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**Date:** 12/20/2007 3:29 PM  
**Subject:** NAPR/Roos Rds - Nov 9 Responses to Enclosure #2 of EPA's Sept 24, 2007 Letter  
**Attachments:** NAPR SWMU 14,AOC 68 RTCs on Enclosure 2. 07 Dec.doc

Mark,

EPA has reviewed the Navy's (Baker's) Nov 9, 2007 Responses to Comments in Enclosure #2 of EPA's Sept 24, 2007 Letter.

See the attached Technical Review (dated Dec 12, 2007) prepared by TechLaw for EPA. After my review of your Nov 9 Responses and the attached TechLaw Technical Review, I propose that rather than EPA formally transmitting these comments, and then you formally responding to them, we proceed as follows:

1. As proposed in paragraph 3 of Baker Environmental's (Mark Kimes') November 9, 2007 letter, the Navy develops and submits to EPA an addendum to the Oct 17, 2006 "Revised Final Summary Report for Environmental Background Concentrations of Inorganic Compounds", which:

a) incorporates the Navy's Nov 9, 2007 Responses to Enclosure #2 of EPA's Sept 24, 2007 Letter, but also

b) reflects with any modifications needed based on the attached Technical Review (dated Dec 12, 2007) prepared by TechLaw.

2) Upon your submission of the Addendum to the Oct 17, 2006 "Revised Final Summary Report for Environmental Background Concentrations of Inorganic Compounds", as discussed above, EPA following its review of that Addendum, would then comment on any issues it has with that revised Addendum, when submitted.

If this approach is acceptable to you, please advise when the Navy would propose submitting the Addendum to the Oct 17, 2006 "Revised Final Summary Report for Environmental Background Concentrations of Inorganic Compounds".

After today, I'll be away until Jan 2, so I won't be able to address any questions or comments until then.

(See attached file: NAPR SWMU 14,AOC 68 RTCs on Enclosure 2. 07 Dec.doc)

Have a Wonderful Holiday!

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**NAVAL ACTIVITY PUERTO RICO  
CEIBA, PUERTO RICO  
EPA ID NO. PR2170027203**

**TECHNICAL REVIEW OF THE NAVY RESPONSES TO EPA COMMENTS  
DATED SEPTEMBER 24, 2007, ENCLOSURE #2 (SWMU NOS. 14 AND 68)**

**DATED NOVEMBER 9, 2007**

**Submitted to:**

**U.S. Environmental Protection Agency  
Region 2  
290 Broadway  
New York, NY 10007-1866**

**Submitted by:**

**TechLaw, Inc.  
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<b>Task Order No.</b>	<b>002</b>
<b>Contract No.</b>	<b>EP-W-07-018</b>
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**December 12, 2007**

NAVAL ACTIVITY PUERTO RICO  
CEIBA, PUERTO RICO  
EPA ID NO. PR2170027203

TECHNICAL REVIEW OF THE NAVY RESPONSES TO EPA COMMENTS  
DATED SEPTEMBER 24, 2007, ENCLOSURE #2 (SWMU NOS. 14 AND 68)

DATED NOVEMBER 9, 2007

The following comments were generated based on review of the November 9, 2007 *Navy Responses to EPA Comments dated September 24, 2007 Enclosure #2 (SWMU Nos. 14 and 68)*. Except as noted in the Specific Comments below, the Navy's responses to comments are adequate.

**SPECIFIC COMMENTS**

- 1. Navy Response to TechLaw General Comment No. 1:** The response appears to address the comment; however, some additional clarification is still necessary. As requested, the Navy response provides further explanation regarding the U.S. Geological Survey (USGS) data, the citation, as well as additional lines of evidence to support their assessment that the USGS background data is useful for gross qualitative comparison to background levels.

However, further clarification is warranted related to how the USGS background will be used. The comment describes the surface soil data set for vanadium ranging in concentrations from 123 to 223 mg/kg, which exceeds the human-health screening level of 7.8 mg/kg and the Preliminary Remediation Goal (PRG) of 78 mg/kg for noncarcinogens. At sites in California, such as Hunters Point Naval Shipyard, where arsenic background exceeds human-health screening criteria and the PRG, the 95% upper confidence limit (UCL) has been used. Revise the report to present the 95% UCL, or to provide an explanation of how the current method is more protective of human health and the environment.

- 2. Navy Response to TechLaw General Comment No. 2a:** The descriptive statistics are helpful; however, the explanation for several populations is incomplete. In addition to a statistical explanation, the text should explain why the interpretation of multiple populations is due only to physical characteristics, as no other discussion is included related to differing sampling analyses, differing sample times, or contamination.

In addition, the statement "the absence of data points above the predicted quantile lines for each distribution at the upper concentration ranges of the data is not indicative [of] a contaminated population" does not identify whether there is or is not contamination. The quantile line is merely a best fit line for the data and does not provide an indication of the presence or absence of contamination. Concentrations above the 95% UCL are shown however, for example in Figure 1-B. This probability plot shows four data points exceeding

the 95% H-UCL of 194.57 mg/kg from Table 1C. If the Chebyshev approach is used, there are three data points that exceed 231.58 mg/kg. The other distributions show similar results. These four data points appear to be potential hot spots and should be further evaluated as the site moves forward. Any future risk assessments should include these hot spots.

- 3. Navy Response to TechLaw Specific Comment No 1 (contd.):** The response does not address the comment. Table 5c shows a 95% UCL of 341.44 mg/kg and indicates a maximum vanadium value of 440 mg/kg. This value, as well as others, should be evaluated further as potential hot spots as the site moves forward. Specifically, these potential hot spots should be included in any risk assessments at the site.