



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

October 23, 1996

Mr. Philip Otis
U.S. Department of the Navy
Northern Division - NAVFAC
10 Industrial Highway
Code 1811/PO - Mail Stop 82
Lester, PA 19113-2090

Re: Allen Harbor--Site 9
Navy Letter, dated 18 October 1996, for extension of time under
Naval Construction Battalion Center Davisville Federal Facility Agreement (FFA)

Dear Mr. Otis:

The purpose of this letter is to respond to the above-captioned letter in which the Navy requested an eighty-eight (88) day time extension to finalize the Allen Harbor Landfill (Site 9) Remedial Investigation (RI), Feasibility Study (FS), Proposed Remedial Action Plan (PP), and Draft Final Record of Decision and Responsiveness Summary (ROD). The Navy has requested this extension pending submittal to the Navy of Site 9 RI/FS document review/study reports that the Navy has only recently requested from two outside reviewers.

Pursuant to FFA § 15.4, EPA hereby denies the Navy's October 18, 1996 extension request for the Site 9 documents referenced above. For the reasons set forth below, the Navy has not shown good cause for this extension request pursuant to FFA § 15.2.

EPA grants the Navy a 28-day extension (until January 11, 1997) to submit the Draft Final ROD. This date should give the Navy sufficient time to adequately address Rhode Island Department of Environmental Management's (RIDEM) comments on the PP and FS in view of their late submission.

EPA denies the additional time contained in the Navy's 88-day extension request (from January 12, 1997 through March 12, 1997) because the Navy has not demonstrated good cause for this additional time pursuant to FFA § 15.2. EPA believes the Navy has had more than sufficient time to respond to EPA's comments on the Draft Final FS and Draft Final PP. EPA comments on the PP and FS were provided to the Navy on August 29, 1996 and September 4, 1996 and the responses by the Navy were due September 27, 1996 and October 3, 1996, respectively. As you know, the referenced comments were a reiteration of many of the same comments we made during the draft stage of these documents but which the Navy failed to adequately address in its original responses.

EPA also denies the 88-day extension request because further delays in the remediation of the Site 9 are unacceptable. As was stated in two recent EPA letters, dated September 10, 1996 and October 1, 1996, EPA is concerned about further delays in the schedule for the remedy selection



at the Allen Harbor Landfill, Site 9. EPA is quite concerned that the Navy has decided at this late date to seek an outside review of the adequacy of the proposed remedy. EPA believes the before-mentioned reviews should be included in the design phase of the project.

The Navy also proposes to call these new outside RI/FS review reports, "RI/FS/PP Consolidated Response to Comments." EPA believes that these reports are more accurately classified as design studies and that they will not serve to respond to all current outstanding comments.

The September 27, 1996 EPA headquarters memorandum referenced in the Navy's extension request addresses only sites with remedies already selected (by a ROD). The memorandum reiterates EPA's continued commitment to ROD modification in response to scientific advancement and remediation experience in light of new information obtained during the implementation of the remedy at Superfund Sites. This memorandum does not have applicability at Site 9, since the remedy still has not been selected at this site. We believe that the Navy can write a ROD for Site 9 that addresses major remedy components (including a RCRA "C" cap), while allowing any necessary design details/modifications to be handled post-ROD.

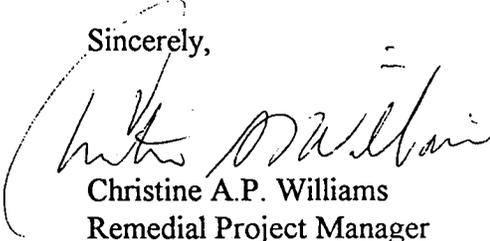
The RI/FS review reports which the Navy plans to provide to EPA on October 31, 1996 are not new investigative studies designed to develop new site specific information. These reports are a further manipulation of the current data. This data supports the need for a RCRA "C" cap as part of the remedy, which EPA believes can be safely engineered to withstand coastal conditions. The Allen Harbor has been called the safest harbor in Rhode Island due to the natural protection afforded to the marina located there. If the Navy feels that a cap is not appropriate for this protected site, then the Navy may elect to remove the landfill and restore the site to conditions indicative of pre-Naval activities. EPA believes that the cost of removal of the landfill and restoration of the wetlands is much higher than the additional engineering needed to withstand a 100-year flood. The Navy has comparable design information readily available from the Navy's the McAllister Point Landfill which should be of significant value in the design of the Site 9 remedy.

EPA, RIDEM and the Navy have agreed to attend a BCT meeting on October 23, 1996 to resolve the outstanding comments on the RI. Most of EPA's comments set forth specific wording changes, which should not impede progress toward finalization. According to the August 1996 Revised Draft Final RI, the Navy agreed to do additional studies during the design phase to address the need for groundwater containment (the majority of outstanding RI/FS issues). This procedure is the only RI/FS finalization procedure acceptable to EPA.

In closing, EPA believes that it is imperative that the Navy avoid further unnecessary delays and move forward expeditiously with the remediation of Site 9. EPA looks forward to the commencement of the public comment period on or about November 25, 1996.

If you have any questions about this letter, please call me at (617) 573-5736.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Williams", written over a large, faint circular stamp or watermark.

Christine A.P. Williams
Remedial Project Manager
Federal Facilities Superfund Section

cc: Richard Gottlieb, RIDEM
Walter Davis, CSO
Tim Prior, USF&WS
Ken Finkelstein, NOAA
Bob DiBiccaro, EPA
Linda Rutsch, EPA Headquarters
Mary Sanderson, EPA