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LETTER AND RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
RESPONSE TO U S NAVY RESPONSE TO COMMENTS REGARDING DRAFT SAMPLING  
AND ANALYSIS PLAN SITE 19 NS NEWPORT RI

9/7/2011

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

7 September 2011

Ms. Winoma Johnson, P.E.  
NAVFAC MIDLANT (Code OPTE3)  
Environmental Restoration  
Building Z-144, Room 109  
9742 Maryland Avenue  
Norfolk, VA 23511-3095

Re: Draft Sampling and Analysis Plan for the Data Gaps Investigation  
Site 19, Former Derecktor Shipyard Marine Sediment  
Naval Station Newport, Newport, Rhode Island

Dear Ms. Johnson,

The Office of Waste Management at the Rhode Island Department of Environmental Management has conducted a review of the Navy's Response dated August 8, 2011 to RIDEM's Comments on the *Draft Sampling and Analysis Plan for the Data Gaps Investigation* for Site 19, Former Derecktor Shipyard Marine Sediment, Naval Station Newport, located in Newport, RI. As a result of this review, this Office has generated the attached responses to comments.

This Office also noted two disturbing trends in the responses we would like to address. First, several of these comment responses, as well as ones from previous documents, contain language that not only fails to address our comments, but provides a justification of "EPA is in agreement with this portion of the investigation." We would like to note that the Federal Facilities Agreement (FFA) is a three party agreement and we would hope our comments are given the same consideration as EPA's regardless of whether or not we are in agreement with the Navy's proposed approach. Furthermore, we are generally aware of EPA's position on such matters and remind you that EPA and RIDEM are separate entities who may or may not agree with various aspects of site investigations and clean-ups. Secondly, please be advised that we find it argumentative and counterproductive for comment responses such as Comment 14 herein to state "The Navy is moving forward with the approach agreed to at the planning meetings which were attended by RIDEM." For the record, the Navy should never assume our mere presence at a meeting indicates our concurrence with an approach. In this case, we specifically voiced our disapproval of this approach, only to have our concerns all but ignored. Please remove such statements from this response, and all future correspondence. We continue to make our very best efforts work with the Navy to address issues at NETC, but statements and assertions like those mentioned above are counterproductive and do not foster a cooperative dialogue nor facilitate a professional working relationship between the agencies.

If you have any questions in regards to this letter, please contact me at (401) 222-2797, extension 7020 or by e-mail at [pamela.crump@dem.ri.gov](mailto:pamela.crump@dem.ri.gov).

Sincerely,



Pamela E. Crump, Sanitary Engineer  
Office of Waste Management

cc: Matthew DeStefano, RIDEM  
Richard Gottlieb, RIDEM  
Gary Jablonski, RIDEM  
Bryan Olson, USEPA Region 1  
Kymberlee Keckler, USEPA Region I  
Darlene Ward, NETC, Newport, RI  
Steve Parker, Tetra Tech

**Evaluation of the Navy's Response Dated August 8, 2011  
to RIDEM's Comments Dated July 18, 2011 on the  
Draft Sampling and Analysis Plan for the Data Gaps Investigation  
Site 19, Former Derektor Shipyard Marine Sediment, NETC**

**1. Page 13, Worksheet #6, Communication Pathways.**

*Please add the appropriate language to this table that states if any change to the Final SAP is proposed by the Navy, the Navy will submit the proposed changes to the regulatory agencies for review and approval before the work is executed.*

Response: The requested revision will be made.

**Evaluation of Response:**

*Comment has been addressed.*

**2. Page 30, Section 10.5.3, Development of Cleanup Goals (PRGs); 2<sup>nd</sup> paragraph.**

*"The RPRGs were finalized as cleanup criteria for marine sediment at Site 19."*

*Please be advised that RIDEM has not concurred with the RPRGs due to many issues as explained in the letter to the Navy dated January 2, 2009. As you are aware, the PRGs are never finalized as cleanup criteria until the ROD has been issued at a CERCLA Site. To date a ROD and an FS has not been finalized for this site, and this SAP is being proposed for further investigation for this site, therefore please change the language in this SAP.*

Response: The comment is made in regards to the PRG document which is a final document. The final PRGs are referenced in the SAP as is appropriate. The team agreed to move forward with the approach for the data gaps investigation discussed at the planning meetings which were attended by RIDEM, particularly that held October 2010.

**Evaluation of Response:**

*It is RIDEM's understanding that additional discussions will be held concerning the PRGs. In recognition of this and the fact the FS has not been finalized and a ROD has not been issued for this Site, the request was simply to reflect in the document that the values ultimately employed as PRGs for this Site may change. Perhaps the Navy could include a statement that the PRGs are currently being evaluated and that changes may be made with respect to the PRGs.*

**3. Page 30, Section 10.5.3, Development of Cleanup Goals (PRGs); Limiting COCs.**

*Zinc and copper were identified as ecological risk drivers at this site in previous documents. Tributyltin was found at concentrations indicative of an unacceptable risk. Sources of asbestos have also been identified in recent studies. Therefore, please modify this section to include zinc, copper, tributyltin and asbestos as COCs for which PRGs could be developed for this Site. Also, please add to this table how many times greater than the HQ=1 each RPRG listed is equal to.*

Response: The text is correct as presented. The information regarding the RPRGs and HQs is presented in the PRG document, and is not needed in the SAP.

**Evaluation of Response:**

*The PRGs are currently being evaluated and the list of COCs may change. It would seem prudent to note this in the report and include the HQ for each COC. Therefore, please modify the document as originally requested.*

**4. Page 30, Section 10.5.3, Development of Cleanup Goals (PRGs); whole section.**

*As noted in previous meetings and correspondence, this Office does not concur with a value equal to ten times the hazard quotient as being an acceptable human health PRG for benzo(a)pyrene. While a value equal or close to this may ultimately be determined to be acceptable for delineating areas to be actively remediated, values below the ten times HQ may be subject to alternate remedial measures such as monitoring. Please modify this SAP accordingly.*

Response: The comment is made in regards to the PRG document which is a final document. The final PRGs are referenced in the SAP as is appropriate. The team agreed to move forward with the approach for the data gaps investigation discussed at the planning meetings which were attended by RIDEM, particularly that held October 2010.

**Evaluation of Response:**

See evaluation for comments 2 & 3.

**5. Page 33, Section 11.1, Problem Statement; 5<sup>th</sup> bullet.**

*This bullet deals with an investigation to ascertain whether sediments are disturbed under normal and extreme conditions. It is not clear to this Office why this study is necessary due to the fact that during historical ship traffic in the area, observations have been made by the Navy and RIDEM in the field that demonstrated sediments were disturbed and redistributed at the site. Please remove this study from the SAP.*

Response: The physical sediment study elements are included to evaluate the possibility of resuspension and redistribution of sediments and contaminants, a concern that RIDEM has had at this site since the FS was originally drafted. Only by defining the possibility of this occurrence can the remedial action address it. The team agreed to move forward with the approach for the data gaps investigation discussed at the planning meetings which were attended by RIDEM, particularly that held October 2010. As discussed at the July 20, 2011 RPM meeting, EPA is in agreement with this portion of the investigation.

**Evaluation of Response:**

*The Navy is correct that RIDEM had concerns with respect to resuspension issues at the site. However, this issue was resolved when resuspension was witnessed and documented by both Naval personnel and regulators during the berthing of the inactive fleet. Therefore, there is no need to engage in studies to define the possibility of this occurrence. This Office reiterates its position that this issue has been resolved and that the proposed study is not warranted.*

**6. Page 34, Section 11.2, Field Observations and Measurements; 4<sup>th</sup> and 5<sup>th</sup> bullets.**

*This SAP proposes to conduct a study to determine current flow direction and wave height that will be deployed at the site for a period of 15 days. Previous studies have already been performed in the ecological risk assessment in regards to current flow direction at this site. In regards to wave height, a 15-day study is not long enough to determine what the normal wave height at the site is. Such a study would have to entail sampling for an extended period of time during the different seasons. Please remove the current flow study and short duration wave height test proposed in this SAP.*

Response: Wave height is only one of several measurements made by the ADCP deployments. It is recognized that higher wave heights can be encountered in the study area during storm seasons. Information gathered will be utilized to the extent possible. As discussed at the July 20, 2011 RPM meeting, EPA is in agreement with this portion of the investigation.

**Evaluation of Response:**

*The Navy acknowledges that higher wave heights can be encountered during the storm seasons. While RIDEM questions the need for this study, if the study is to be implemented the duration must be increased to include the storm seasons (a two week study that happens to occur during quiescent times or periods of little or no storm action can not be used as a basis for remedial decisions at the site). Further the longer duration is necessary and must be timed to include the arrival of the larger Naval ships which berth at the site. Please revise the document as requested.*

**7. Page 36, Section 11.2, Fixed Laboratory Chemical Data and Project Action Limits; 2<sup>nd</sup> paragraph.**

*This SAP proposes having NDs with LODs above the PALs as being considered below the PAL. If the LOD is above the PAL, then the reported concentration must be considered equal to the value of the LOD. Please modify this SAP accordingly.*

Response: The section will be revised to state “non detected results with associated LOD values greater than the PAL will be considered a data gap, and will be addressed as such.” The next sentence of the passage discusses how sensitivity goals are evaluated.

**Evaluation of Response:**

*If the Navy chooses to treat the values as data gaps, it is assumed that additional sampling may be warranted to address these data gaps. Please revise this SAP to include this contingency.*

**8. Page 37, Section 11.4, Analytical Approach; 2<sup>nd</sup> paragraph.**

*“If all newly-acquired target analyte concentrations in the site sediment are less than the associated PALs (discussed in Section 11.2), then the team will recommend no further investigation or remedial action.”*

*The purpose of this Data Gaps Investigation is to determine the extent of contamination to be remediated. Based upon past studies, an unacceptable risk has been identified at the site which requires a remedial action. Please remove this sentence from this SAP, and include a statement that all previous data will be included in the assessment of contamination distribution at the site.*

Response: The text is correct as stated. If no sediments exceed the PALs, there would be no remedial action. Regarding previously collected data, refer to the response to comment no. 9, below.

**Evaluation of Response:**

*This SAP is designed to better delineate the extent of contamination at this Site. It is not designed to confirm whether previous exceedances or contaminated zones are still present at this Site. Therefore, please revise the document as requested.*

**9. Page 37, Section 11.4, Analytical Approach; whole section.**

*Please incorporate the previous collected data with the proposed sampling results to this section.*

Response: The text will be revised to state that previously collected data were used to aid in the selection of sample stations for this SAP, and will also be considered while evaluating new data. Refer to comment 12 below.

**Evaluation of Response:**

See response to comment 8.

**10. Page 38, Section 11.4, Analytical Approach; 2<sup>nd</sup>-4<sup>th</sup> bullets.**

*Independent of the current proposed SAP, these contaminants must be carried forth through the FS. Please remove these bullets from this SAP as the cited contaminants have been identified as representing an unacceptable risk which will require action if exceedances are observed either from past sampling or the current sampling event.*

Response: The determination as to whether these contaminants will be carried forward will be made in the Data Gaps Investigation Report, based on the decision criteria provided in the SAP. The bullets reflect the agreements made, and will remain.

**Evaluation of Response:**

See response to comment 8.

**11. Page 38, Section 11.4, Analytical Approach; 1<sup>st</sup> paragraph.**

*This section states that the Project Team will evaluate remedial alternatives for a FS. A FS has already been conducted at the site which includes remedial alternatives which ranged from dredging to capping. It is not clear why there is a need to develop alternatives for the FS, unless there is a new innovative technology which can be used to remediate sediments that has been developed since the FS was drafted. Please revise this section accordingly.*

Response: The team has agreed to collect additional data in order to evaluate appropriate response action for this site. As a result, the FS may undergo a revision as a result of the new data collected, showing the current conditions of the site.

**Evaluation of Response:**

*This approach is acceptable as long as historic data is also taken into account.*

**12. Page 41, Worksheet #13, Secondary Data Criteria and Limitations Table.**

*“Data collected during previous investigations were only used to aid in the selection of sample locations for this SAP. Previously collected data will not be used in the development of the FS for the DSY.”*

*Please remove these two sentences from this worksheet. Previously collected data will be used along with any new data in the development of the revised FS for DSY.*

Response: Previously collected analytical data is a matter of record and is the basis for the risk calculated and will therefore be included in the FS as historical information. However, based on the concerns raised by all parties attending the planning meetings in regards to the representativeness of the previous data coverage, and because of the possibility of sediment scouring and movement, it is expected that the extent of COCs exceeding PRGs will be revised using the new data and not the old data. For clarity, the text will be revised to state that previously collected data were used to aid in the selection of sample stations for this SAP, and will also be considered while evaluating new data.

**Evaluation of Response:**

*See response to comment 8.*

**13. Page 46, Section 14.4, Project Report.**

*This SAP notes that the results will be compared to the BPRGs and RPRGs. This SAP should also specify that the results from analytes, such as PAHs which do not have PRGs, will also be included in tables in the Data Gaps Investigation report. Please modify this SAP to include this provision.*

Response: The text is correct as written. Constituents that are not described in worksheet 15 are not going to be analyzed or evaluated as a part of the Data Gaps Investigation.

**Evaluation of Response:**

*The Navy appears to be stating that although this data will be collected, it will not be included in tables. We continue to contend that the intent of the data gap investigation is to better delineate the extent of contamination. As a result, if elevated levels of contamination are observed in an area, this information should be included in tables so that the appropriate remedial decision can be made.*

**14. Pages 48-52, Worksheet #15, Reference Limits and Evaluation Table.**

*This Office does not concur with the use of the RPRG as the PAL for any contaminant. Please replace the PALs with the BPRGs for benzo(a)pyrene, total HMW PAHs, and total PCBs.*

Response: The Navy is moving forward with the approach agreed to at the Planning meetings which were attended by RIDEM, particularly that held October 2010. The use of the RPRGs as PALs is appropriate for this effort. The LODs are well below these PAL levels, and will provide lower concentration data if that is the concern.

**Evaluation of Response:**

*As the RPRGs ultimately used at this Site may change, it is appropriate to use PALs that are below BPRGs. We continue to contend that the document should be revised to reflect this requirement.*

**15. Page 53, Worksheet #16, Project Schedule/Timeline Table.**

*Please add the following language to this worksheet: "The regulatory agencies will be provided with a weekly schedule of upcoming field work, a weekly summary of work completed or ongoing, and must provide 48 hours notice for any field work commencements and cancellations."*

Response: The requested revision will be made.

**Evaluation of Response:**

*Comment has been addressed.*

**16. Figure 10-3, Points of Interest.**

*Building 234 is labeled as Building 254. Please correct.*

Response: The requested revision will be made.

**Evaluation of Response:**

*Comment has been addressed.*

**17. Figure 11-1, Sample Distribution.**

*There are a number of potential sources of contamination along the bulkhead of the wharf (i.e., discharge pipes associated with the former Derecktor Shipyard). Please indicate on this figure the locations of any outfall pipes including storm drain outfalls. Also, please adjust the sampling grid so that samples are collected adjacent to these discharge points.*

Response: The selected density of the sample grid along the waterfront where the outfalls are, or were, is appropriate for the location of contaminants present, and sampling directly under outfalls where dispersion and sediment suspension is possible is not necessary.

**Evaluation of Response:**

*In the past at other sites such as the Old Fire Fighter Training Area, Gould Island, etc the Navy promoted the collection of samples in the vicinity of outfalls. As there does not appear to be any*

*unique conditions present at Derecktor Shipyard, we contend that some of the sample locations should be adjusted to ensure that they are within the vicinity of the outfalls.*

**18. Figure 11-1, Sample Distribution.**

*Please include zinc and copper analysis at all sampling stations as these contaminants were identified as ecological risk drivers at the site.*

Response: The team agreed to move forward with the approach for the data gaps investigation discussed at the planning meetings which were attended by RIDEM, particularly that held October 2010. The inclusion of zinc and copper was agreed to in areas where a) the Corps of Engineers previously (prior to 1995) found elevated levels of these metals, b) under the piers, and c) in areas where the two aircraft carriers have been moored.

**Evaluation of Response:**

*For the record, RIDEM did not concur with this approach at the meetings. The Navy has previously noted that dispersion may have resulted in the movement of contaminants at this Site and that some contaminants may have moved from their source areas and impacted other locations. In accordance with this stance, zinc and copper analysis should be included at all sampling stations.*

**19. Figure 11-1, Sample Distribution.**

*Please include sampling stations at the end of Piers 1 and 2 to show the extent of contamination in these areas.*

Response: The Navy will agree to add one location at grid cell G-1, at the westernmost extremity of Pier 2 as requested, and will include zinc and copper analysis. At Pier 1, a sample is already proposed at grid cell AA-1, which includes zinc and copper analysis. SD-101, collected in 2004 also included zinc and copper analysis, was collected at the western extremity of Pier 1 and sediment there was found to be below PRGs. Therefore additional samples at the western end of Pier 1 are not necessary.

**Evaluation of Response:**

*The samples collected at SD-101 in 2004 exceeded the BPRGs for benzo(a)pyrene, PCBs and zinc. Therefore, please include a sampling station at this location in this SAP.*

**20. Figure 11-1, Sample Distribution.**

*Based on the high hazard quotient values for benzo(a)pyrene, please collect additional samples at the following stations: DSY-6,-8,-19,-26, and -32.*

Response: The team agreed to move forward with the approach for the data gaps investigation discussed at the planning meetings which were attended by RIDEM particularly that held October 2010. A station planned near DSY 8 was inadvertently left off, and will be added. A station near DSY-6 is already planned as shown on Figure 11-1. Samples at former stations DSY 19, 26, and 32 were not identified as a data gap during the planning meetings

**Evaluation of Response:**

*For the record, RIDEM did not agree to this approach in the above referenced meetings. We continue to contend that the cited sampling stations have HQs close to 10 which is unacceptable. As the PRGs may be modified for the site, the request was simply to collect additional samples in these areas to delineate the extent of contamination. In regards to Stations DSY 6 and DSY 8, only one sample is proposed in these areas to further delineate the extent of contamination. At other locations, multiple samples were deemed necessary. This is logical since it is not known in which direction the contamination may extend. Please revise this SAP such that additional samples are collected at the stations requested above.*

