



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001**

November 21, 1997

Ms. Dawn C. Kincaid
Head of Compliance Management
Department of the Navy, Northern Division
Naval Facilities Engineering Command
10 Industrial Hwy., Mail Stop #82
Lester, PA 19113-2090

**Subject: Review of the Environmental Summary Document to Support the Proposed
Federal to Federal Conveyance of Nomans Land Island, Massachusetts**

Dear Ms. Kincaid:

This letter is in response to your request for EPA's comments on the environmental summary document to support the proposed federal to federal conveyance of Nomans Land Island. This document was received in EPA's office on October 22, 1997.

The EPA has previously reviewed and commented on the Environmental Baseline Survey report dated 18 November, 1996. The EPA comments on the above referenced documents are enclosed in Attachment 1. Based on this review EPA believes that the EBST must be revised if it is to adequately support a FOST to transfer this island to the Fish and Wildlife Service.

With reference to the "Environmental Requirements for Federal Agency to Agency Property Transfer at BRAC Installations" Department of the Navy memo of October 13, 1995, paragraph 5, there are unresolved issues regarding cleanup and management responsibilities which must be established between the Navy and the receiving Federal Agency. In particular, the memo states, "It is important the Navy does not transfer property and cleanup responsibilities to another Federal Agency that does not have the ability and/or the requirements to put the appropriate level of environmental protection in place." EPA is concerned that the institutional controls of signs and notices on navigation charts are not effective in stopping trespassing on the island. EPA is also concerned that there is inadequate provision for continued removal of surface UXO that may be uncovered by wave action on the shore, and that will come to the surface throughout the island due to seasonal freezing and thawing. The combination of trespassing and continued presence of UXO on the island should be addressed by the Navy, as the Fish and Wildlife Service does not have the necessary expertise with regard to UXO. Until these matters are addressed, protection of human health and the environment, a core objective of the June 1, 1994 DOD policy for issuing FOSTS, will not be achieved.



Other comments in the enclosed attachments should also be addressed.

EPA reserves all rights and authorities relating to information outside of the scope of these documents regardless of whether or not such information was unknown when the EBS was issued or discovered after such issuance.

Please note that EPA reviewed this document solely for the purposes of determining whether it meets the requirements of the Department of Defense (DoD) policy for issuing the FOSTs (June 1, 1994) and the "Environmental Requirements for Federal Agency to Agency Property Transfer at BRAC Installations" memo (October 13, 1995). We have not reviewed this document for any other purpose, including compliance with the National Environmental Protection Act.

This letter and enclosed comments should be placed in the administrative record. Also, as per DoD policy, the Navy shall provide the regulators with a copy of the signed transfer document.

Thank you for the opportunity to review this document. If you have any questions, please call Patty Marajh-Whittemore at (617) 223-5582.

Sincerely,



Mary Sanderson
Federal Facilities Section Chief

Enclosure

cc:

Jill Metcalf/EPA, Office of Regional Counsel
Doug Bell/ EPA (Range Rule POC)
Linda Rutsch/EPA
Patty Marajh-Whittemore/Jayne Michaud/Bill Brandon/EPA
Albe Simenas/MADEP
Steve Hurff/Mark Krivansky/Navy Nor. Div.
Tom Papoulias/Dave Barney/SOWEY NAS

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ATTACHMENT 1

General Comments

1. Recommended language for the Memorandum for the Record: Insert in No. 5, as the second sentence, "the Memorandum for the Record and the FOST for Nomans Land Island, MA will be consistent with the provisions within the forthcoming DoD Range Rule."
2. Recommended language for the environmental Point Paper: Under the UXO paragraph, last sentence "the Memorandum for the Record, the Environmental Point Paper and the FOST for Nomans Land Island, MA will be consistent with the provisions within the forthcoming DoD Range Rule."
3. Because the Environmental Baseline Survey for Transfer (EBST) document leaves unresolved a number of concerns, EPA believes the EBST has to be updated to adequately support a FOST to transfer this island to the Fish and Wildlife Service. In particular the EBST should address the nature of the sediment in the UST and surrounding soils, sampling should be done to analyze the water quality of the ponds. Is the water safe for the intended use as a wildlife preserve with regard to chemical composition?
4. Although this is an EBST, there are some references to what the Navy expects to do in the Memorandum of Agreement (MOA) with Department of Interior (DOI) and in the FOST. The following issues should be addressed in these documents:
 - a) It is our understanding that the Navy has responsibility for any future cleanups. Note that the State has issued a Notice of Responsibility to the Navy.
 - b) The institutional controls--signs on the beach, notice on navigation charts etc.--do not appear to be sufficiently effective according to the EBST (p. 1), which notes that "trespassing is known to occur on the island." In view of this, EPA does not believe the Navy is justified in limiting its UXO removal to what might otherwise be adequate for an unvisited wildlife refuge. In view of the knowledge of trespassers, the location of the island near Martha's Vineyard, and the easy accessibility from the shore, provision for a reasonable level of human use should be made. In addition, because frost heaves (p. 2) and the ocean will continually bring UXO to the surface, either more extensive removal should be done, or some regular provision for addressing UXO should be made by the Navy prior to transfer.
3. Please provide public notice of signing of the FOST.

Specific Comments

Environmental Baseline Survey Report

1. Page 3, Ponds: The UXO sweep in April 1997 did not address the issue of ordnance in the ponds. Are there any plans for a sweep in the ponds?
2. Review Item 68, Ben's Pond: In the planned survey of surface water quality and sediments, the Navy should indicate that samples will be collected. These samples should then be analyzed for the chemical constituents of the ordnance used on the island. Are there any plans for an ecological risk assessment?
3. Page 3, Beaches and Review item # 69: How will UXO that may wash up on the shore of the island be addressed?
4. Page 4, Paragraph 4: Is there any documentation of transformers on the island?
5. Page 4, Paragraph 5: Was any testing completed on the sediments in the tank or the surrounding surface soil?
6. Page 6, Review Item # 71 - Scrap metal northeast of Ben's Pond: The definition of military munitions in the Draft DOD Range Rule 32 CFR §178.4 (g) does not include "wholly inert items, improvised explosive devices . . ." The scrap metal is not covered by the Range Rule, as it is wholly inert. Please revise these paragraphs to remove this reference.
7. Page 6, Review Item # 72 - Ordnance and Ordnance Debris: If the Navy is not the "appropriate Department of Defense agency charged with handling UXO" at the time of subsequent discovery, Please indicate who will be responsible. This should be very clear since frost heaves, and ocean deposits of UXO at Noman's Island is expected. Also, the Navy should mark areas where subsurface UXO are known to exist.
8. Page 7, Review Item # 81 - Possible use of depleted uranium practice ammunition rounds: "the Navy's RASO does not believe that DU rounds are present on the island." It seems that further investigation or a radiological survey is warranted to confirm this.