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NSY PORTSMOUTH
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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
Code EV23/FE
August 14, 2002

Mr. Michael Barry
Environmental Protection Agency
Region I (Mail Code: HBT)
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Mr. Iver Mcleod
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333

Dear Mr. Barry/Mr. McLeod:

Subject: DRAFT FINAL FY03 SITE MANAGEMENT PLAN; INSTALLATION RESTORATION PROGRAM, PORTSMOUTH NSY, KITTERY, ME

On behalf of the U.S. Navy, Tetra Tech NUS, Inc. is pleased to provide to the U.S. Environmental Protection Agency Region I (USEPA) and to the Maine Department of Environmental Protection (MEDEP) 4 and 3 copies each, respectively, of the revision pages for the draft final FY03 SMP. The responses to USEPA comments dated July 22, 2002 and MEDEP comments dated July 17, 2002 are also attached. Please replace the following items in the draft FY03 SMP (June 2002/Revision 0) with the attached revision pages (August 2002/Revision 1):

- Cover, Spine, and Title Page
- Section 2
- Section 6
- Appendix C (Schedules)
- Appendix D (Fact Sheet)

For the Community Restoration Advisory Board (RAB) members; if you have any comments or questions on these issues, they can be provided to the Navy at a RAB meeting, by calling the Public

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Affairs office at (207) 438-1140 or by writing to:

Portsmouth Naval Shipyard
Code 106.3R Bldg. 44
Attn: Marty Raymond
Portsmouth, NH 03804-5000

If you have any comments or questions, or if additional information is required, please contact Mr. Fred Evans at 610-595-0567 extension 159.

Sincerely,

Frederick J. Evans

FREDERICK J. EVANS
Remedial Project Manager
By Direction of the
Commanding Officer

Copy to:
PNS (Code 106.3R)
PNS Code 100PAO (w/o encl)
COMSUBGRU TWO (A. Stackpole) (w/o encl)
US Fish & Wildlife Service (K. Munney) (w/o encl)
NH Fish & Game (C. McBane)
NOAA (K. Finkelstein) (w/o encl)
Mr. Jeff Clifford
MEDMR (D. Card)
Mr. Phil McCarthy
Mr. Peter Britz
Mr. James Horrigan
Ms. Diane McNabb
Ms. Carolyn Lepage
Mr. Alan Davis
Mr. Doug Bogen
Ms. Michele Dionne
Ms. Mary Marshall
Mr. Jack McKenna
Dr. Roger Wells
Mr. Onil Roy
D. Cohen, TtNUS

RESPONSE TO USEPA COMMENTS DATED JULY 22, 2002
DRAFT FY03 AMENDED SITE MANAGEMENT PLAN
PORTSMOUTH NAVAL SHIPYARD, KITTERY, MAINE

1. **Comment:** Page 2-1, paragraph 3: The text indicates that schedules for additional work associated with Sites 30, 31, 32 and the former Oil Gasification Plant have not been established. Appendix C of this document include schedules for each of these sites. The text should be revised to reflect this fact.

   Response: As indicated in the first paragraph of Section 2.0, this section presents the history and status of each site at PNS prior to the signing of the FFA (September 1999); therefore the text in the third paragraph is correct as of the signing of the FFA. However, to avoid confusion, the Navy proposes the following text revision to the third paragraph:

   "Additional investigations are planned for Sites 30, 31, and 32~~; the schedule for this work has not been established~~. ~~A schedule for work to be performed at~~ ***Investigation of*** the Former Oil Gasification Plant has not been ***conducted*** ~~established at this time~~."

2. **Comment:** Appendix C.3: Tasks 278 through 295 of this schedule are related to the Technical Memorandum that were developed for the evaluation of consolidation at the JILF. As a result of this evaluation, the Navy included excavation, consolidation and wetland creation into the design of the OU3 project. As a follow-up to this work, an Explanation of Significant Difference (ESD) needs to be developed. This ESD should be included in the schedule.

   Response: A schedule for the ESD will be provided as requested.

3. **Comment:** Appendix C.3: The Five-Year Review is shown as being due on November 28, 2007. As outlined in EPA's Five-Year Review guidance, a statutory five-year review must be completed within five-years of the trigger action. The trigger action for PNS is the start of construction of the JILF remedy. JILF construction began in June 2002. Therefore, the first five-year review must be completed by June 2007.

   Response: In the schedule for OU3, the First Five Year Review is scheduled to be completed 5 years after start of significant and continuous on-site action. The start of significant and continuous on-site action is the start of consolidation as part of the construction of the wetlands in the Jamaica Cove area. Therefore, the dates for start of significant and continuous on-site action and for the first five year review will be updated to June 24, 2002 and June 24, 2007, respectively.

4. **Comment:** Appendix D, Site Update Fact Sheet: The EPA contact for this site should be changed to Mr. Michael Barry. Mr. Barry's phone number is (617)918-1344.

   Response: The USEPA contact in the fact sheet will be updated as requested.

RESPONSE TO MEDEP COMMENTS DATED JULY 17, 2002
DRAFT FY03 AMENDED SITE MANAGEMENT PLAN
PORTSMOUTH NAVAL SHIPYARD, KITTERY, MAINE

1. **Comment:** Page 2-7 indicates that the schedule for work at the former CDC has not yet been developed. The Amended SMP reflects this as it does not have a schedule for the former CDC. However, the Navy prepared and the regulators reviewed preliminary DQOs for the former CDC this year. Therefore, there should be at least a minimal schedule indicating what is to follow after finalizing the DQOs.

   Response: As indicated in the first paragraph of Section 2.2 (page 2-3), this section presents the status prior to the signing of the FFA (September 1999); therefore the text on the Former CDC (in the last paragraph of Section 2.2.5 on page 2-7) is correct as of the signing of the FFA. However, to avoid confusion with any future plans for the site, the last sentence, which indicates the schedule for the work has not been developed, will be deleted.

   Although preliminary DQOs have been prepared, a schedule for finalizing the DQOs and conducting the field work has not been determined. The Navy believes that the scope of field work for the Former CDC is small enough that the field work could be conducted in conjunction with the Site 32 Remedial Investigation or other field work. The draft DQOs for the Former CDC additional investigation will provide a proposed schedule for implementing the planned sampling for the Former CDC.

2. **Comment:** 6.2 Documents Completed After Signature of FFA, p. 6-4

   It is unclear if this section is to include documents up through June 2002 or just through May 2002. If the former then the Final OU3 Phase I RD specifications and RD Work Plan should be added.

   Response: Section 6.2 will include the documents finalized after the FFA (i.e., from October 1999) through the end of the fiscal year (September 30, 2002). The first sentence of Section 6.2 will be revised to clarify this.

   The documents that were finalized between the submittal of the draft SMP (June 17, 2002) and the draft final SMP (August 16, 2002) will be added to the list of documents. Documents finalized between the submittal of the draft final SMP and September 30, 2002 will be added to the list in the final FY03 SMP. The following documents, finalized between June 17, 2002 and August 16, 2002, will be added to the list of documents in Section 6.2:

   - OU3 Phase I Remedial Design
   - OU3 Phase I Construction Work Plan
   - OU3 Landfill Consolidation Technical Memorandums
   - Baseline Interim Offshore Monitoring Report

3. **Comment:** App. C.1, OU1 Schedule

505 days have been scheduled for preparation of the Draft FS Report for Site 10. Are 505 days really needed for a draft FS of a relatively small uncomplicated site? Please clarify.

Response: The OU1 schedule is driven by when the Navy projects funding will be available for a remedy at the site. The schedule of 505 days assumes secondary documents will be submitted prior to the draft FS, such as preliminary screening of technologies and ARARs. The schedule for preparation of the Draft FS Report for Site 10 can be and will be reduced should sufficient funds for a remedy at OU1 become available sooner. In revising the schedule for OU1, the Navy and USEPA need to consider: (i) the DOD relative risk rankings for the Site; (ii) potential or future use of the Facility; (iii) ecological impacts; (iv) intrinsic and future value of affected resources; (v) cost effectiveness of the proposed activities; (vi) regulatory requirements; (vii) environmental justice considerations; and (viii) actual and anticipated funding levels.

4. **Comment:** App. C.6, OU7 Schedule

Task 25 Navy and Regulator Comment Resolution is scheduled to be completed August 11, 2002. However, currently we are looking at late August for a technical meeting to discuss regulator comments. Therefore, the date for comment resolution is incorrect. This should be updated.

Response: As of submittal of the draft FY03 SMP, the Navy did not anticipate that a technical meeting would be necessary to resolve regulator and RAB comments. Subsequently, the Navy identified the need for a technical meeting, which has been set for August 13, 2002. Follow-up comments (Task 24) will be due 30 days after the technical meeting (September 13, 2002). The dates for the subsequent tasks (25 – 35) will be revised accordingly.

5. **Comment:** App. C.8 Site 30 Schedule

Please add the EE/CA to this schedule

Response: The schedule for the Site 30 EE/CA will be added as requested.

6. **Comment:** App. D Site Update Fact Sheet

Site Descriptions and Status, p. 2, Site 10 discussion: change "The Navy is currently preparing a report on the results of the November 2001 investigation" to "The Navy has prepared a draft report on the results...."

Response: The fact sheet will be revised to indicate that it provides the current status as of September 30, 2002 which is when the SMP is scheduled to be enforceable. The text for each site will be updated to reflect the current status as of

submittal of the draft final SMP. The final fact sheet will reflect the status as of September 30, 2002.

7 **Comment:** App. D Site Update Fact Sheet

There is no mention of the former CDC in this update fact sheet. Please correct this.

Response: Currently, the Former CDC is still considered part of Site 8. The following paragraph will be added to the end of Site 8:

"At the time the RFI for PNS was conducted, the Child Development Center (CDC) was located to the west of the JILF. Sampling, as part of the RFI, was conducted in this area to ensure that the children at the CDC were not being exposed to soil contaminated by wind dispersal of JILF contamination. The CDC has since been moved to a different location and this area is now referred to as the Former CDC. The building and playground equipment have been removed and the area is currently used as an open-green space, with grass and trees covering the area. The Navy has determined that additional sampling is needed at the Former CDC before determining a final remedial action. The Navy is currently developing the planning documents for the additional sampling."