



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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NAVSTA NEWPORT RI
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December 19, 2002

Al Haring, Installation Restoration Program 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: The Old Fire Fighting Training Area at the Naval Education and Training Center
Superfund Site in Newport, RI

Dear Mr. Haring:

In a letter dated December 12, 2002 from Mr. James Shafer to Ms. Kymberlee Keckler, the Navy has informed EPA of its intent to proceed with a removal action for the soils at the Old Fire Fighting Training Area Superfund Site. While EPA is pleased that our respective agencies have reached an interim solution for the soil component of the site, I am concerned about our continued dispute over site sediments and delays in the overall site cleanup. EPA must reiterate that it is critically essential to establish a cleanup plan that is protective of both human health and the environment in a timely manner. The Navy's December 12, 2002 letter provides no assurances in this regard.

The letter mentions that data for the sediments will be collected at the site. EPA expects to review and approve any sediment monitoring or sampling plans. In particular, the sampling locations, frequency, and duration of such monitoring should be agreed upon. As you know, EPA has already expressed its concerns about the additional sampling that has been conducted to date and maintains that such studies are not appropriate to base any regulatory decisions upon. It appears that the Navy has a dual objective for additional sediment sampling - determining whether the contamination is site-related and determining whether the contamination is naturally attenuating. While EPA maintains that the current data is sufficient to show that contamination is site-related and that there is no evidence that it is diminishing at a rate sufficient to meet site PRGs through natural attenuation, we recommend that the additional monitoring data collected be used to determine whether a clear and meaningful trend of decreasing contaminant mass, concentration, or toxicity exists in sediments over time. Additionally, if any naturally attenuating processes exist and data that directly demonstrate the occurrence of a particular attenuating process at the site and its ability to degrade the contaminants of concern are clearly collected, the Navy should determine the time required for sediments to reach PRGs via natural processes. Historical information concerning the frequency and severity of disruptive events and human-caused disturbances should also be collected to properly evaluate sediment bed stability.

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It appears as the Navy's current plan will result in excessive administrative costs. In January 1998 a *Source Removal Evaluation Report* was prepared to expressly determine whether proceeding with a removal action was feasible at the Old Fire Fighting Training Area. Plans to conduct a removal action were rejected because a discrete source was not identified. If the Navy proceeds with a removal action at the site, it must develop an Action Memorandum *before* any construction commences and complete the appropriate community relations public requirements at 40 C.F.R. §300.415(m). As you know, this site has generated substantial public interest and therefore adequate public notice is strongly encouraged. In addition to developing an Action Memorandum, revisions to the Feasibility Study, revisions to the Proposed Plan, and a ROD will need to be prepared. EPA is concerned that frequent changes in site cleanup plans result in significant expenditure of available resources on administrative costs that could have been better spent on remedial action. This is particularly important because the lack of available resources is often used to rationalize inaction. EPA would therefore like information on the cumulative administrative costs for this site.

While not expressly stated in the Navy's December 12, 2002 letter, EPA expects that the Navy will be submitting a request for an extension of FFA deadlines for the site. EPA recommends that you reissue the draft Proposed Plan to allow for regulatory review and comment and to avert potential dispute resolution. Moreover, EPA expects the Navy to inform EPA of how it intends to prevent unacceptable risk from exposures to sediment, soil, or groundwater before a final remedy is implemented at the site.

In closing, EPA reserves its dispute resolution rights under the FFA, in particular regarding the current version of the draft Proposed Plan, and is investigating other options for resolving our respective disagreement about the sediment component of the site. I look forward to working with you and the Rhode Island Department of Environmental Management toward the cleanup of the Naval Education and Training Center. Please do not hesitate to contact me at (617) 918-1351 or Kymberlee Keckler of my staff at (617) 918-1385 should you have any questions.

Sincerely,



Donald F. Berger, Chief
Remediation and Restoration II Branch

cc: Paul Kulpa, RIDEM, Providence, RI
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