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EMAIL REGARDING REGULATORY RESPONSE TO U S EPA REGION I COMMENTS FROM  
TECHNICAL CONFERENCE CALL NETC NEWPORT RI  
12/14/2011  
RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

## Ropp, Jim

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**From:** Pamela Crump <pamela.crump@DEM.RI.GOV>  
**Sent:** Wednesday, December 14, 2011 9:56 AM  
**To:** Lombardo.Ginny@epamail.epa.gov; Ropp, Jim  
**Cc:** Bernhardt, Aaron; Jupin, Bob; Vu.Chau@epamail.epa.gov; Barclift, David J CIV NAVFAC LANT, EV; Moore, Deborah J CIV NAVFAC MIDLANT, PWD Newport; Straker, Donna; Logan, Joe; kemp@mabbett.com; Kenneth\_Munney@fws.gov; Montegross, Maritza L CIV NAVFAC MIDLANT, IPTNE; Parker, Stephen; Bird, Susan M CIV NAVFAC MIDLANT, 010; Johnson, Winoma A CIV NAVFAC MIDLANT, IPTNE; Peterson.David@epamail.epa.gov  
**Subject:** RE: Newport Technical Conference Call (NUSC)  
**Attachments:** questions on NUSC.doc; wetlands jurisdiction map.pdf  
**Categories:** Newport

Hi Ginny,

Please see attached document with RIDEM's responses to your questions from yesterday.

Pam

-----Original Message-----

From: Lombardo.Ginny@epamail.epa.gov  
[mailto:Lombardo.Ginny@epamail.epa.gov]  
Sent: Tuesday, December 13, 2011 2:59 PM  
To: Pamela Crump; Ropp, Jim  
Cc: Bernhardt, Aaron; Jupin, Bob; Vu.Chau@epamail.epa.gov; Barclift, David J CIV NAVFAC LANT, EV; Moore, Deborah J CIV NAVFAC MIDLANT, PWD Newport; Straker, Donna; Logan, Joe; kemp@mabbett.com; Kenneth\_Munney@fws.gov; Montegross, Maritza L CIV NAVFAC MIDLANT, IPTNE; Parker, Stephen; Bird, Susan M CIV NAVFAC MIDLANT, 010; Johnson, Winoma A CIV NAVFAC MIDLANT, IPTNE; Peterson.David@epamail.epa.gov  
Subject: RE: Newport Technical Conference Call (NUSC)

Pam-

Refer to EPA's Specific Comment #38 from the 10/18/10 comment letter and Navy's response. At the 10/5/11 conference call, you agreed to follow-up on whether the RIDEM regulations specify if the leachability criteria apply to the 95% UCL or the maximum concentration. Please provide a response on that prior to tomorrow's call. Also, please note that, although not stated in Navy's response to RIDEM comment #7, Navy does agree to excavate the 2 locations that exceeded the leachability criteria in their final response to EPA's comment #38. So, hopefully that will resolve this issue.

In addition, at the 11/16/11 RPM meeting, we discussed whether NUSC would be available for 'recreational' use. The Navy confirmed that the walking trail between NUSC and the golf course was not part of the NUSC site. The Navy indicated that NUSC areas may be used by site workers for picnicing or walking. The group discussed that this was comparable to any industrial/commercial site and was likely not considered 'recreational use'. You agreed to confirm that this type of site use by workers was not considered 'recreational use' under RIDEM regs.

Finally, on yesterday's call, you agreed to check on whether Navy was correct that the RI coastal zone line is 200 feet from the coastal features. Dave requested that you confirm that the wetlands onsite do not impact that determination. So, also please respond on whether the state agrees that the NUSC site is not in a CZMA.

Thanks.

Ginny Lombardo  
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From: "Ropp, Jim" <Jim.Ropp@tetrattech.com>  
To: Ginny Lombardo/R1/USEPA/US@EPA, Pamela Crump  
<pamela.crump@DEM.RI.GOV>  
Cc: "Bernhardt, Aaron" <Aaron.Bernhardt@tetrattech.com>, "Jupin,  
Bob" <Bob.Jupin@tetrattech.com>, "Logan, Joe"  
<Joe.Logan@tetrattech.com>, "Barclift, David J CIV NAVFAC  
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Susan M CIV NAVFAC MIDLANT, 010" <susan.bird@navy.mil>,  
"Straker, Donna" <Donna.Straker@tetrattech.com>  
Date: 12/12/2011 05:39 PM  
Subject:RE: Newport Technical Conference Call (NUSC)

Ginny - From the response document we mailed on Thursday, most of the issues pertained to the ARARs we discussed during today's call. As for technical comments, I think it would be good to discuss these from the 10/18/2010 letter: General Comment #6 (residual risk calculation), Specific Comment #38 (impermeable soil cap), and Specific Comment #77 (dam), but let us know if there are any others you would like to discuss. In particular, let me know if there are any ecological issues to be discussed because our eco-risk assessor would only be available for the beginning of the call.

Pam - Your comment #7 was similar to EPA's Specific Comment #38. Let me know if you want to talk about #9 or SRI comment #3 so we can have our risk assessors on the line too. Any others?

Thanks  
Jim Ropp

-----Original Message-----

From: Lombardo.Ginny@epamail.epa.gov [  
mailto:Lombardo.Ginny@epamail.epa.gov]  
Sent: Monday, December 12, 2011 1:57 PM

To: Parker, Stephen

Cc: Bernhardt, Aaron; Jupin, Bob; Ward, Darlene B CIV NAVFAC MIDLANT, PWD Newport; Barclift, David J CIV NAVFAC LANT, EV; Moore, Deborah J CIV NAVFAC MIDLANT, PWD Newport; Ropp, Jim; Kenneth\_Munney@fws.gov; Keckler.KyMBERlee@epamail.epa.gov; Montegross, Maritza L CIV NAVFAC MIDLANT, IPTNE; 'pamela.crump@DEM.RI.GOV'; Campbell, Thomas; Johnson, Winoma A CIV NAVFAC MIDLANT, IPTNE; Vu.Chau@epamail.epa.gov; kemp@mabbett.com

Subject: Re: Newport Technical Conference Call (multiple sites)

Maritza and Steve-

Chau Vu, EPA's risk assessor, will only be available until 12 for Wednesday's call, so we will need to discuss any HH risk questions on the sites before noon.

-Ginny

Pam-

Refer to EPA's Specific Comment #38 from the 10/18/10 comment letter and Navy's response. At the 10/5/11 conference call, you agreed to follow-up on whether the RIDEM regulations specify if the leachability criteria apply to the 95% UCL or the maximum concentration. Please provide a response on that prior to tomorrow's call. Also, please note that, although not stated in Navy's response to RIDEM comment #7, Navy does agree to excavate the 2 locations that exceeded the leachability criteria in their final response to EPA's comment #38. So, hopefully that will resolve this issue.

**Although not specified in the Remediation Regulations, RIDEM consistently applies the highest of either the maximum concentration or 95% UCL to the leachability criteria.**

In addition, at the 11/16/11 RPM meeting, we discussed whether NUSC would be available for 'recreational' use. The Navy confirmed that the walking trail between NUSC and the golf course was not part of the NUSC site. The Navy indicated that NUSC areas may be used by site workers for picnicking or walking. The group discussed that this was comparable to any industrial/commercial site and was likely not considered 'recreational use'. You agreed to confirm that this type of site use by workers was not considered 'recreational use' under RIDEM regs.

**Section 3.62 of the RIDEM Remediation Regulations includes picnicking, hiking, and nature viewing in the definition of "passive recreation". Therefore, RIDEM does consider the Navy's proposed use as recreational.**

Finally, on yesterday's call, you agreed to check on whether Navy was correct that the RI coastal zone line is 200 feet from the coastal features. Dave requested that you confirm that the wetlands onsite do not impact that determination. So, also please respond on whether the state agrees that the NUSC site is not in a CZMA.

**Yes, CRMC has jurisdiction in any areas located within 200 feet of the coastline. Please see the attached map regarding wetlands jurisdiction, which on RIDEM's website at <http://www.dem.ri.gov/maps/wetjuris.htm>.**

Pam-

My notes from the 10/11/11 conference call indicate that you agreed to follow-up on whether RIDEM would allow these lead levels to be left in place if covered with a 2 foot cap and if there were ICs in place restricting residential reuse. Based on my review of the response and map that Jim provided, the 2 highest levels discussed in EPA's comment will be removed. So there is 1 sample at 160 mg/kg that is at the surface and will be capped with 2 feet of clean soil. There is 1 sample at 4540 mg/kg, but is it at 10-12 feet. There are other subsurface samples above 150 mg/kg. Please re-look at the information and figure that Jim provided back in October and respond with whether RIDEM would be OK with capping the soils combined with ICs based on the data provided. The response on whether RIDEM would be OK with this is not related to the dispute, so I do not believe we need to wait for the dispute resolution on this. I would appreciate if you could provide a response on this before tomorrow's call. Thanks.

**If the high concentrations of lead are located above the water table, a 2 foot cap with a geomembrane is a potential alternative that RIDEM would look at. The cap must include a geomembrane.**

**If the high concentrations of lead are located below the water table, these locations will need to be excavated to prevent leaching into the groundwater.**

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During last week's call, my action item was to provide a map showing where lead in soil exceeded RIDEM's criterion, as compared to where soil remediation is planned.

As shown in the attached map, there are 8 locations above 150 mg/kg (includes RI and SRI data).

These are within the area to be covered with 2 ft of clean soil (the map shows alternative SO3, but the area for SO2 is the same).

The one location by the paint can area (SB106) appears to be on the edge of the waste anomaly removal area, so we'll modify the FS to make sure that sample location is included.

I'll also modify location SS149 under Alternative SO3 to a spot removal (not going to cap the stream area).

In groundwater, lead only exceeded the PRG (15 ug/L) at one location:  
MW-103B, located west of the paved open storage area.

Jim

# Freshwater Wetlands Jurisdictional Boundary: Middletown, R.I.



**LEGEND**

Wetland Jurisdiction

- CRMC
- DEM

--- Primary Roads

--- Railroad ROW



**Determining Jurisdiction:**

Wetlands seaward of the boundary are under the jurisdiction of the Coastal Resources Management Council.

Wetlands landward of the boundary are under the jurisdiction of the Department of Environmental Management.

These maps illustrate the jurisdictional boundary established per R.I.G.L. Chapter 46-23, that separates areas of DEM and CRMC freshwater wetlands authority. Other map features are illustrated as a general guide only. These maps should be used in conjunction with DEM and CRMC Regulations.

