NAVY RESPONSES TO LNR SOUTH SHORE LLC (LNR)
COMMENTS DATED FEBRUARY 25, 2013
DRAFT FINAL FEASIBILITY STUDY – BUILDING 81
FORMER NAVAL AIR STATION (NAS) SOUTH WEYMOUTH, MASSACHUSETTS

The Navy's responses to the LNR comments on the Building 81 Draft Final Feasibility Study (dated January 2013) are presented below. The LNR comments are presented first (in italics) followed by the Navy's responses.

General Comment: *LNR South Shore, LLC (LNR), provides the following Comments to the Draft Final Feasibility Study Report (FS) for the Building 81 Site, dated January 22, 2013. By way of background, the FS was issued pursuant to the "Revised Proposed Approach for the Building 81 Feasibility Study" (Revised Approach), which was issued by the Navy on November 7, 2011. The Revised Approach incorporated the comments of the U.S. Environmental Protection Agency (EPA), the Massachusetts Department of Environmental Protection (MassDEP), South Shore Tri-Town Development Corporation (SSTTDC), and LNR and addressed Navy's approach to the FS based on numerous BRAC Cleanup Team (BCT) meetings and associated correspondence. A copy of the Revised Approach is attached as Exhibit A.*

Response: The Navy's November 8, 2011 letter transmitting the revised proposed approach noted that "the documents provided herein remain subject to completion of the Feasibility Study process and public review and comment in accordance with CERCLA." The FS was developed and issued pursuant to CERCLA.

Comment 1. Introductory Statement

LNR is issuing these comments to reiterate its previous comments and to reaffirm its position that Navy has failed to adequately evaluate reasonably aggressive and readily implementable remedial approaches to the Building 81 Site. Beginning with discussions regarding the Revised Approach and continuing throughout the draft iterations of the FS, LNR has consistently commented that Navy should evaluate more aggressive remediation alternatives to reduce the amount of time necessary to remediate the Building 81 Site and to facilitate implementation of the Reuse Plan. LNR has commented that Navy has not given adequate consideration to excavating contaminated overburden soils in the source area of the Building 81 Site ***as specifically required by the Revised Approach****, and that Navy has wrongfully dismissed soil excavation as a viable component of at least one of the remedial alternatives being considered in the FS. Lastly, LNR has commented that the interim Land Use Controls (LUCs) being considered by Navy would impede implementation of the Reuse Plan and adversely impact LNR's ability to market and develop the Building 81 Site for an inordinate amount of time. In its latest draft iteration of the FS, Navy has again ignored LNR's comments, and has failed to meaningfully revise its approach to the remediation of the Building 81 Site, in direct contravention to the Revised Approach.*

Response: The 'Revised Proposed Approach for the Building 81 Feasibility Study' was a collaborative effort between the Navy, EPA, MassDEP, LNR, and SSTTDC to facilitate planning for and development of the FS. The FS was prepared as required by CERCLA, OSWER Directive 9355.3-01.

Comments received from MassDEP and LNR on the January 2013 draft final FS have been discussed at recent BCT meetings. EPA issued a letter dated February 28, 2013 which "accepts the draft final report as submitted, qualified by the comments and observations discussed below." At the April 8, 2013 BCT meeting EPA stated that per the Revised Approach, the FS includes an aggressive source control to reduce concentrations, limit migration of groundwater contaminants, and speed up the cleanup effort. In addition, EPA stated that soil excavation was eliminated through the FS screening process, in favor of a different type of aggressive source control that will address the VOCs in the bedrock as well as the overburden. In conclusion, EPA reiterated their opinion that no further revision of the FS is needed and the next step is preparation of the Proposed Plan.

Comment 2. <u>Evaluation of Soil Excavation</u>

As noted, LNR has consistently pressed Navy to more thoroughly evaluate soil excavation as a component of the remediation of the Building 81 Site. "Soil Excavation" is listed <u>first</u> in the Revised Approach as a "primary component of the remedial alternatives that will be evaluated in the FS." The Revised Approach further provides that "[r]emoval of contaminated soil from areas near the source (e.g. former UST) will be quantitatively evaluated as a means to reduce or eliminate a potential continuing source of contamination to the groundwater."

LNR and its technical consultants believe that the excavation of PCE-impacted overburden from the source area would significantly reduce the time required to achieve PRGs, and thus reduce the time during which development of the Building 81 Site is restricted by interim LUCs that will effectively prohibit its use. MassDEP recently echoed this point in its comments to the FS, dated February 19, 2013, which LNR fully supports. As MassDEP pointed out in its comments, Navy's further attempts to justify its refusal to incorporate soil excavation into the remedial alternatives under consideration in the FS has, to the contrary, actually presented information that supports excavation as a viable and cost-effective remedial approach.

The excavation of overburden in the source area of the Building 81 Site (within the 100 ug/L contour line) is readily implementable and would undeniably remove contaminant mass. From both a technical and practical standpoint, a soil removal action would eliminate or at least greatly reduce the source of continuing PCE impacts to groundwater, reduce the time necessary to achieve PRGs, reduce the type, manner and length of time that interim LUCs are required to be enforced at the Building 81 Site, and thus facilitate the near-term development of the Building 81 Site and full implementation of the Reuse Plan. As MassDEP notes in its comments, the evaluation of soil excavation presented in the FS supports this conclusion. Navy's data now indicates that approximately 60% of the PCE contaminant mass is located within saturated overburden material. Soil excavation would facilitate a faster cleanup and redevelopment of the Building 81 Site with less restrictions on use, while reducing the risk of remedy failure and overall remediation costs.

<u>Response:</u> This issue has been discussed at recent BCT meetings and between BCT members. As noted in the Response to Comment 1 above, EPA accepted the draft final FS and supports the Navy's plans to finalize the document and issue a draft Proposed Plan for review as soon as possible. Completion of the FS, Proposed Plan, and ROD in a timely manner will allow the Navy to reach the design phase and begin cleanup of the Building 81 Site consistent with the aggressive remedial approaches noted in these comments and EPA's comments at the April 8, 2013 BCT meeting.

No technical support for the statements made in this comment has been provided, nor did LNR provide a description of their proposed soil excavation scenario or anticipated time savings for the total site cleanup as was agreed to at the March 11, 2013 BCT meeting and documented in the notes of that meeting. However, given the concerns expressed in this comment and the references to the MassDEP comments, the Navy performed a rough cost estimate of excavation of the area within the 100 µg/L PCE contour suggested above. The two cost estimating methods used resulted in possible costs of $13,000,000 and $11,000,000 for this approach. The Navy also evaluated the time frame for completing the site cleanup if excavation were an element of the remedial action and concluded that it is not likely to substantially accelerate completion of the remedy. Please also see the Responses to the MassDEP comments dated February 19, 2013.

As documented in the notes of the April 8, 2013 BCT meeting, the BCT meeting attendees agreed with the Navy's recommendation to select Alternative G-3. The FS cost estimates, which per CERCLA have an accepted range of +50/-30 percent, will be refined during the remedial design phase using additional information obtained from a pre-design investigation (PDI). The Proposed Plan and ROD will note that the description of Alternative G-3 in the FS is conceptual and will contain language regarding the use of PDI information to make adjustments during the remedial design to locations of overburden zone injection points for aggressive source control and the timing of injections of an EOS product.

Based on the above observations, agreements and discussions, it is the Navy's intent to proceed with the Proposed Plan as originally outlined. Minor adjustments to the remedy (use of a PDI, results of a pilot study, adjustments to treatment injections, etc.) within the CERCLA frameworks will be included as needed to address the site with an aggressive, yet appropriate remedial action.

Comment 3. <u>Scope of Interim Land Use Controls (LUCs)</u>

Without incorporation of source removal into the remedial approach for the Building 81 Site, the FS provides that interim LUCs will be required to prevent exposure to contaminants of concern (COCs) until such time as PRGs are achieved --a minimum of 15 to 25 years. As set forth in the FS, the interim LUCs would restrict the type and nature of construction permitted in the source area, require the approval of construction dewatering plans, specify health and safety measures for construction workers, and specify building design components to mitigate potential vapor intrusion. Although Navy states in the FS that its objective will be to "narrowly tailor" the LUCs during the remedial design and that it will try to restrict such LUCs to areas east of Shea Boulevard, even narrowly tailored LUCs will adversely impact LNR's ability to market and develop the Building 81 Site and will effectively deprive LNR of any meaningful use of this property for many, many years. A developer already has expressed interest in developing the Building 81 Site with an indoor skating rink -- a use contemplated and favored in the Reuse Plan. That development is stalled, however, pending Navy's remediation, and may very well be impossible in the near term given the remedial alternatives and extensive LUCs under consideration in the FS.

EPA recognized in its July 2012 comments to the previous draft version of the FS that without a more aggressive remedial approach, the scope of the contemplated LUCs may need to expand geographically. This is unacceptable to LNR and is inconsistent with the Revised Approach, which provides that "[b]ecause COCs have not been detected in groundwater west of Shea Memorial Drive in concentrations in excess of MCLs, it is not anticipated that LUCs will be imposed downgradient of the LUC Compliance Boundary (west of Shea Memorial Drive or otherwise…)." LNR reiterates its opposition to the expansion of the area subject to the contemplated interim LUCs, noting the adverse impacts this would have on the development of the Building 81 Site and overall implementation of the Reuse Plan. The best way to prevent the migration of COCs beyond Shea Memorial Drive, and thus to limit the geographic scope and adverse impact on development of the interim LUCs, is for Navy to incorporate source removal, or more aggressive source treatment and control, into the remedial alternatives under consideration in the FS.

<u>Response:</u> The concerns noted in the comment were discussed at the March 11, 2013 and April 8, 2013 BCT meetings. As documented in the notes from the April 8, 2013 meeting and summarized above, EPA has accepted the draft final FS and supports the Navy's plans to prepare and issue the final FS and draft Proposed Plan. The preferred Alternative G-3 includes an aggressive source control component to shorten the total remediation time. This would in turn minimize the time the interim LUCs must be in place. Details regarding the design of the groundwater remedy and both interim and permanent LUCs will be determined after the ROD is signed and the remedial design phase, including the PDI, begins.

As all BCT members are aware, the Navy can only make a determination that all remedial actions have been taken and the property is suitable to transfer after the remedy for the Site has been selected, the ROD signed, the remedial design completed, and the remedial action implemented. The Navy is prepared to complete the FS, Proposed Plan, and ROD in an expedient manner so that the cleanup of the Site can begin.