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MINUTES FROM 11 JUNE 2013 BASE REALIGNMENT AND CLOSURE CLEANUP TEAM  
TELECONFERENCE NCBC DAVISVILLE RI  
6/11/2013  
NAVFAC MID ATLANTIC



## NOTES FOR THE 11<sup>TH</sup> JUNE 2013 BCT TELECONFERENCE FORMER NCBC DAVISVILLE

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### ATTENDEES

David Barney (Navy)	Christine Williams (EPA)
Jeff Dale (Navy)	Richard Gottlieb (RIDEM)
Dave Peterson (EPA)	Andrew Glucksman (Mabbett)
Robert Shoemaker (Resolution)	Scott Anderson (Tetra Tech)
Lee Ann Sinagoga (Tetra Tech)	Joe Logan (Tetra Tech)
Gayle Waldron (The Management Edge)	

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The 11<sup>th</sup> June 2013 Davisville BRAC Cleanup Team (BCT) teleconference began at 10:00 AM and concluded at approximately noon. The agenda for the teleconference is included as Attachment A of these notes.

**GOAL OF TELECONFERENCE:** Resolve, or develop mutual understanding of, issues in order to finalize the Site 16 Proposed Plan (PP) and Feasibility Study Addendum (FSA) and establish realistic time frame (date) for Public Hearing.

**GENERAL NOTE:** There is a need to finalize the FSA before submitting the PP through another review cycle.

### **AGENDA ITEM NO. 1: CLARIFICATION OF RECOMMENDED SOIL ALTERNATIVE FOR SITE 16 (i.e., REFERENCE TO THE "COVER" LANGUAGE IN EPA COMMENTS)**

Based on the Proposed Plan (PP) comments received, the Navy expressed concern that there may be a potential misunderstanding regarding the preferred alternative for soils. The alternative was reviewed with the team; it does not include a soil "cover" across the *entire* NCA. It does include excavation and the addition of (backfilling with) clean-soil (for the 0-2 foot soil interval) only for those areas exceeding remedial levels for industrial land use scenario. However, the clean soil is considered a "cover" by the EPA/RIDEM; the Navy will add the word "cover" to the alternative title as requested in EPA PP Comment No. 53. ***This issue was resolved.***



**AGENDA ITEM NO. 2: PAIRING OF SOIL/GROUNDWATER REMEDIAL ALTERNATIVES (i.e., LEVEL OF ANALYSIS TO BE PRESENTED; “PAIRINGS” THAT ARE CONSIDERED VIABLE)**

The EPA is not disagreeing with the alternatives presented. However, for purposes of completeness and clarity, the Agency is requesting that a limited amount of text be added to both the FSA and the PP explaining this issue to the reader. Consequently, first, the “waste management area (WMA)” concept will be introduced *before* the narrative for the soil alternatives because the WMA is a component of several soil alternatives and is also an important consideration for the groundwater alternatives. Second, for example, the recommended alternative for groundwater (specifying the designation of the WMA [and MCLs as “performance standards” only for groundwater with in the WMA]) and actual treatment of groundwater only in the vicinity of the former Bldg. 41 (and MCLs as actual clean-up levels outside the WMA) could not be paired with soil alternative S-5 because a WMA is not a component of S-5. The EPA acknowledges that since S-5 will not be selected at the soil alternative for Site 16, the amount of text added to the referenced documents regarding this issue should be brief. ***This issue was resolved.***

**AGENDA ITEM NO. 3: RAO LANGUAGE CHANGES REQUESTED BY EPA**

The team reached the following agreements regarding remedial action objective (RAO) language:

- Regarding Groundwater RAO No. 4, the “beneficial use” will be “use as a domestic water supply source (i.e., use for drinking/bathing, etc.)”.
- Regarding Soil RAO No. 7, the information *currently* presented in parentheses will be deleted. Please note that the State of Rhode Island risk management benchmarks are already specified in Exhibit No. 2.
- Regarding Soil RAOs 2 and 5, the phrase “and surface waters and sediments” will be added just after the word “groundwater”, as requested by the EPA. (D. Peterson explained the EPA’s concern regarding surface water run-off/erosion of soils.)

***These issues have been resolved.***



#### **AGENDA ITEM NO. 4: ADDITIONAL RIDEM ARAR RECOMMENDATIONS**

This agenda item involves several RIDEM comments regarding state ARARs not currently presented in Site 16 FS documents. For example, RIDEM is recommending the addition of the following to the ARARs tables:

- Section 3.62(a) of the RIDEM regulations in the ARAR tables. This provides the definition for a “Recreational Facility for Public Use”. Navy disagrees with this recommendation because the definition applies to *unrestricted uses* of the property (not occurring or planned for the Site 16 area).
- DEM-DSR-01-93 Section 8.02(A)(iv) which addresses TPH standards. D. Peterson stated that TPH is not a CERCLA contaminant; associated regulations should not appear on ARARs tables. L. Sinagoga stated that TPH is discussed in the FSA/PP because it is generally co-located/co-mingled with other chemicals of concern. Both the FSA and PP have addressed State of Rhode Island concerns regarding TPH (even if the TPH regulations are not cited as ARARs).
- RIDEM Office of Waste Management, Solid Waste Regulation No. 2 Citations: Section 2.1.08(c)(1)(i)(B). This portion of the regulations addresses the minimum number of upgradient and downgradient wells. Sections 2.1.08(c)(1)(i)(C) and (D) govern where the downgradient wells can be located. Navy agrees with the addition of these ARARs.
- RIDEM requests that the Navy clarify that LUCs would result in environmental land use restrictions (ELURs) recorded on the property’s deed as described in Section 8.09 of the RIDEM Regulations, as Amended November 2011. D. Peterson stated that ELURs are an “administrative” (not a “substantive”) requirement and should not be specifically “called out” as ARARs. However, the Navy could be reference them in the text of the FSA document. The Navy’s position is that the appropriate “instrument” for applying the necessary LUCs will be determined during the Remedial Design phase of the project.

R. Gottlieb requested that the team’s discussions regarding these items (and other ARAR issues in the RIDEM comments on the FSA/PP) be deferred until the legal counsel for the State of Rhode Island was available. Mr. Gottlieb was particularly concerned regarding the State’s environmental land use



restrictions (ELURs) requirements. He will consult with his legal counsel and a follow-up teleconference will be scheduled with Navy and EPA. ***This issue has not been resolved.***

#### **AGENDA ITEM NO. 5: LUCs APPLIED TO LAND NO LONGER OWNED BY NAVY**

Per EPA PP Comment No. 66, the EPA/RIDEM concern is that the owners of *non-Navy* property be fully informed of the LUC requirements specified in the PP and that the LUCs (applied to non-Navy property) be clearly stated in the PP. The text of the PP/FSA will be amended to clearly state that the LUCs will apply to Navy as well as non-Navy property (the non-Navy property will be specified on a figure). J. Dale explained that the application of LUCs to non-Navy property is not expected to be difficult; the text of the FSA will be amended accordingly. The QDC receives all Navy environmental documents and is fully informed regarding the LUCs specified in FS/PP documents. As indicated above, the specific “instrument(s)” used to apply the LUCs recommended by the soil and groundwater remedy will be decided at a later date in consultation with the Navy’s real estate and legal counsels, EPA, and RIDEM. The costs of the LUCs are the same across all alternatives. R. Gottlieb recommended that the Navy meet with QDC and review the LUCs for Site 16 in detail. Please note that all land subject to LUCs will eventually be owned by the QDC, not multiple owners. ***This issue has not been fully resolved (see Agenda Item No. 5).***

#### **AGENDA ITEM NO. 6: RIDEM REQUEST FOR ELUR**

Please see preceding Agenda Items No. 4 and 5.

#### **AGENDA ITEM NO. 7: REFERENCE TO “TEMPORARY” VERSUS “PERMANENT” NEED FOR LUCS**

Per EPA PP comments Nos. 35 and 61, the text of the FSA and PP will be amended to clearly state that the groundwater RAOs/LUCs are *permanent* within the WMA and *temporary* out-side the WMA. Please also see Agenda Item No. 2 discussion. ***This issue was resolved.***



## **AGENDA ITEM NO. 8: MIGRATION OF GROUNDWATER CONAMINANTS BEYOND COMPLIANCE BOUNDARY**

EPA clarified EPA PP Comment No. 70. After the groundwater outside the WMA achieves remedial levels, it should not be further contaminated (i.e., create unacceptable risks) as a consequence of groundwater contamination flowing from the WMA. ***This issue was resolved.***

## **AGENDA ITEM NO. 9: BACKGROUND GROUNDWATER CONCENTRATIONS (CHROMIUM/NICKEL)**

The EPA/RIDEM re-stated their concerns regarding the current background levels for chromium and nickel which exceed current SDWA MCLs or RIDEM criteria. In summary, the EPA/RIDEM stated that a formal approval letter was never issued for the background groundwater study and, based on their review of the current background data (as associated report), the data is not suitable as a background dataset for Site 16 (i.e., some of the background levels exceed MCLs, the background levels may have been impacted by turbidity levels in the groundwater samples, the wells in the background study are not specifically located upgradient of Site 16, the current background data has only been used to a very limited extent when making remedial decisions for sites at NCBC Davisville, etc.). In summary, the Navy stated that a review of the administrative record indicates that the document was reviewed by the agencies, comments and responses were exchanged between the Navy and the agencies, a final document was issued, and that document was not disputed by the agencies (through the FFA process). The background study, and associated background levels, has been referenced/cited in several final NCBC Davisville documents as documented in the April 10<sup>th</sup>, 2013 BCT teleconference notes. While these disagreements do exist, there is general agreement that this issue needs to be kept into perspective because neither chromium nor nickel are significant chemicals of concern for Site 16. One possible solution (L. Sinagoga) is to defer the selection of background levels for chromium and nickel until the preparation of the long-term monitoring plan for the project. Therefore, the clean-up levels for chromium and nickel (presented in the tables of the PP) would simply state "the higher of the MCL or background level". The team would then revisit the issue and select a background level for the LTM program (e.g., based on data available for upgradient wells at Site 16). This suggestion appears to be acceptable to EPA/RIDEM. ***This issue was not resolved during the teleconference. The Navy will review this issue further (internally) and make a recommendation to the team.***



**Post-teleconference Note:** Per Navy response to RIDEM/EPA comments on the Proposed Plan, the clean-up levels for the referenced metals in Table 10 of the Proposed Plan will simply read "Facility-Wide Background or MCL whichever is higher".

## **B) Action Items**

- R. Gottlieb will consult with RIDEM legal counsel and then with EPA/Navy to established date and time to continue discussions regarding RIDEM ARARs for Site 16. *Timeframe was not specified.*
- Navy to further discuss (internally) the background groundwater issue and make recommendation to the team. *Timeframe was not specified. (Please see post teleconference note to Agenda Item No. 9.)*

## **C) Next Meeting**

The next BCT teleconference is tentatively set for July 9<sup>th</sup>, 2013, 10:00 AM till noon. The agenda for that teleconference will be established at the conclusion of the proposed RIDEM ARAR teleconference.