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NSY PORTSMOUTH
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LETTER AND COMMENTS FROM MAINE DEPARTMENT OF ENVIRONMENTAL
PROTECTION ON U S NAVY RESPONSE TO COMMENTS REGARDING DRAFT FACILITY
BACKGROUND DEVELOPMENT AND DRAFT REVISED OPERABLE UNIT 3 (OU 3) HUMAN
HEALTH RISK ASSESSMENT NSY PORTSMOUTH ME

7/26/1999

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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July 26, 1999

Mr. Fred Evans
Department of the Navy
Northern Division
Naval Facilities Engineering Command
10 Industrial Highway, Mailstop 82
Lester, PA 19113-2090

re: Response to Comments, Draft Facility Background Development and Draft Revised
OU3 Human Health Risk Assessment, Portsmouth Naval Shipyard, Kittery, Maine

Dear Fred:

The Maine Department of Environmental Protection has reviewed the document
referenced above. The Department's comments follow.

Draft Facility Background Development

Navy response: "The background data sets for PNS represent chemical concentrations in
the environmental media (and the associated risks) in the general vicinity or region of the
sites under investigation but at locations not anticipated to be influenced by the sites.
This strategy is followed so that the background will be useful in distinguishing site-
related contamination from naturally occurring levels or anthropogenic levels in the
general vicinity of the sites."

As discussed at the June 24, 1999 RAB a clarification of the term "site" needs to be
made. The MEDEP interprets "site" to mean the Portsmouth Naval Shipyard. However,
it appears that in the context of the Draft Facility Background Document the Navy
intends "site" to mean operable unit. Therefore, it may be appropriate to use wells in the
center of the island to evaluate groundwater not contaminated by the JILF (OU3).
However, those areas of the Shipyard that are not included in any OU yet have
groundwater contamination may not get addressed even though the contamination is
Shipyard related. A possible solution is to address groundwater over the entire Shipyard
as an operable unit, as has been done at the former Loring Air Force Base in Limestone,
ME. The MEDEP recognizes that there are difficulties in creating such an OU at the
Shipyard, given current schedules and Site Management Plan. However, we believe the
idea is worthy of discussion.

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Draft Revised OU3 Human Health Risk Assessment

Comment 1. Navy Response: “The referenced lead concentration (35,000 mg/kg) at location SS-107-0 that is located outside the fenced CDC area will be addressed in the Feasibility Study.”

The MEDEP is concerned that this location will not be addressed sooner. This concentration exceeds the USEPA recommended screening level for lead in soil for residential land use (400 mg/kg) 87 times. The Feasibility Study is not likely to be completed for at least another year. Is this location sufficiently secure to prevent contact with this soil?

Comment 5. Navy Response: “The first sentence of the referenced text will be replaced with the following sentence: Environmental sampling and historical records have been used to determine the extent of the JILF.”

This sentence should read, “...have been used to determine the extent of contamination at the JILF.”

Comment 14. Navy response: “The [Maine Draft Soil Guidance for lead] is not presented in the text because it has not been promulgated.”

The MEDEP notes that the cited EPA recommended screening soil for lead at residential properties is also not promulgated. Rather, it is a recommended value presented in the 1994 Revised Interim Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities.

Comment 15.

1) Navy response: “The organic background concentrations do provide valuable insight as to whether DRO/GRO and DDT are site related or simply reflective of upgradient conditions.”

As noted above, “site” must be defined. Groundwater upgradient of OU3 is still on the Shipyard and if above regulatory levels must be addressed regardless of whether or not they are included in operable unit.

2) Navy response: “Of note, pesticides used at PNS were in accordance with legal application...”

As the MEDEP has repeatedly stated, the legality of application at the time the pesticide was applied is irrelevant. For example, the JILF was established “legally” while it was in use yet the Navy acknowledges it needs to address the contamination resulting from its use.

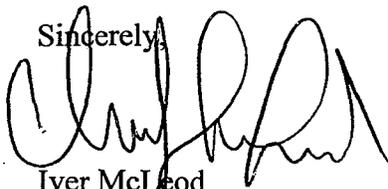
Comment 20. Navy response: "Agree that DDT and PCBs are not naturally occurring; however these constituents are likely anthropogenic and not necessarily site related."

These constituents are undoubtedly anthropogenic, i.e., not naturally occurring. If they occur anywhere at all on the Shipyard they are related to Shipyard activities. However, they may not be related to any one specific operable unit.

The revised sentence should be revised as it refers only to inorganic chemicals and because DDT and PCBs can in no way reflect "natural" background conditions.

Please feel free to contact me at (207) 287-8010 if you have any questions.

Sincerely,



Iver McLeod
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