



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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COMMISSIONER

February 21, 2002

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

re: Draft Technical Memoranda for the evaluation of waste consolidation alternatives at the Former Mercury Burial Site II area and the area north of Parker Avenue, Jan. 17, 2002

Dear Fred:

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

**Evaluation of MBII Waste Consolidation**

1. Evaluation, p. 1

"Additional impacts from..."

As no impacts were previously described in this document please clarify the use of the word "additional."

2. Evaluation, p. 1, 1<sup>st</sup> para after bullet list

"See attached cost estimate..."

There is no cost estimate attached to this document.

3. Conclusion, p. 1

The MEDEP agrees with the Navy's recommendation to not remove and consolidate the waste at MBII.

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## Evaluation of Jamaica Cove Options

### General Comments

4. The wetland protection rules (MEDEP Chapt. 310) require that projects which impact wetlands prove that there is no practicable alternative and that the project minimizes impacts. If the goal of the project is to create coastal wetland then option 2 is preferred since it only impacts 400 square feet of mud flat compared to 5,800 square feet with option 3. However, should the saltmarsh "fail" (the definition of which needs to be determined by the Navy and regulators) the MEDEP will not require the Navy to reconstruct the saltmarsh. Failure of the saltmarsh will not impact the OU3 remedy and the excavated area will eventually revert back to mudflat with possibly some fringing saltmarsh plants.

5. A detailed construction plan should be submitted including proposed grades, planting, construction schedules, and plans to control invasive species (primarily *Phragmites*). Although it is not required under CERCLA it would be useful to have some sort of monitoring plan with a threshold for further action, e.g. see next comment.

6. In cases of wetlands compensation (which this project is not) the MEDEP typically requires that a minimum of 85% of the compensation area is functional within 3 years. This is a yard stick to determine whether corrective actions need to be taken, since we're generally requiring the compensation to take place of lost wetlands. In this case, that number may not be appropriate but the Navy should have some sort of a plan as to what they are going to do if this wetland isn't working. Will the Navy just abandon it or are they committed to replanting in year #3 if there are bare spots?

7. Plans should clearly show all freshwater inputs into the system and measures should be taken to stabilize those inputs.

### Specific Comments

8. 2.1.2, p. 3, 2<sup>nd</sup> to last para

- a) Please include the units for the approximate elevations stated here and elsewhere in the document.
- b) Specify the characteristics of the backfill material mentioned in the last sentence of this paragraph.

9. 2.1.3, p. 5, 2<sup>nd</sup> para

Please provide some examples of the salt tolerant trees and shrubs that will be planted in Zone 3.

10. 2.1.3, p. 5, 3<sup>rd</sup> para

"It will be necessary to excavate approximately 5,800 square feet..."

The area of excavation should be shown on Fig. 4.

11. 2.1.6.4 Short-Term Effectiveness, p. 7

"Remedial activities which may disturb the nesting on Clark's Island would not be performed near or along the shore between April 1 and August 15 to ensure the protection of nesting birds."

April 1 through August 15 covers much of the field season. Is there any reason to think that any of the work regarding consolidation at Jamaica Cove may disturb nesting birds on Clark's Island? What is a safe minimum distance from the island?

12. 2.1.6.9 Community Acceptance, p. 7

Please update this sentence to reflect the fact that the RAB meeting has already occurred and its date was changed.

13. Table 1, Note (2)

a) "Community acceptance will be determined at the Restoration Advisory Board meeting..."

Change this to reflect the statement in 2.1.6.9 that community acceptance will also be based on written comments received from the RAB community members during the document review process.

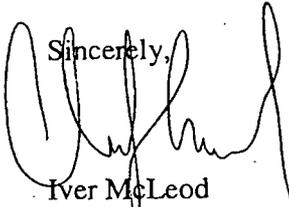
c) Do the costs presented for Option 2 include any potential future repairs/reconstruction of the saltmarsh?

14. 3. Conclusion, p. 9

"Option (2) has the disadvantage of disturbing 0.13 acre of existing tidal mudflat."

This should be changed to Option (3).

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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