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LETTER AND U S EPA REGION 1 EVALUATION OF U S NAVY RESPONSE TO COMMENTS
TO DRAFT DATA GAPS ASSESSMENT REPORT TANKS FARMS 4 AND 5 NS NEWPORT RI
07/06/2011
U S EPA REGION 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION I

5 Post Office Square, Suite 100
Boston, MA 02109-3912

July 6, 2011

Mr. Roberto Pagtalunan
NAVFAC MIDLANT (Code OPNEEV)
Environmental Restoration
Building Z-144, Room 109
9742 Maryland Avenue
Norfolk, VA 23511-3095

Re: Responses to EPA Comments on the Draft Data Gaps Assessment Report for Tank Farms 4 and 5 Category 1 Areas

Dear Mr. Pagtalunan:

EPA reviewed the responses to EPA's comments, dated February 24, 2011, on the Draft *Data Gaps Assessment Report for Installation Restoration Site 12 (Tank Farm 4) and 13 (Tank Farm 5) Category 1 Areas*, dated January 2011. Detailed comments are provided in Attachment A.

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.

I look forward to working with you and the Rhode Island Department of Environmental Management toward the cleanup of the Tank Farms. Please do not hesitate to contact me at (617) 918-1385 should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Keckler", written over a horizontal line.

Kimberlee Keckler, Remedial Project Manager
Federal Facilities Superfund Section

Attachment

cc: Gary Jablonski, RIDEM, Providence, RI
Deb Moore, NETC, Newport, RI
Steven Parker, Tetra Tech-NUS, Wilmington, MA

ATTACHMENT A

<u>Page</u>	<u>Comment</u>
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.
2. p. 1-3, §1.3.2	<p>a) The comment should have referenced <i>contamination</i> 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 <i>much of the</i> before <i>contamination</i>.</p> <p>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 <i>Final Closeout Report for Sludge Disposal Trenches and Review Areas at Tank Farms 4 and 5</i>:</p> <p>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> <p>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> <p>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."</p>

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.

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.
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."
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.
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.
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.
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.
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.
29. p. 8-1, §8.1 The comment referred to a grammatical error that still exists.
41. Table 6-22 Please refer to EPA's follow-up on letter comment #3.
45. Table 6-39 Please refer to EPA's follow-up on letter comment #3.
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.

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.
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.
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.