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NCBC DAVISVILLE
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LETTER AND THE U S REGION I COMMENTS AND THE U S NAVY RESPONSE ON THE DRAFT FOCUSED FEASIBILITY STUDY FOR THE CED AREA AT THE FORMER NCBC DAVISVILLE RI
12/17/2015
U S EPA REGION I BOSTON MA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND - REGION I
5 POST OFFICE SQUARE, SUITE 100 (OSRR 07-03)
BOSTON, MASSACHUSETTS 02109-3912

December 17, 2015

Jeff Dale, Dept of the Navy, BRAC PMO Northeast
Code 5090 BPMO NE/JD, 4911 South Broad St
Philadelphia, PA 19112-1303

Re: *"Navy Response to EPA comments on the Draft focused Feasibility Study for the CED Area at the former Naval Construction Battalion Center, North Kingston, Rhode Island"*, November 2015

Dear Mr. Dale:

Pursuant to §7.6 of the Davisville Naval Construction Battalion Center Federal Facility Agreement dated March 23, 1992, as amended (FFA), the Environmental Protection Agency has reviewed the subject document. Please respond to the following comments.

Mon 10/19/2015 1:52 PM- EPA e-mailed the Navy to explain the following comments:

EPA Comment 36. Table 3-1, p.1 Incorporate the comment above into the Screening Comment text for the "Limited Action," "LUC" line.

"Monitoring" will be required if contamination exceeding PRGs is left in place.

EPA Comment 38. p. 4-8, §4.2.2 This alternative also needs to include monitoring (including that the protective 2' cover remains over the contaminated subsurface soil; that there remains compliance with LUCs/Soil Management Plan; and, in coordination with monitoring that will be required for the groundwater component of the remedy, that soil contaminants are not migrating to the groundwater).

EPA comment 40. p. 4-9, §4.2.2.2 In the second sentence of the first paragraph remove: "and RIDEM residential DECs by future residents" (the PRGs were developed in part, from the DECs, so they are not separate from the residential DECs) and add at the end of the sentence: ", along with maintaining 2 feet of cover over subsurface contaminated soils." Add a new third sentence: "Monitoring will ensure the remedy remains protective."

In the second sentence of the third paragraph insert "and contact with subsurface soils that exceed I/C standards" after "future residential development" and add at the end of the sentence: ", along with maintaining 2 feet of cover over subsurface contaminated

soils." Add at the end of the third sentence: ", and monitoring will ensure the LUC are enforced and the remedy remains protective."

Navy Responses to each of these comments: Navy has confused the term monitoring in these comments with groundwater monitoring. EPA meant monitoring of the LUCs in these comments or as the navy has described in the response to EPA Comment 33, inspection of the LUCS.

Comment No. 10: p. 1-5, § 1.2.2 – This section should also describe in more detail on site sources of the groundwater contamination (such as from Building 224 operations).
Navy Response: Disagree. The operations of each site are already described in Section 1.4.
Comment No. 14: p. 1-10, ¶ 2 – in this paragraph also discuss what CERCLA site contaminants (such as potentially from Building 224 operations) are present in the groundwater.
Navy Response: The reader can refer to Appendix B (Groundwater technical Memorandum) for the subject discussion

Response to Comments 10 and 14 – Although the texts discuss the "primary" off-site sources of groundwater contaminants, they should also discuss what is known about on-site sources of the groundwater contamination which are included in reports on UST closures (1994), the confirmation Study in 1986, and the AOC1 investigation in 1994.

Comment No. 11: p. 1-7, ¶ 1 – Were the contents or inside surfaces of the drums (if there were no contents) tested, and if so, what were the results?
Navy Response: The purpose of this section is to provide a very general background of the site's previous investigations and remedial actions. The content of the subject paragraph is sufficient, and the reader is referred to the Remedial Action Completion Report for further details.

Response to Comment 11 – Please include the sampling results for the contents of the drum initially found by QDC that Navy disposed of prior to the drum removal action.

Comment No. 13: p. 1-9, ¶ 3 – Regarding PCBs, the TSCA risk-based residential standard applied at most Region 1 site is 1 ppm, so is more conservative than the RIDEM residential standard.
Navy Response: Comment acknowledged.

Response to Comment 13 – The Navy's response should indicate whether the FFS text will be changed or not based on EPA's comment. If the text is to discuss how the PCB concentrations compare to State residential values it should also discuss how they compare to EPA's risk-based residential value of 1

Comment No. 16: p. 1-12, ¶2 – in the second to last sentence replace the second "RIDEM" with "CERCLA."
Navy Response: Disagree. The only reason lead is being addressed is because RIDEM

does not use the USEPA lead-risk model and because of the "Newport Agreement of January 12, 2012" that the presence of unacceptable risk triggers RIDEM criteria for all contaminants, even those that were not identified as COCs in the HHRA. Under a CERCLA-type risk evaluation, lead would not have been identified as a COC.

Comment No. 20: p. 2-2, ¶3 – In the first sentence replace "RIDEM requires that RIDEM Direct Exposure Criteria (DECs) also be met, and CERCLA requires that these requirements apply across the OU" with "CERCLA requires that more stringent State ARAR standards, in this case RI Remediation Regulation Direct Exposure Criteria (DECs), also be achieved throughout the OU."

Navy Response: Disagree. The subject paragraph was revised per USEPA comments on the preliminary draft in the interest of expediting the FFS process. The subject text will be revised as follows with emphasis on *all* contaminants, and to be consistent with Section 1.2.6 where the reason for applying the RIDEM DECs is fully described: "Because there is unacceptable risk in SA 04, RIDEM requires that RIDEM Direct Exposure Criteria (DECs) also be met for all contaminants, whether or not they were identified as COCs."

Response to Comment 16 and 20 - The Navy responses are inaccurate. The "Newport Agreement" was restating the legal requirements under CERCLA and the NCP that require the application of State ARARs standards when they are more stringent than federal standards. The EPA suggested changes to the texts are accurate, not the Navy's versions.

Comment No. 25: p. 2-7, ¶3 – Replace the fourth sentence with: "RIDEM DECs for residential exposure were also calculated to determine the extent of area where CERCLA remedial action was required.

Navy Response: Disagree with replacing the sentence. The subject of this paragraph describes how soil PRGs were developed. The subject sentence is a factual statement. The suggested sentence is not accurate because no DECs were calculated. In any case, PRGs essentially define the area/volume to be remediated, and the first paragraph of Section 2.4 covers the last portion of the suggested sentence. No revisions are proposed.

Response to Comment 25 – If the Navy's fourth sentence in the paragraph is used, it should be changed to: "RIDEM DECs for residential exposure were also considered because they are applicable."

Comment No. 26: p. 2-7, §2.5 – Remove this section. The ARAR is the promulgated state number, not the State assessment process addressed under Rule 8.10. The Navy needs to follow EPA CERCLA guidance on how to interpret Site data and apply it to evaluating the Site.

Navy Response: Disagree. The use of the Rule 8.10 analysis was first advanced to the BCT by email 11/6/13 and then re-iterated in 3/10/15. The topic appeared in discussions on several occasions after that, but there were no rejections of the approach and use of Rule 8.10. If the RIDEM criteria are being used as PRGs; it certainly makes sense to apply other RIDEM regulations to evaluate compliance with the criteria.

Comment No. 31: Table 2-4 – Remove the Rule 8.10 analysis information from the Table (see previous comment).

Navy Response: Disagree. See response to Comment No. 26.

Response to Comments 26 and 31 – As EPA previously stated, the only part of the State regulations that is a chemical-specific ARAR is the promulgated DEC number, not the State's procedures under Rule 8.10.. Sampling protocols under CERCLA needs to follow EPA CERCLA guidance standards not State standards. If the State standards happen to be acceptable under federal standards that's not an issue, but Rule 8.10 is not an ARAR.

> **Comment No. 47: Table 4-4** b) include ARARs associated with maintaining 2' feet of cover over the contaminated subsurface soils
> **Navy Response:** There is no ARAR for cover like this.

Response to Comment 47(b) – Maintaining the 2 foot cover should be included in the Action To Be Take Text for the RI Remediation Regulations in Table 4-2, p 2 since the 2' cover under the Regulations to address direct exposure risks.

> **Comment No. 47: Table 4-4** (c) (RI Sediment and Erosion Control guidance,
> **Navy Response:** There is no E&SC to control.
> **Comment No. 47: Table 4-4** (d) RI Air dust standards).
> **Navy Response:** There are no active remedial activities that can create dust.

Response to Comment 47(c) & (d) - E&SC and RI dust standards would apply to any future maintenance that may be needed to maintain the 2' cover.

> **Comment No. 49: Table 4-7** – Include the appropriate Federal and State Requirements listed in Table E-3 of the OU9 ROD. Standards would also apply to O&M activities for the cover.
> **Navy Response:** There are no ARARs on E-3 that are suitable for this alternative that have not already been called out on Table 4-7.

Response to Comment 49 – From Table E-3 of the OU9 ROD add:

Federal Standards

CWA, Phase II Storm Water Standards / 40 C.F.R. 122.26 and 123 / Applicable if over one acre is disturbed / Storm water control standards for construction projects. / Any remedial action, including construction and O&M of the cover, that disturbs more than 1 acre of soil will meet these standards to control storm water runoff and prevent erosion.

State Standards

Standards for Storm Water Management and Sediment Reduction, Regulations of Rhode Island Pollutant Discharge Elimination System / Rules 15 and 31 / Applicable / Identifies storm water management and sediment control requirements for remedial actions or corrective measures involving land-disturbance activities. / Any remedial action, including construction and O&M of the cover, that disturbs the soil would need to meet these regulations.

Storm Drainage System Maintenance / R.I.G.L. 45-61.1(2)(b) / Relevant and Appropriate / Storm drainage systems prone to flooding or contributing significantly to storm water management problems shall be inspected at least once per year and maintained and cleaned as necessary in order to reduce the risks of flooding and ensure proper functioning of storm drain systems. / Storm drain systems created as part of the remedial alternatives will be maintained in compliance with these standards.

Drilling of Drinking Water Wells; Rules and Regulations Governing the Enforcement of Chapter 46-13.2 Relating to the Drilling of Drinking Water Wells / RIGL 46-13.2 et seq. / Applicable / Prohibits installing drinking water wells in contaminated aquifers. / Under these standards drinking water wells are prohibited within the cover area.

> **Comment No. 56: Table 5-6**(b) include the appropriate Federal and State Requirements listed in the OU9 ROD (including those pertaining to monitoring wells).
> **Navy Response:** Pertinent requirements from the OU9 ROD are already on Table 5-6.

Response to Comment 56(b) – To carry forward a LUC and Monitoring alternative it would have to include MNA. Therefore Table 5-6 would need:

Federal Standards

Use of Monitored Natural Attenuation at Superfund, RCRA Corrective Action, and Underground Storage Tank Sites. / OSWER Directive 9200.4-17P, April 21, 1999. / To Be Considered / Used to evaluate the monitored natural attenuation component of the alternative. / Groundwater remediation standards called for in this guidance will be satisfied as long as groundwater cleanup will be achieved through treatment and MNA within ___ years and LUCs are established that will prevent exposure to contaminated groundwater until cleanup standards are achieved.

Summary of Key Existing EPA CERCLA Policies for Groundwater Restoration / OSWER Directive 9283.1-33 (June 26, 2009) / To Be Considered / Guidance on developing groundwater remedies at CERCLA sites. / Groundwater remediation standards called for in this guidance will be satisfied as long as groundwater cleanup will be achieved through treatment and MNA within ___ years and ICs are established that will prevent exposure to contaminated groundwater until cleanup standards are achieved.

Safe Drinking Water Act; National primary drinking water regulations, Maximum Contaminant Levels / 42 U.S.C. § 300f et seq.; 40 C.F.R. 141, Subparts B and G / Relevant and Appropriate / Federal drinking waters standards used as groundwater monitoring standards when contaminated media left in place. / Standards used as groundwater monitoring standards until groundwater cleanup is achieved through MNA.

Safe Drinking Water Act; National primary drinking water regulations, Maximum Contaminant Level Goals / 42 U.S.C. § 300f et seq.; 40 C.F.R. 141, Subpart F / Relevant and Appropriate for non zero MCLGs only; MCLGs set as zero are To Be Considered. / Federal drinking waters standards used as groundwater monitoring standards when contaminated media left in place. /

Standards used as groundwater monitoring standards until groundwater cleanup is achieved through MNA.

State Standards

Drilling of Drinking Water Wells; Rules and Regulations Governing the Enforcement of Chapter 46-13.2 Relating to the Drilling of Drinking Water Wells / RIGL 46-13.2 et seq. / Applicable / Prohibits installing drinking water wells in contaminated aquifers. / Under these standards drinking water wells are prohibited until groundwater cleanup standards are achieved through MNA.

New comment:
Table 2-1 should be updated by replacing the old draft vapor intrusion guidance with the new guide: "OSWER Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air" OSWER Publication 9200.2-154. U. S. Environmental Protection Agency Office of Solid Waste and Emergency Response. June, 2015.

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If you have any questions with regard to this letter, please contact me at (617) 918-1384.

Sincerely,

Christine A.P. Williams, RPM
Federal Facilities Superfund Section

cc: Richard Gottlieb, RIDEM
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