



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
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BOSTON, MASSACHUSETTS 02114-2023

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NAVSTA NEWPORT RI  
5090 3a

October 8, 2002

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

Re: Draft Proposed Plan for the Old Fire Fighting Training Area

Dear Mr. Shafer:

Thank you for the opportunity to review the draft Proposed Plan for the Old Fire Fighting Training Area. As you know, EPA does not concur with the Navy's proposed remedy for the sediment component of the site. Furthermore, EPA has identified additional unresolved problems with other components of the remedy that need to be addressed before the Agency can concur on any proposed remedy. Many of our concerns have been documented in previous letters, have not been adequately addressed by the Navy, and are therefore hereby incorporated by reference. Detailed comments are provided in Attachments A and B.

EPA expects that the issues raised herein will be adequately addressed by the Navy before the draft final Proposed Plan is submitted. Otherwise, please be advised that it is EPA's intention to formally invoke dispute resolution pursuant to Section XIII of the Federal Facilities Agreement. EPA would therefore like to arrange a meeting to discuss these matters with our respective management. Please contact me at (617) 918-1385 to arrange this meeting. I look forward to working with you and the Rhode Island Department of Environmental Management toward the cleanup of the Old Fire Fighting Training Area and its environs.

Sincerely,



Kimberlee Keckler, Remedial Project Manager  
Federal Facilities Superfund Section

Attachments

cc: Paul Kulpa, RIDEM, Providence, RI  
Melissa Griffin, NETC, Newport, RI  
Dennis Gagne, USEPA, Boston, MA

David Peterson, USEPA, Boston, MA  
Bart Hoskins, USEPA, Boston, MA  
Chau Vu, USEPA, Boston, MA  
Jennifer Stump, Gannet Fleming, Harrisburg, PA  
Ken Finkelstein, NOAA, Boston, MA  
Steven Parker, Tetra Tech-NUS, Wilmington, MA

## ATTACHMENT A

<u>Page</u>	<u>Comment</u>
p. 1, left box	<p>EPA disagrees that the Navy has proposed "...a plan to reduce risk from soil, groundwater and sediment...."</p> <p>The groundwater component of the remedy should include Environmental Land Use restrictions (ELURs).</p> <p>The proposed remedy for the Offshore area is not protective of human health and the environment and is therefore not supported by EPA. Many outstanding issues remain unresolved. These issues include: 1) the enforceability and effectiveness of the no swimming zone; 2) the enforceability and effectiveness of the fishing ban; 3) data to demonstrate a clear and meaningful trend of decreasing contaminant mass, concentration, or toxicity in sediments over time; 4) the time required for sediments to reach PRGs via natural processes; 5) historical information concerning the frequency and severity of disruptive events and human-caused disturbances; 6) data that directly demonstrate the occurrence of a particular attenuating process at the site and its ability to degrade the contaminants of concern; 7) sediment bed stability; and 8) consistency with EPA regulations and guidance.</p>
p. 1, right column	<p>The reference to page 6 is not correct.</p>
p. 2, #1, ¶2	<p>The FS stated that 48,500 cubic yards of soil and debris will be excavated and disposed. Change 58,000 cubic yards in the proposed plan to be consistent with the FS.</p>
p. 2	<p>Under Off-Shore Areas, please add "and some metals" after "Marine sediment in Coasters Harbor was found to contain PAH compounds."</p>
p. 2, #2	<p>The proposed remedy for the groundwater should include ELURs. Without ELURs, the remedy is not protective of human health and is not consistent with the Feasibility Study. ELURs must be instituted to prevent ingestion of groundwater that exceeds MCLs, restrict excavation which exposes groundwater, and also use of the groundwater for irrigation or any other purpose.</p> <p>Determining when contaminant concentrations may be below target levels should be determined in the FS (as it is - up to 676 years) and is not a component of the remedy.</p>

Under the last bullet change "conditions every 5 years" to "conditions at least every 5 years."

- p. 2 Under Off-Shore Areas, monitoring sediment "...to evaluate changing conditions..." is not protective of the marine environment. EPA therefore objects to the Navy's proposed sediment alternative as currently presented. EPA believes that sufficient information is available for a final remedy at this site that addresses the sediment contamination risks to human health and the environment. Therefore, the Agency does not believe that an "interim action" is sufficiently protective under CERCLA requirements.

In the first bullet, a "rail-style fence" is insufficient to prevent human access to beach, particularly if the upland portion of the site is redeveloped for recreational purposes. It is important to note that in the Navy's earlier evaluations, a chain link fence was determined to be insufficient to keep the public off of the upland portion of the site, so reducing the level of fencing should not be considered an option for keeping people off of the beach.

In the last sentence, it is unclear what EPA policies that the proposed interim action complies with. Please specify. EPA assumes that the Navy is familiar with the federal laws that the proposed remedy does not comply with given their long-term experience with investigation and cleanup as a responsible party at numerous Superfund sites.

- p. 2 The second paragraph of the Offshore Areas Section states that sediment sampling data over five years have shown that sediment conditions are dynamic and that contaminants may be swept in and out with fine grain sediments. Please explain exactly what data have been presented to date to support this statement and provide a copy of such data to EPA. It seems more likely that the PAH contamination is stable, considering that it is still located nearshore.

This section also states that removing soil would reduce contamination in sediment. As noted in our comments on the September 2002 FS, the Navy has made contradictory statements regarding the likelihood that soil on-site is an ongoing source of contamination to near-shore sediment. There has been no convincing case made to support the hypothesis that removing contaminated soil on-site would result in lower PAH concentrations in nearshore sediment.

- p. 5 In the first set of bullets in the first column, please add a bullet identifying the risk from groundwater from drinking or contact.

In the sentence after the first set of bullets identify the metals of concern, rather than saying "a few metals."

At the bottom of the left column, please add a bullet to identify the human health risks from ingestion of contaminated seafood.

p. 6 In the first column, please note the EPA does not concur that the Navy has chosen a plan that meets the NCP criteria.

p. 7 The cleanup objectives and levels are not consistent with the FS. Please revise.

Earlier studies identified health risks in scenarios in addition to the residential scenario. These scenarios where unacceptable risks were determined include: 1) Child care; 2) Commercial/Industrial; 3) Future Commercial/Industrial; and 4) Future Day Care. Please add these scenarios to ensure consistency within the administrative record.

In the second bullet under Soil and Groundwater, please remove the asterisk. Since the State of Rhode Island does not have an approved Comprehensive State Groundwater Protection Program, institutional controls will be required as part of the Superfund remedy to ensure appropriate restrictions on groundwater use. Since groundwater restrictions will need to be implemented, the text of the third bullet needs to be changed to reflect the need for long-term institutional controls on groundwater use and excavation that would expose groundwater.

Under Marine Sediment in the second paragraph, please provide a reference for stating that "...no such regular consumption currently exists..." or delete this statement. As you know, there are differing technical opinions on this point.

p. 7 The stated Marine Sediment Clean-up Objectives include reducing exposure of aquatic organisms to sediment containing contaminants exceeding the clean-up levels, yet the proposed remedy does not reduce such exposures. There is no evidence to support achievement of this objective either in the near-term or the long-term.

p. 7 Under Marine Sediment cleanup objectives, change "Reduce exposure..." to "Prevent exposure...."

Based on the baseline risk assessment, please add two bullets for two more cleanup objectives that EPA has identified:

- Prevent human ingestion of shellfish affected by the sediment contaminant concentrations exceeding the PRGs.
- Minimize migration of contaminated sediments exceeding PRGs to off-shore areas and previously unaffected areas of the Narragansett Bay.

p. 8, left column      Third bullet of Alternative 2: change to "...with a low temperature thermal stripping system..."

p. 8, right column      Alternative 3: please add two bullets for "Discharge of treated water to the POTW" and "Groundwater monitoring" to be consistent with the FS.

p. 8      In the right column in the first bullet of Alternative 2 at the end "or for any other purpose. Direct contact with groundwater will also be restricted."

In the bottom of the right column, please remove the last paragraph in bold. Since the State of Rhode Island does not have an approved Comprehensive State Groundwater Protection Program, institutional controls will be required as part of the Superfund remedy to ensure appropriate restrictions on groundwater use.

p. 9      Alternative 3, first bullet: please add "Excavate intertidal sediments (5,716 cubic yards) that pose....."

Alternatives 4 and 5, first bullet, please add "Dredge intertidal (5,716 cubic yards) and subtidal sediment...."

"Alt 4 - Avoid dredging in eelgrass beds (214 cubic yards, resulting in total of 5,930 cubic yards of contaminated sediment)"

"Alt 5 - Remove all contaminants, including those in eelgrass (290 cubic yards, resulting in total of 6,006 cubic yards of contaminated sediment)."

Change last bullet to be consistent with the FS as follows:

"Monitor site restoration (Alt 4) plus assist restoration of benthic community and natural restoration of eelgrass beds (Alt 5)."

Add one bullet for "Conduct 5-year reviews."

p. 9      EPA disagrees with several of the Navy's "important notes" at the bottom of the page. Silt curtains were used effectively during the dredging offshore of the McAllister Point Landfill to protect the adjacent eelgrass bed from sediment resuspension impacts. There is no reason why the same mitigation measures could not be used at the OFFTA site as well. Removal of contaminated sediment and restoration is necessary for the health of the ecosystem adjacent to the site.

As stated by EPA in numerous comment letters, the Navy must provide information to justify 1) a clear and meaningful trend of decreasing contaminant mass, concentration, or toxicity in sediments over time; 2) the time required for

sediments to reach PRGs via natural processes; 3) historical information concerning the frequency and severity of disruptive events and human-caused disturbances; 4) the occurrence of a particular attenuating process at the site and its ability to degrade the contaminants of concern; and 5) sediment bed stability. Otherwise, this paragraph is utterly baseless and should be deleted.

The Navy's own studies document that the sediment contamination is from site-related activities. Delete this paragraph.

As has been communicated with the Navy on numerous occasions, EPA's position is that Alternative 4 is the most compliant with NCP standards and should be selected by the Navy.

The Navy is required to make findings and solicit public comment under federal wetlands and floodplain executive orders that its chosen alternative is the best practicable alternative for the protection of wetland and floodplain (including intertidal) resources. EPA's position is that removal of sediment under Alternative 4 is the most protective and practicable alternative.

p. 11, top box The proposed remedy does not best meet CERCLA criteria and EPA strongly objects to this statement. Most notably, the sediment remedy is 1) not protective of human health and the environment, 2) does not meet ARARs, and 3) is not effective over the long-term. It is neither appropriate nor compliant with federal and state law to leave existing unacceptable risks to human health and the environment in place.

p. 11, bottom box EPA disagrees with the proposed sediment remedy. The Navy's proposed remedy will impact the local community and environment in several additional ways that were not listed. These include: 1) restriction on use of groundwater resources for drinking water and irrigation because of contaminant levels; 2) prohibitions on swimming and fishing in the offshore area; 3) leaving contamination on site and not acting in the best interest of the public trust; and 4) aesthetic impacts from the physical barriers.

Tables Comparison of Groundwater Alternatives: Alternative 3 will meet federal and state standards and may be effective over the long-term. Therefore, change these criteria to "YES."

Please replace the Comparison of Sediment Tables with the one provided in Attachment B. EPA strongly disagrees with the Navy's assessment of how each alternative complies with the NCP criteria. Moreover, there is no basis for stating that Alternative 2 will achieve cleanup goals in 1 to 5 years.

## ATTACHMENT B

### Comparison of Sediment Alternatives

	No Action	Limited Action	Limited Removal & Disposal (Beach Area)	Removal & Disposal - Option A	Removal & Disposal - Option B
<b>Overall Protection of Human Health &amp; the Environment</b>	Not protective	Not protective of the environment, limited protection of human health depending on effectiveness of fencing and fishing bans	Not protective of the environment	Protective	Protective
<b>Compliance with ARARs</b>	Will not meet ARARs	Will not meet ARARs	Meets ARARs	Meets ARARs, the least damaging, most practicable alternative under federal wetlands and floodplain protection standards	Meets ARARs
<b>Long-term Effectiveness and Permanence</b>	Not effective over the long-term	Not effective over the long-term	May be effective over the long-term	Effective over the long-term	Effective over the long-term
<b>Reduction of Toxicity, Mobility, or Volume through Treatment</b>	No treatment	No treatment	No treatment	No treatment	No treatment

<b>Short-term Effectiveness</b>	Not effective over the short-term	Length of time for natural recovery is not known; 1 month to install fence	Turbidity caused by dredging may be controlled with silt curtains; 3 to 4 months	Turbidity caused by dredging may be controlled with silt curtains; 6 to 8 months	Dredging of eelgrass bed may cause more harm than good; 6 to 8 months
<b>Implementability</b>	Easy to implement	Easy to implement	Possible to implement	Possible to implement	Most difficult to implement, but possible
<b>Cost</b>	\$70,000	\$653,000	\$3.1M	\$3.9M	\$4.1M