the Site Management Plan to the RAB at an earlier date, and any members without a copy should contact the Navy.

Section 120 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requires a lead agency (the Navy) to enter into Federal Facility Agreement with EPA. The FFA establishes that the Navy will investigate and control releases at the Shipyard, and that EPA will have a formal oversight role in the investigation and cleanup. Although the state chose to not be a formal party to the FFA, the MEDEP will continue to oversee investigation and cleanup.

The Shipyard FFA requires compliance with CERCLA, the National Contingency Plan (NCP), and all other federal and state ARARs. The FFA establishes schedules and deadlines for the work performed by the Navy, and the FFA contains specific requirements for delivery of major reports and design documents. The deadlines are enforceable by EPA, and penalties may include fines. The FFA establishes a mechanism for the resolution of any disputes that may arise between EPA and the Navy regarding the CERCLA cleanup at the Shipyard.

The FFA for the Portsmouth Naval Shipyard was signed by the Navy on September 29, 1999 and by EPA Region 1 on September 30, 1999. Public comment period runs from October 27 through December 11, 1999. Written comments should be sent to Alan Robinson in the Public Affairs Office at the Shipyard. Once the public comment period ends, the Navy has until January 3, 2000 to forward all comments to EPA. EPA and Navy have 30 days to jointly review the comments, compile any needed responses, and determine whether the FFA requires modification based on the comments. If no modifications are required, the FFA may be effective in February 2000.

FEASIBILITY STUDY FOR OU 3

Fred Evans of the Navy and Deborah Cohen of Tetra Tech NUS presented the Feasibility Study (FS) for OU 3 to the RAB. Fred Evans presented the history and current conditions at OU 3; Debra Cohen explained the six remedial alternatives presented in the FS. The FS is in review and upon completion of response to comments by the Navy, a Draft Final version will be issued for review. As outlined in the FFA, the proposed plan for remediation of soils and groundwater at OU 3 will be submitted 30 days after the FS is finalized.

Operable Unit 3, located on the eastern portion of the Portsmouth Naval Shipyard, includes three sites: Site 8 (the Jamaica Island Landfill and JILF Impact Area); Site 9 (MBI and MBII); and Site 11 (Former Waste Oil Tanks Nos. 6 and 7). Field investigations at OU 3 have included geophysical investigations, soil gas survey, test pits, soil borings, monitoring well installations, air monitoring, and soil and groundwater sampling. Actions occurring at OU 3

include the removal of MBI, removal of tanks at Site 11, removal of 332 tons of soil at Site 11, and hydromulching along the Clark Cove shoreline to prevent erosion.

Phase I and II Contaminant Fate and Transport Modeling concluded that a steady state condition is likely for groundwater, and surface water and sediment would not be significantly impacted by any continuous migration of contaminants from OU 3. Steady state was defined as no increase in chemical concentration, but potential for some transport. The modeling was conservative and based on a continuous supply of contaminant to the system (i.e., no loss from the source even with migration). The RAB raised concerns about the potential of additional contaminant release from storm events, rise in sea level due to global warming, and from possible drum caches in the landfill. The Navy noted that approximately 50% of the JILF is above the high tide level, and test pits performed to date have produced no evidence of possible drum caches. If drums are found in the future (additional test pitting at JILF is scheduled), to the extent possible they would be removed intact to prevent additional contamination.

The RAB raised additional concerns over habitat loss. The EPA explained that any investigation under National Resource Damage Assessment (NRDA) would be needed only if the JILF violated laws were in place at that time. Meghan Cassidy added that there is currently no precedent in Region 1 for NRDA, as no NRDA has been required to date.

Ecological risk assessment conducted at OU 3 reveal no onshore ecological risks from JILF, and low risk offshore. Human health risk assessment offshore indicated no unacceptable risks from exposure to surface water and sediment, and some potential risk from seafood ingestion in the Lower Piscataqua River. The risk levels onshore to human health exceeded MEDEP risk guidelines for some contaminants and some receptors. The media of concern at OU 3 are soil and groundwater which, due to the nature and extent of contamination, can be evaluated across all three sites in OU 3. The contamination at the JILF Impact Area differs from the rest of OU 3 and will therefore be addressed separately.

The Remedial Action Objectives (RAOs) for OU3 were defined by the Navy as follows:

- RAO 1. Prevent human exposure to contaminated soil/waste material;
- RAO 2. Prevent human exposure to contaminated groundwater;
- RAO 3. Prevent erosion of soil/waste material to offshore;
- RAO 4. Ensure migration of groundwater contaminants does not adversely impact offshore;
- RAO 5. Provide for PNS current/future land use; and
- RAO 6. Comply with regulations and guidance (ARARs).

The six alternatives, developed to meet the RAOs, were screened against the nine FS criteria. All but one alternative (#1) met RAOs. The alternatives were:

Alternative 1. No Action. Only a 5-year review would be conducted. The inclusion of this alternative is a requirement of CERCLA, but it does not meet RAOs.

Alternative 2. Institutional Controls and Erosion Controls. Land use restrictions, monitoring, a 5-year review, and erosion controls would be implemented. Although current use meets EPA risk range, there were exceedances of MEDEP risk guidelines.

Alternative 3. Non-hazardous Waste Cover, Institutional Controls, and Erosion Control. This includes all components of Alternative 2, and provides a barrier between landfill materials and receptors. The barrier also reduces rainfall infiltration from 22 gallons per

minute (gpm) to 9 gpm. This alternative offers some reduction in rainfall infiltration, but does not minimize it, which is a requirement of a hazardous waste cap. Other concerns with this alternative include disruption of industrial activities at JILF and concern for worker safety during the minor excavation of the JILF.

Alternative 4. Hazardous Waste Cover, Institutional Controls, and Erosion Controls. This includes all components of Alternative 2, provides a barrier between landfill materials and receptors, and minimizes rainfall infiltration (from 22 gpm to <1 gpm). Concerns include that implementing this alternative would disrupt activities at JILF and could cause potential worker safety issues during excavation at JILF. Additionally, the sheer volume of cap materials required may be difficult to obtain.

Alternative 5. Hazardous Waste Cover, Cut-off Barriers, Institutional Controls, Erosion Controls, and Groundwater Collection/Treatment. This alternative includes all the components of Alternative 4, and provides a barrier for groundwater migration offsite. Alternative 5 includes all the concerns of Alternative 4, and additional concerns. During installation of the cut-off barrier, worker safety and the potential for environmental impacts exist as trenches to bedrock are dug. Since the slurry barrier has not been tested in saline waters, there are concerns over the long-term effectiveness of the barrier. Moreover, any breaches in the cutoff wall could result in buildup of tidal water, presenting a long-term effectiveness concern with extraction and treatment. The RAB was interested in the potential for the installation of a partial barrier, to prevent tidal influence, which is approximately 400 gpm. The Navy noted that this alternative would meet the objective of protecting the offshore environment from migration of groundwater contaminants, as necessary. The need for the cutoff wall is not currently evident based on corresponding low offshore risks for OU3. The RAB asked for an explanation of low ecological risk. The Navy and EPA explained that the results of the PNS ecological risk assessment, which were determined using an approach of weight of evidence, where each piece of data are weighted for relevance and result. The EPA, MEDEP, and trustees were involved in the final decision of the risk assessment results. The ecological risk assessment is currently in Revised Draft Final stage.

Alternative 6. Complete Excavation, Offsite Disposal, and Institutional Controls on Groundwater. This alternative, which includes the excavation and disposal of all waste materials and land use restrictions for groundwater until the remediation is complete, was developed under the request of the Assistant Secretary of the Navy. While this alternative is a permanent solution, there are major concerns with worker safety and impacts on environmentally sensitive areas during the remediation. Additionally, the remediation itself would take a very long time.

The RAB asked if these alternatives were the only options, and were informed that any comments or suggestions should be forwarded to the Navy for review by the end of the document review period. The Navy reminded the RAB that additional alternatives were developed as part of the OU3 FS but were screened from further consideration upon scrutiny. As needed, the Navy could add remedial alternatives in order to address the comments. The Navy cautioned that ARARs partially define what could be considered as an alternative; for instance capping alternatives are typical for landfill sites. The Navy is not currently considering Alternative 1 or 6 as viable options, and welcome comments that could produce a hybrid of ideas.

In summary, Fred Evans reiterated the current actions; finalize OU 3 risk assessment and phase II modeling, perform test pitting at OU 3 to investigate whether selected anomalies in the subsurface survey are drums, and continue the interim offshore monitoring at OU 4.

Future actions include finalization of OU 3 FS (without test pitting results), develop a proposed plan for OU 3 (with test pitting results), and, if located, remove MBII.

The schedule is as follows: Final FS in May 2000, Draft Proposed Plan 30 days after the Final FS, Final Record of Decision (ROD) 6 months after the Proposed Plan, and submit the Design after the ROD. There will be a public meeting for the Draft Final Proposed Plan, which may occur in September or October 2000, depending on schedule.

OTHER ISSUES

Carolyn Lepage (SAPL) expressed concerns that some of the supporting documents to the FS were not received by the RAB. She expressed an interest in formally requesting an extension to the comment period. Meghan Cassidy explained that there is no formal process for extending comment periods. The public can send a letter request to EPA. EPA will review on a document-specific basis stressing the potential impact and extension would have on the document schedule.

The RAB raised concerns about contaminant levels in lobsters off the DRMO (part of OU 2) in light of the recent shoreline erosion. The Navy explained that juvenile lobsters were collected instead of adult (legal size for consumption) lobsters due to life history. During their adult stage, lobsters have a home range that may extend dozens of miles. The juvenile lobsters, estimated to be 3 years old, have a very limited range. Collection and analysis of juvenile lobsters is a more conservative estimate of ingestion.

Questions were raised regarding the status of the shoreline inspection program. The written program is not complete, but the Shipyard plan is to check the shoreline of the IR sites quarterly and after any large rain event.

FUTURE MEETINGS

The next RAB meeting is scheduled for **January 27, 2000** at a location to be determined. The topic for the January 27, 2000 meeting are as follows:

- The draft Seep/Sediment Summary Report.

The RAB was asked if they had additional topics they wished to discuss, and was silent.