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EMAIL REGARDING RESPONSES TO CONCERNS REGARDING FEASIBILITY STUDY  
NETC NEWPORT RI  
2/3/2012  
RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

## Ropp, Jim

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**From:** Pamela Crump <pamela.crump@DEM.RI.GOV>  
**Sent:** Friday, February 03, 2012 12:38 PM  
**To:** Johnson, Winoma A CIV NAVFAC MIDLANT, IPTNE  
**Cc:** Ropp, Jim; Montegross, Maritza L CIV NAVFAC MIDLANT, IPTNE;  
lombardo.ginny@epamail.epa.gov; Logan, Joe; Parker, Stephen; Moore, Deborah J CIV  
NAVFAC MIDLANT, PWD Newport; Matthew Destefano; Gary Jablonski;  
olson.bryan@epa.gov; timothy.reisch@navy.mil  
**Subject:** RE: Newport NUSC FS conf call  
**Categories:** Newport

Winoma,

In regards to your two questions below please see the following responses:

- 1) The RIDEM's Soil Leachability Criteria are not part of RIDEM's Groundwater Regulations, nor are they relevant to groundwater as they are soil standards. Therefore this Leachability Criteria would have nothing to do with being part of the EPA's 1992 Comprehensive State Ground Water Protection Programs (CSGWPPs). Furthermore, the Department has been in touch with EPA groundwater people who confirmed that CSGWPP was conceived 20 years ago and was intended to provide basic criteria for States that did not have a groundwater program at that time. The State of Rhode Island did have a groundwater program at that time thus making CSGWPP all but irrelevant. Also, "*The Role of CSGWPPs in EPA Remediation Programs Memorandum*", EPA, dated April 4, 1997 states the following on page 7: "*For States that do not have an EPA-endorsed CSGWPP or for CSGWPPs that do not have provisions for making site-specific determinations of groundwater use, the Superfund Program will continue to follow guidance provided in the NCP Preamble that states; If a state classification would lead to a less stringent solution than the EPA classification scheme, then remediation goals will generally be based on EPA classification.*" If the Navy chooses to continue to claim CSGWPP has any impact on the applicability of our regulations we would be happy to have a meeting with the EPA groundwater, Superfund, and legal team along with the Navy to discuss this further.
- 2) RIDEM's Soil Leachability Criteria are soil standards in the Remediation Regulations, which are applicable under CERCLA. Our regulations have been applicable in every Superfund ROD for over 15 years and this site is not different. From the NCP, the definition of an applicable requirement is "those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under federal environmental or state environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance found at a CERCLA site. Only those standards that are identified by a state in a timely manner and that are more stringent than federal requirements may be applicable." Our regulations continue to meet this definition and are therefore applicable requirements.

If you have any questions in regards to this email please feel free to contact me.

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**From:** Johnson, Winoma A CIV NAVFAC MIDLANT, IPTNE [<mailto:winoma.johnson@navy.mil>]  
**Sent:** Wednesday, February 01, 2012 12:55 PM  
**To:** Ropp, Jim; Montegross, Maritza L CIV NAVFAC MIDLANT, IPTNE; Lombardo.Ginny@epamail.epa.gov; Pamela Crump; Logan, Joe; Parker, Stephen; Moore, Deborah J CIV NAVFAC MIDLANT, PWD Newport  
**Subject:** RE: Newport NUSC FS conf call

Ginny/Pam-

Maritza is at our Chili-Cook Off, so I told her that I would send this email. We forgot to ask another question concerning RIDEM's leachability criteria. We discussed r RIDEM's leachability criteria and how it may or may not apply, since RIDEM does not have an approved gw plan and the state's gw classification system does not apply to CERCLA sites. Another question for follow up is, if a contaminant exceeds RIDEM leachability criteria, but is not detected in gw, would RIDEM's leachability criteria be relevant, but not appropriate?

-----Original Appointment-----

**From:** Ropp, Jim [<mailto:Jim.Ropp@tetrattech.com>]  
**Sent:** Monday, January 30, 2012 3:02 PM  
**To:** Montegross, Maritza L CIV NAVFAC MIDLANT, IPTNE; Lombardo.Ginny@epamail.epa.gov; Pamela Crump; Bird, Susan M CIV NAVFAC MIDLANT, IPTNE; 'Peterson.David@epamail.epa.gov' (Peterson.David@epamail.epa.gov); Logan, Joe; Johnson, Winoma A CIV NAVFAC MIDLANT, IPTNE; Parker, Stephen; Moore, Deborah J CIV NAVFAC MIDLANT, PWD Newport  
**Subject:** Newport NUSC FS conf call  
**When:** Wednesday, February 01, 2012 10:00 AM-12:00 PM (GMT-05:00) Eastern Time (US & Canada).  
**Where:** Live Meeting

All:

As discussed during the January 18 RPM meeting, we planned to have a follow-up call on February 1 to discuss the following:

1. TSCA as an ARAR (likely a brief discussion, so Susan and Dave might not need to stay on for the full call)
- (2) RIDEM's soil leachability criteria – It was everyone's action item to review this regulation further and determine how it is to be applied at the site. The Navy would like RIDEM to provide specific citations from the regulations and how they relate to the site as well as examples of how it was applied at other similar sites. Several questions were raised at the last meeting which also can be discussed (e.g., how existing data would be compared to the criteria, whether current groundwater data can address the requirement, and if needed, how additional sampling would be conducted).
- (3) Navy's 12/7/2011 response document – Responses to RIDEM's FS comments were provided on December 7. We're moving forward based on those responses, but Pam you mentioned that you were reviewing that letter, so let us know if there's something you want to discuss further.



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