



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508

31 July 1997

Al Haring
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: NETC - Derecktor Shipyard
Draft Site Assessment Screening Evaluation Report (SASE)

Dear Mr. Haring:

I am writing in regard to a recent letter that RIDEM received from your CLEAN contractor at NETC, Brown & Root Environmental, dated 24 July 1997. The letter addressed to James Shafer of your Agency was a response to RIDEM comments on the Draft Site Assessment Screening Evaluation Report for the Derecktor Shipyard.

RIDEM has forwarded a response letter under a separate cover in which we have accepted the Navy's proposal to hold a meeting to discuss our outstanding concerns. I, however, am writing to you to address a specific "Navy Response" to one of our comments on the Draft SASE (see attached). Specifically, the response reads as follows:

The Navy will take this suggestion into consideration. The RIDEM is reminded that they are only one of two reviewing parties at these sites, and in cases where required methodologies conflict, the lead agency's requirements will prevail.

This language is disturbing to me for a number of reasons. First, RIDEM is well aware of the fact that we are only one of two reviewing parties involved in this site and we certainly do not need to be reminded of that by the author of these responses. Clearly, one of the primary reasons why we entered into a Federal Facility Agreement several years ago was due to the dual oversight issue combined with the fact that the Navy was the lead agency not the EPA as the response seems to imply. Had the preparer of the comments been familiar with the FFA, they might have realized that the above response was incorrect as well as inappropriate. Second, and possibly even more disturbing, is the fact that we expended the time and resources to enter into a partnership with the Navy and EPA for activities at NETC. I think that you will agree that the content, and tone, of the above response violate the spirit of our Partnering Agreement.

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A. Haring

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As I interpret the FFA, the appropriate vehicle to resolving conflicts is through dispute resolution not by simply defaulting to the lead agency's requirements. If our outstanding issues cannot be resolved in the proposed meeting, RIDEM is certainly willing to pursue resolution in the manner prescribed by the FFA not as described in the above response.

In closing, I would be most appreciative if responses to our comments in the future were accurate and remained in the professional manner that we expect of the Navy. Thank you for your attention to this matter. If you wish to discuss this further, please feel free to contact me at (401)277-3872 extension 7137.

Sincerely,

A handwritten signature in black ink, appearing to read "W.S. Angell II". The signature is fluid and cursive, with a horizontal line extending from the end.

Warren S. Angell II, Supervising Engineer
Office of Waste Management

cc: Terrence Gray, RIDEM OWM
Mary Sanderson, EPA Region I

65. Section 6.1.1, Occurrence and Distribution of the Data and Identification of COPCS
Page 6-2, Whole Section.

This section of the report discusses the process for selecting chemicals of concern. The report has not indicated whether all positively detected values were included as COPC or those which met a statistical criteria. Due to the small sample size, it is assumed that all chemicals which had a positive detection were include as COPC. Please modify the report if this is not the case.

Response:

All chemicals which were positively detected at on of the four subareas of the study area were subject to COPC selection screening process. To involve all positively detected chemicals as COPCs would require carrying over many semivolatile compounds that are not COPCs.

COPC selection is described in Section 6.1. The process follows general risk assessment guidance, is conservative in nature, and adequately characterizes the COPCs selected at each site. The reviewer is asked to also refer to the response to comment no. 66.

RIDEM Evaluation of Response

The Navy's response elaborates on the selection of contaminants of concern. Please be advised that elimination of chemicals of concern is performed when the list of analytes is cumbersome. This is not the case a Derecktor Shipyard. Therefore all positively identified compounds must be retained in the risk assessment. Please be advised that in the future at sites where elimination of chemicals of concern is warranted, RIDEM's standards as well as Region IX should be used in this process.

Navy Response:

The Navy will take this suggestion into consideration. The RIDEM is reminded that they are only one of two reviewing parties at these sites, and in cases where required methodologies conflict, the lead agency's requirements will prevail.