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EMAIL REGARDING REGULATORY REVIEW AND RECOMMENDATIONS FOR APPLICABLE
OR RELEVANT AND APPROPRIATE REQUIREMENTS NETC NEWPORT RI
4/20/2012
RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Ropp, Jim

From: Montegross, Maritza L CIV NAVFAC MIDLANT, IPTNE <maritza.montegross@navy.mil>
Sent: Friday, April 20, 2012 11:27 AM
To: Ropp, Jim
Cc: Parker, Stephen
Subject: FW: Extension Request: Newport NUSC Site 8 PP & FS

Categories: Newport

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

From: Pamela Crump [<mailto:pamela.crump@DEM.RI.GOV>]
Sent: Thursday, April 19, 2012 3:31 PM
To: Montegross, Maritza L CIV NAVFAC MIDLANT, IPTNE
Cc: Bird, Susan M CIV NAVFAC MIDLANT, IPTNE; Johnson, Winoma A CIV NAVFAC MIDLANT, IPTNE; Reisch, Timothy A CIV NAVFAC MIDLANT, EV; olson.bryan@epamail.epa.gov; matthew.destafano@dem.ri.gov; lombardo.ginny@epa.gov
Subject: RE: Extension Request: Newport NUSC Site 8 PP & FS

Maritza,

After further discussions internally and with EPA, RIDEM has come to the following conclusions regarding the ARARs specified in our April 16, 2012 email:

- a) ELURs - RIDEM agrees that "Environmental Land Use Restrictions, RI Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases, Section 8.09 - Institutional Controls" does not have to be included as an ARAR if the Navy agrees to include language in the ROD stating that, in the event of transfer, they would revise the land use controls to be consistent with the RI Remediation Regulations, specifically to put an ELUR on the property subject to our approval.

- b) Hazardous Waste Regs - The Hazardous Waste Regulations "are intended to minimize environmental hazards associated with the generation, transportation, treatment, storage and disposal of hazardous wastes, including the hazardous waste component of mixed radioactive and hazardous waste (mixed waste), the transportation of Septage, and the operation of hazardous waste treatment, storage and disposal facilities." Our RCRA program has been delegated by EPA to enforce this program, and we believe these regulations are applicable at this site. Building 185 at NUSC was a hazardous waste storage facility, and a past removal of lead paint cans (which were hazardous) occurred at the site in 2005-2006. Clearly hazardous waste has existed at the site, and may be encountered during the remedy. It is our position that these regulations must be ARARs. Specifically, we agree that the Hazardous Waste Regs are "potentially applicable" for action and location specific ARARs, but applicable chemical specific ARARs.

- c) RI Oil Pollution Control Regs - RIDEM's position is that the Oil Pollution Control regulations should be ARARs. However, since the Navy formally agrees in writing to sample for TPH and clean up to RIDEM's TPH standards under the state program but CONCURRENT with the CERCLA Category 1 cleanup, we agree in this case, at this site, not to fight to have the Oil Pollution Control regulations as ARARs. We do, however, reserve the right to ask for their inclusion as ARARs in the future at other sites at NETC and elsewhere in the State, and this position at NUSC in no way impacts that right.

If you have any questions regarding this email, please contact me at anytime.

Pamela E. Crump, EIT

Sanitary Engineer

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

From: Montegross, Maritza L CIV NAVFAC MIDLANT, IPTNE [\[mailto:maritza.montegross@navy.mil\]](mailto:maritza.montegross@navy.mil)

Sent: Monday, April 16, 2012 4:38 PM

To: Pamela Crump; lombardo.ginny@epa.gov; Bird, Susan M CIV NAVFAC MIDLANT, IPTNE; Johnson, Winoma A CIV NAVFAC MIDLANT, IPTNE; Reisch, Timothy A CIV NAVFAC MIDLANT, EV; olson.bryan@epamail.epa.gov; matthew.destafano@dem.ri.gov

Subject: Extension Request: Newport NUSC Site 8 PP & FS

Importance: High

The extended due date for the NUSC Proposed Plan (PP) was today, April 16th at COB. However, it appears that the most recent comments we received today from RIDEM on the NUSC draft FS ARARs do not align with Navy's understanding of the tentative agreement reached last Wednesday in Boston. As such, the Navy is not able to issue the draft PP today. We propose that we work on getting these issues resolved and the draft final FS completed prior to issuing a draft PP.

Currently the extended due date for the draft final FS is this Friday, April 20th. We propose additional discussions on April 18th (10am-12pm or 12pm-2pm) and/or April 19th (12:30pm-2:30pm or 3pm-5pm) to resolve these remaining issues, after which time we will assess the impact to the documents as drafted and establish a schedule for the draft-final FS and draft Proposed Plan.

Please let me know which time slots you can attend.

R/Maritza