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LETTER REGARDING U S EPA REGION I COMMENTS ON U S NAVY RESPONSE TO  
COMMENTS ON THE DRAFT FEASIBILITY STUDY REPORT FOR SITE 7 TANK FARM 1  
OPERABLE UNIT 13 (OU 13) NS NEWPORT RI  
1/14/2015  
U S EPA REGION I



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION I**

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

14 January 2015

Mr. James Gravette  
Remedial Project Manager  
Environmental Restoration  
NAVFAC MIDLANT OPNEEV  
9324 Virginia Avenue  
Building Z-140  
Norfolk, VA 23511-3095

RE: EPA review of Response to Comments on Draft Feasibility Study (FS) Report Site 7 – Tank Farm 1, OU 13, Naval Station (NAVSTA) Newport, Rhode Island

Dear Mr. Gravette:

EPA has reviewed the subject document and has the following comments which are attached.

Please don't hesitate to contact me at (617) 918-1272 if you have any questions or comments.

Sincerely,

Jane Dolan  
Remedial Project Manager  
FF Superfund Section

**EPA COMMENTS ON RESPONSE TO COMMENTS ON DRAFT FEASIBILITY STUDY  
(FS) REPORT SITE 7 – TANK FARM 1, OU 13, NAVAL STATION (NAVSTA) NEWPORT,  
RHODE ISLAND**

**GENERAL COMMENTS**

GC-1 – The language proposed in the response precludes the further CERCLA investigation of Tank Farm 1 groundwater and assumes that there are no CERCLA releases currently impacting Tank Farm 1 groundwater. The investigations of Tank Farm 1 groundwater to date have not demonstrated this to be correct. As Navy has been advised previously, virgin petroleum releases that cause the mobilization of metals in groundwater that result in excess risk from groundwater use due to metals concentrations fall under the purview of CERCLA and should be addressed. Prior groundwater investigations at Tank Farm 1, exclusive of the ethyl blending plant and the transformer vaults, have detected petroleum product floating at the water table at multiple locations; however, very limited sampling for metals has occurred to investigate the impacts from these releases and other releases. Because of this site history a comprehensive CERCLA groundwater investigation focusing on metals at Tank Farm 1 will be required and should be acknowledged in the response language. The sentence that reads: “During the DGA, no unacceptable risk to groundwater was identified.” is misleading because only wells down gradient of the ethyl blending plant were investigated to evaluate groundwater for the Data Gaps Assessment Report. Please revise the response language accordingly and delete language that states or suggests that no further action is required for Tank Farm 1 groundwater.

This FS should only address Tank Farm 1 soil. A separate groundwater FS should be prepared following an appropriate CERCLA investigation of Tank Farm 1 groundwater.

GC-3a – Please also review all other language in Section 4 for each alternative and update it to include the required excavation of soil at transformer vault 3 (TV3) because the PCB concentration exceeds the PRG. The last sentence of the revised text for Alternative S-4 should also refer to the area of the soil cover presented on Figure 8. **The proposed table should include the preliminary area of the soil cover for the ethyl blending plant as presented in Figure 8.** In addition, an estimate for the volume of soil that will be subject to LUCs also needs to be included in the calculations for each alternative.

GC-3 second subpart “a,” should be “b” – The proposed revisions to the cost section of each alternative is acknowledged; however, it would have been sufficient to include the capital, O&M, periodic, and present values costs in the text and reference a separate table for details. **In addition, the tables should include a notation that identifies that the potential cost of addressing potential contamination beneath the EBP structure is not included in the estimates. It is assumed that addressing any soil under the structure would not cause the total costs of any alternative to exceed the acceptable NCP cost range.**

GC-5 –  unclear why the Soil RAOs for the EBP cite not exceeding PRGs while the Soil RAOs for TV areas cite to not exceeding specific State standards (which would be used to establish the PRGs). Also for the TV area TSCA-risk based standards are also a basis for the PRGs, in addition to the State remediation standards. Therefore both areas should have the same RAOs (except for the addition of the eco-risk RAO for the TV areas).

GC-6 – The TSCA risk-based residential risk-based standard for PCBs within Region 1 is generally 1 ppm (as was used in the Gould I ROD and cited in the Derecktor Onshore ROD). Therefore, if the Navy plans on removing all PCB contaminated soil the 1 ppm would need to be the cleanup level. Otherwise, a LUC would be required to restrict residential use for all soils equal or exceeding 1 ppm that are left in place.

### **SPECIFIC COMMENTS**

SP-1 – See response, above, to the RTC for GC-1.

SP-2 – Please specify whether the Navy has knowledge as to whether DLA Energy operated the Ethyl Blending Plan or used the transformer vaults where the CERCLA releases have been documented.

SP-7 – As previously noted in EPA’s comment to RTC GC-6, EPA generally applies a risk-based residential cleanup number for PCBs of 1 ppm unless Site specific factors are present. In the case of the Peterson-Puritan site the PCB soil contamination is located in a riparian zone where any residential development is prohibited and exposure is limited to casual recreational use. No such limiting factors are present at TF1, so the 1 ppm level should be applied.

SP-9 – In addition to EPA’s comments about the ecological risk level for PCBs see previous response to RTC SC-7.

SP-11 – See response to RTC GC-6 and SC-7.

SP-13c – See response to RTC GC-6 and SC-7 regarding PCB standards.

SP-13d – In the revised Table ES-1 please edit the protectiveness discussion for S-4 to include removal of soil at the transformer vaults that exceeds the PRGs.

SP-14 – See response to RTC GC-1.

SP-15 – See response to RTC GC-1.

SP-19 – Please edit the last sentence of the response for the EBP to read: “None of the concentrations detected in the down gradient wells exceeded the federal MCLs; however, manganese exceeded the health advisory value of 300 micrograms per liter in one down gradient well.” Please edit the fourth paragraph of the response for the TVs to provide the PCB concentration for the single Aroclor 1254 detection.

In the first paragraph after the bullets of the response on page 17 the Navy states: “The DGA Report concluded that metals were not likely the result of any localized spill or any other types of releases that might have occurred during former operations at the EBP. Therefore, the metals are not considered to be attributable to site conditions (Tetra Tech, 2014).” However, if the metal releases are the result of reducing conditions caused by the Navy petroleum releases at the site, the metals do fall under CERCLA jurisdiction even if they were not produced from specific releases from the EBP facility.

SP-20 – See responses to RTC SC-19 regarding adequately addressing metal exceedances in subsurface soils.

SP-23 – See response to RTC SC-19. Also, please edit the second sentence of the response to read: “The nature of metals exceedances at the EBP lend...” Please edit the third sentence of the response to read: “... attributable to EBP activities.” Please delete or provide context for the last sentence of the response. This is the only mention of nickel throughout the FS text so no foundation for this sentence has been established.

SP-25 & 26 - See response to RTC GC-1.

SP-30 - See response to RTC SC-19.

SP-37 – Regarding the RAOs see response to RTC GC-5.

SP-42 – See response to RTC GC-6 and SC-7.

SP-47 – Please edit the last two sentences of the response to comply with the cost estimates for the alternatives which anticipate the re-grading of the excavation footprints prior to seeding.

SP-49 – As noted previously, if the Navy intends to remove all PCB contaminated soil so that no LUCs will be required it will need to use the TSCA residential risk standard of 1 ppm to be consistent with other sites on the base and throughout the Region.

It may be more appropriate to include this detailed LUC language in the description of the alternatives in Section 4. The standard LUC language used previously is as follows: The LUC implementation actions including monitoring and enforcement requirements will be provided in a LUC RD that will be prepared by the Navy as the LUC component of the overall RD. Regular site inspections will be performed to verify the continued maintenance of LUCs until the cleanup levels have been achieved.

The LUCs will be established and implemented in accordance with the post-ROD LUC RD that will be prepared by the Navy as the LUC component of the remedy. LUCs will be developed in accordance with the Principles and Procedures for Specifying, Monitoring, and Enforcement of Land Use Controls and Other Post-ROD Actions, per letter dated January 16, 2004, from Alex A. Beehler, Assistant Deputy Under Secretary of Defense (Environment, Safety and Occupational Health), and the requirements of the FFA. As long as Navy retains ownership of the property, NAVSTA Newport enforces the LUCs and assures that each LUC is maintained appropriately by tracking it through a centralized tracking system. If the property is transferred from the Navy to another federal owner, upon meeting the requirements for transfers under the site’s FFA, Navy would ensure as part of the transfer process that the gaining agency is made aware of the existing controls and would take appropriate action to ensure that such controls remain in place. If the property is ever transferred to non-federal ownership, deed restrictions, meeting state property law standards, would be recorded that would incorporate and land use restrictions. Although the Navy may transfer the procedural LUC responsibilities to another party by contract, property transfer agreement, or through other means, the Navy shall retain ultimate responsibility for remedy integrity. LUCs will be maintained until the concentrations of hazardous substances in the soil and groundwater are at levels that allow for unrestricted use and exposure.

SP-50 – As noted previously, if the Navy seeks to remove all contaminated soil under this alternative all exceedances of risk and ARAR-based standards in the subsurface soils (including any metal exceedances that may be caused by reducing conditions resulting from the petroleum releases) and all PCB contaminated soils with 1 ppm or greater will need to be removed.

SP-51 – As noted previously, if the Navy intends to remove all PCB contaminated soil so that no LUCs will be required it will need to use the TSCA residential risk standard of 1 ppm to be consistent with other sites on the base and throughout the Region. The text revisions referenced in the response will be required for all the alternatives to comply with the assumptions included in the cost estimates, which require pre-remedial sampling to define the limits of contamination for all the alternatives.

SP-52 – As noted previously, if the Navy seeks to remove all contaminated soil under this alternative all exceedances of risk and ARAR-based standards in the subsurface soils (including any metal exceedances that may be caused by reducing conditions resulting from the petroleum releases) and all PCB contaminated soils with 1 ppm or greater will need to be removed. See responses to RTC GC-6 and SC-49.

SP-54 – See response to RTC SC-51 and 52.

SP-56 - See response to RTC GC-6 and SC-7.

SP-59 - As noted previously, if the Navy intends to remove all PCB contaminated soil so that no LUCs will be required it will need to use the TSCA residential risk standard of 1 ppm to be consistent with other sites on the base and throughout the Region.

SP-62 – See response to RTC SC-50.

SP-64 – 66 – See response to RTC SC-19.

SP-68 – See response to RTC SC-59.

SP-70 – Modify this section as appropriate, based on EPA’s responses to the Navy’s RTCs above.

SP-76 – The only groundwater evaluated in the DGA was down gradient of the EBP. Groundwater throughout TF1 has not been adequately evaluated for CERCLA contaminants. Please refer to EPA’s comment on Navy’s response to GC-6.

SP-77 - See response to RTC GC-6 and SC-7. Although a PCB cleanup to 1 mg/kg is a self-implementing standard for 40 CFR 761 and not a risk-based standard, under 40 CFR 761.61c EPA has the discretion to determine what concentration of PCBs is protective of human health and the environment.

SP-83 – 89 - Modify this Section 3 Tables as appropriate, based on EPA’s responses to the Navy’s RTCs above.

SP-90 - See response to RTC GC-6 and SC-7.

SP-91 – 93 - Modify this Section 4 Tables as appropriate, based on EPA’s responses to the Navy’s RTCs above.

SP-94 – Modify cost and volume estimates for alternatives that call for removing all PCB contaminated soil to account for changing the cleanup level to 1 ppm. For the note for Alternative S-4, please include the baseline area of the cap as well as the upper end area of the cap.

SP-95 – There is considerable uncertainty regarding the actual location of the Shaw samples for transformer vaults 2 and 3, which is particularly concerning for transformer vault 2 where the PCB concentration was 24 mg/kg. To ensure the Shaw sample locations are well documented, please include in the FS a copy of Shaw’s field notes that confirm these locations.

SP-100 – The Navy does need to include the data that shows that no exceedances of groundwater risk standards is present to support its position the No Action is required for groundwater within the EBP and TV areas of OU1 addressed by this ROD. The Appendix showed exceedances of both groundwater standards and soil standards in the subsurface soil, so it is still unclear why the DGA Report did not take this sampling into account and why the exceedance weren’t addressed by the alternatives presented in the FS.

SP-101 – 107 - Modify this Appendix C Tables as appropriate, based on EPA’s responses to the Navy’s RTCs above.

#### **ADDITIONAL COMMENTS ON NEW INFORMATION SUBMITTED WITH THE NAVY’S RESPONSES**

- 1) Table 3-1 – The scope of work for Alternatives S-2, S-4 and S-5 should also include re-grading and site restoration of excavated areas. The scope of work for Alternative S-3 includes backfilling the excavation; however, this is not consistent with the cost estimate or document text which state that re-grading but not backfilling will be provided for excavated areas. Please review and correct as appropriate.
- 2) Table 3-3 – Please move “Limits use of property for residential uses” from Advantages to Disadvantages.