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U S NAVY RESPONSE TO U S EPA REGION I SECOND ROUND OF COMMENTS  
REGARDING DRAFT DATA GAPS ASSESSMENT REPORT FOR SITES 12 AND 13 TANK  
FARMS 4 AND 5 CATEGORY 1 AREAS NS NEWPORT RI

07/28/2011  
U S NAVY

**NAVY RESPONSES TO U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) COMMENTS (SECOND  
ROUND OF COMMENTS, DATED JULY 6, 2011)  
DRAFT DATA GAPS ASSESSMENT REPORT FOR INSTALLATION RESTORATION FOR SITE 12  
(TANK FARM 4) AND 13 (TANK FARM 5) CATEGORY 1 AREAS**

Navy responses to the EPA second round of comments (Comment Letter dated July 6, 2011) on the Draft DGA Report for Tank Farm 4 and Tank Farm 5, NAVSTA Newport are provided below. The EPAs comments are provided first (in regular font), followed by the Navy's responses (in bold).

*EPA Letter Comment: With regard to Letter Comment 3, EPA does not concur that the new data supersede the old data. There are several locations where significant contamination could exist based on the older data. There is also a large area downstream of Ruin 1 that has been filled with debris that was not successfully investigated previously. Since EPA anticipated the use of the older data together with the new data, as well as consideration of the results of the previous investigation, EPA did not insist on collecting samples from all the areas where contamination was indicated by the older data. Omission of the older data will therefore result in data gaps in the Data Gap Assessment Report.*

**Navy Response:** The possible debris fill issue was discussed during the July 20, 2011 RPM meeting. A debris fill area was not previously identified by EPA. TtNUS, EPA, and EPAs oversight contractor performed a site walk prior to field work for the data gaps assessment. During this site walk and subsequent discussions, soil sampling locations were agreed upon by all parties. Furthermore, during this site walk and during field work for the data gaps assessment, a debris area was not identified. EPA agreed that the supposed debris fill area did not need further investigation.

The possibility of a data gap was discussed during the July 20, 2011 RPM meeting. Groundwater, surface water and sediment and some soil data were determined unusable, as documented in "Technical Memorandum for Data Summary and Plan for Risk Assessment" (TtNUS, 2008). Again in the UFP SAP for the data gaps assessment, it was agreed by stakeholders that these data would not be used. Remaining soil data were not used because a thorough review of the data indicated that it was either 1) outside the limits of the Category 1 DUs or 2) there was no depth given for the soil sample. After discussion on this issue during the July 20, 2011 RPM meeting, EPA agreed that there is no data gap.

EPA Specific Comments

#1 (p. 1-2, §1.2): *EPA did not mention the shed. The referenced text on page 1-2 mentions VOCs, SVOCs, pesticides, PCBs, and metals that are all CERCLA contaminants. The text states that releases of these contaminants from the structures mentioned would not constitute a CERCLA release because the release would be localized. That is not correct.*

**Navy Response:** The text does not state that releases of these contaminants from the structures mentioned would not constitute a CERCLA release because the release would be localized. The wording is correct and consistent with the UFP SAP. However, as discussed in the July 20, 2011 RPM meeting, EPA has suggested wording for this paragraph, Navy will consider this wording for the Final Data Gaps Assessment Report.

#2 (p. 1-3, §1.3.2):

a) *The comment should have referenced contamination in the third sentence of the second paragraph because not all the contamination released by the discharged waste was excavated. There are several areas where indications of potentially significant contamination exist and these areas were not excavated. Please clarify the limitations of the removal action by inserting much of the before contamination.*

**Navy Response:** Agreed.

b) *Lack of funding was the primary reason for terminating the removal action because the area of contamination was much larger than anticipated. The Navy stopped funding the removal action before the nature and extent of contamination had been determined. Therefore, please add the following to the end of the last sentence: "... because the Navy stopped funding the removal action before the nature and extent of contamination had been determined." Note also the following from the Final Closeout Report for Sludge Disposal Trenches and Review Areas at Tank Farms 4 and 5:*

*p. 7-7, §7.2.9: "Three locations were chosen for additional investigation of the outfall. These samples were taken but not analyzed due to budgetary concerns."*

*p. 7-8, §7.2.11: "On the western end of the site a series of test pits were dug and contamination was found to extend beyond the excavated area to the west. Contaminated soil at the southern end of the site (a berm of soil approximately 3-4 feet wide, which contained a clear lens of visually contaminated soil) was also left in place. Due to funding issues and the need to investigate the wetlands south of the excavation the removal action was placed on hold."*

*p. 7-9, §7.2.13: "Navy representatives and the regulators inspected the downstream discharge area, dug shallow test pits, found either olfactory or visually suspect areas and designated three locations to be sampled. These samples were taken but not analyzed due to budgetary concerns."*

**Navy Response:** Navy agrees that lack of funding was cited numerous times in the above referenced report. These citations do not change the Navy's response given in the June 9, 2011 response to comments.

Also, EPA does not agree that the removal action was conducted exclusively under RIDEM's authority. EPA was involved in the decision-making during the removal action especially related to the former burn chamber and the CERCLA contaminants dioxins, metals, and PAHs. Therefore, the text should not include the first sentence of the response.

**Navy Response:** The Navy will omit the first sentence from the text in the Final Data Gaps Assessment Report.

#3 (p. 1-3, §1.3.3): *EPA does not concur with the response. Some of the soil stored at Tank Farm 5 is contaminated, but the level of contamination that was allowed for the soil stored there was limited in*

concentration by RIDEM. Therefore, please correct the text as originally requested.

**Navy Response:** Soil with elevated levels of arsenic is/ was temporarily stored at Tank Farm 5, under a soil management plan. The soil was stored near the former USTs and away from the Category 1 areas. This information will be added in this section of the Final Data Gaps Assessment report.

#4 (p. 1-5, §1.4.3):

b) Please refer to EPA's follow-up comment for Specific Comment 2b. Please edit the proposed text to read: "... but rather the majority of the impacted soil and sediment is believed to have been excavated; however, the extent of contamination was not determined when the excavation ended."

**Navy Response:** Agreed. This text will be changed as requested in the Final Data Gaps Assessment Report.

#5 (p. 2-1, §2.0): It is not clear from the text referenced in the response what actions are work plan deviations or if all the deviations have been identified. A more explicit compilation of deviations and their significance would be appropriate.

**Navy Response:** Section 2 of the Draft SAP adequately addresses deviations from the SAP.

#8 (p. 4-7, §4.1.1.3): EPA accepts the sentence proposed in the response but does not accept the rest of the discussion. There was a large area downgradient of Ruin 1 where the Navy thought there would be little or no impact from discharges and this was not correct.

**Navy Response:** Comment noted.

#16 (p. 5-1, §5.0): EPA does not accept that the releases from the sources have been remediated. The releases have been partially remediated, but areas of known contamination remain based on the older data. The response needs to acknowledge this. Please also refer to EPA specific comments 2b and 4b.

**Navy Response:** Agreed. In the Final Data Gaps Assessment Report, Navy will revise the sentence to: "Prior to the implementation of the data gaps assessment work, the releases from these sources had been identified, investigated and partially remediated."

#18 (p. 5-6, §5.2.2): EPA does not agree that there is any evidence that suggests that anthropogenic sources are more likely to have contributed dioxins to the site than local burning of sludge. If the Navy edits the referenced text to conclude that the presence of dioxins at the site is likely the result of both anthropogenic sources and local burning of tank sludge in the former burn chamber, then we will have agreement.

**Navy Response:** Agreed. In the Final Data Gaps Assessment Report, Navy will remove the word "possibly" from the last sentence of the referenced text.

#19 (p. 6-8, §6.1.3.1):

a) Please refer to EPA's follow-up on letter comment #3.

b) Please refer to EPA's follow-up on letter comment #3.

**Navy Response:** Please see the response to Letter Comment #3 above.

#29 (p. 8-1, §8.1): The comment referred to a grammatical error that still exists.

**Navy Response:** The error will be corrected in the Final Data Gaps Assessment Report.

#41 (Table 6-22): Please refer to EPA's follow-up on letter comment #3.

**Navy Response:** Please see the response to Letter Comment #3 above.

#45 (Table 6-39): Please refer to EPA's follow-up on letter comment #3.

**Navy Response:** Please see the response to Letter Comment #3 above.

#48 (Figure 4-6): EPA found that the paper copy of Figure 4-6 presented sediment sampling results, although the title of the figure was DU 5-1 Surface Soil. The electronic copy correctly provides the surface soil sample locations, so the figure appears to have been corrected after the paper copies were printed.

**Navy Response:** Comment noted. This error was not found on internal copies but the Draft Final Data Gaps Report will be double checked.

#49 (App. A, Fig. 6): The information presented in Figure 6 appears correct, but it is not complete because it does not indicate that contamination was left in place at several locations because of budgetary concerns and does not mention the large buried debris area at Tank Farm 4 that was not successfully investigated. Additional next steps are warranted based on these considerations.

**Navy Response:** Additional steps are not warranted. See response to General Comment #3 above.

#50 (App. A, Fig. 7): Information in this response is not correct. When the valve was closed at the end of the line, the line leaked upstream of the valve and the Navy said they would not be able to address that at the time. The analyses referenced in response refer to a composite sample of water collected from three vaults. The product was not sampled. After the Navy pumped all the water out of the Ruin 2 chambers on March 3, 2005, three of the four vaults on March 7, 2005 contained water and product (page 142 of the log book). Subsequently, the Navy had to skim the oil from Ruin 2 before pumping out the water and demolishing the structure. These facts indicate that the referenced pipe has been a source of contamination and may currently be a source of contamination, whether or not the contamination is CERCLA-regulated.

**Navy Response:** Based upon EPA's original comment, Navy researched this issue. All information in Navy's response is accurate, as documented in published reports and field notes. Regarding the field notes from March 3, 2005 that the EPA references here, those field notes indicate water present in all four vaults of the oil water separator (OWS) and product present in three vaults. Please note that while there are measurements that make it possible to estimate the quantity of water in the OWS, there is no measurement of product thickness in the OWS. References to sheens and unmeasured product did not lead to the Navy to conclude that there were "large amount of petroleum product found in Ruin 2", as stated by EPA in their original comment. Regardless of the quantity of product/ sheen, Navy re-asserts that the presence of oil and water in an OWS is expected and is not an indication of a leak in the pipeline entering the OWS. However, the Navy has researched the issue and has not been able to find evidence or documentation that there was a leak from the pipeline. Finally, if there was a leak from the pipeline, it would be investigated as a Category 2 (petroleum) Area, not under CERCLA regulation.

#51 (App. A, Fig. 8): As documented in the Final Closeout Report for Sludge Disposal Trenches and Review Areas at Tank Farms 4 and 5, this issue remains unresolved. Further discussions are required to reach a consensus. The lead concentrations along the fence lines are elevated and should not be dismissed.

**Response:** Navy believes that lead contamination originating from paint chips does not meet the definition of a release under CERCLA.