



**Navy Response to EPA Comments on the  
Draft Record of Decision for Site 07 – Calf Pasture Point  
Naval Construction Battalion Center  
Davisville, Rhode Island**

**Contract No. N62472-92-D-1296  
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*Prepared for*

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**Navy Response to EPA Comments on the  
Draft Record of Decision for Site 07 – Calf Pasture Point  
NCBC Davisville, Rhode Island**

This document contains the Navy's responses to the United States Environmental Protection Agency (EPA) Region I comments on the Draft Record of Decision (ROD) for Site 07 on Calf Pasture Point at the former Naval Construction Battalion Center (NCBC) Davisville, Rhode Island. The Draft ROD was issued in December 1998. EPA's comments are dated 8 January 1999.

**GENERAL COMMENTS:**

**Comment 1.** Several changes need to be made to the ARARs tables to standardize them with recent regional ARARs determinations (for example - at McAllister Landfill and Derecktor Shipyard at NETC). One change in particular is that for the No Action Alternative the alternative is subject to chemical-specific ARARs utilized for assessing risks (including safe drinking water standards), but not location-specific ARARs since no action is to be conducted.

**Response:** In accordance with EPA Comment # 2, only ARARs pertaining to the selected remedial alternative will be included in Appendix D of the ROD. Table D-1 will summarize the chemical-specific ARARs for Alternative 2. These ARARs will be drawn from the performance standard ARARs listed as "action-specific" in Table D-3 of the draft ROD. The comment regarding the ARARs for the No Action alternative will be incorporated into the text (see Response to EPA Comments #19 and 20).

**Comment 2.** In this region RODs only contain the ARARs tables for the selected alternative. Therefore, the ARARs tables for the other alternatives in Appendix D should be removed.

**Response:** Agreed. The text will be changed accordingly.

**Comment 3.** Deed restriction language will require review prior to completing EPA's assessment of the draft ROD. The deed restriction language needs to be in accordance with RI property law standards, particularly in regard to privity of contract against future potential landowners. It also must retain access and enforcement authority with the Navy, including establishing monitoring requirements between the transferee and the Navy to insure compliance with the restrictions in perpetuity.

**Response:** On 28 January 1999, the Navy provided the draft "Environmental Covenants, Conditions, Reservations, and Restrictions for Parcel 9, Zone 3, Calf Pasture Point at the Naval Construction Battalion Center, Davisville, Rhode Island" to the EPA, RIDEM, and Town for review. The language of the deed restriction – to be part of the Finding of Suitability to Transfer (FOST) – will be agreed upon prior to signing of the ROD. Access authority for the Navy to conduct the Long-Term Risk Monitoring Plan (LTRMP) is included. However, proper land use is the responsibility of the property owner. The Navy continues to be responsible for the use of Calf Pasture Point until the deed is transferred to

**the Town of North Kingstown, at which time, the Town will become responsible for proper land use. As part of the Site 07 remedy, the LTRMP includes a provision for periodic inspections to verify that the land use is consistent with the language of the deed restriction. The Navy is proposing that the Grantee provide an annual certification of compliance with the deed restrictions. Upon review of or failure to receive certification by the Grantee, the Navy will consult with EPA and RIDEM and may seek Department of Justice enforcement. The text will be clarified accordingly.**

#### **SPECIFIC COMMENTS:**

##### **Comment 4. Page 1, Declaration**

Add the following sentence to the Description of the Selected Remedy: "No ground water use for any purpose, ( including showering, drinking and irrigation) will be available on site. Land use restrictions will require adequate ventilation in all buildings constructed over the source area."

**Response: The text will be changed accordingly. The deed restriction will require that the ventilation design of any future building at Site 07 must be approved by EPA and RIDEM.**

##### **Comment 5. Page 1, Declaration, Description of the Selected Remedy**

add a deed restriction on the land use also. Contaminants in portions of the plume are at or above 10% of the solubility level and therefore are indicative of the presence of dense aqueous phase liquids (DNAPLS). Such levels have been known to volatilize and collect in unventilated buildings. Buildings built on this site, over the source area of the plume, should be adequately ventilated. In accordance with RI Groundwater Quality Regulations, Class B& C Ground Water Quality Standards, section 10.03(a)(1), ground water contaminant levels must not adversely effect human health and the environment. Change the deed restriction of just groundwater use to both groundwater and land use restrictions in this paragraph and in all other appropriate paragraphs including the bullet on p.31.

**Response: The text will be changed accordingly. See also Response to EPA Comment #4.**

##### **Comment 6. Page 2, Declaration**

add a new section to correspond with EPA's new ROD guidance that has been developed so that more frequently asked questions concerning remedies at superfund sites can be easily answered with a new standard ROD format. The section should be as follows:

<b>DATA CERTIFICATION CHECKLIST</b>	<b>LOCATION</b>
Chemicals of concern and their respective concentrations	Appendix C, Risk Assessment Summary
Baseline risk represented by the COCs	Appendix C, Risk Assessment Summary

DATA CERTIFICATION CHECKLIST	LOCATION
Cleanup levels established for COCs and the basis for the levels	Not applicable, no cleanup levels were established
Current and future land and ground water use assumptions used in the baseline risk assessment and ROD	Appendix C, Risk Assessment Summary
Land and groundwater use that will be available at the site as a result of the selected Remedy	Description of Alternatives [ add a sentence in the declaration stating: No ground water use will be available on site. Land use restrictions will require adequate ventilation in all buildings constructed over the source area ]
Estimated capital, operation and maintenance ( O&M), the total present worth costs; discount rate; and the number of years which the remedy cost estimates are projected.	Description of Alternatives [ add what is missing to the section]
Decisive factor(s) that led to selecting the remedy	Comparison of Alternatives

**Response: The text will be changed accordingly.**

**Comment 7.** Signature Page:

change the signature page (substitute Patricia L. Meany) to be consistent with the last RODs EPA and the Navy signed for this site in both June and September 1998. Harley Laing has not been the director of this office since last April.

**Response: The text will be changed accordingly.**

**Comment 8.** p. 6, 2<sup>nd</sup> ¶, 3<sup>rd</sup> sentence

Change "resale" to "residential." The conveyance does not prevent the town from selling or otherwise transferring the property to another organization which will maintain the use of the property for open space/conservation.

Last sentence - Insert "or any future transferee," after "Town of North Kingstown."

**Response: The text will be changed accordingly.**

Add a new last sentence: "The Navy will also retain enforcement authority over any deed restriction in perpetuity."

**Response: The text will be edited in accordance with Response to Comment #3.**

**Comment 9.** Page 10, VOC in Groundwater

add the following to the end of the section: The VOC in groundwater is a low level threat since there are no current human receptors to the contamination nor will there be any human receptors once the institutional controls are implemented. Ecological risks are low.

**Response:** The text will be changed accordingly.

**Comment 10.** Page 12

Add a section on Current and Potential Future Site and Resource Uses as follows:

CURRENT AND POTENTIAL FUTURE SITE AND RESOURCES	USES
Current Land Uses	Trespassing
Current adjacent/surround land uses	Residential
Reasonably anticipated land uses and basis for future use assumptions	Open-Space /Recreational - land to be transferred through DOI for use as a Park and Recreational Facility
Current Ground/surface water uses	none
Potential beneficial ground/surface water uses	recreational

**Response:** The table will be added. However, current use will be shown as “open space, although trespassing is known to occur at Calf Pasture Point” and current adjacent/surrounding land uses will be shown as “open space with residential area approximately 0.5 miles to the north”. Site 07 only includes the portion of Calf Pasture Point south of the bedrock outcrop.

**Comment 11.** p. 15, 1<sup>st</sup> para., 3rd sentence

Change “resale” to “residential.” The conveyance does not prevent the town from selling or otherwise transferring the property to another organization which will maintain the use of the property for open space/conservation.

Last sentence - Insert “or any future transferee,” after “Town of North Kingstown.”

**Response:** The text will be changed accordingly.

Add a new last sentence: “The Navy will also retain enforcement authority over any deed restriction in perpetuity.”

**Response:** See Response to Comment #3.

**Comment 12.** Page 17

add a conclusion to the Risk Section such as: The HHRA/ERA indicates that the expected future use of recreational would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by.

**Response: The text will be changed accordingly.**

**Comment 13.** p. 18, 3<sup>rd</sup> ¶, 2<sup>nd</sup> sentence

Insert "long-term monitoring and" before "institutional controls."

**Response: The text will be changed accordingly.**

**Comment 14.** p. 20, 21, 22, 23 & 33

The Cost Estimates for each of the alternatives have a discrepancy between the estimated annual cost and the estimated total 30-year cost. If the annual cost is multiplied by 30 it greatly exceeds the total cost estimate.

**Response: The apparent discrepancy is due to two factors. First, for an engineering economic analysis, the total 30-year cost is expressed as "net present worth" rather than a straightforward multiplication of annual costs. "Present worth" is an equivalence of the future amount to a present amount based on an assumed interest rate (i.e., net present worth represents the current monetary set-aside, such as the securing of bonds, needed to fund the project over 30 years). The lower total dollar amount than expected reflects the time-value of money (i.e., interest or discount rate over the 30 year period). A second reason for the lower total cost was the costing assumption that monitoring (and some of the treatment components under Alternatives 3-5) can be scaled down over time.**

**Comment 15.** Page 20

Add an expected outcome of the implementation of Alternative 2, such as: The expected future use would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by. Groundwater will not be available for beneficial use in the future.

**Response: The text will be changed accordingly.**

**Comment 16.** Page 21

Add an expected outcome of the implementation of Alternative 3, such as: The expected future use would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by. Portions of the down gradient plume would be treated, but the source area would not be removed so migration of contaminants would continue. Therefore, groundwater will not be available for beneficial use in the future. However, the potential risk due to the discharge of the contaminants to the harbor would be lessened.

**Response: The text will be changed accordingly.**

**Comment 17. Page 22**

Add an expected outcome of the implementation of Alternative 4, such as: The expected future use would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by. Portions of the down gradient plume would be treated, but the source area would not be removed so migration of contaminants would continue. Therefore, groundwater will not be available for beneficial use in the future. However, the potential risk due to the discharge of the contaminants to the harbor would be lessened.

**Response: The text will be changed accordingly.**

**Comment 18. Page 23**

Add an expected outcome of the implementation of Alternative 5, such as: The expected future use would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by. Portions of the down gradient plume would be treated, but the source area would not be removed so migration of contaminants would continue. Therefore, groundwater will not be available for beneficial use in the future. However, the potential risk due to the discharge of the contaminants to the harbor would be lessened.

**Response: The text will be changed accordingly.**

**Comment 19. p. 24, 3<sup>rd</sup> ¶, 1<sup>st</sup> sentence**

Insert "for the preferred alternative" after "identified."

**Response: The text will be changed accordingly.**

3<sup>rd</sup> sentence - Replace "and because potential future impacts to marshes/wetlands would not be addressed" (since there are only chemical-specific and no location-specific ARARs for the alternative) with "as determined by chemical-specific federal standards under the Safe Drinking Water Act (42 USC 300f *et seq.*; 40 CFR Part 141) and state standards for groundwater quality (CRIR 12-100-006).

**Response: The text will be changed accordingly; however, the words "the HHRA and the" will be inserted after "as determined by" in the recommended text above. The federal and state standards were one component of the overall risk characterization for Site 07 (i.e., pathway and exposure assessments were also performed).**

**Comment 20. p. 24, 4<sup>th</sup> ¶, 2<sup>nd</sup> sentence**

Remove the second sentence since there are no location-specific ARARs for Alternative 1.

**Response: The text will be changed accordingly.**

**Comment 21.** p. 31, 1<sup>st</sup> bullet, 4<sup>th</sup> sentence

If the deed restriction is limited to only a portion of the property the ROD should discuss how the restricted area will be defined in the deed (i.e. subdividing the property into restricted/unrestricted parcels).

**Response: Figure 4 of the ROD will be modified to show the extent of the deed restriction. The deed restriction will be applied to the whole of Parcel 9 (approximately 189 acres).**

8<sup>th</sup> sentence - Change "resale" to "residential." The conveyance does not prevent the town from selling or otherwise transferring the property to another organization which will maintain the use of the property for open space/conservation.

**Response: The text will be changed accordingly.**

9<sup>th</sup> sentence - Insert "or any future transferee," after "Town of North Kingstown" and add a new sentence: "The Navy will also retain enforcement authority over any deed restriction in perpetuity."

**Response: Text regarding a future transferee will be changed accordingly. The text regarding enforcement authority will be changed in accordance with Response to Comment #3.**

10<sup>th</sup> sentence - Change "periodic" to "at a minimum, yearly" and add at the end " , with inspection reports provided to EPA and RIDEM."

**Response: As part of the property transfer, the Navy is proposing that the Grantee provide an annual certification of compliance with the deed restrictions. Upon review of or failure to receive certification by the Grantee, the Navy will consult with EPA and RIDEM and may seek Department of Justice enforcement.**

**Comment 22.** Page 32

Add the following sentence to the second paragraph: Long Term Monitoring Plans will be submitted for regulatory agency review and concurrence within 6 months of ROD signature.

**Response: The Navy continues to work with EPA, RIDEM, and the Town of North Kingstown to develop the LTRMP for Site 07. Several versions have already been submitted and the Navy is currently evaluating comments on the most recent submittal. Requirements for schedules are adequately covered in the FFA for NCBC Davisville, which has a mechanism for establishing and changing them, and are not appropriate for inclusion in a ROD.**

**Comment 23.** p. 33, 2<sup>nd</sup> ¶, ARARs list  
Remove "Rhode Island Remediation Regulations."

**Response: This issue requires resolution between RIDEM and EPA. At that time, the ROD will be modified accordingly.**

**Comment 24.** Page 34  
Add the outcome of implementation of the remedy, such as; The expected future use would not pose any unacceptable risks to human health and the environment as long as the land and groundwater use restrictions are abided by.

**Response: The text will be changed accordingly.**

**Comment 25.** Appendix D  
Use only the Tables for Alternative 2 (D-2 and D-3).

**Response: The text will be changed accordingly. Table D-1 will become the summary of chemical-specific ARARs for Alternative 2.**

**Comment 26.** Table D-2, Page 1  
Clean Water Act Status is "Applicable" only. Change the text of Action to be Taken... to "Applicable if the remedy will result in impacts to wetlands. Requirement to minimize and mitigate for impacts will be met."

**Response: The text will be changed accordingly.**

**Comment 27.** Table D-2, Page 2, State Freshwater Wetlands Act, Action to be Taken.  
Insert as the first sentence: "Applicable if the remedy will result in impacts to freshwater wetlands."

Federal and State Endangered Species Acts are "Applicable". In Action to be Taken... change the second sentence to: "The standard is applicable if this species is identified at or adjacent to Site 07. Appropriate measures...." For the State Act the reference to the Grasshopper Sparrow and Upland Sandpiper can be removed since these are grassland species which may occur elsewhere on the base, but not on Site 07.

**Response: The text will be changed accordingly.**

**Comment 28.** Table D-2, Page-3  
Merge the two historic places into: "Preservation of Historical and Archeological Data Act of 1974 (16 USC 469 *et seq.*, 36 CFR Part 800); Requires recovering and preserving significant historical or archeological data when such data is threatened by a federal action or federally licensed action which alters any terrain where such data is located.; Portions of Site 07 have been identified as potentially archeologically-significant areas. Located objects will be recovered and preserved in accordance with the substantive requirements."

**Response: The text will be changed accordingly.**

**Comment 29.** Table D-3, Page 2

Remove "Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases" since the regulations provide that sites listed on the NPL shall comply with the requirements of the federal NCP in lieu of these regulations.

**Response: This issue requires resolution between RIDEM and EPA. At that time, the ROD will be modified accordingly.**

**Comment 30.** Table D-3, Page 3

Clean Water Act, Synopsis - Remove "Non-enforceable" and start sentence with "Guidelines" since, as an ARAR, the guidelines are used to develop enforceable monitoring standards under CERCLA.

**Response: The text will be changed accordingly.**

**Comment 31.** Table D-3, Page 3

State Water Pollution Control, Status - "Relevant and Appropriate" not TBC (TBC cannot be promulgated regulations).

**Response: The text will be changed accordingly.**