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NAS SOUTH WEYMOUTH
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LETTER AND COMMENTS FROM U S EPA REGION I REGARDING LAND USE CONTROLS
IMPLEMENTATION PLAN FOR RUBBLE DISPOSAL AREA OPERABLE UNITS 2 (OU 2) AND
9 (OU 9) NAS SOUTH WEYMOUTH MA
08/12/2009
U S EPA REGION I



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

August 12, 2009

Brian J. Helland, P.E.
BRAC Program Management Office NE
4911 South Broad Street
Philadelphia, PA 19112-1303

Re: Land Use Controls Implementation Plan for the Rubble Disposal Area

Dear Mr. Helland:

Thank you for the opportunity to review the pre-final *Land Use Controls Implementation Plan for the Rubble Disposal Area* dated July 2009. The responses to EPA's January 14, 2009 letter regarding the *Land Use Controls Implementation Plan* ("LUCIP") have been addressed in the pre-final LUCIP. Between the LUCIP, the ROD, the GERE, and the Navy Principals document the Navy's responsibility for implementing the LUCs is documented. Detailed comments are provided in Attachment A.

The LUCIP uses the RDA boundary as defined in the ROD and mentions the possibility of revising the delineation on page 6. It appears that a re-defined LUC area will not change the essence of the Implementation Plan. The LUCIP should describe the procedure for dealing with the revision of the boundary. EPA notes that monitoring wells TT04, 05, and 06 currently lie outside the LUC boundary. As you know, TT04 is the locus of the maximum magnesium detections in groundwater, persistently greater than 20 mg/L.

For clarity, please include the property transfer deed language as well as the Grant of Environmental Restriction and Easement as attachments to the LUCIP.

Please add a section to the LUCIP that addresses the mechanism for enforcing compliance with the LUCIP both before and after the Navy has transferred property.

I look forward working with you and the Massachusetts Department of Environmental Protection on the investigation and remediation of the remaining areas of the base. Please do not hesitate to contact me at (617) 918-1385 should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kimberlee Keckler".

Kimberlee Keckler, Remedial Project Manager
Federal Facilities Superfund Section

Attachment

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cc: Dave Barney, USN, South Weymouth, MA
Dave Chaffin, MADEP, Boston, MA
Kevin Donovan, SSTDC, South Weymouth, MA
Rona Gregory, USEPA, Boston, MA
Phoebe Call, TTNUS, Wilmington, MA

ATTACHMENT A

<u>Page</u>	<u>Comment</u>
p. 4, ¶1	Should additional specific prohibited activities be identified in the first bullet? For example, if the water table is high, could construction activities or digging for purposes other than well installation be a potential exposure pathway?
p. 4, ¶1	To be consistent with the first bullet, delineate some of the specific prohibited activities such as digging, drilling, etc. in the second bullet.
p. 4, ¶1	In the fourth bullet, change "...restricts access to any required remedy components..." to "...restricts any activity that would interfere with the operation or function of the remedy components...."
p. 5, §4.0, ¶1	In the first sentence of the first bullet, replace the "mapable" with "mappable."
p. 6, ¶3	For clarity, please specify the restricted uses, allowable uses, and obligations delineated in the land use controls in the property transfer documents.
p. 9, ¶5	Please add a subparagraph "e" that states: "Notify EPA and the Commonwealth of Massachusetts at least seven days before any LUC inspection so that either party has the opportunity to participate in the LUC inspection if it so chooses."