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COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
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July 26, 2000

J.W. Zorica  
Captain, CEC, U.S. Navy  
Commanding Officer  
Department of the Navy  
Northern Division  
Naval Facilities Engineering Command  
10 Industrial Highway  
Mail Stop, # 82  
Lester, PA 19113-2090

Re: Noman's Land Island – Chilmark Township  
RTN 4-13390  
Public Involvement Plan

Dear Mr. Zorica:

This letter is in response to yours dated July 7, 2000. It is not clear from your July 7, 2000 letter, or DoD's actions to date, that DoD intends to comply with the public involvement plan requirements of the Massachusetts Contingency Plan, 310 CMR 40.0000, ("MCP") referenced in my June 15, 2000 letter to Deputy Assistant Secretary Elsie L. Munsell. Specifically, I refer you to 310 CMR 40.1400, the public involvement regulations that are applicable here. Please be reminded that the DEP has extended the 60-day deadline for submission of the Public Involvement Plan ("PIP") to July 28, 2000.

Your letter suggests that at Noman's Land Island, DoD plans to follow the UXO management principles document titled "DoD and EPA Management Principles for Implementing Response Actions at Closed, Transferring, and Transferred (CTT) Ranges" signed by DoD and EPA on March 7, 2000. While this document may provide an outline for DoD to follow generally, it is not necessarily sufficient to satisfy M.G.L. c. 21E and the MCP. Perhaps in recognition of this fact, the "general principles" section outlined in that document states that

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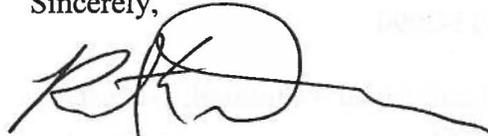
these management principles do not affect any "state enforcement powers or authority concerning hazardous waste, hazardous substances, pollutants or contaminants."

In Massachusetts these authorities include ensuring that potentially responsible parties ("PRPs") conduct appropriate public involvement activities as required by M.G.L. c. 21E and the MCP. In addition, completing the PIP is consistent with the statement in the UXO management principles document that agencies are responsible for ensuring meaningful stakeholder involvement.

The UXO management principles document also recognizes that in many cases the state will be the lead regulator at CTT ranges. As EPA notes in a July 6, 2000 letter to the Wampanoag Tribe of Gay Head, the current investigation and cleanup at Noman's Land Island are being conducted under the M.G.L. c. 21E and the MCP with DEP as the lead regulator. A copy of this letter is attached for your convenience.

In closing, I hope that DEP and DoD can continue to work together to complete the investigation and remediation of Noman's Land Island. If you have any questions regarding this letter, or if you need additional assistance with the PIP, please contact Project Manager Robert Campbell at the letterhead address or by telephone at (617) 292-5732 or Anne Malewicz at (617) 292- 5659.

Sincerely,



Robert E. Donovan  
Deputy Assistant Commissioner  
Bureau of Waste Site Cleanup

Cc: Bud Oliveira, USFWS  
Chilmark Township, Board of Selectman  
Martha's Vineyard Commission  
WTGH (A), Beverly Wright  
USFWS, Ronald Lambertson  
EPA Region I, Patricia Meaney  
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