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NS NEWPORT
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AGREEMENT BETWEEN U S NAVY, U S EPA REGION I AND RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT ON SCREENING CRITERIA NETC
NEWPORT RI
1/12/2012
RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Agreement
Naval Station Newport, Rhode Island Dispute

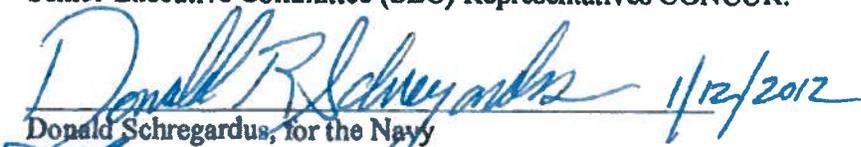
January 12, 2012

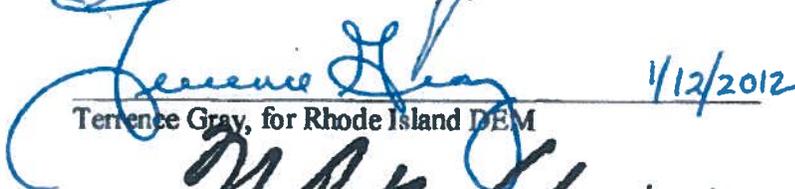
1. The Navy, as lead agency, has discretion to use more stringent screening criteria developed by the state, in addition to EPA's risk-based screening levels. The State strongly recommends inclusion of all potential chemical-specific ARARs in the screening process if more stringent than EPA's risk-based screening levels.

2. If no unacceptable risk is identified at a site, CERCLA remedial action may not be warranted. If an unacceptable risk is identified at a site, a CERCLA remedial action to address site risks must meet (or waive) ARARs, including chemical-specific ARARs at the site. More stringent state ARARs need to be addressed consistent with CERCLA section 121 (d)(2)(A)(ii), the NCP, the Naval Station Newport Federal Facilities Agreement (FFA), and existing EPA guidance, including OSWER Directive 9234.2-05/FS, *CERCLA Compliance with other Laws Manual; CERCLA Compliance with State Requirements*, December 1989.

3. Consistent with CERCLA and the NCP, remedial actions selected pursuant to section 121 must be protective of human health and the environment. Soil preliminary remediation goals (PRGs) for CERCLA sites at Naval Station Newport shall be developed for the investigation and remediation phases for soils in accordance with established EPA guidance, ARARs, and consideration of background levels. This may result in the development of PRGs for contaminants that were not originally identified as risk drivers.

Senior Executive Committee (SEC) Representatives CONCUR:


Donald Schregardus, for the Navy


Terrence Gray, for Rhode Island DEM


H. Curtis Spalding, for the EPA