

**APPENDIX B.2**  
**WRITTEN COMMENTS**

5' Kunning Ridge Cow  
Manchester, MA 01944  
Jan. 31, 2001

Alan Robinson  
Public Affairs Office  
Portsmouth Naval Shipyard  
Portsmouth, NH 03804-5000

Dear Mr. Robinson:

I am writing on behalf of myself and other concerned residents of Manchester, MA. Manchester is a seaside city as is Portsmouth and a number of us follow environmental problems up and down the coast. We urge you to take action on the Jamaica Island Landfill Site by implementing the combined cap-and-barrier option so that harmful chemicals will not wash into the water.

If government agencies and the military and naval forces do not uphold a high standard of accountability, how can government or industries not to pollute? We cannot wait five years to address the issue of tidal migration. We want ~~urgent~~ action now before contamination worsens.

I have known many veterans of World War II, Mr. Robinson, who gave their lives and served their country to preserve a palatable way of life back home. Let us honor their memories by doing the HONORABLE DEED.

Sincerely yours,  
Maritte B. Delehant



Coveside

Five Islands, Maine 05448  
(207) 371-2807



What the Tide takes  
out: It also washes  
Back - ? ? ?  
Can the Navy Hold  
Back The Tide ?  
? ? ?

20<sup>USA</sup>



A. Robinson  
Pulse Affairs  
Portsmouth Naval  
Shipyard  
Portsmouth N.H.  
03804-5000

Dear Sir: This is being written  
to alert you that merely  
capping the Jamaica Island  
landfill Superfund site is not  
an acceptable solution.

If the toxic wastes are not to  
be removed altogether, the  
least that should be done  
is to create a barrier around  
it to prevent tidal intrusion.

Toxic output has gone on  
for too long already. It's  
time to remember that  
we need to clean up after  
ourselves so that we can  
leave a cleaner environment  
for our grandchildren.

Lorraine B. Morong  
Madbury

Jeanne Ott Saunders  
Kendal Common - 15 Ellis Rd.  
Weston, Massachusetts 02493

Mr. A. Robinson  
Public Affairs Office  
Naval Shipyard  
Portsmouth NH  
03804-5000

Sir: It is true that option 6  
in re the Tamarca Is. landfill is un-  
fair since it simply transports the problem.  
However Option five must be done  
completely: ie a Barrier is most  
essential -

What goes out with the tide  
comes Back  
What the tide washes out, the tide  
brings back - to some ones shore

Time and tide do NOT wait -

Let us not be cheated by  
a government that does have  
a surplus.

4 Jeanne Saunders <sup>member</sup>  
Isles of Shoals Assoc

# Lepage Environmental Services, Inc.

P. O. Box 1195 • Auburn, Maine 04211-1195 • 207-777-1049 • Fax: 207-777-1370

March 1, 2001

Mr. Alan Robinson  
Public Affairs Office  
Portsmouth Naval Shipyard  
Portsmouth, New Hampshire 03804-5000

Subject: January 2001 *Operable Unit 3 Proposed Remedial Action Plan*

Dear Mr. Robinson:

The Seacoast Anti-Pollution League (SAPL) will not be submitting additional written comments on the January 2001 *Operable Unit 3 Proposed Remedial Action Plan* (PRAP) with the exception of the following: SAPL members and others had expressed concerns at the November 30, 2000, Restoration Advisory Board meeting (and in SAPL's subsequent written comments) that the November 2000 Draft PRAP was too long and complex for the general public to readily understand. SAPL appreciates the Navy responding to those concerns by submitting a far more readable final document for the public to scrutinize during the public comment period.

If you have any questions regarding the comment above, please give me a call at 207-777-1049.

Sincerely,



Carolyn A. Lepage, C.G.  
President

cc: Johanna Lyons, SAPL  
Iver McLeod, Department of Environmental Protection  
Meghan Cassidy, Environmental Protection Agency  
Marty Raymond, Portsmouth Naval Shipyard



# CLEAN WATER ACTION

March 1, 2001

Mr. Alan Robinson  
Public Affairs Office  
Portsmouth Naval Shipyard  
Portsmouth, NH 03804-5000

Dear Mr. Robinson,

On behalf of Clean Water Action and our approximately 400 members in Seacoast region of New Hampshire and Southern Maine, I would like to offer the following comments on the Navy's Proposed Remedial Action Plan for Operable Unit 3 at the Portsmouth Naval Shipyard.

As others have pointed out, we are very concerned that, in the process of getting from the Draft Feasibility Study to the Final Proposed Plan, the potential alternatives for remediation have been whittled down to the point that the public has essentially been presented with no choice in the matter. Clearly, a decision had to be made on a preferred alternative, but the previous and rather arbitrary decision to separate "source control" from "management of migration" and designate a new operable unit to shunt aside the migration issue rendered this decision-making process too narrowly defined.

We understand that capping of the Jamaica Island Landfill is necessary, but it should be seen as bare minimum, prerequisite measure to address remediation of the site, as part of a larger, more comprehensive plan to deal with the threats this site poses to the surrounding environment and the community.

The designation of OU 6 is essentially a bureaucratic fiction - bearing little resemblance to the geographical or especially the ecological reality of the site. One can't deal with each OU in isolation -- one unit clearly affects the other. If OU4 is significantly contaminated from previous contaminant migration, then any additional contamination should be best avoided. And the suggestion by the Navy that it could take many more years to determine whether the contaminant migration issue needs further addressing is simply unacceptable. There are too many unanswered questions that this approach poses, answers that the public deserves to be given as soon as possible. This site has been investigated under various programs for almost two decades at this point, and we shouldn't have to wait another decade for a comprehensive solution to its impacts on the local environment.

Everyone involved in the process admits to uncertainties with regard to existing seep contaminant impacts. Yet evidently among government agencies, only ME DEP thinks those

**NATIONAL OFFICE**

4455 Connecticut Avenue Washington, DC 20008-2328 (202) 895-0420

**NEW HAMPSHIRE OFFICE**

163 Court Street Portsmouth, NH 03801 Phone (603) 430-9565 Fax (603) 430-9708

impacts may be important enough to warrant further investigation at this time and possibly further remedial action to address those impacts. Unfortunately, there are other uncertainties that exist with regard to contaminant migration from this site that have also not been addressed as yet.

One of these uncertainties concerns the extent, impact and potential for mobilization of dioxin contamination in OU3. Dioxin and furan congeners were only recently identified in some portions of the landfill, as well as in offshore sediments and biota. There has been no analysis as yet of whether dioxin has migrated from the site in the past, is present in current seep water or has the potential to migrate in the future. This situation is especially troubling since US EPA recently issued a reassessment of dioxin that has increased its already significant risk factor by 10 to 100 times, and a subsequent determination makes it a known human carcinogen. In addition, researchers acknowledge that there are significant uncertainties in its non-carcinogenic properties, especially in acting as an endocrine disrupter. For all these reasons, the risk assessment done for OU3 is clearly already out of date, and more needs to be done to assess these impacts.

Another source of significant uncertainty in managing migration of contaminants from OU3 is, ironically, the certainty that sea level is rising, and the great likelihood that it will rise at a greater rate in future decades due to global warming. This process, coupled with the likelihood of more severe weather, storm surges and attendant coastal flooding, raises the distinct possibility that areas of the landfill that have not been previously saturated with sea water or otherwise disturbed may be so disturbed in the future. Clearly, this eventuality renders existing estimates of possible contaminant migration uncertain at best. Despite my previous attempts to draw attention to this fact with regard to this site, the government and its contractor appear unable to take it into account

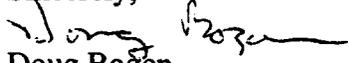
These and other uncertainties in dealing with this site should lead to precaution, not inaction with regard to migration. The burden of proof should be on the Navy to demonstrate that seeps from the landfill don't represent a threat, given all these uncertainties and potential for future releases.

Therefore, we concur with Seacoast Anti-Pollution League that the Navy's go-ahead for capping the landfill be made contingent on producing a contingency action plan that retains the tidal/groundwater cut-off barrier to be pursued immediately, and that further testing of seep water for contaminants, including dioxin, be done expeditiously. We would add that the impact of sea level rise/climate change should be further investigated or otherwise taken into account in determining a comprehensive remediation for OU3.

Clearly, public opinion, as represented at the recent public hearing and elsewhere, is not satisfied with the Navy's proposed plan in the context of dealing comprehensively with OU3. Lack of public support for the Navy's chosen alternative, combined with the uncertainties raised above and elsewhere, should dictate a more precautionary approach in completing the task of remediating this site in a timely and comprehensive manner.

We hope that you will take these thoughts and recommendations into consideration in your decision-making over the proposed plan.

Sincerely,

  
Doug Bogen  
NH/ME Program Director  
Clean Water Action

February 25, 2001

Alan Robinson  
Public Affairs Office  
Portsmouth Naval Shipyard

Re: PNSY Jamaica Island Landfill Cleanup

Given that the current conditions at the Jamaica Island Landfill include influx from both rainwater and the half million gallons seawater which flood the site each tidal cycle, the removal of this landfill would appear to be the only viable long-term solution. Certainly, any remedial work must address all migration of contaminants from this site.

The Maine State Planning Office in conjunction with the National Oceanic and Atmospheric Administration (NOAA), projects that the Mean High Water will rise during this century. NOAA also describes the Gulf of Maine to be an ecosystem with its own circulation pattern, similar to that of a lake. Prompt and appropriate work at Jamaica Island would help protect the Gulf of Maine marine resources by removing one major source of toxic effluent.

Act for the next century. Please do not skimp on this endeavor.

Thank you for the opportunity to comment.

Sincerely,



Megan Ryan Kline  
6 Juniper Point Road  
Kittery, Maine 03904

February 28, 2001

Mr. Alan Robinson  
Portsmouth Naval Shipyard  
Public Affairs  
Portsmouth, New Hampshire 03804-5000

Re: Operable Unit 3 - Proposed Remedial Action Plan  
Portsmouth Naval Shipyard  
Kittery, Maine

Dear Mr. Robinson,

As a member of the Restoration Advisory Board (RAB) and a Kittery resident, I offer the following comments during the Public Comment Period for the document titled Operable Unit 3 - Proposed Remedial Action Plan (PRAP), dated January 2001.

1. I am concerned about both the substance of the PRAP and the manner in which is finalized. While a multitude of studies have been performed at the site since the 1980's, a late hour decision was made by the Navy, USEPA and MDEP to delay addressing the migration of contaminated groundwater that flows from beneath the Jamaica Island Landfill (JILF) into the Piscataqua River as part of Operable Unit 3. I commend MDEP for insisting that the seeps be addressed, however, by creating the so-called Operable Unit 6 a decision about off-site migration has been put off for up to five years. This delay does not benefit the public or the environment and is unacceptable. Seacoast area residents have witnessed the timely cleanup efforts at the former Pease Air Force Base and see no reason why the PSNY cleanup should be prolonged. At its current pace, the cleanup at the PNSY will take three decades or more. Every effort should be made to accelerate the cleanup process at all the PSNY Operations Units.
2. The Summary of Remedial Alternatives on page 11 of the PRAP states that "Alternative 5, developed in the OU3 FS, is not a *source control* remedy, and therefore, is not included in this Proposed Plan." This statement is entirely misleading to the public. First, *Source control* is not defined in the Summary of Technical Terms on page 14. Second, Alternative 5 includes a cover, institutional controls, erosion control measures and monitoring which are the essence of Alternatives 3 and 4. Because Alternative 5 includes additional measures (a barrier wall), this should not disqualify it from being a *source control* remedy for inclusion in the PRAP. Alternative 1: No Action is not a *source control* remedy, yet it is included in the PRAP. Alternative 5 was included in the draft of the PRAP presented to the RAB, yet it was dropped from the final PRAP with no discussion of how this would benefit the public's understanding of the issues. Alternative 5 should not have been deleted from the *Summary of Remedial Alternatives*, *Evaluation of Alternatives*, and the *Summary of Corporative Analysis of Alternatives*. Deleting important information at the 11<sup>th</sup> hour is not the way to gain the public's trust.
3. A strong potential exists for future releases from undiscovered steel drums within JILF. Test pitting in the spring of 2000 provided ample evidence that previously unknown materials are deposited in JILF within containers made of corrosive material. Steel containers that are located above the water table and are currently in sound condition will eventually perforate.

The MTADS survey and limited test pitting program did not prove that additional drums are not present elsewhere in JILF. The MTADS study did not include the entire landfill surface and there was difficulty in correlating the magnetic readings and drum locations. The test program was limited to 25 excavations. It is also notable that the Navy has not evaluated the impacts of rising tide levels relative to the deposition of waste in JILF. The Feasibility Study for OU3 (and the appropriate documents for OU4 and OU6) should be updated to evaluate the time of travel for contaminants from a future release and an appropriate monitoring interval selected to allow a response to such a release. Real time monitoring should be considered to alert responsible parties of elevated contaminate levels.

4. Not reducing the tidal influx prior to installation of a new low permeability cover presents a potential problem. The tidal influx is estimated at over 500,000 gallons per day. As the tide ebbs, a volume of fresh air equal to the tidal flux will enter the landfill through the vents in the proposed cover. Typically, large volumes of fresh air are not drawn into a landfill because there is positive gas pressure from within the landfill or there is no mechanism for drawing fresh air in. However, we are told that the JILF contains minimal organic material and that landfill gas production is probably very low (if any). Therefore, there is no strong gas pressure from within the landfill to prevent fresh air from entering. The tidal flux will act as a "lung" drawing in fresh air.

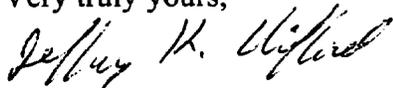
Fresh air entering, exiting and traveling within the JILF will likely flow in different pathways than it does now. The introduction of oxygen to areas within the landfill that were previously anoxic can accelerate the decomposition of ferrous metal such as steel drums, filings and shavings. Also, if fine materials such as metal filings were to decompose rapidly, temperatures could rise to dangerous levels within the JILF. The corrosion problem is a particular concern in the area of the landfill just above the normal groundwater level where moisture and oxygen will be present after the cover is installed.

5. The RAB members have been told that "public acceptance" is a part of the CERCLA process in developing a Record of Decision (ROD) for each Operational Unit. Based on the concerns expressed at the February 22, 2001 Public Hearing, the public is not in agreement with the PRAP for OU3. How will the public's concerns be addressed under the CERCLA process?

In closing, I feel the installation of a cover at JILF should proceed as soon as possible. But, equally important is that monitoring of the seeps and an thorough evaluation of containment methods to control groundwater migration from JILF should proceed immediately.

Please call 603-433-2335 if you have any questions regarding these comments.

Very truly yours,



Jeffrey K. Clifford, P.E.

JKC/jkc/RAB.PRAP.res.ltr.doc

Fax copy to: Leo Guy, Kittery Town Council  
Peter Britz, City of Portsmouth  
Carolyn Lepage, TAG Advisor

pat rettaliata/consulting

FAX

FORWARDED TO MARTY

To: Alan Robinson..... Pages: 2.....

Public Affairs Office.....

Portsmouth Naval Shipyard...

RE: OU3 PRAP.....

Memo:

Dear Alan, .....

Please submit the following written comments .....

for consideration before making a decision about the.....

Proposed Remedial Action Plan for Operable Unit 3.....

Thanks, Pat.....

P.O. Box 1652 / Portsmouth / NH 03802  
 207.439.0907 / rettalia@nh.ultranet.com

pat rettaliata/consulting

That the Portsmouth Naval Shipyard, at the last minute, redefined the extent of Operable Unit 3 (OU3), creating a new Operable Unit 6 and removing remedial action Alternative 5 from consideration as a remedy for OU3 without input from the Restoration Advisory Board (RAB), strains the public trust.

I am concerned that remediation of groundwater and tidal migration carrying contaminants out of the Jamaica Island Land Fill (JILF) and into our river will be delayed by possibly another 5-8 years. How much more risk do we take on waiting 5-8 years?

Chemicals of Concern (COCs) in the water flow are still in discovery. Dioxins have only recently been added to the know contaminant list, so have not been considered in the environmental risk assessments already done. The possibility of unknown containers degrading and releasing new contaminants exists. New areas of the JILF could be exposed to tidal migration if, as expected by NOAA, sea levels in coming years rise above historical norms assumed in previous risk assessments.

As a long term resident here I am not comfortable postponing addressing remediation for two thirds of the water flow from the JILF. I would like to see a remedy that included containment of ground and tidal water migration, as well as a cap.

Sincerely,

*Pat Rettaliata*

P.O. Box 1652 / Portsmouth / NH 03802  
207.439.0907 / rettalia@nh.ultranet.com

ELAINE M. PEVERLY (Mrs. A. W.)  
85 Eliot Road, Kittery, Maine 03904

February 26, 2001

Mr. Alan Robinson  
Public Affairs Office  
Portsmouth Naval Shipyard  
Portsmouth, NH 03804-5000

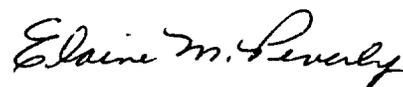
Dear Sir:

It is inconceivable that a publicly funded, respected organization such as the United States Navy would continue to ignore an ecologically sensitive area, which could affect the health of thousands of people over the coming years. While it should have been properly taken care of many years ago, it does not absolve this agency from taking immediate and *all-encompassing* steps to clean up and restore the Jamaica Island Landfill to a *pristine* condition, which, if necessary, could be used for productive pursuits, without endangering any more lives.

Installation of a hazardous waste cover over this still toxic area, or of a barrier of any kind, are not reasonable, or humane answers to the alleviation of its former use. **The ONLY REASONABLE and ECOLOGICALLY SOUND SOLUTION is to remove ALL material from this sensitive area.** Capping it, or installing any kind of barrier, will only send the leachate materials deeper, providing future opportunity to leach the toxic residue into surrounding land and water areas - making it possible to affect the lives of area residents for many years to come.

As residents of this town, as taxpayers, and as United States Citizens, who have continually supported the United States Navy, we feel it is *incumbent on this agency*, and the **ONLY RIGHT THING TO DO**, *under any and all circumstances*, to remove the contaminated material from Jamaica Island **IMMEDIATELY**. Too much time, money, and energy has already been spent in hearings and unacceptable proposals. It is time to take full responsibility for its previous use, and restore this important property to its original condition.

Sincerely,



Mrs. Arthur Peverly

Portsmouth Naval Shipyard  
Proposed Remedial Action Plan for OU3  
Public Hearing  
Courtyard Marriott  
Portsmouth, NH

February 22, 2001

The following testimony is submitted by  
Susan Emery, 5 Mitchell School Lane, Kittery Point, Maine:

"I favor a plan which includes not only a cap but also a barrier around the landfill. It is unacceptable to me to allow toxins to leach out through groundwater and daily tidal migration for another 5 to 10 years as this represents continued great risk to the health of the citizens in the area and the estuary."

Feb. 20, 2001

Alan Robinson  
Public Affairs Office  
Portsmouth Naval Shipyard  
Portsmouth, New Hampshire 03904-5000

Please give to the U.S. Navy this good idea and plea to shut down the Portsmouth Naval Shipyard and to convert it into a University of New Hampshire or University of Maine and to pay restitution to us citizens who live surrounding the toxic areas of the shipyard and who need payment for the exposure to the bad elements from the yard all these years.

Complete removal of all landfill and waste and traces of the yard (minus a museum) should begin now out of respect of humankind.

Thank you,  
Sue Johnson  
13 Cromwell Street  
Kittery, Maine 03904-1125

Johnson

In all sincerity, my,  
this suggestion is  
ultimately the best for  
our town + nation.  
Thank you -

Alan Robinson  
Public Affairs Office  
Portsmouth Naval Shipyard  
Portsmouth, New Hampshire 03904-5000

**Please give to the U.S.Navy this good idea and plea to shut down the Portsmouth Naval Shipyard and to convert it into a University of New Hampshire or University of Maine and to pay restitution to us citizens who live surrounding the toxic areas of the shipyard and who need payment for the exposure to the bad elements from the yard all these years.**

**Complete removal of all landfill and waste and traces of the yard (minus a museum) should begin now out of respect of humankind.**

Thank you,  
Sue Johnson  
13 Cromwell Street  
Kittery, Maine 03904-1125



# CITY OF PORTSMOUTH

Municipal Complex  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801  
(603) 431-2000 or 2006 ext. 200  
Fax (603) 427-1526

Evelyn Sirrell  
Mayor

February 23, 2001

Mr. Alan Robinson  
Public Affairs Office  
Portsmouth Naval Shipyard  
Portsmouth, NH 03804

Dear Mr. Robinson:

In response to the Navy's Proposed Remedial Action Plan for Operable Unit (OU) 3 at the Portsmouth Naval Shipyard the City of Portsmouth technical staff have prepared several recommendations. We are strongly supportive of these comments which follow below.

The City of Portsmouth does not believe any alternatives described in the Navy's Proposed Remedial Action Plan go far enough to protect the public interest given the uncertainties which remain as to the level of contamination the JILF poses to the public in both Maine and New Hampshire.

The City does not support the Navy's decision to separate "source control" from "management of migration" from OU3 when the impacts to the offshore and nearshore environment via seeps from the JILF are not clearly understood. In fact, the Navy has stated that there are Chemicals of Concern in the brackish/saline groundwater identified in the OU3 feasibility study. Additionally, the Navy has stated that not only will it separate "management of migration" into OU6 but that it will not study the potential impacts until 2005. This decision was made with inadequately supportive sampling or monitoring data.

The City of Portsmouth recommends that the Navy proceed with both OU3 and OU6 concurrently. Perhaps the Navy can demonstrate a valid administrative reason to separate these two units, but we believe it has not demonstrated the need to delay study on OU6.

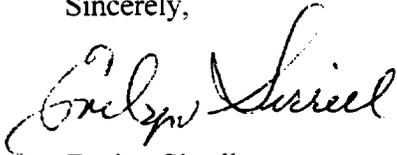
Our concern is that there is not containment at the JILF. The daily tidal action and the current groundwater seepage will continue to flush contaminants from the JILF and introduce them into the intertidal nearshore and offshore environments. Since there is an incomplete accounting of the contaminants at the JILF and uncertainty as to the condition and degree of containment of these contaminants continuous monitoring is essential as the situation could change at any time with a potential new hazardous releases occurring at any time for a variety of reasons.

February 23, 2001

The Remedial alternatives forwarded by the Navy are in our estimate incomplete. We do not understand why alternative 5 (which considered a cover with composite liner and enhance barrier layer, cut-off barriers, institutional controls, erosion control and monitoring) was removed from discussion. Additionally, why was there no consideration of complete removal of all or partial removal of landfill materials. A discussion of this alternative would have provided useful information to the affected public.

The City of Portsmouth requests that the Navy implement a testing protocol for the seeps from the landfill as well as intertidal monitoring to insure that at a minimum the public can be notified if there is any danger of contamination though eating fish or shell fish from the waters around the JILF. The City supports Alternative 5 which is not presented in the final PRAP but was presented in the November 2000 PRAP. We believe the addition of a cut-off barrier is essential at this site due to the daily ingress and egress of tidal waters on the landfill and to protect the landfill from the impact of severe storms events or impacts do to potential sea level rise.

Sincerely,



Evelyn Sirrell  
Mayor

cc: City Council  
John Bohenko, City Manager

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Testimony to the Public Hearing on the  
PORTSMOUTH NAVAL SHIPYARD PROPOSED REMEDIAL ACTION PLAN FOR OU3  
Courtyard Marriott, Portsmouth, NH  
February 22, 2001

My name is Susan Kress Hamilton. I would like to submit the following testimony as a Kittery citizen and homeowner, and as a business owner in Portsmouth since 1978.

I have educated myself about the hazardous waste clean-up process at the Portsmouth Naval Shipyard since it was designated a Superfund site by the EPA in 1994. I have recently gotten more involved in the process by attending the November 30, 2001 Restoration Advisory Board meeting and the Navy's Informational Open House on February 1.

I take strong objection to the Navy's Proposed Remedial Action Plan for the Jamaica Island Landfill both in the process in which it was created and in its substance. I strongly favor an action plan that would include a barrier to address tidal migration of contaminants from the landfill into the Piscataqua River.

My primary objections to the plan before us are as follows:

1. The last minute decision by the Navy to separate off the intertidal zone as OU6, thus eliminating Alternative 5 of the draft plan and avoiding the migration of contaminated groundwater as an issue is a flagrant undermining of the process and a great blow to public confidence. As late as the November 30 RAB meeting, Alternative 5 was still being promoted as viable to the public and was eliminated after that meeting without the knowledge of the Restoration Advisory Board and its citizen members.
2. There are no adequate choices provided by this plan. In fact, the Navy's Alternative 3 can not be called an alternative at all, as it is the **only** choice. Early on in the process, the Maine DEP made it clear to the Navy that it would not accept Alternatives 1 and 2 under any circumstance, effectively eliminating them as options; and Alternatives 3 and 4 are really only variations on a cap solution. The public is being misled that there are alternatives in this plan.
3. The proposed plan does not even look at the contact of waste materials at the landfill with the tides that flow in and out every day. Even the Navy's own study says that 2/3 of the water exiting through the hazardous waste landfill comes from groundwater flow and tidal influx, and only 1/3 from precipitation. The cap proposal will only inhibit vertical migration of water from the surface down and will not prevent lateral migration into and out of the site, allowing contaminants from the waste to migrate off the site into the Piscataqua River.
4. There should be immediate testing for dioxin done now at the landfill seeps as it is relevant to the action plan before us. Dioxin has been detected offshore in sediment, mussels and juvenile lobsters as recently as January 2001 in the Navy's Interim Offshore Monitoring study. The first time

the Navy tested for dioxin was in 1998 at Site 29. Because the estuarine ecological risk assessment, the offshore human health risk assessment, the groundwater monitoring at the Jamaica Island Landfill and the 1996-97 seep/sediment sampling were all conducted prior to 1998, *without* dioxin testing, there is a great potential that all these prior assessments are too low. Dioxin is a potent carcinogen in low concentrations and does not tend to breakdown. As recently as January 19, the National Institute of Health changed its listing of dioxin from the "reasonably anticipated" category to a "known human carcinogen."

5. It is incredulous that the Navy, the polluter, has taken ten years or more of study to come up with the obvious and questionable solution of a cap, a solution that has been used at many other Superfund sites and with already established technology. Repeated questions to Fred Evans, Navy Remedial Project Manager, for the specific dollar amount spent to date on the Jamaica Island Landfill have not been answered. We do know that total funding to date for all the Shipyard Superfund sites is over \$23 million!!! No wonder the public is frustrated and angry at the inadequacy of the solution and the unanswered questions left with us in this process. The pollution concerns involved in the shoreline area now called OU6 should have been addressed all along and now the Navy wants us to wait another 5 years or more for them to study a possible action plan.

This Record of Decision by the Navy and the EPA is of great importance to our community. We have been patient and tolerant with the process for many years. The Navy has been a large seacoast employer in the past but has also been the creator of hazardous waste and pollution in a fragile and unique estuary. It is time for the Navy to take real responsibility and action for its Superfund sites. The Jamaica Island Landfill is only one of many superfund sites at the facility to be dealt with. By choosing to delay, avoid and disregard any real solution for this one site, the Navy has put our community on alert that we can not trust them to follow through in the future.

The EPA has so far gone along with the Navy's proposals for the Jamaica Island Landfill. They now stand alone as the only signatory on this decision in a position to call for a real remedial action plan from the polluter. There is still time for the EPA to come forth to protect human health and the health of our ecosystem by demanding the Navy place a barrier as well as a cap at the Jamaica Island Landfill.

Sincerely,



Susan Kress Hamilton  
Kittery Point, Maine 03905

**SAPL**

**P.O. BOX 1136**

**PORTSMOUTH, NH 03802**

**603-431-5089**

**e-mail: [sapl99@aol.com](mailto:sapl99@aol.com)**

**TO:** The U.S. Navy, Portsmouth Naval Shipyard Superfund Remedial Action Team

**FROM:** The Seacoast Anti-Pollution League

**RE:** Testimony regarding the Portsmouth Naval Shipyard's remedial action plan for the Jamaica Island Landfill

**DATE:** February 22, 2001

The Seacoast Anti-Pollution League offers these comments in response to the proposed remedial action plan for the Jamaica Island landfill, also referred to as Operable Unit 3, or OU3.

SAPL is a community grassroots organization whose mission is to protect public health and safety and monitor threats to wildlife and the ecosystem in the seacoast regions of New Hampshire, southern Maine, and northern Massachusetts. After careful and thorough review of the data supporting the Navy's proposed plan, our view is that the cap alone is an unfit option, that a barrier is necessary to address tidal migration of toxins from the landfill, that serious unanswered questions about threats to human health and the ecosystem remain, and that the Navy needs to take immediate steps to put adequate protections in place. However, before we go into the details supporting these views, we'd like first to comment on process.

To fulfill our mission, we have participated on the Restoration Advisory Board since 1995. That board has provided a forum in which we could express community perspectives on environmental conditions at the shipyard. However, it has not met since November 30, 2000. As a result, a vital link in communications between the community and the shipyard was missing while some crucial decisions were being made about the Jamaica Island landfill.

Ironically, the Navy's feasibility study--describing five alternatives being considered for the Jamaica Island cleanup--was also made available to the public in November 2000. Any citizens who read that study would have been unaware that major decisions were already being made, which would render some of the alternatives described in that document irrelevant. That's because it was only after that document was released that the Navy decided to separate out the intertidal zone adjacent to Operable Unit 3, into a new Operable Unit 6, and to remove remedial action alternative #5 from any further current

consideration. Those decisions raised a whole new set of unanswered questions, for which the community deserves some answers.

For example, the following questions about the new Operable Unit 6 are of great concern to us—and impact heavily on our response to the OU3 plan:

- What is the timeline for study and remediation of OU6?
- How does the new OU6 relate to Operable Units 3 and 4?
- How will the OU3 remedy currently proposed by the Navy affect this unit?
- What funding would be available to deal with this new unit?
- What are the risks to human health from the seeps located in this unit?
- What are the risks to the estuary environment from delaying remedial actions for this unit?

However, quite apart from specific concerns of that nature, SAPL, the residents it represents through its membership, and other residents who've voiced concerns in other forums have general apprehensions about the proposed remedial action plan before our community and about the process whereby it is being implemented.

First among these concerns involves a lack of adequate options. In regard to providing remedial-action choices for the public to respond to, the Navy has failed the local community. As already noted, the most comprehensive choice, alternative #5, has been removed from consideration. That alternative is the only one that deals with the major concern of the community: the control of toxic pollutants into the estuary. Alternatives #1 and #2 are essentially "do nothing" choices. The State of Maine would not agree to such choices, in any event, so they do not represent genuine options. Alternatives #3 and #4 are merely variations on the same theme--capping the top of the landfill. Those technical variations could just as well have been left to the design phase.

Basically, the community is being given one choice at this time: a landfill cap on the center of the Jamaica Island site. Additional concerns about this site's impact on the estuary are eschewed by a deft move--the redefinition of the site's shoreline as another operable unit, which is slated to be studied for many more years before any additional remedial actions, if any, are finally taken.

We are also concerned that the community's voice is not being adequately heard in the process. The shipyard is, after all, located in New England. In our town meetings and city council hearings, we expect as a matter of right to discuss all options for solving a particular problem. We also expect all governmental units to speak to us and to hear our voices in return. In that regard, we hope that the U.S. Navy and the Environmental Protection Agency fully understand the community's concerns about the Navy's proposal.

I'd now like to summarize the many concerns you've heard SAPL and others raise at public meetings regarding your proposed remedial action plan for OU3.

First, let me explain why we feel the cap alone is an unfit option. The Jamaica Island landfill was constructed in a mudflat, and so is among those unique Superfund sites that is subject to both groundwater flows and saltwater tidal flushings. In other words, tides flush water into and out of this Superfund site every day. Viewing this site from a three-dimensional perspective, those combined hydrological flows are crucial variables in regard to human risks and the health of the estuary. Assuming the cap is properly designed, constructed, and maintained, it will prevent precipitation from infiltrating the site; and it will divert surface water drainage within the boundaries of the cap. However, only an estimated one-third of the water currently leaching the landfill comes from precipitation. The remaining two-thirds comes from tidal migration--something the cap does not address at all. While the cap would inhibit the vertical migration of water from the surface down into the ground, the cap does not prevent the lateral migration of groundwater into and out of the landfill.

That said, we feel the Navy must take immediate steps to address tidal migration and the construction of a barrier. After 10 years of study, the Navy has been unable to prove that a barrier is *not* needed, and its desire to take even more time to study the matter cannot be taken lightly. Where questions remain regarding the health and safety of people and ecosystems after prolonged study, the only responsible approach is a precautionary one. In this case, that means moving ahead on a barrier.

What are some of serious questions that remain? There are many and I will address just a few key examples—the first of which involves dioxin. The Navy only began dioxin testing in 1998, and did indeed find dioxin onshore at the landfill. However, even after finding it onshore, it never tested for dioxin in the seeps—which means that neither the Navy, regulatory agencies, nor the public knows whether this dangerous toxin is leaching out of the landfill. The Navy currently views this site as one of low risk to surrounding human communities. Dioxin is a known human carcinogen even at low levels, and it doesn't tend to break down or dilute in water. Finding dioxin in the seeps could alter the risk level of the site significantly. So there is the potential that all the risks calculated in prior assessments are too low.

Second, the Navy has failed to address sea level rise in designing an action plan to contain the toxins at this site. This is a serious oversight in designing a remediation plan for a site that is daily affected by tides. According to NOAA, other government research agencies, and much independent scientific research, our region is expected to endure sea level rise in the near future, as well as increased heavy weather events brought on by global warming. We refer here to events beyond the 100-year and 200-year storms that are factored into your design. This means that portions of the site that are above current sea level—and that contain serious toxins that have never been leached by tides—will soon be exposed to tidal flushing. Unless tidal migration is addressed immediately, it is reasonable to assume that the public and the surrounding estuary will be left completely unprotected from these highly probable circumstances.

Third, contaminants present in Sullivan Point have been shown to pose a significantly higher risk to human health and safety and the Navy has not been able to rule out that some of the contamination may come from the landfill. There exists the possibility that

fractures in bedrock allow the JILF groundwater to migrate in the direction of Sullivan Point.

Last, important questions about how and when monitoring will be implemented also remain unanswered. Long-term monitoring has been alluded to, but no contingency action plans are tied to that monitoring. The Navy makes frequent references to funding problems, which prevent them from pursuing comprehensive remedies in the near future. Those constant allusions to funding problems do not reassure the community that monitoring would ever result in any remedial actions.

Please be aware that residents of the area are concerned about human health risks at the site, but they are also highly concerned with the health of the estuary. Most of the quantitative analysis to date has focused solely on the human health risk at the immediate landfill site. However, there has been little data generated that speaks to overall health of the ecosystem, and to the those who want to know if it will ever be safe to fish and swim in the Piscataqua River—the community's "front yard," so to speak.

However, the Seacoast Anti-Pollution League does recognize that a landfill cap would be an integral part of any remedial action plan. We can support the Navy's desire to proceed with the capping project, if certain provisions are met. In that regard, we insist upon two provisions. First, that the Navy promulgate a contingency action plan that retains the option of a tidal barrier, as described in their alternative #5 in the November 2000 feasibility study—and that that option be pursued immediately. Second, that the Navy begin immediate testing of the seep water and sediment in Operable Unit 6 to determine the discharge levels of toxics, including dioxin, from that part of the landfill. A timeline acceptable to the State of Maine and the community should be scheduled for these tests. Given these two provisions are met, we support the Navy's current proposal for a landfill cap.

In conclusion, the Seacoast Anti-Pollution League believes that the Navy has arrived at a proposal that ignores tidal migration--the very reason for which it conducted such a careful study in the first place. To be sure, a landfill cap solves some of the problems, but--considered apart from a tidal barrier--it raises new questions and leaves many important concerns unresolved. Why has the Navy spent so long to come up with this one solution? Landfill caps have been implemented in many other superfund sites elsewhere. The technology is already well developed. Why then take ten years to study the problem? How many more years might it take to study the need for a barrier? And what risks might the public and the estuary face from toxic outflows during that time? These are all questions and concerns that SAPL and the community take seriously. We urge the Navy to devise precautionary solutions, rather than spending more time and money in the vain hope that those solutions might prove to be unnecessary.

Thank you.

The Seacoast Anti Pollution League

Feb. 4, 2001  
189 Mill Rd  
Hampton, NH 03842

Dear Mr. Robinson,

My husband and I attended the Informational Open House on Feb. 1, 2001. We listened carefully to the presentation and I would like to say that the number of abbreviations used to describe the functions and procedures certainly get in the way of clear communication. It was very difficult to get to the point with all of the technical acronyms. Any attempt to do away with them and just talk straight talk would improve two way communications a great deal.

Our feelings as we left were that Alternative 3 was not sufficient and that Alternative 4 with enhanced Barrier Layer and Erosion control and Monitoring was not addressing the problem of monitoring right now as the process starts. Also Monitoring for other substances in the water and mud or sediment would seem reasonable. Particularly dioxin and cbc's. A barrier to prevent the seepage of contaminants from under the surface water barrier would be a good idea. This area has up to 12 foot+ tides and a large number of boat wakes to deal with it should be given a serious consideration. This tidal area could be a place to monitor any possible contaminates. The risk to health and environmental damage seems to be monitored in a quiet fashion. The Portsmouth Power Squadron was thinking of requesting the use of the Island for a picnic. There was no awareness of any risk in the discussion at our meeting I can only feel that the public is unaware of any risk at all. After the meeting I spoke with a friend who worked at the yard and he spoke of a substantial amount of lead cable removed years ago. I am wondering if any cable was removed from the landfill at the same time, or if it remains from the past? Is it even an issue in this report?

We never heard of Alternative 5, as it was not on the agenda. Many people spoke of it and we are wondering what it was and why it was dropped.

Our boat is moored less than a quarter of a mile from the island and we spend many long days on it. Our exposure is not infrequent or monitored in any way as far as I could tell. I feel that the dioxin and cbc's are the most potent risk at this time. We feel that they should be monitored and that the barrier layer should be in place.

We could see that a lot of work has gone in to the report and into testing the site.

Thank you for your efforts.

Sincerely,

*Barbara Nicholson*  
*Daniel Nicholson*

25

5 Blossom Lane  
Exeter, NH 03833

Jan. 30, 2001

Alan Robinson  
Public Affairs Office  
Portsmouth Naval Shipyard  
Portsmouth, NH 03804-5000

We are writing to you to ask the Navy to construct a barrier around the Jamaica Island Superfund Site (in addition to capping it) in order to contain the toxins.

We are concerned about contamination of the estuary from the industrial wastes in the landfill. If you do not build the barrier soon, the tides and the groundwater could bring the toxins into the estuary. The estuary is a place where many ocean creatures feed and also is a nursery where many sea creatures are born. Lobsters, crabs, oysters, clams and fish all eat the creatures or filter in the phytoplankton and zooplankton. The food chain - including what people eat - would be contaminated.

We are sure the Navy is trying to keep costs down. If you do not build the barrier you will be affecting the fishing, the seacoast economy and more important the health of the people in the area. You will be increasing the costs to the seacoast which should concern you.

Please reconsider and think about living in a clean environment. Make sure we have a safe clean up.

Thank you.

Sincerely,

*Dr. and Mrs. Richard N. Kaplan*

Dr. and Mrs. Richard N. Kaplan  
Phone 603-772-2119

Please provide comments and mail to the address indicated below:

Alternative 1. is the Best choice.

MR. ROBERT B PERKINS  
192 WHIPPLE RD  
KITTERY, ME 03904



Mr. Alan Robinson  
Public Affairs Office  
Portsmouth Naval Shipyard  
Portsmouth, NH 03804-5000



January 26, 1980  
Gary Gowp  
105 South St.  
Portsmouth

Mr. Alan Robinson  
Public Affairs Office  
Portsmouth Naval Shipyard  
Portsmouth, NH 03804-5000

Dear Mr. Robinson,  
When I look out my window I can see your shipyard across the river. When I cast my striped bass lure from 4 tree island I aim it at the big crane. I am close to the Navy Yard.

I strongly believe that, because of the nature of the pollutants that exist at the Jamaica Island Superfund Site, the Navy must cap and create a permanent barrier to the spread of their pollutants. Option #5 is the only level of containment that will make me feel comfortable eating fish from my river.

Please see to it that it is fully enacted.

Sincerely,  
Gary Gowp

53 Pocahontas Road  
Kittery Point, Maine 03905  
February 21, 2001

To: Alan Robinson, PAO, Navy Yard  
Fr: Andrew Pearson  
Re: Jamaica landfill

Alan,

We spoke on the phone some time ago and I asked for information about how many tests had been done for toxics around the edge of the landfill, but especially dioxin. What others have been tested for? Results? Plans for further testing, where, how, by whom?

Also, I remarked that the engineering company didn't really seem to be on top of the barrel search issue. You seemed to think their search was more thorough than they were able to report at the last meeting. So what exactly did they do? How much of the area did they test for, and what part did they dig up? And if they got overload readings for metal in some parts, why didn't they dig there also, just to be thorough?

Here's a copy of a personal letter I sent to the Kittery Town Council. I'm sending copies to the Maine environmental office, EPA and a few other places.

Regards,



PS I had planned to be at the meeting tomorrow evening, but my son is in a basketball playoff game in Augusta. Seems lots of people interested in this issue won't be around. Hope you're not alone there.

February 7, 2001

To: Kittery Town Council Members  
Fr: Andrew Pearson, Kittery  
About: Navy meeting to describe Jamaica Superfund actions

I went to the "Navy" meeting at the Marriott Hotel. But no Navy people were there, actually. They have their engineering company handle everything, which I don't think is very effective.

The Navy's idea for a solution (as expressed by the engineering firm) is to cover the 25 acres to prevent water infiltration. That still leaves water infiltration from high tides (and perhaps progressively higher tides over the years) along the edges of the site that face the river. Riff-raff (a pile of stones) would prevent erosion of the site from tidewater, but not prevent leakage from the site into the river, or seepage of river water into the site and mixing of river water with pollutants, which would then flow back in to the Piscataqua.

SAPL is essentially saying what I just said, I believe.

Also: there has been very little testing for one of the most dangerous elements in the site: dioxin. I've contacted the Navy public information office and asked for all the information they have on the dioxin tests that have been done. There was some uncertainty about how many tests had been done and over what time frame. They thought the number was three and that one more test is scheduled soon. They were not able to direct me to any results. My understanding, though, is that dioxin is known to be present in the land fill.

I was surprised that so little attention seems to be given to the most potentially harmful toxics that could affect Maine and New Hampshire communities around the harbor. The engineering company was trying very hard to convey a sense that we are very high tech and everything is just fine.

There is also no information from the Navy engineer people about where the water table is under the 25 acres. And no thought that I have discovered about what the danger is of seepage by all sorts of contaminants in to ground water. Or where the ground water moves.

There was some exploration by the engineering company for barrels using metal detection equipment, but when I asked the engineers how much of the site was surveyed, they could not tell me. Boats were on part of the site for winter storage, and they couldn't survey that area, they said.

Some parts of the 25 acres give the metal detector overload signals and so they didn't dig to see what was there. It seems to me they should have done some checking while they were at it. I have the impression that the engineers are not doing a thorough job of looking for barrels that might contain really awful stuff that would rust over time and release their contents into the river. I wondered what incentive there was for the engineering firm to do a thorough job.

The EPA believes that any barrels have long since rusted out and washed their contents into the river, though the engineering company did find whole barrels in one part of the 25 acres, above the high tide

level. None of these contained toxics, they said. But I have the impression that the exploration for barrels at the site was perfunctory. I'd like to be wrong about that.

The State of Maine environmental office representative expressed the view that there should be more testing of the liquids that continue to flow from the site in to the river before a final design decision is made for dealing with the site. That seems to make sense to me. But the EPA has the final word on this, we were told.

My sense of this from a community perspective is that the Navy has a responsibility to find a way to contain the materials in the site, not allow them to flow into the river for years to come.

Regards- Andrew Pearson.

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