



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

December 12, 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: Responses to EPA comments on the draft Proposed Plan for the Old Fire Fighting Training Area

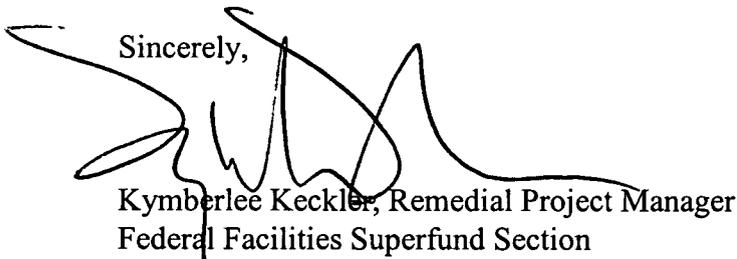
Dear Mr. Shafer:

Thank you for the opportunity to review the responses to EPA's October 8, 2002 letter on the draft Proposed Plan for the Old Fire Fighting Training Area. EPA is concerned that the major issues raised in our previous letters remain and that the Navy has not provided *any* information toward their resolution. Detailed comments are provided in Attachment A.

Based on the Navy's responses, EPA still does not concur that the Navy's proposed draft Proposed Plan is protective of human health and the environment and, therefore, is not compliant with CERCLA and the NCP. As has been previously represented to the Navy both in its October 8, 2002 letter and at a subsequent meeting, EPA intends to formally invoke dispute resolution pursuant to Section XIII of the Federal Facilities Agreement if the Navy proceeds with the draft final Proposed Plan, as written.

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. Please do not hesitate to contact me at (617) 918-1385 should you have any questions or wish to arrange a meeting.

Sincerely,



Kymberlee Keckler, Remedial Project Manager  
Federal Facilities Superfund Section

Attachment

cc: Paul Kulpa, RIDEM, Providence, RI

Melissa Griffin, NETC, Newport, RI  
David Peterson, USEPA, Boston, MA  
Bart Hoskins, USEPA, Boston, MA  
Chau Vu, USEPA, Boston, MA

## ATTACHMENT A

- | <u>Page</u>         | <u>Comment</u>   |
|---------------------|--|
| 1. (p. 1, left box) | <p>EPA expects answers to the eight major unresolved areas identified in its October 8, 2002 letter. Please document how the Navy will ensure that the proposed no swimming and no fishing zones will remain protective. Specifically state what actions will be undertaken by the Navy. Later, in the response to comment numbers 6 and 12, the Navy reveals "...that the fence will not completely eliminate the risk of exposure...."</p> <p>Where intermediate or high risks in the sediments exist and where sediment concentrations are above cleanup goals, EPA believes that a more active remedial action is required by CERCLA and the NCP. EPA disagrees that there is "too much uncertainty" and the numerous exceedences of PRGs in every sampling event demonstrate that site risks exist and will remain. The Navy is overstating the amount of uncertainty in the data. More data exist for the OFFTA site than any other area on the base. Moreover, poor sampling design in subsequent studies and data uncertainty are not analogous.</p> |
| 6. (p. 2)           | <p>See #1 above.</p> <p>There was no response to the question in the third paragraph asking what EPA policies support "the proposed interim action." Alternatively, remove the last sentence.</p>  |
| 7. (p. 2)           | <p>EPA agrees that the storm drain system is a source of contaminants to the sediment adjacent to the OFFTA - both in draining the parking lot and as a preferential flow pathway via the bedding material for site CERCLA contaminants. EPA strongly disagrees that this is the only source of contaminants. Site contaminants are prevalent along the entire shoreline, not simply the areas around the outfalls, and such risks (and PRG exceedances) must be addressed by the site remedy.</p> <p>Please specify how long "...a period of monitoring..." is, how monitoring was evaluated as a remedial action under the NCP's nine criteria, and how monitoring would be protective of human health and the environment in both the short- and long-term. Without such information, the Proposed Plan and Feasibility Study are incomplete.</p>   |
| 8. (p. 5)           | <p>Other metals, including cadmium, chromium, and mercury also contributed to site risks and need to be discussed.</p>   |

In reprinting EPA's comment the Navy omitted the third paragraph: "At the bottom of the left column, please add a bullet to identify the human health risks from ingestion of contaminated seafood." Will the Navy be adding this bullet to the revised text?

9. (p. 6) Under CERCLA, EPA must determine that the remedy is ARAR compliant and protective of human health and the environment before approving the remedial action and under Section 17 of the FFA, EPA has final authority to select the remedial action. Please be aware that the Navy's responses to EPA's comments has not changed the Agency's position that, EPA does not agree with the Navy's proposed remedy and believes it to be neither ARAR compliant nor protective of human health and the environment. Under the FFA, the process for objecting to the draft final Proposed Plan is to invoke dispute resolution. Therefore, no Proposed Plan can be released until EPA's issues are resolved.
11. (p. 7) The Navy's response does not adequately address EPA's comment. The Navy's Response #7 does not address compliance with Marine Sediment Clean-up Objectives, particularly the ongoing exposure of aquatic organisms to sediment exceeding cleanup standards. EPA again requests that the draft Proposed Plan presents a remedial action that achieves this objective both in the near-term and long-term.
12. (p. 7) The term "Prevent exposure" means to prevent exposure to contaminants above acceptable risk level, not to prevent any exposure, as the Navy's response implies. Merely reducing levels, but not meeting PRGs, is not protective under CERCLA. The two bullets provided in EPA's comment need to be included in the text.
- Nowhere in the Administrative record for this site is a reduction of risk explained or quantified. EPA does not agree with the Navy's proposed remedy and believes it to be neither ARAR compliant nor protective of human health and the environment.
17. (p. 9) See numbers 1, 6, and 7 above.
18. (p. 11, top box) See numbers 1, 6, and 7 above.
19. (p. 11, bottom box) Explain how items 1 and 2 are currently enforced. Regardless of any current enforcement that is in place, the restrictions need to be incorporated into the remedy to make them enforceable under CERCLA. Regarding item 4, please explain how the Navy intends to balance proper notification and creating an attractive sign that may lure people toward the

site. Regarding item 3, please clarify whether the Navy is considering a contingency remedy and if the "...period of monitoring..." is subject to regulatory approval.

20. (Tables)

With respect to the Navy's lack of "understanding of the source of contamination in the marine sediment," please be advised that EPA maintains that the contamination is site related and therefore must be addressed in compliance with CERCLA and the NCP. The Navy's documents support this statement. EPA's intends to formally invoke dispute resolution pursuant to Section XIII of the Federal Facilities Agreement if the proposed sediment remedy does not change in the draft final Proposed Plan.

21. (Appendix B)

EPA expects the Navy to use Appendix B, supplied by EPA in its October 8, 2002 letter, as the Table of "Comparison of Sediment Alternatives."