

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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July 14, 2005

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

re: Removal Action Work Plan for DRMO Shoreline Stabilization at Portsmouth Naval Shipyard, Kittery, Maine, September 1999.

Dear Fred:

The Maine Department of Environmental Protection has reviewed the document referenced above. As you indicated to the regulators the work plan and design for shoreline erosion controls at Site 29 will be similar to that described in the subject document, with some potential for variability in site-specific features. We agree with this approach taking into account our comments below and pending resolution of any comments on the final site-specific design.

Please note that some of these comments are similar to comments we provided on the 1999 Work Plan on September 21, 1999. While many of those earlier comments were incorporated into the Final 1999 Work Plan some were not addressed and are repeated below (we could not find a separate Response to our 9/21/99 Comments).

1. It appears that the largest difference between the erosion at Site 29 and the former erosion at the DRMO is that apparently the Site 29 erosion is partially below the high tide line while the DRMO erosion was above the mean high tide line. Is there any reason to suspect that the design for the DRMO erosion would not perform subtidally?
2. The Navy should review all work reports, QC reports and other documentation from the 2000 DRMO shoreline stabilization project in order to avoid any problems that may have occurred (we assume this is standard procedure anyway). Have there been any problems with the DRMO shoreline stabilization since construction was completed that could be avoided by changes in design for Site 29 erosion?
3. Please provide results for the samples that were taken from the Site 29 erosion area earlier this year.

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4. 2.5. Status Reports, p. 2-3

“FWENC will prepare monthly status reports...”

While written monthly reports are appropriate we would also like to have more frequent verbal or email updates. Weekly would be best and if any critical issues arise we need to be notified as soon as possible.

5. 3.2 Anticipated Tasks, p. 3-1

“Use existing GCL cap material...”

Since this material does not exist at Site 29 please discuss what will be used in its place.

6. 4.2.3 Curb and Fence Removal, p. 4-2

“The existing fence, which has been destabilized by the erosion of the shoreline slope, will be removed and disposed.”

Is this case true for the fence at Site 29?

7. 4.3.2 Regrading, p. 4-2

“Approximately 250 cubic yards of the rock will be consolidated and regarded to form a level bench midway down the slope to provide a foundation on which the new shoreline stabilization system can be constructed.”

Will this be the case at Site 29?

8. 4.3.3 Shoreline Stabilization, p. 4-3

“Below the mean high water line, the existing soil will continue to be held in place by the existing embankment rock.”

Since the erosion at Site 29 extends below the mean high water line please discuss how this situation will be different.

9. 4.4 Waste Disposal, p. 4-3

“...potentially hazardous soils will be removed from the debris surface and returned to the slope prior to disposal.”

Any significant quantity of soil that is removed from the slope should be field-tested for lead using a portable XRF analyzer and disposed of properly if deemed to be hazardous material.

10. 5.2.4 Audit Procedures

“Any outside party requesting access to inspect the site should be referred to the Project Superintendent, who will initiate notification of the Project Manager...”

As always, when the MEDEP wants access to the site we will make every attempt to contact Marty Raymond and Fred Evans (*not* the Project Superintendent) or other appropriate Navy personnel to arrange access. However, as we stated in our 9/21/99 comments,

“Section 104(m) and (n) of SARA, amending CERCLA §104(e), explicitly authorizes EPA and its state analogues to compel information and to examine the records of PRPs; to enter on private property, including other sites adjacent to disposal areas, wherever this may be necessary to determine a remedy or to execute it; and to inspect those sites, taking samples of materials, containers, and labeling. Specifically, SARA §104(m) states:

‘Any officer, employee, or representative described in paragraph (1) is authorized to enter at reasonable times any of the following...

(B) Any vessel, facility, establishment, or other place or property from which or to which a hazardous substance or pollutant or contaminant has been or may have been released.

(C) Any vessel, facility, establishment, or other place or property where such release is or may be threatened.”

11. 5.3.2.2 Non-Conforming Items, p. 5-3

“A sample non-conformance report is shown in Attachment [2].”

We could not find this sample report.

12. 6.2 Stormwater and Erosion Control, p. 6-2

“Disturbed areas will be covered daily with stone or polyethylene sheeting to prevent erosion.”

Will this technique work in the subtidal portions of Site 29?

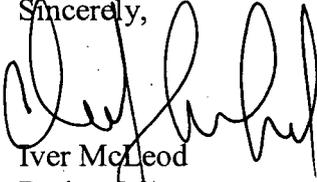
13. 6.4 Wetlands Protection and Permitting, p. 6-2

“Since the work will not place structures below the mean low tide line...”

Is this true for Site 29?

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

Sincerely,



Iver McLeod  
Project Manager  
Bureau of Remediation and Waste Management

pc:

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