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July 8, 2003

Project Number N4152

Mr. Franco LaGreca  
Head, New England Restoration Management Branch,  
EFA Northeast, Naval Facilities Engineering Command  
10 Industrial Highway, Mail Stop 82  
Lester, Pennsylvania 19113

Reference: CLEAN Contract No. N62467-94-D-0888  
Contract Task Order No. 0833

Subject: Response to Comments, Draft Fact Sheet, Soil Removal Actions  
Old Fire Fighting Training Area  
Naval Station Newport, Newport Rhode Island

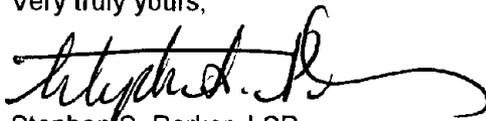
**received**  
07-09-03

Dear Mr LaGreca:

Enclosed you will find two copies of the responses to comments to the Draft Fact Sheet for Soil Removal Actions at the site referenced above. Comments were provided from the Rhode Island Department of Environmental Management (RIDEM) on June 19, 2003 and from the U.S. Environmental Protection Agency (EPA) on June 10, 2003.

If you have any questions regarding this material, please do not hesitate to contact me.

Very truly yours,

  
Stephen S Parker, LSP  
Project Manager

SSP/rp

Attachment

- c: C. Mueller, NSN (w/encl. - 2)
- K. Keckler, USEPA (w/encl. - 2)
- P. Kulpa, RIDEM (w/encl. - 2)
- S. McFadden, TAG (w/encl. - 1)
- J. Stump, Gannet Flemming (w/encl. - 2)
- J. Trepanowski/G. Glenn, TtNUS (w/encl. - 1)
- File N4152-3.2 (w/o encl.), N4152-8.0 (w/encl. - 1)

**ATTACHMENT A  
RESPONSES TO COMMENTS FROM THE USEPA  
ON THE DRAFT FACT SHEET  
SOIL REMOVAL ACTIONS, OFFTA  
COMMENTS DATED JUNE 10, 2003**

*General Comment:*

*EPA strongly recommends that the Fact Sheet for the Soil Cleanup at the Old Fire Fighting Training Area solely discuss the soil component. As you know, many disagreements remain about how to best address the sediments at the site. EPA continues to believe that the Navy's proposed remedy for the sediments offshore of the Old Fire Fighting Training Area is not protective of human health and the environment. It is premature to discuss the issue in the context of the soil removal action. 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 cleanup goals 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. As you are well aware, EPA continues to disagree that the soil excavation will address contamination in the sediments and groundwater.*

Response: The Navy concurs with the approach suggested for the fact sheet, and revisions will be made to restrict discussion to only the soil removal action. References to this action's affects on groundwater and soil will be removed. Discussions of soil and groundwater alternatives will be removed.

Page

Comment

*p. 1, left box*

*Under "The Cleanup Proposal..." discuss only the proposed soil removal action. Remove the last two bullets.*

Response: The Navy concurs, and this revision will be made.

*p. 3, left column*

*Add a last bullet: "Restrict access to the contaminated shoreline and sediments." Assuming that access will be allowed onto the newly cleaned up soil area, add a bullet describing the re-positioning of the existing fence.*

Response: The Navy concurs, and this revision will be made.

*p. 3, left box*

*Please explain why the noise is limited to the spring and summer months. Please also explain the basis for the two-year period as this is in direct conflict with the Navy's Feasibility Study for this remedy that estimates a four to 6 month period.*

Response: The two year period included the design and mobilization time. Navy concurs that this is confusing and the passage will be revised to reflect actual construction time.

*p. 3, right column*

*Please delete this column (number 2). It is not relevant to the soil excavation plans.*

Response: The Navy concurs, and this revision will be made.

*p. 4, left column            In this section, only discuss the risk from soil -the risks attributable to sediment and groundwater are not relevant to the soil action presented in this Fact Sheet.*

Response:    The Navy concurs, and this revision will be made.

*p. 4, left box                Please delete the last two bullets in this box. They are not relevant to the soil excavation plans.*

Response:    The Navy concurs, and this revision will be made.

*p. 4, right box              Delete the last sentence under the "2002" heading, since EPA and the State have not concurred on the findings of the forensic studies cited and have documented this in writing.*

Response:    The Navy concurs, and this revision will be made.

*p. 5, left box                Replace the second sentence of the third bullet with: "This includes fencing the shoreline to prevent access to the contaminated sediments in the nearshore and off-shore area and land use restrictions under Superfund that limit exposure to contaminated groundwater."*

Response:    After consideration, this discussion of groundwater has been removed in accordance with the response to the general comment above.

*In the third paragraph change "...are deemed adequate to provide additional protection..." to "...are the current measures in effect..."*

Response:    The Navy concurs, and this revision will be made.

*In the fourth paragraph, note that the Rhode Island Department of Environmental Management does not have an approved Comprehensive State Groundwater Implementation Plan. As a result, the federal standards must be met at the site.*

Response:    After consideration, this discussion of groundwater has been removed in accordance with the response to the general comment above.

*p. 6, right box              Please delete this column (Groundwater alternatives). It is not relevant to the soil excavation plans.*

Response:    The Navy concurs, and this revision will be made.

*p. 7, left column            Please delete this column (Sediment alternatives). It is not relevant to the soil excavation plans.*

Response:    The Navy concurs, and this revision will be made.

*p. 7, upper right box      What is the basis for the three criteria "required by CERCLA?" The response authority for removals is under Section 104(a)(2) of CERCLA, 42 U.S.C. §9404(a)(2). Under the NCP, removal actions fall are governed by 40 C.F.R. §300.415. Neither of these cite the Navy's three criteria.*

Response:    The criteria were limited as would be for a non-time-critical removal action. The Final Guidance for Conducting Non-Time-Critical Removal Actions under CERCLA (publication

9360.0-32 August 6, 1993 indicates that the three criteria are appropriate for removal actions such as this one.

*p. 7, lower right box*      *Replace the "Is this the Final Action" paragraph with the following:*

*"The proposed effort is an interim removal action that will contribute to the efficient performance of the long-term remedial action at the site as required by Section 104(a)(2) of CERCLA. Risks from contaminated groundwater and sediments still need to be addressed. A final remedy for the entire site will be proposed to the public, as required by Superfund, before being selected."*

Response:      The Navy concurs, and this revision will be made.

*Table 1*                      *See comment for page 7, upper right box regarding the criteria that need to be addressed in evaluating removal alternatives and the comment for page 3, left box regarding the time required to complete the cleanup action.*

Response:      Please refer to the response to the comment for page 7, above.

*Table 2*                      *Please delete this Table. It is not relevant to the soil excavation plans.*

Response:      The Navy concurs, and this revision will be made.

*Table 3*                      *Please delete this Table. It is not relevant to the soil excavation plans.*

Response:      The Navy concurs, and this revision will be made.

**ATTACHMENT B  
RESPONSES TO COMMENTS FROM RIDEM  
ON THE DRAFT FACT SHEET  
SOIL REMOVAL ACTIONS, OFFTA  
COMMENTS DATED JUNE 19, 2003**

**1 General Comment**

*The removal action is limited to onsite soils. A remedial action is not proposed for the offshore sediments. Further, there are disagreements amongst the agencies concerning the studies performed on the sediments and the need for remedial action. Therefore, it is recommended that the fact sheet be limited to the soil cleanup i.e. remove statements or sections pertaining to the sediments. Please note, it is the Office of Waste Management position that the Navy should implement a whole site remedy at the site, which in the long run will save time and funds.*

Response: The Navy concurs that the fact sheet can be limited to discussion of the soil removal only. Revisions will be made to restrict discussion to only the soil removal action. References to this action's affects on groundwater and sediment will be removed. Discussions of sediment and groundwater alternatives will be removed.

**2 Page 3, Section 1, Excavate contaminated soils and debris  
Paragraph 1.**

*"Some metals are also present in the soil which exceeds state criteria for residential property."*

*The site exceeds the State's residential and recreational scenarios for both metals and organics. Please modify the above as follows:*

*Some metals and organic contaminants are also present in the soil that exceeds the Rhode Island Department of Environmental Management criteria for residential and recreational use.*

Response: Reference to RIDEM position on recreational use property has been included in Page 2, column 2 "Why is Cleanup Needed?"

**3 Page 3, Section 1, Excavate contaminated soils and debris  
Bottom Box**

*The Fact Sheet contains a typographical error in that it notes that the soils will be removed from the site during spring and summer months over a two-year period. This exceeds the estimated time of six months listed in the FS. Further, the Melville North Landfill removal action, which entailed twice as much soil, was essentially completed in one construction season. Therefore, please modify the document in this section and the tables section to state that the actions are expected to be completed during one construction season.*

Response: The two year period includes the design and mobilization/demobilization time. The Navy

concur that this is confusing and the passage will be revised to reflect the expected construction period of six months.

**4 Page 3, Monitor Groundwater to assures contaminant concentrations decrease Paragraph 3.**

*"However, forensic testing.... discharging to the area."*

*The above states that forensic testing indicates that the storm drains are responsible for the observed contamination. Two previous studies, including a forensic study, indicated that the storm drains were not responsible for the observed contamination. In addition, the Office of Waste Management has raised a number of questions concerning the validity of the most recent forensic study. Therefore, please remove this sentence from this section of the Fact Sheet and the similar sentence in the Sediment Alternative Section i.e. "Evidence shows that contaminants in the sediment are more similar to those in storm drains and urban runoff." and the Site History Section i.e. "Forensic studies found that PAH contaminant types in sediments were more similar to those contaminants in the storm drains than those in the site soil."*

Response: The cited passages have been removed, in accordance with the response to the general comment (#1) above.

**5 Page 4, Site History,**

*Please add the following information to this section of the Fact Sheet. Previously the Navy agreed to add this information to the site history section of the Proposed Plan.*

*1983: Navy completes Initial Assessment Study of the Newport Navy Base. Study recommends no further action at the site and concludes that any oil at the site is no longer present and the site does not pose a risk to human health and the environment.*

*1989: Oil contaminated soils are uncovered in an excavation associated with construction related activities at the site.*

*1991: Study Phase I Remedial Investigation is completed. Study documents that contamination is present and recommends additional investigations to further delineate the extent of contamination.*

*1994: Study Phase II Remedial Investigation is completed. Study further delineates extent of contamination.*

Response: The requested information has been added as appropriate.

**6 Page 5, Why is the Cleanup Needed  
Bullet 1.**

*"Although there was measurable risk of health effects under certain conditions, the studies concluded that the most significant potential for risk was from exposure to soils from residential use of the site."*

*The site exceeds the State's recreational standards. Please modify the above as follows:  
Although there was measurable risk of health effects under certain conditions, the studies concluded that the most significant potential for risk was from exposure to soils from residential use of the site. Site soils also exceed the State of Rhode Island criteria or recreational use."*

Response: The cited passage has been modified to reflect the States position on risk and recreational property.

**7 Page 5, What are the Cleanup Objectives and Levels.**

*"The water is also unsuitable for general water supply because is brackish and saline, due to the proximity to the ocean."*

*The water over the majority of the site is neither brackish or saline. The primary locations, which exhibited elevated levels are, those locations immediately near the shore where the Navy filled in the bay. Therefore, this statement should be removed from this section and the Groundwater Alternatives section i.e. "due to salinity of the water".*

Response: The cited passage has been removed in accordance with the response to the general comment (#1) above.

**8 Page 5, What are the Cleanup Objectives and Levels.**

*"The classification states that the groundwater is unsuitable for consumption without treatment."*

*Please add the following to the above*

*The classification states that the groundwater is unsuitable for consumption without treatment. However the classification does not prohibit the installation of groundwater drinking water wells.*

Response: The cited passage has been removed in accordance with the response to the general comment (#1) above.

**9 Page 7, The Criteria For Choosing a Cleanup.  
Top Box.**

*"The Navy uses three criteria to balance the pros and cons of removal action alternatives. Evaluation of these criteria is required by CERCLA, the law that established the Superfund program. The Navy evaluated how well each of the cleanup alternatives developed for the Old Firefighter Training Area meets these criteria in the Draft Final Feasibility Study Report (September 2002)."*

*The fact sheet is a public document, and as written the above may confuse the public. In the reference draft final feasibility study CERCLA requires that the remedial alternatives be compared against nine criteria not just the three considered by the Navy. Further, the above may be misconstrued that at Navy sites CERCLA only*

*evaluates three criteria. In order to avoid this confusion it is recommended the references to CERCLA be removed and that the above be modified as follows:*

*The Navy uses three criteria to balance the pros and cons of removal action alternatives.*

Response: The suggested revision has been made, with reference to the EPA guidance that suggests such a comparison. Refer also to the response to EPA comments on this passage.

**10 Comparison of Soil Alternatives,  
Comparison of Sediment Alternatives.**

*As stated in comments on the Feasibility Study the Navy cost estimates for the soil removal at Old Fire Fighter Training Area are excessive compared to similar actions conducted at other sites including the removal action conducted at Melville North Landfill. The cost estimates for the removal of contaminated sediments are also excessive. Further the estimates are essentially the same as those for the McAllister Point Landfill site. At the McAllister Point Landfill site the Navy is currently drafting an Explanation of Significant Difference to document that the cost estimates were excessive. The Office of Waste Management is aware that budgetary considerations may warrant the use of these inflated values. However, the projected cost of performing the dredging action at the site has been used as an argument for not performing this action. Therefore, The Office of Waste Management does not accept the cost estimate in the Feasibility Study or in the Fact Sheet. The Navy is responsible for producing realistic cost estimates and presenting these estimates to the public. Therefore, these estimates should be modified to reflect more realistic projections of the cost.*

Response: The estimates provided will not be revised until the design is initiated. The estimated costs provided in the table will be qualified as appropriate.