



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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January 12, 2010

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NCBC DAVISVILLE  
5090.3a

Jeff Dale

Dept of the Navy, BRAC PMO Northeast  
Code 5090 BPMO NE/JD, 4911 South Broad St  
Philadelphia, PA 19112-1303

Re: *Meeting Notes for 28 October 2009 Response to Comments Discussions for Draft Site 16 FS*  
(published Feb. 2009) dated December 22, 2009 at the former Davisville Naval Construction Battalion Center,  
North Kingstown, RI

Dear Mr. Dale:

Pursuant to § 7.6 of the Davisville Naval Construction Battalion Center Federal Facility Agreement dated March 23, 1992, as amended (FFA), the Environmental Protection Agency has reviewed the subject documents and comments are below.

Item 1 Classification of Groundwater Underlying site 16 and Groundwater Remedial Goals/Criteria. 1)  
Question on TI waivers.

The TI waiver guidance (<http://www.epa.gov/superfund/health/conmedia/gwdocs/techimp.htm>) does not discuss salt water intrusion as a criterion. That is because no remediation of non-potable saline groundwater is required unless it poses a risk of migration (so no TI waiver required for saline groundwater).<sup>1</sup> To confirm where saline groundwater is present or would be drawn in if a drinking water well were installed; the upcoming field work should also include salinity testing. RIDEM regs Chapter 46-13.2 Appendix C indicates the minimum acceptance criteria for yields of bedrock wells. Navy should determine if such yields would pull salt water into the aquifer.

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<sup>1</sup> See EPA Groundwater Guidance document OSWER Directive 9283.1-33

As discussed in the NCP and in various associated guidance, there are in general, five key principles that stem from the overarching expectations for groundwater restoration. These are as follows:

- 1) If groundwater that is a current or potential source of drinking water is contaminated above protective levels (e.g., for drinking water aquifers, contamination exceeds Federal or State MCLs or non-zero MCLGs), a remedial action under CERCLA should seek to restore that aquifer to beneficial use (e.g., drinking water standards) wherever practicable.
- 2) Groundwater contamination should not be allowed to migrate and further contaminate the aquifer or other media (e.g., vapor intrusion into buildings; sediment; surface water; or wetland).

In addition, no TI waiver is required for groundwater contamination within a compliance zone for a waste management area where contamination is left in place.<sup>2</sup>

A TI waiver would only be invoked if it was technically impracticable to remediate contaminated groundwater that was not saline (or would not become saline if a drinking water well were installed) or which would not be under an area where contamination is being managed in place. The NCP preamble 55 FR 8748, states that the TI ARAR waiver “is intended when compliance with an ARAR is not technically practicable from an engineering perspective. The criteria proposed for this waiver included engineering feasibility and reliability...Both standard and innovative technologies should be considered before invoking this waiver.” 53 FR 51439, states that “EPA suggests using this waiver for cases where (a) neither existing nor innovative technologies can reliably attain the ARAR in question, or (b) attainment of the ARAR in question would be illogical or infeasible from an engineering perspective.”

Item 1 Classification of Groundwater Underlying site 16 and Groundwater Remedial Goals/Criteria. 2) Statement regarding Nike cleanup levels.

We have not yet discussed cleanup levels with the Army. Since CERCLA Section 120(a)(2) requires other Federal agencies to ensure their guidance and policies are not inconsistent with CERCLA, a conversation may need to take place after our review of their RI/FS document.

Item 1 Classification of Groundwater Underlying site 16 and Groundwater Remedial Goals/Criteria. 3) Cost. EPA agrees that alternatives should be evaluated against the 9 criteria. Any remedy selected must be protective and comply with ARARs as threshold criteria. Cost is one balancing criteria.

Item 2 – Hazardous Waste (listed/Characteristic) at Building 41 and Northwestern Portion of the North Central Area and Item 3 – Landfill/Hazardous Waste Landfill- North Western Portion of NCA, last paragraph Item 5 discussion. Please be advised that RCRA does define a waste that fails TCLP to be hazardous waste. This sentence should read, “Once the contaminated soil is excavated, standard testing procedures as required by the disposal facility and by the State Hazardous Waste Regulations will be performed and to ensure the contaminated soil is properly managed on-site. If the “managed” contaminated soil then fails TCLP it will be deemed hazardous remediation waste under RCRA.”

Item 4 – Land-Use control Issues for Site 16, last sentence, first paragraph. Navy has used the EPA required IC checklist in the ROD as was requested during the development of the OU4 September 2009 ROD for the Bedford Naval Weapons NPL Site. Please rewrite the sentence to read, “The EPA-DoD Institutional Control check-list will be utilized during the preparation of the ROD. The checklist can be found at <http://www.epa.gov/fedfac/documents/icchecklist.pdf>”

Item 5 – ARAR discussion. Please rewrite the sentence to state, “Under CERCLA and the NCP ARARs do not apply to offsite activities. However, the referenced laws and regulations that apply to offsite activities must still

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<sup>2</sup> See footnote 33 from OSWER Directive 9283.1-33:

<sup>33</sup>.”See “Guidance on Remedial Actions for Contaminated Ground Water at Superfund Sites” (OSWER Directive 9283.1-2, December 1988, p. xv ) where the area of attainment is defined as “[t]he area of the plume outside the boundary of any waste to be managed in place as part of the final remedy and inside the boundaries of the contaminant plume.”

be adhered to (they just are not referred to as "ARARs" and are not listed within the ARARs Tables)."

Item 8 – Post meeting notes: Please remove this section. Additional shallow groundwater investigation is planned for this field season. The down gradient portion of the plume has not been characterized in the shallow zone.

If you have any questions with regard to this letter, please contact me at (617) 918-1384.

Sincerely,



Christine A.P. Williams, RPM  
Federal Facilities Superfund Section

cc: Richard Gottlieb, RIDEM  
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