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May 27, 2011

U.S. Environmental Protection Agency - Region II
290 Broadway – 22nd Floor
New York, New York 10007-1866

Attn: Mr. Adolph Everett, P.E.
Chief, RCRA Programs Branch

Re: Contract N69450-09-C-0072, Mod 1
Corrective Action for SWMUs 27, 28, 29 and Pico Del Este
Naval Activity Puerto Rico, Ceiba, Puerto Rico
U.S. Naval Activity Puerto Rico (NAPR)
EPA I.D. No. PR2170027203
Final Design Package for SWMU 2

Dear Mr. Everett:

Right Way Environmental Contractors, Inc. (RWEC), on behalf of the Navy, is pleased to provide for your review the Navy Response to EPA Comments (dated March 24, 2011) on the Final Design Package for Interim Corrective Measures for SWMU 2. As requested, an updated project schedule also is provided for your review.

If you have questions regarding this submittal, please contact Mr. Mark Davidson at (843) 743-2124. Additional distribution has been made as indicated below.

Sincerely,

Right Way Environmental Contractors, Inc.



Pedro R. Tejada
Vice President

Attachments

cc: Ms. Debbie R. Sanders, BRAC PMO SE (letter only)
Mr. David Criswell, BRAC PMO SE (letter only)
Mr. Mark E. Davidson, BRAC PMO SE (1 hard copy)
Mr. Pedro Ruiz, NAPR
Mr. Mark E. Kimes, P.E., Michael Baker Jr., Inc. (1 hard copy)
Mr. Tim Gordon, US EPA Region II (1 hard copy)
Mr. Carl Soderberg, US EPA Caribbean Office (1 hard copy)
Ms. Gloria Toro, PR EQB (1 hard copy)
Ms. Bonnie Capito, NAVFAC Atlantic – Code EV42 (1 hard copy for Administrative Record)
Ms. Wilmarie Rivera, PR EQB
Mr. Felix Lopez, US F&WS
Ms. Brenda Smith, TechLaw, Inc.

**NAVY RESPONSES TO EPA COMMENTS DATED MARCH 24, 2011
FINAL DESIGN PACKAGE FOR INTERIM CORRECTIVE MEASURES
SWMU 2 (LANGLEY DRIVE DISPOSAL SITE) DATED JANUARY 5, 2011**

(Regulator comments are provided in italics, while the Navy responses are provided in regular print.)

EPA COMMENTS

GENERAL COMMENTS

The Navy's responses adequately addressed the EPA comments. However, the Navy's responses to General Comment (GC) 2, GC 4, and Specific Comment (SC) 3, and SC 5 of our October 2010 comments, indicate that the Interim Corrective Measures (ICM) Work Plan for SWMU 2 provides specific detailed design plans (e.g., wetland delineation, erosion control structures, analytical methods). However, the Final Design Package for ICMs, dated January 5, 2011, does not contain such detailed site-specific design plans. In fact, Section 4.0 (Components of the Remedial Action) of the Final Basis of Design states that the Contractor has up to 60 days to prepare and submit the necessary pre-construction plans, including, among others, the Erosion and Sedimentation Control Plan, Sampling and Analysis Plan (SAP). Therefore, within 60 days of your receipt of this letter, please submit an Addendum to the Final Design Package which includes acceptable site-specific plans for wetland delineation, erosion and sedimentation control, and the SAP.

Navy Response: The Final Basis of Design (BOD) for Interim Corrective Measures (ICM) for SWMU 2 was originally expected to be released with the Final ICM Work Plan (WP) for SWMU 2. The Final ICM WP has all of the referenced pre-construction plans incorporated within the WP. The Erosion and Sedimentation Control Plan and Wetland Delineation are discussed in a separate section within the WP. Additionally, the Sampling and Analysis Plan is an appendix to the WP. EPA has received and commented on the working draft of the Navy's response to comments and Final ICM WP. The Navy is on schedule to meet the 60 day submittal requested by EPA. It should be noted that a separate Addendum to the Final Design Package will not be submitted since the response lies within the Final ICM WP.

In addition, since as discussed previously, the corrective action objectives (CAOs) proposed in the December 16, 2010 Draft Final Corrective Action Objectives for Terrestrial Avian Omnivores are only conditionally approved, if any revisions to those proposed CAOs are required based on the comments discussed previously, within 60 days of your receipt of this letter, please also submit any necessary revisions to the Final Draft Design Package for ICMs to include the revised CAOs.

Navy Response: Comments have been received by EPA on the Corrective Action Objectives (CAOs) for Terrestrial Avian Omnivores, however none of the comments bring into question any of the CAOs. Therefore, revisions to the Final BOD package are not necessary.

EPA will conditionally approve the Final Design Package for Interim Corrective Measures, subject to the Navy submitting within 60 days of your receipt of this letter, an Addendum acceptably addressing the above comments, and an updated schedule, reflecting any necessary revisions to the schedule given in Appendix A of the Final Basis of Design.

Navy Response: As previously discussed, the Navy is on schedule to meet the 60 day submittal requested by EPA. In addition to submitting the Final ICM WP with working draft comments incorporated, The Navy will update schedules in Appendix A of the Final Basis of Design and Final ICM WP and submit to EPA within 60 days as requested.

FISH AND WILDLIFE SERVICE COMMENTS

1) *The mangrove wetlands in the former Roosevelt Roads Naval Station are federally designated Critical Habitat for the endangered yellow-shouldered blackbird *Agelaius xanthomus*. The proposed actions would be beneficial to the blackbird, if restoration of the impacted habitat is carried out. This would avoid adverse modification of the critical habitat.*

Navy Response: The Navy will delineate the wetlands (including mangrove wetlands) prior to any activity. As stated in the Final Basis of Design (BOD), remedial activities such as excavation, decontamination and equipment staging will be performed outside of the designated wetland areas (including mangrove wetlands). Section 4.9, Site Restoration, in the BOD refers to restoration of areas impacted by remedial activities not restoration of mangrove wetlands. It is the Navy's intention to completely avoid wetlands during all phases of the interim corrective measures.

2) *Wetlands should be properly delineated to avoid impacts to mangrove trees. Unless the mangrove trees are growing through fill or trash previously placed in wetlands.*

Navy Response: Comment noted.

3) *We agree with the Environmental Protection Criteria of not cutting mangrove trees larger than 3 inches in diameter and not cutting trees at the trunk.*

Navy Response: Comment noted. The criteria identified are in the technical specifications under Protection of Natural Resources section. No remedial activities are planned in the wetlands. However should an unforeseen activity result in impacts to wetland vegetation, this paragraph gives direction to possible remedies.

4) *We agree with the statement that wetland vegetation impacted will be replaced as soon as work is completed. Wetland restoration needs to be accomplished with appropriate soil elevations and hydrology to avoid invasive upland species. Any wetland restoration plan should be submitted to our office for comments.*

Navy Response: Comment noted. The criteria identified are in the technical specifications under Protection of Natural Resources section. No remedial activities are planned in the wetlands. However should an unforeseen activity result in impacts to wetland vegetation, this paragraph gives direction to possible remedies. Should more extensive restoration beyond what is identified in this section be required, then a restoration plan will be developed and submitted to your office for comment.

5) *We are concerned with the statement made in Section 32 92 19, Part 3.4, Restoration: "Due to the difficulty in acquiring and planting no species of mangrove trees will be selected for restoration." Planting mangroves is quite simple and has been employed throughout the world as a viable restoration method. Since continued work may be required in SWMU2 and other mangrove areas in the former Naval Base, we recommend that the Navy or its contractors begin working with DNER or local plant suppliers to start growing black, white and button wood mangroves. Red mangroves have another planting methodology known as the Riley Encasement method. We believe that once the areas are restored to surrounding elevations they should be planted with the appropriate mangrove vegetation. Any mangrove vegetation impacted by the action should be replaced as well.*

Navy Response: Section 32 92 19, Part 3.4, Restoration, is intended to give guidance to the contractor for restoration of areas impacted by remedial activities. No remedial activities are planned in the wetlands as identified in the Final BOD. The contractor should not encounter any mangrove trees.

