



DEPARTMENT OF THE NAVY

NORTHERN DIVISION  
NAVAL FACILITIES ENGINEERING COMMAND  
10 INDUSTRIAL HIGHWAY  
MAIL STOP, #82  
LESTER, PA 19113-2090

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NAS SOUTH WEYMOUTH  
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IN REPLY REFER TO

August 9, 2000

Mr. Robert E. Donovan  
Deputy Assistant Commissioner  
Bureau of Waste Site Cleanup  
Commonwealth of Massachusetts  
Executive Office of Environmental Affairs  
Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

Dear Mr. Donovan:

Thank you for your letter of 26 July 2000 concerning response actions for Nomans Land Island, Chilmark MA. The following will further clarify our position on the issues addressed in your letter.

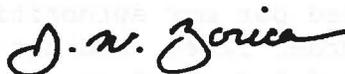
There are essentially three elements to the Navy's response actions at Nomans Land Island. For petroleum contamination, the Navy has responded in accordance with the Massachusetts Contingency Plan (MCP). This is consistent with our practice at other sites in Massachusetts. For hazardous substances, the Navy has responded per our authorities under CERCLA section 120, Executive Order 12580, and the Defense Environmental Restoration Program (10 U.S.C. 2701 et seq). These authorities give the Department of Defense (DoD) responsibility as the lead agency for responses to hazardous substances releases. CERCLA makes it clear that DoD is to follow procedural requirements prescribed in the National Contingency Plan (40 CFR 300) and comply with state substantive requirements (Applicable Relevant and Appropriate Requirements). For ordnance materials, including unexploded ordnance (UXO), the Navy has responded per our authorities under 10 U.S.C. 172. This authority gives DoD authority for all explosive safety matters, including clearance of UXO.

Given this mix of statutory and regulatory requirements, the Navy has attempted to integrate these requirements into a seamless response at Nomans Land Island. In addition, the Navy has made good faith efforts to meet many of the procedural requirements of the MCP although not required by CERCLA to do so. Frankly, we have tried to avoid a confrontation over this issue because it will detract from the main objective of finishing the remedial investigations. I believe it is in the best interests of all parties to continue to work in partnership on the substantive issues. We will continue to meet state procedural requirements where practicable.

The concerns in your letter center on "meaningful public involvement". Public involvement efforts for Nomans Land Island began in 1998 and have continued through the July 19, 2000 public meeting held to receive public comments on our public involvement plan. This plan recaps the extensive past public involvement efforts. During the public meeting on July 19<sup>th</sup>, we used a format tailored to maximize attention to individuals and capture opinions about the plan. Over 40 members of the community attended the meeting and over 30 were interviewed. A summary of the interviews and appropriate revisions to the plan will be provided in the near future. Please note that we are also pursuing bi-lateral consultations with the Wampanoag Tribe in accordance with Department of Defense policies regarding Native American tribes.

I am confident that Navy and MADEP can work in partnership to complete the response actions at Nomans Land Island, with full public participation, while avoiding conflicts over procedural issues. I am assuming our staffs can work out any remaining differences regarding the next steps in the public participation process. However, please do not hesitate to call me should the need arise.

Sincerely,



J. W. ZORICA  
Captain, CEC, U.S. Navy  
Commanding Officer