



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

October 1, 1996

Philip Otis, BEC
U.S. Department of the Navy
Northern Division-Naval Facilities Engineering Command
10 Industrial Highway
Code 1811/PO, Mail Stop 82
Lester, PA 19113-2090

RE: Notification of Non-Compliance with the Federal Facility Agreement dated March 23, 1992, as amended (FFA), for the Naval Construction Battalion Center, Davisville, Rhode Island

Dear Mr. Otis:

The purpose of this letter is to notify you of the Navy's non-compliance with the Federal Facility Agreement, dated March 23, 1992, as amended (FFA), for the Naval Construction Battalion Center (NCBC), Davisville, Rhode Island, in connection with the submission of the schedule for the completion of the Remedial Action (RA) at the Defense Property Disposal Office (DPDO) Transformer Oil Spill Area (Site 12) and the Building 38 Transformer Oil Leaks (Site 14).

A ROD was signed for excavation of PCB contaminated Soils at Sites 12 and 14 on September 23, 1993. Under FFA Section 14.9, the Navy was required to submit to EPA, within 21 days after the issuance of the ROD, a schedule for the completion of certain primary documents, including a project closeout report.

The excavation and off site disposal of PCB contaminated asphalt, concrete and soils has been ongoing since construction was begun on January 4, 1995. On October 25, 1995, the Navy submitted to EPA a revised schedule for the remaining Remedial Investigation/Feasibility Study Reports (RI/FS), the Proposed Plans (PP), and Records of Decision (ROD) dates for the various OUs at NCBC, but the Navy failed to submit a schedule for the completion of the RA at Sites 12 and 14 as required by FFA Section 14.9. On October 25, 1995, EPA approved the schedule for completion of the outstanding RI/FS, PP and RODs for the NCBC Site.

On January 24, 1996, EPA sent a letter to the Navy in which EPA agreed that the excavation was done at Site 14 and asked for a schedule for completion of the additional excavation at Site 12. We also asked for the project closeout report for the two sites when RA was complete. On February 12, 1996, the BCT met to discuss the completion of the excavation at Site 12. As a result of this meeting, the Navy was tasked with providing a schedule and a work plan for the additional excavation for the site. On July 22, 1996, EPA sent yet another letter to the Navy



again requesting the additional work plan and schedule for completion of the RA for Sites 12 and 14. To date, EPA has not received the schedule nor the work plan for additional excavation.

EPA agreed that the excavation is complete at Site 14. However, the Navy has failed to submit a closeout report. Although EPA has agreed that additional excavation is warranted at Site 12, the Navy has not provided a revised Remedial Action Work Plan or schedule for completion of the RA.

Please be advised that, until the Navy submits the required schedule for the completion of the RA at Site 12 the Navy has not complied with the requirements of FFA Section 14.9 for submission of a proposal setting forth deadlines for completion of draft primary documents for Sites 12 and 14.

As stated in Section 22.1 of the FFA,

In the event that the Navy fails to submit a Primary document set forth in this Agreement to EPA and the State pursuant to the appropriate Schedules, Timetable or Deadlines in accordance with the requirements of this Agreement, or fails to comply with a term or condition of this Agreement, which relates to an Interim Remedial Action or final Remedial Action, EPA may assess a stipulated penalty against the Navy.

Section 22.1 further provides that the stipulated penalties may be assessed up to the amount of \$5,000 for the first week of non-compliance and \$10,000 for each additional week.

You are hereby notified that, if a schedule acceptable to EPA is not received from the Navy by Friday, October 18, 1996, EPA intends to assess stipulated penalties against the Navy pursuant to FFA Section 22.1 for failure to submit a schedule for completion of the Remedial Action at Sites 12 and 14.

If there are any questions regarding this matter, please feel free to call me at 617/573-5736.

Sincerely,



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

cc: Mary Sanderson, EPA
Robert DiBiccaro, EPA
Sarah White, EPA
Bill Frank, OFFE
Linda Rutsch, FFRRO

Warren Angell II, RIDEM
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