



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-9
600 ARMY PENTAGON
WASHINGTON, DC 20310-0600

REPLY TO ATTENTION OF
BRAC Environmental Office
30 Quebec Street, Unit 100
Devens, MA 01432

September 28, 2020

Carol Keating
Federal Facilities Superfund Section
Office of Site Remediation and Restoration
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, MA 02109-3912

RE: Final Former Fort Devens 2020 Five-Year Review

Dear Ms. Keating:

The Army issues the attached final Five Year Review (FYR) Report to comply with its statutory obligation to review sites where hazardous substances were left in place above levels that allow for unlimited use or unrestricted exposure every 5 years in accordance with Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) section 121(c) (42 U.S.C. § 9621(c)). The Army understands that the Environmental Protection Agency Region 1 (EPA) will issue its own protectiveness statements for each operable unit at the former Fort Devens.

As you are aware, the Army worked diligently to complete the FYR Report for former Fort Devens and incorporate, as appropriate, EPA's comments. However, because of the timing of EPA comments and the collaboration on those comments, more specifically detailed below, the Army was unable to reconcile EPA protectiveness comments in the final the Army's protectiveness statements.

The attached chronology documents iterative actions that resulted in the Army's inability to finalize the report in agreement with EPA resulting in separate protectiveness statements.

In each round of regulator review, the Army received extensive comments, which sometimes contradicted prior comments. Additionally, the Army received new comments, not previously provided. The new comments required additional coordination. The result was that the Army was unable to completely reconcile the EPA comments in the Army's protectiveness statements. Consequently, the Army issues the final FYR Report to meet the statutory completion date with separate protectiveness statements from EPA. We look forward to continued coordination with EPA.

If you have any questions please contact me at 978-615-6090 or Robert.j.simeone.civ@mail.mil.

Sincerely,

Robert Simeone
BRAC Environmental Coordinator
Base Realignment and Closure Division

Attachment

Copies Furnished:
Tom Lineer, U.S. Army BRAC
Penny Reddy, USACE

FYR Document Development Chronology

20 Nov 19: FYR Kick-off meeting with EPA.
16 Jan 20: FYR Public (RAB) meeting.
22 May 20: Issued Draft FYR to EPA. Requested comments by 6/25/2020.
24 Jun 20: EPA letter requesting review period extension.
06 Jul 20: Extended due date for comments passed.
21 Jul 20: Partial EPA comments received.
EPA commented only on section 1 (Introduction) and section 2 (SHL).
04 Aug 20: Received EPA comments on section 3 (DCL).
04 Aug 20: Received the updated 2020 template from EPA.
Army was using the similar 2019 template.
06 Aug 20: Meeting with EPA.
11 Aug 20: Received EPA comments on section 4 (SPIA).
12 Aug 20: Received EPA comments on section 5 (AOCs 44, 52).
13 Aug 20: Call with EPA regarding SHL and DCL comments.
13 Aug 20: Issued revised section 2 (SHL) Technical Assessment to EPA.
21 Aug 20: Received EPA comments on revised Section 2 (SHL).
21 Aug 20: Received EPA example table for evaluation of ARARs
23 Aug 20: Issued second revised section 2 (SHL) to EPA.
24 Aug 20: Issued revised section 5 (44/52) to EPA.
25 Aug 20: Issued revised section 3 (DCL) to EPA.
26 Aug 20: Issued revised section 4 (SPIA) to EPA.
26 Aug 20: Received second EPA comments on section 5 (44/52).
31 Aug 20: Received EPA comments on Section 7 (AOCs 43G/43J).
31 Aug 20: Received an email from EPA related to their comments on Issues and Recommendations. EPA indicated their prior comments did not reflect recent guidance.
31 Aug 20: Call with EPA on AOCs 44/52.
02 Sep 20: Received second EPA comments on Section 7 (AOCs 43G/43J).
08 Sep 20: Received second EPA comments on Section 4 (SPIA) and held telecon with EPA to discuss.