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LETTER AND COMMENTS ON BEHALF OF SEACOAST ANTI POLLUTION LEAGUE
REGARDING DRAFT INTERIM RECORD OF DECISION FOR OPERABLE UNIT 4 (OU 4) NSY
PORTSMOUTH ME
2/4/1999
LEPAGE ENVIRONMENTAL SERVICES

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February 4, 1999

Peter Vandermark
Seacoast Anti-Pollution League
P. O. Box 1136
Portsmouth, New Hampshire 03802

Subject: Comments on December 1998 *Draft Interim Record of Decision for Operable Unit 4*

Dear Mr. Vandermark:

As you requested, we are transmitting comments to the Seacoast Anti-Pollution League (SAPL) concerning the December 1998 *Draft Interim Record of Decision for Operable Unit 4*. The *Record of Decision* (ROD) was prepared by Tetra Tech NUS, Inc. and summarizes the Navy's proposed interim action for Operable Unit 4 (OU4) which includes the areas offshore Portsmouth Naval Shipyard (PNS) potentially impacted by onshore shipyard sites. The Navy will be conducting environmental monitoring in the offshore area until the Feasibility Study for OU4 is released and a final remedy is selected and implemented.

- 1. General Comment.** The Seacoast Anti-Pollution League supports collection of additional monitoring data in the offshore areas at the Portsmouth Naval Shipyard.
- 2. Page 1-1, Section 1.1 Site Name and Location.** The opening statement identifies Operable Unit 4 (OU4) as the Offshore Areas of Concern. However, the October 1996 *Community Relations Plan for Portsmouth Naval Shipyard* (pages 2-7 and 2-8) lists OU4 as Site 5 (Industrial Waste Outfalls), Site 26 (Waste Oil/Water Portable Tanks), and Offshore Media or Offshore Areas Potentially Impacted by PNS. To avoid confusion, the description presented in Section 1.1 should be complete and consistent with the *Community Relations Plan*.
- 3. Page 1-1, Section 1.2, Statement of Basis and Purpose.** Section 1.2 is supposed to state the basis for and purpose of the interim action. While the first part of the section identifies the selected interim remedy as monitoring environmental media in offshore areas of concern, there is no information included that informs the reader why the monitoring will be conducted. What does the Navy want to accomplish by monitoring offshore areas? In addition, the statement that the remedy was selected in accordance with CERCLA and the NCP and based on information contained in the information repositories, does not provide reader with an understanding of the rationale for pursuing the interim action. Additional information specific to the reason(s) for and justification of monitoring offshore environmental media must be provided.

4. Page 1-1, Section 1.3, Assessment of OU4. The references for the determination of human health and ecological risks must be cited in the text so the reader will know the basis for the Navy's statements.

5. Page 1-1, Section 1.3, Assessment of OU4. The last sentence in the first paragraph doesn't make sense. It doesn't follow that it is not feasible to address risks just because those risks are similar to other areas along the Maine coast. This passage needs clarification. Furthermore, the offshore monitoring provides an opportunity to address the uncertainty identified in the second sentence of the section. That is, the identification of chemicals posing risk that can be attributed to the Shipyard. At a minimum, offshore monitoring should include contaminants identified in the human health risk assessment as posing risks and appropriate receptors and media.

6. Page 1-2, Section 1.4, Description of the Selected Remedy. The first "offshore" in the first line should be eliminated. The first sentence should also be revised to reflect that offshore media have been affected historically.

7. Page 1-2, Section 1.4, Description of the Selected Remedy. The second sentence is confusing. It states that environmental media will be monitored to determine whether contaminant concentrations are at acceptable levels. Yet Section 1.3 stated that acceptable human health and ecological risks were exceeded, meaning that contaminant concentrations are **not** at acceptable levels. The meaning of "appropriate" is not readily apparent either. This passage requires clarification. Contaminants of concern and the action(s) the Navy will take should contaminant levels be found to be unacceptable must be identified.

8. Page 1-2, Section 1.4, Description of the Selected Remedy. We suggest presenting the four numbered items in the second half of the paragraph in bullet form. Additional information about the nature of the "requirements" should be included - are they requirements of a particular program, the Navy, etc.

9. Page 1-2, Section 1.4, Description of the Selected Remedy. The review and approval process must be clearly spelled out. What are the roles of the regulatory agencies and the Restoration Advisory Board? How is the public involved and/or informed?

10. Page 1-2, Section 1.4, Description of the Selected Remedy. It would be appropriate to include information about how this interim action relates to activities at other OUs and sites at the Shipyard, and how it fits with the overall site management plan. It is also appropriate to inform the reader how the remedy addresses wastes or contaminants at the OU.

11. Page 1-2, Section 1.5, Statutory Determination. Additional information is needed to explain how the interim remedy is protective of human health and the environment, as monitoring alone does not appear to be an active protective measure.

12. Page 2-1, Section 2.1, Site Name, Location, and Description. None of the islands mentioned in the first paragraph and elsewhere in the text (pages 2-10 and 2-11, for example) are identified on Figures 2-1 or 2-2. This information should be added to one or both of the figures.

13. Page 2-1, Section 2.1, Site Name, Location, and Description. The first sentence should also be revised to reflect that offshore media have been affected historically. Additional information should be provided concerning the Installation Restoration Program (IRP) for readers unacquainted with IRP activities at the Shipyard. The reader should also be informed here as to why the Navy is pursuing removing Site 26 from OU4 and the CERCLA process.

14. Page 2-5, Section 2.2, Site History and Enforcement Activities. The text states here and elsewhere in the document there are four OUs at the Shipyard. However, the October-1996 *Community Relations Plan for Portsmouth Naval Shipyard* (pages 2-7 and 2-8) lists five OUs. The text should be corrected or additional information provided.

15. Pages 2-5 and 2-6, Section 2.2, Site History and Enforcement Activities. The actual or estimated number of discharge points at Site 5 should be provided. It is our understanding there were about 85 pipes. Information must be added to this paragraph about the contaminants (compounds, concentrations, etc.) detected in sediments in the Site 5 area prior to and after dredging (see comment 28, below), and the nature of contamination associated with Site 26.

16. Page 2-7, Section 2.4, Scope and Role of Operable Unit 4. See comment 13, above, regarding the number of OUs at the Shipyard. To provide perspective regarding how OU4 fits with the other sites, a list of OUs and sites should be included in this section. The second sentence is misleading. We know enough about the OUs to say that contaminants from a number of sites have migrated/are migrating to the offshore environment and have had apparent adverse impacts on offshore media. This section should be amended to reflect that, and to restate the purpose (see comment 3, above) for performing monitoring as an interim action. In addition, the description of the selection process for the final remedy should specify the roles of the regulatory agencies, Restoration Advisory Board and the public in the review and approval process.

17. Pages 2-7 - 2-11, Section 2.5, Site Characteristics. This section contains information about the Shipyard setting, area flora and fauna, and the offshore areas of concern (AOCs). What is lacking is information about why offshore monitoring is needed. That is, what are the known and suspected sources of contamination, contaminants of (potential) concern, migration pathways, and other data that are driving the need for this action. This section should describe the setting in sufficient detail so the reader can readily understand the risks summarized in the next section.

18. Pages 2-11 - 2-16, Section 2.6, Summary of Risks. This section should also summarize the data gaps and uncertainties identified in the risk assessments, and the monitoring needed to

address them. The reader needs to be aware of the how these deficiencies figure into the Navy's plan for monitoring the offshore area.

19. Page 2-15, Section 2.6.2, Human Health Risk Assessment Report for Offshore Media.

It is not clear to the reader why it is not feasible to address offshore human health risks as part of the interim action, as stated near the end of this section. The earlier human health risk assessments identified unacceptable risks in the offshore, but reportedly could not differentiate among potential sources of contaminants. The Navy will be collecting additional data under the interim monitoring. Why can't the Navy collect data that will address the uncertainty regarding the source of offshore contamination?

20. Page 2-16, Table 2-3. The exponential notation is not consistent in the table and footnotes. Our sense is that the use of superscripts is easier for readers to understand. It is also not clear which parameters are the most significant with regard to risk. This information should be added.

21. Page 2-17, Section 2.7, Identification of the Interim Remedy. We are troubled by the presentation of the three interim remedies at the beginning of this section. By bulleting all three at the beginning of the section, it implies that all three were given equal consideration, which is not the case. Our notes indicate eelgrass restoration and erosion controls were discussed for only a short time at the March 15, 1998, technical meeting. Significantly more time was spent at the March meeting discussing offshore monitoring, and discussions at subsequent meetings focused almost exclusively on monitoring as an interim action. Furthermore, the *Proposed Plan for Interim Remedial Action at OU4* dealt only with offshore monitoring. If the other interim remedies (eelgrass restoration and erosion controls) are included in this section, a more accurate description of the "consideration" process should be included in this section and a comparative analysis should be included in Section 2.9. A "No Action" alternative should also be evaluated.

22. Page 2-17, Section 2.7, Identification of the Interim Remedy. This section does not clearly spell out the reasons for pursuing offshore monitoring (or any other alternative) at this time. Why is the Navy going to monitor the offshore area? What are the objectives, specifically the Remedial Action Objectives? This information must be provided so the reader can understand why monitoring is considered an appropriate action at this time.

23. Page 2-17, Section 2.8, Selected Interim Remedy. Please see comment 7, above, concerning "acceptable levels" of contaminants, and comment 8 regarding the nature of requirements that are to be met.

24. Page 2-18, Section 2.8, Selected Interim Remedy. The approval process for the monitoring plan and the interim remediation goals must be clearly spelled out, including the roles of the regulatory agencies and the Restoration Advisory Board, as well as how the public can participate.

25. Page 2-18, Section 2.8, Selected Interim Remedy. DDT compounds exceeded State water quality criteria and screening levels for sediment at a number of seeps along the Shipyard shore. They must be included in the parameters analyzed during offshore monitoring.

26. Page 2-19, Section 2.9, Analysis of Interim Remedy. The statement that interim monitoring may provide protection of human health and the environment is misleading. Monitoring may provide the data to warn of a risk, but cannot actually provide real protection. The statement should be revised.

27. Page 3-1, Section 3.1, Overview. Please see comment 7, above, concerning "acceptable levels" of contaminants, comment 8 regarding the nature of requirements to be met, and comment 23 about the approval process.

28. Page 3-2, Section 3.3, Summary of Comments Received During the Public Comment Period and Navy Responses. The Navy's response to the comment regarding inclusion of Sites 5 and 26 in OU4 and the identified impact of Site 5 on offshore media is that the text of the ROD provides the additional information. However, as noted in comments 2 and 14, above, additional information is still needed. As we stated in our November 1998 letter submitted during the public comment period for the *Proposed Plan for OU4*, the negative impact of the Site 5 industrial waste outfalls on offshore media has been demonstrated in earlier documents. The April 1997 *Revised Draft Final Estuarine Ecological Risk Assessment* states on page 3-5 that

"Certainly contributing pollutants to the estuary, the industrial waste discharges released heavy metals, and cyanide from plating waste, PCBs, phenolic compounds, oil and grease. ... Marine sediments associated with the outfalls were sampled in 1976. Chemical analysis indicated elevated concentrations of mercury, lead, cadmium, chromium, copper, zinc, PCBs, total cyanide, phenols, and oils and grease. The contaminated sediments were dredged in 1978 and disposed in the JILF [Jamaica Island Landfill]. Sediment samples collected directly offshore of the discharge locations in 1991... contained quantifiable level[s] of only Cu, Pb, and Hg [copper, lead, and mercury] above ER-Ls [Effects Range Low]."

Sampling results from 1991 reveal that, even after the removal of contaminated sediments by dredging, significant adverse impacts could still be detected. Furthermore, the dredged sediments were disposed in the Jamaica Island Landfill, and can continue to act as a source of contamination affecting the offshore areas adjacent to the landfill. The ROD must include this information.

29. Page 3-2, Section 3.3, Summary of Comments Received During the Public Comment Period and Navy Responses. The response to the comment regarding providing the public with information about time lines and money spent states that the Navy and the Department of Defense (DOD) compile this information for release on an annual basis. However, the comment itself

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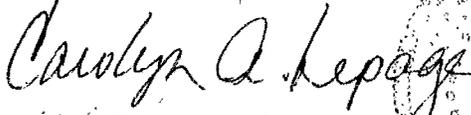
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indicates that the Navy and DOD annual reports are not reaching interested outside parties. We suggest the Navy also provide that information at Restoration Advisory Board meetings.

If you have any questions regarding the comments above, please give me a call at 207-777-1049.

Sincerely,



Carolyn A. Lepage

Carolyn A. Lepage, C.G.
President



cc: Iver McLeod, Department of Environmental Protection
Meghan Cassidy, Environmental Protection Agency
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