

N62578.AR.003265
NCBC DAVISVILLE
5090.3a

LETTER AND ATTACHED PROPOSED ARARS FOR SITES 1 THROUGH 4 OPERABLE UNIT
7 (OU 7) FORMER NCBC DAVISVILLE RI
08/12/2016
RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGMENT



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

12 August 2016

Mr. Jeffrey Dale, RPM
BRAC PMO Northeast
4911 South Broad Street
Philadelphia, PA 19112

RE: NCBC Sites 1-4 (OU7) Proposed ARARs

Dear Mr. Dale:

The Rhode Island Department of Environmental Management, Office of Waste Management (RIDEM) is providing, at your request, proposed ARARs for the subject project. As of this date, RIDEM has not received the final RI/FS for the subject site, but did receive a draft description of the alternatives under consideration in a Focused Feasibility Study on 30 July 2015. Since Navy has not selected a preferred remedial action this list is only preliminary in nature and may change as a result of RIDEM's review, public input, and ultimate selection of a preferred remedy.

If you have any questions or require additional information please call me at 401-222-2797 ext. 7138 or email me at richard.gottlieb@dem.ri.gov.

Sincerely;

Richard Gottlieb, P.E.
Principal Engineer

Cc: M. DeStefano, DEM OWM
C. Williams, EPA Region 1
D. Barney, Navy BEC
S. King, RIQDC
S. Licardi, ToNK
R. Shoemaker, Resolution

NCBC Sites 1-4 ARARs 081116-1/Richg

Rhode Island Chemical Specific ARARs

Requirement	Citation	Status	Synopsis	Evaluation/Action to be Taken
State of Rhode Island Rules and regulations for the Investigation and Remediation of Hazardous Material Releases, 2011	DEM-DSR-01-93, Section 8.02(A) and Table 1	Applicable	These regulations set remediation standards to prevent direct contact with contaminated soil resulting from the unpermitted release of hazardous materials in Rhode Island	The remedy will ensure that surface soil exceeding these standards are removed
State of Rhode Island Rules and regulations for the Investigation and Remediation of Hazardous Material Releases, 2011	DEM-DSR-01-93, Section 8.02(A)(ii), 8.02(B), and Table 2	Applicable	These regulations set remediation standards to prevent leaching of soil contaminants into groundwater and sediment/surface water resulting from the unpermitted release of hazardous materials in Rhode Island	The remedy will ensure that soil contaminants exceeding these standards do not migrate beyond the compliance boundary the leachability criteria will be used to develop monitoring standards for groundwater and sediment/pore water/surface water at the compliance boundary
State of Rhode Island Rules and regulations for the Investigation and Remediation of Hazardous Material Releases, 2011	DEM-DSR-01-93 Section 8.03, Tables 3 and 4 as applicable.	Applicable	These regulations set remediation standards for groundwater based on groundwater classification resulting from the release of hazardous materials in Rhode Island	The remedy will insure that groundwater contaminants do not migrate beyond the compliance boundary for the applicable groundwater classification.

Rhode Island Location Specific ARARs

Requirement	Citation	Stat	Synopsis	Evaluation/Action to be Taken
Coastal Resources Management	Rhode Island General Laws (RIGL) 46-23-1 et seq. and Coastal Resources Management Program	Applicable	Sets standards for management and protection of coastal resources	Sets standards for management and protection of coastal resources.
Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act, 2014	Rule 6.0 (Exempt Activities) Sections 6.01, 6.08, and 6.14	Applicable	Establishes conditions under which certain remedial activities may take place without a written permit	Sets standards for compliance with exempt activities within wetlands of the State.

Rhode Island Action Specific ARARs

Requirement	Citation	Status	Synopsis	Evaluation/Action to be Taken
State of Rhode Island Rules and regulations for the Investigation and Remediation of Hazardous Material Releases, 2011	DEM-DSR-01-93, Section 8.09 (Institutional Controls)	Applicable	Describes the provisions required for environmental land usage restrictions where levels of hazardous substances remain on site at concentrations greater than those protective of residential use.	The substantive portions of this section will be used in the preparation of the LUCs and deed restrictions which would be provided to RIDEM for review. These provisions are listed in subsections A through E.
Rules and Regulations for Hazardous Waste Management, Definition of Hazardous Waste	DEM-OWM- HW01-07, Rule 3	Applicable	Under State regulations hazardous wastes are defined in 40 CFR 261.3. These standards also apply to "Rhode Island Wastes" which are defined as any waste meeting the definition of R001 through R005 and R010 under the Rule and which do not meet any of the federal definitions of a hazardous waste.	These regulations would apply when determining whether or not a solid waste is hazardous, either by being listed exhibiting a hazardous characteristic or meeting the definition of a Rhode Island Waste.
State of Rhode Island Rules and regulations for the Investigation and Remediation of Hazardous Material Releases, 2011	DEM-DSR-01-93, Section 12.04 (C (i) – (iv))	Relevant and Appropriate	Describes acceptable construction methods for the remediation of soil contamination	One of the methods must be selected since the operable unit has contamination above residential direct exposure criteria.
Standards for Generators of Hazardous Waste	Rules and Regulations for Hazardous waste Management, Section 5.00	Applicable	Establishes manifesting, pre-transport, and recordkeeping requirements for hazardous waste	These regulations would apply to the contaminated soil, if hazardous.
Clean Air Act – Fugitive Dust Control	Air Pollution Control Regulation No. 5 – Fugitive Dust	Applicable	Requires that reasonable precautions be taken to prevent particulate matter from becoming airborne.	Control of dust during excavation and handling of soil would be implemented to prevent material from becoming airborne.
Clean Air Act – Emissions Detrimental to Persons or Property	Air Pollution Control Regulation No. 7	Applicable	Prohibits emissions of contaminants which may be injurious to humans, plant or animal life or cause damage to property or which reasonably interferes with the enjoyment of life and property.	Methods would be implemented to prevent material from becoming airborne during handling of contaminated material. Monitoring of air emissions during removal will be used to assess compliance with these standards if threshold levels are reached.
Clean Air Act – Volatile Organic Compounds (VOCs)	Air Pollution Control Regulation No. 22 – Air Toxics	Applicable	Prohibits emissions of contaminants which may be injurious to humans, plant or animal life or cause damage to property or which reasonably interferes	Control of emissions during excavation and handling of soil.

			with the enjoyment of life and property.	
Well Standards	State of Rhode Island Rules and Regulations for Groundwater Quality – Appendix I	Applicable	Identifies the standards and specification that must be followed for the installation or abandonment of monitoring wells.	Applies to wells installed for monitoring and replacement of abandoned wells.
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 <i>et seq.</i>	Applicable	Prohibits installing drinking water wells in contaminated aquifers	Under these standards drinking water wells are prohibited within areas of contamination.
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.	Soil excavation activities would need to meet these regulations
Water Pollution Control – Pollutant Discharge Elimination Systems	Regulations of Rhode Island Pollutant Discharge Elimination System	Applicable	Contains effluent monitoring requirements, standards and special conditions for discharges.	The substantive provisions of these standards will be satisfied through treatment of water from excavations prior to being discharged to surface waters.
Water Pollution Control – Water Quality	RIGL 42-16 <i>et seq.</i> ; CRIR 12-190-001	Applicable	Establishes water use classification and water quality criteria for waters of the state.	Water quality standards used to develop monitoring standards both during the active remedial period such as dewatering excavations and for long-term monitoring.
Solid Waste Landfill Regulations – Monitoring	DEM OWM SW02, 2.1.08©(1)(i)(B), (C) and (D)	Relevant and Appropriate	Describes horizontal and vertical placement of monitoring wells relative to location of landfill waste.	Monitoring wells installed as part of the LTM program will be located according to these regulations.