



DEPARTMENT OF THE NAVY

NORTHERN DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
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LESTER, PA 19113-2080

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NAS SOUTH WEYMOUTH
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IN REPLY REFER TO

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1811/DCK

MAR 12 1998

Albe Simenas
MADEP
Federal Facilities Bureau of Waste Site Cleanup
Facilities Bureau of Waste Site Cleanup
5th Floor, One Winter Street
Boston, MA 02108

Patty Marajh - Whittemore
EPA Region I
Office of Site Remediation and Restoration
90 Canal Street
Boston, MA 02203

SUBJECT: RESPONSIVENESS SUMMARY, REGULATORY COMMENTS ON DRAFT ENVIRONMENTAL SUMMARY DOCUMENT (ESD) TO SUPPORT THE PROPOSED FEDERAL AGENCY TO AGENCY TRANSFER OF NOMANS LAND ISLAND, MA, FROM US NAVY TO DEPARTMENT OF THE INTERIOR, US FISH AND WILDLIFE SERVICE

Dear Mr. Simenas and Ms. Marajh - Whittemore,

Thank you for your comments of December 1, 1997 and November 21, 1997 respectively. We have consolidated our response to your environmental comments and safety concerns into the attached Responsiveness Summary. To better address unexploded ordnance (UXO) management, we provide a separate document, the Explosive Safety Summary Document (ESSD), prepared to support the transfer and to complement the Environmental Summary Document (ESD). You will find attached the revised final ESD and the ESSD. We believe these two documents will address many of your concerns as well as those brought up by the U.S. Fish and Wildlife Service (USFWS).

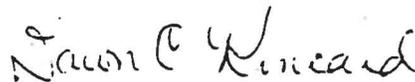
The documents referenced in the ESD and ESSD are either in your possession, part of this package, or are on file, located at the South Weymouth Caretaker Site Office (CSO).

We will continue to strive to resolve all outstanding environmental and safety issues. The Navy will retain responsibility for investigating the outstanding environmental issues on the island and for completing any environmental remediation deemed necessary after transfer to USFWS, as stated in the ESD. The Navy also retains responsibility for any future unexploded ordnance discovered on the island, as stated in the ESSD.

Our real estate department is proceeding with the transfer of the property from the Navy to the USFWS. The BRAC Cleanup Team is invited to participate in an information forum for the communities on Martha's Vineyard, currently planned for mid-April. The purpose of this meeting is to discuss their concerns and explain the Navy's continued responsibilities, USFWS management plans for the island as an uninhabited wildlife refuge, ordnance safety, and the ongoing environmental program.

As requested, we will place your comments, our Responsiveness Summary, the final Environmental and Explosive Safety Summary Documents in the administrative record file, in the Caretaker Site Office, at the former NAS South Weymouth. We will also forward a copy of the signed transfer document for your information once it is available.

Please feel free to contact me at (610) 595-0567 Ext 127 if you have any further questions. Thank you, for your continued assistance.



DAWN C. KINCAID
Head, BRAC Compliance Management
By direction of the Commanding Officer

Copy to:
(with enclosures)
Department of the Interior, US Fish and Wildlife Service
Tim Pryor
Bud Olivera, Refuge Manager

INTERNAL COPIES TO:

(w/enclosures)

NAS South Weymouth CSO (Tom Papoulias/Dave Barney/LCDR Greg Garcia)

NAS South Weymouth BTC (CAPT Robert Duetsch)

09TA

09TA/Terry Falvey

09TA/Greg Preston

09C/Ralph Lombardo

202

1811

1811/Stephen Hurff

1812/Heather MacDonough

1831/SPH

(w/o enclosures)

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1823/MEK

402/Tim Bramhall

02/Dave Rule

NAVY RESPONSIVENESS SUMMARY 12 MARCH 1998

Of comments on the DRAFT ENVIRONMENTAL SUMMARY DOCUMENT, NOMANS LAND ISLAND, MASSACHUSETTS dated

EPA COMMENTS OF NOVEMBER 21, 1997, SYNOPSIS OF COMMENTS FROM TRANSMITTAL LETTER, and Navy responses (in italics):

Based on this review EPA believes the EBST must be revised if it is to adequately support a Finding of Suitability (FOST) to transfer this land to the Fish and Wildlife Service.

The EBST and Environmental Summary Document (ESD) are in support of a Federal Agency to Agency transfer of land, remaining within the federal government's control. They are consistent with the May 26, 1995 Department of the Navy policy for environmental requirements for federal agency-to-agency property transfer at BRAC installations.

The intent of the Environmental Summary Document (ESD) is somewhat different from that of a FOST document. The ESD establishes existing environmental conditions, current and future agency responsibilities, and access and restriction recommendations for inter-agency agreements in support of transfer of properties that remain under control of the federal government. Property can be transferred from one federal agency to another even if there are outstanding or in progress environmental issues, as long as the federal agency which has current and future responsibility for protection of human health and the environment has been identified, and is capable of carrying out these responsibilities. These distinct differences are why we prefer to refer to the Federal Agency to Agency environmental document in support of transfer as the Environmental Summary Document (ESD) rather than a "FOST".

The Environmental Summary Document and the additional Explosives Safety Summary Document (ESSD) clearly identify federal agency responsibilities for current and future safety and environmental compliance, restoration, and management of Nomans Land Island. The United States Fish and Wildlife Service (USFWS) has certain management responsibilities as well, in particular, to allow the Navy to fulfill their stated responsibilities.

SYNOPSIS OF 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. Recommend 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."**

(Navy response to questions 1 & 2) While the Navy recognizes the efforts that both the Department of Defense (DOD) and the EPA have put into the proposed (draft) Range Rule we believe it is premature to cite the proposed (draft) DOD Range Rule as guidance for the Nomans Land Island federal agency to agency transfer. The proposed (draft) DOD Range Rule is not intended to replace existing comprehensive site-specific explosive safety management plans. The Navy and USFWS will collaborate on a comprehensive management plan for Nomans Land Island that should address the basic management and safety goals of the proposed (draft) DOD Range Rule. [The point paper referred to in the comment has been deleted, as it is no longer applicable.]

- 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 sediments 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?**

As noted in the "Federal to Federal Agency Transfer Guidance", BRAC property "transfer" to another federal agency does not require completion of investigation and correction of environmental conditions prior to transfer. What is required is that agency responsibilities for such environmental actions be identified. The EBST has cited a number of areas that require further evaluation. The ESD clearly states that the Navy will be responsible for addressing environmental issues. An investigation to address outstanding EBS Review Items and the MADEP Notice of Responsibility will occur in 1998.

4. Although this is an EBST, there are some references to what the Navy expects to do in the Memorandum of Agreement (MOA) with the 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 navigational charts, etc. – do not appear to be sufficiently effective according to the EBST (p.1), which notes that trespassing is known to occur on this 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, provisions 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.
 - a) *Correct. The Notice of Responsibility will be addressed in an investigation being performed by the Navy, scheduled to start in the spring of 1998.*
 - b) *Ordnance safety issues are addressed in the ESSD, which accompanies this document. The Navy, in conjunction with the Ordnance Environmental Support Office(OESO) and Department of Defense Explosive Safety Board (DDESB) developed a plan, which the USFWS has accepted, which addresses the UXO. The basis for generating the plan was consistent with the USFWS reuse scenario, i.e. uninhabited wildlife refuge. Trespassing scenarios were included in considerations that the DDESB and OESO made in approving the unexploded ordnance clearance methodology and depth. The USFWS Nomans Land Island Wildlife Refuge management plan should include procedures for dealing with explosives safety and the public (both authorized and trespassers).*
5. Please provide public notice of signing of the FOST.

While not specifically recommended in our DOD Federal Agency to Agency transfer guidance documents, public notice can be provided regarding the transfer of Nomans Land Island from the DOD to the DOI.

SYNOPSIS OF EPA SPECIFIC COMMENTS:

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?

Ponds will be assessed and actions taken as required.

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?

(Assuming this refers to the EBST) As noted in the EBST further investigations are recommended for this Review Item. Requirements for sampling will be determined by a Licensed Site Professional as a part of the response to the MADEP Notice of Responsibility. The need for an ecological risk assessment will also be determined from the Notice of Responsibility response action. Sampling, as required, is planned for Spring 1998. We understand that the USFWS plans to conduct a comprehensive survey and assessment of the wildlife after transfer

3. Page 3, Beaches and Review Item #69: How will UXO that may wash up on the shore of the island be addressed?

(Assuming this refers to the EBST) The ESD has been modified and refers the reader to the ESSD for ordnance safety issues. In coordination with USFWS, Navy Explosives Ordnance Detachment (EOD) personnel will determine a schedule for site visits on a periodic basis, and on as as-needed basis to address unexploded ordnance safety. As is the policy where any potential unexploded ordnance material is identified, EOD personnel will respond and address the situation. The ESSD notes that the USFWS will be responsible for notifying the appropriate EOD agency (currently the Navy's Newport detachment) of the presence of potential unexploded ordnance materials on the surface of the island. The ESSD further describes the standard operation procedures for ordnance identification and notification.

4. Page 4, Paragraph 4: Is there any documentation of transformers on the island?

Investigations including record searches, interviews and site inspections concerning former operations and facilities on the island have not revealed the presence of transformers on the island. No transformers, or areas where transformer would be located (i.e. concrete pad with conduits) were found on the island. Wooden utility poles on the island were reportedly used to support communications systems (EBST page 4, Structures.)

5. Page 4, Paragraph 5: Was any testing completed on the sediments in the tank or the surrounding surface soil?

Preliminary testing from inside the tank indicated that the underground storage tank (UST) may have been used to store petroleum (Barney, 1997). No testing was done outside of the tank. Proper closure of the UST will be performed in accordance with applicable regulations and local fire codes.

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 Section 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.

The EBST has been revised to better address scrap metal and ordnance debris.

7. Page 6, Review Item #72 – 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 Nomans Land Island is expected. Also, the Navy should mark areas where subsurface UXO are known to exist.

Please refer to the ESSD for information which will address this comment. In brief, EOD point(s) of contact are noted in the ESSD. Documents will be made available to USFWS which contain pertinent information as a result of the surface sweep in 1997, regarding unexploded ordnance on Nomans Land Island. The Unexploded Ordnance Survey Report for Nomans Land Island dated 31 July 1997 contains a table and grid map that indicate where types and numbers of ordnance items were found. Target areas have remained fairly consistent over the years. The general location of where potential subsurface ordnance items are most likely to be located would be consistent with where surface ordnance was found. The table and grid map provide that information, which can be utilized by USFWS in developing management plans for the wildlife refuge. However, the USFWS have been made aware that subsurface UXO can be located anywhere on the island.

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.

While the Navy stands behind its original statement in the draft ESD and draft EBST document regarding Review Item #81, which states that "RASO does not believe that DU rounds are present on the island", we offer the following amplification and believe this will set the record straight regarding EBS Review Item #81 and depleted uranium (DU).

Review Item #81 was a result of the original EBS, performed during 1996. This EBS effort included records review, which revealed information known as the "Kenyon Report". The "report" was later discovered to be a press release which was prepared in April 1987 by the NAS South Weymouth Public Affairs Office (PAO). It provided information on activities on the island and listed the typical ordnance used for target practice activities at Nomans Land Island.

The list was referenced in the Phase I EBS and data was converted into a table (Table 8-1, pg. 251 of the Phase I EBS dated 18 November 1996). In this table, (data extracted from the Kenyon report), a projectile identified as a "Round, Aircraft Gun 20mm TP, 7.22 inches with a weight of 4119 grams" was reported as a "dummy metal projectile, used as an aircraft gun practice round". EBS Phase I Review Item #81 was identified because the data in the Kenyon report and carried over into the EBS table 8-1 was questionable due to the weight given for the size and length of the round.

In the final EBST for transfer of Nomans Land Island, Table 8-1 was revised with the correct information on that round, and renamed Table 1. EBST Table 1 provides the correct weight and unit terminology of the noted 20mm practice round. The 20mm target practice round was identified in the Kenyon report in "grams" which should actually have been given in "grains". The abbreviation for "grains" is "GR", the abbreviation for "grams" is "gr". The weight conversion is 1 grain = 0.0648 grams.

The incorrect terminology given in the Kenyon report for the weight of the 20mm round was the sole source of speculation and the reason for Review Item #81, "possible presence of DU". Table 1 stands corrected in the EBST for this document, the 20mm round, of the type noted, weighs 4119 grains. This practice round does not contain DU.

As for the suggestion that a radiological survey be conducted to rule out the presence of DU:

We have investigated whether this survey was necessary or prudent. Our search for relevant information concerning DU took us to two expert sources of information in the field of radiation safety, Naval Sea Systems Command Detachment Radiological Affairs Support Office (RASO), and EPA Region I (radiation specialists). Attached to this Responsiveness Summary is a memorandum dated 4 March 1998 from RASO that provides the background by which the Navy's position is that DU is not present on Nomans Land Island, and that a radiological survey for DU is not necessary nor a prudent expenditure. The EPA's radiation specialist, Mr. Jim Cherniack discussed this on several occasions with our office, and agreed, that if there are no compelling reasons to suspect that DU was used on the island, that a radiological survey was not necessary.

Therefore, based upon the information supporting this response, Review Item #81 is considered by the Navy to be closed, and no further investigations are deemed necessary. The Navy realizes that in light of the concerns this Review Item has raised, this issue will probably be addressed in the information forum being planned for communities on Martha's Vineyard.

**COMMONWEALTH OF MASSACHUSETTS COMMENTS OF DECEMBER 1, 1997
SYNOPSIS OF COMMENTS FROM TRANSMITTAL LETTER:**

1. (In order to protect trespassers from undetected UXO) The Department recommends that the Navy consider utilizing such technology (such as electromagnetic devices to aid in the location of buried UXO) at Nomans Land Island so that effective short and long term hazard management plans can be developed and implemented.

Please refer to the ESSD concerning property management and ordnance safety. The ESD is based upon our understanding that UXO will be mutually managed by the USFWS and the Navy consistent with the stated intended reuse of the island as an uninhabited wildlife refuge.

2. On-site ponds, especially Ben's Pond and Rainbow Pond, should be tested to assure past activities have not adversely impacted these fresh water bodies....The department would like to provide assistance in the development and review of the ecological assessment plan.

Assessment of surface water on Nomans Land Island will be evaluated as a part of the response to the MADEP Notice of Responsibility. As noted in response to EPA general comment #3, the combined EBS (Phase II) and MCP investigations will determine the requirements for assessment of the impact of past activities as well as the need for an ecological assessment.

3. In accordance with the Department of Public Safety regulations, abandoned underground storage tanks are required to be removed if no longer in use. There are some conditions where a waiver is possible. The issue should be addressed with the State Fire Marshall's office.

The Navy is addressing this issue and will properly close the UST in accordance with appropriate regulations.

4. In addition to oil and hazardous materials, there may be solid waste and asbestos issues on the island. These should be addressed in accordance with the appropriate regulations regarding such issues.

The Navy is addressing these issues. Required compliance actions will be coordinated with the appropriate regulatory agencies through the BRAC Cleanup Team members.

5. To close the suspicion that depleted uranium (DU) rounds were used on the island, a sampling of some of the remaining metal which is characteristic of DU rounds should be surveyed with appropriate instrumentation.

Please refer to EPA comment #8 above for what we believe will be "closure" to the DU issue. The "suspicions" are not warranted and community relations will address this issue.

6. The source of the underground pipeline near the Seabee dock should be determined.

The Navy will address this issue in conjunction with the closure of the UST, currently planned for completion in 1998, see MADEP comment 3.

7. Future work should also address water supply at the island. Are there wells located on the island or was drinking water brought in by the Navy?

There appears to be the remains of a stone-lined cistern on the island that pre-dates the Navy use of the island. The future use of the property is for an uninhabited wildlife refuge, therefore assessments of drinking water supplies are not deemed necessary. There are no records of water wells located on the island. No wells were identified during the EBS site visits. If wells are discovered during subsequent site investigations, these wells will be appropriately addressed. There is no record of the source of drinking water used during habitation of the island.

8. The Department recommends the Navy consider developing and implementing a public involvement plan.

The USFWS as the proposed new property manager has expressed the desire to meet with communities on Martha's Vineyard to discuss the transfer and management issues(wildlife, safety and environmental) of the Nomans Land Island Wildlife Refuge. The Navy has offered to assist with the community outreach through and open house - poster session. Such meetings are in the formative stage and may be scheduled as soon as mid-April in Chilmark and Gays Head. The regulators, through the BCT, are encouraged to participate. The Navy is planning to support USFWS in this information forum and discuss issues such as UXO safety, DU, continued air space use, and the ongoing environmental program on Nomans Land Island.