



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508

April 26, 2000

James Shafer, Remedial Project Manager
U.S. Department of the Navy
Northern Division
Naval Facilities Engineering Command
10 Industrial Highway
Code 1823-Mail Stop 82
Lester, PA 19113-2090

RE: Old Fire Fighter Training Area Ecological Risk Assessment, Naval Station Newport,
Newport, Rhode Island

Dear Mr. Shafer,

As stated in past correspondence and discussions, the State of Rhode Island Department of Environmental Management, Office of Waste Management has outstanding concerns with respect to certain sections of the Old Fire Fighter Training Area Ecological Risk Assessment and the reference stations used in this Study. Accordingly, the Office does not accept the Ecological Risk Assessment for this site. In addition, the Office will not support the use of those sections of the Assessment, which are in question in other subsequent reports. The Navy has indicated that they intend to finalize this report. The Navy has also recommended that the outstanding issues be addressed during the Preliminary Remediation Goals process or during the Feasibility Study. This approach has successfully been employed at other sites. Based upon the assurances that the Navy intends to work with the Office to resolve these issues, this Office, at this time, will not enter into dispute resolution for the Ecological Risk Assessment. Considering that the Report is not acceptable to the State, and the findings and conclusions in the Report may be changed, the Office recommends not issuing a final version of the document. This has been done in the past, and it has allowed the Navy to use these funds to address remaining problems.

As stated above, the Office has questioned certain aspects of the Assessment, as well as, the reference stations used in this Study. In correspondence, dated 7 April 1999, the Office expressed its concerns with the Ecological Risk Assessment and reference stations. The Office also made recommendations on how to improve the document and address the State's concerns. In a series of discussions and correspondence dated 8 September 1999, the Office again expressed its concerns and offered solutions to address the problems. In regards to the reference stations, the Office recommended either utilizing data from existing reference stations from the McAllister Point Landfill Study and the Derecktor Shipyard Study, utilizing data from existing unimpacted sampling stations from these studies, as well as, the Old Firefighter Training Area study, or collecting

additional background samples. The Office noted that the first two proposals would allow for the finalization of the assessment without increasing the cost or delaying the schedule. In correspondence, dated 28 October 1999, the Office reiterates its concerns and offered solutions to certain problems. In regards to the reference sampling stations the Navy proposed collecting data from additional background sampling stations, rather than an evaluation of existing data. The Office reviewed the Navy's proposal and noted that certain stations would be problematic and may not yield useful information. In an effort solve the reference station dilemma the Office proposed an alternative strategy. It was the Office's hope that this alternate proposal would resolve the issue without expending limited funds or delaying the project.

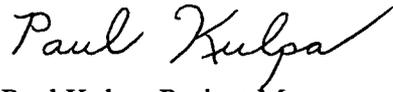
In meetings and correspondence dated 18 February 2000, the Office presented it's proposal. The Office evaluated the physical, chemical, and to a limited degree the biological data from the site and information from other sources, such as benchmarks, background sampling data, other site sampling data, etc., (the technical aspects of the evaluation was outlined in the 18 February letter). This extensive evaluation was used to draw conclusions concerning not only the background sampling stations but also what areas would require remediation. The Office recommended using existing background sampling data from the Jamestown site. This station had been successfully used at Derektor Shipyard despite differences in location, physical characteristics, substrate, etc. In addition, the Office noted which areas of the site would ultimately require remediation and which areas would not. Finally, the Office recommended that the Navy act upon this evaluation and forgo several steps in the CERCLA process and implement the remedial action concurrently with actions taken at McAllister Point Landfill.

The Navy rejected the Office proposed use of existing background sampling station and recommended accelerated action citing differences of opinion with respect to background station suitability, a need to fully revise the report which would result in a delay of six months, failure to follow the processes outlined in the Federal Facilities Agreement and EPA statements that a proper risk assessment needed to be completed in order to go forward with the CERCLA process. The Office disagrees with the position that a full revision would be needed as the Office's comments address specific sections and the reference data primarily affects the biological comparisons. It is also the State's position that the recommended alternative is technically sound as it mirrors the process that was carried out at other sites with respect to background and benchmark analysis. Further, the recommended action would be consistent with both the Federal Facilities Agreement and CERCLA. Finally, similar actions have been implemented at the other Federal Facilities Site, that is, the Naval Construction Battalion Center.

In summary, the Office does not accept the Ecological Risk Assessment for the Old Fire Fighter Training Area. The Navy has indicated that they will finalize the document and that the outstanding concerns will be addressed during subsequent processes. The Navy will also not follow the Office's proposals to implement a remedy at the site concurrent with activities at the McAllister Point Landfill. The Office regrets the Navy's stance on these issues as it was the States intent to expedite resolution and remediation of the site. The Office will continue to work with the Navy on the site.

If the Navy has any questions concerning this matter please contact this Office at 410-222-2797 ext. 7111.

Sincerely,

A handwritten signature in cursive script that reads "Paul Kulpa". The signature is written in black ink and is positioned above the typed name.

Paul Kulpa, Project Manager
Office of Waste Management

cc: Warren S. Angell, DEM OWM
Robert Richardson, DEM OWR
Kymberlee Keckler, EPA Region I
Melissa Griffen, NETC