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LETTER AND U S EPA REGION I RESPONSE TO U S NAVY RESPONSE TO COMMENTS
ON DRAFT FEASIBILITY STUDY SITE 17 GOULD ISLAND NS NEWPORT RI
12/13/2012
U S EPA REGION I

EPA 12/13/12



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION I

5 Post Office Square, Suite 100
Boston, MA 02109-3912

December 13, 2012

Ms. Maritza Montegross
NAVFAC MIDLANT (Code OPNEEV)
Environmental Restoration
Building Z-144, Room 109
9742 Maryland Avenue
Norfolk, VA 23511-3095

Re: Responses to EPA's Comments on the Draft Feasibility Study for Gould Island

Dear Ms. Montegross:

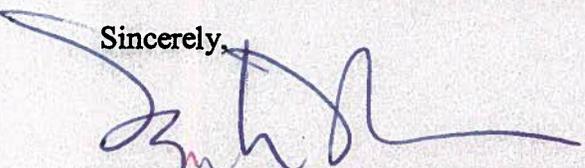
Thank you for the opportunity to review the responses, dated October 23, 2012, to EPA's comments dated August 22, 2012 for the Draft Feasibility Study for Gould Island. EPA reviewed the. The Draft Feasibility Study (FS) presents the development and evaluation of remedial alternatives to address soil and sediment contamination at Operable Unit 6. Detailed comments are provided in Attachment A.

There are a few minor typographical errors (*e.g.*, meeting date should be 9/19/12, not 9/19/19; proposed resolution to comment #9, PCBs eco PRG is 1.792 ug/kg, not 1.78 ug/kg; and from Table 2-6, PCBs human health PRG of 1.5 ug/kg is from Table 2-4, not Table 2-6).

Owing to some differences in the responses to RIDEM and EPA risk comments, all parties should confirm the human health issues that were discussed on September 19, 2012. While EPA concurs with the Navy's responses, we recommend adding contingency language on future development that would require either mitigation or full VI study at construction time (*e.g.*, installation of subslab depressurizing system).

I look forward to working with you and the Rhode Island Department of Environmental Management toward the cleanup of the Gould Island. Please do not hesitate to contact me at (617) 918-1385 should you have any questions.

Sincerely,



Kymberlee Keckler, Remedial Project Manager
Federal Facilities Superfund Section

Attachment

cc: Pamela Crump, RIDEM, Providence, RI

Deb Moore, NETC, Newport, RI
David Peterson, USEPA, Boston, MA
Chau Vu, USEPA, Boston, MA
Ken Finkelstein, NOAA, Boston, MA
Steven Parker, Tetra Tech-NUS, Wilmington, MA

ATTACHMENT A

<u>Page</u>	<u>Comment</u>
p. A-3, #10	The FS needs to be clear whether contaminated groundwater may migrate to the bay and whether this poses any risk of recontaminating areas that will be remediated under the proposed sediment alternatives.
p. A-4, #22	The FS needs to clarify whether the shoreline will be stabilized to prevent migration of contaminated soil/groundwater to the bay (and therefore part of the remedial action) or if the work is not contaminant-related and is being done just to preserve Navy property.
p. A-4, #30a+b	For clarification, although leachability criteria apply to soil, they need to be included as ARARs because groundwater is a medium of concern. Any exceedances of any leachability standards need to be addressed by the soil alternatives.
p. A-5, #36	As noted in the previous comment, soil PRGs might also be required to be established for any exceedances to RIDEM soil leachability standards.
p. A-5, #41	See EPA response to 22.
p. A-6, #46	If the dewatering, sorting and loading operations are conducted on the island, the area to be used should be identified in the FS (particularly if it is outside the current boundaries of the OU. Part of the NCP assessment needs to evaluate (including what compliance measures are needed – such as potentially TSCA handling standards, stormwater, etc.) conducting the operations on the island.
p. A-6, #48	Contaminants in soil that could migrate and accumulate in sediment at concentrations that would exceed the sediment PRG. Long-term monitoring is required to confirm that the sediment PRGs are not exceeded because of any contaminated soil migration.
p. A-6, #50	If SD4 leaves contamination in the eelgrass area that exceeds risk standards, enforceable LUCs would be required for that area, even under the SD4 alternative. Posting signs is not a sufficient LUC.
p. A-10, C-4 Table 2-1, p.5	Any guidance that was used to assess the shellfish consumption risk should be included in the table.
p. A-12, C-8 Table 2-3, p. 8	The response to GC2 does not address this comment directly. If contamination above risk levels are left in the eelgrass area, then the Navy needs to assess whether cleanup levels will be achieved through MNR over time.

- p. A-12, C-9
Table 2-3, p. 10 If the NRWQC will not be used for the monitoring standards for any sediment alternative that leaves contamination in place, what standards will be used? This comment also applies to the response to C-10 Table 2-3, page 11. Water quality monitoring standards are also required for any capping alternative during the cap installation process.
- p. A-12, C-11
Table 2-3, p. 12 Retain if the State agrees to extend the current restriction over any areas where CERCLA contamination will be left in place. Although current restrictions exist they need to be incorporated into the CERCLA remedy and identified as ARARs in the FS/ROD.
- p. A-12, C-13
Table 2-3, p. 12 All of the State Solid Waste Regulations cited in the recent NUSC ROD should be included (including long-term monitoring and siting in flood areas and "unstable zones.")
- p. A-13, D-2 p. 1
Table 2-1 Include Section 8.01 of the Remediation Regulations (was included in the NUSC ROD). Same response to D-5 p. 3, Table 4-1.
- p. A-13, D-3 p. 2
Table 2-2 The Federal ESA is "applicable" for Atlantic Sturgeon. The Atlantic Sturgeon is not listed on the RI Endangered Species List. There are two listed sea turtles – for those the standards are "Relevant and Appropriate" since the listed habitat is RI off-shore waters.

Comments on the Revised ARARs Tables

Address comments above in the revised ARARs Tables where applicable.

- Table 2-1, p. 2 The NOAA guidance is also used to develop sediment monitoring standards for any alternatives that leave contaminated sediment in place above identified risk levels.
- Table 2-1, p. 3 Modify the last sentence of the Consideration text: "Sets standards for remediating soil and groundwater and for instituting LUCs where contamination is left in place.
- Table 2-2, p. 1 Change:

~~Permits for Structures or Work in or Affecting Navigable Waters of the United States~~
Rivers and Harbors Act, Section 10

33 U.S.C. §403; 33 C.F.R. Parts 320-323

Relevant and Appropriate

Sets forth criteria for obstructions and alterations of navigable waters.

Remedial actions that require work to occur within waterways will be performed in compliance with the substantive requirements of the statute.

- Table 2-2, p. 3 For 44 C.F.R. Part 9 change the second sentence of the Consideration text to: "During remedial design, the effects of soil and sediment remedial actions on federal jurisdictional wetlands and aquatic habitats will be evaluated." Change the fourth sentence to: "Wetlands and aquatic habitats disturbed by soil and sediment remediation will be mitigated in accordance with requirements."
- Table 2-2, p. 4 For the State ESA, change the first sentence of the Consideration text to: "The State-listed loggerhead and Kemp's Ridley turtles occur in off-shore waters of the State and potentially in Narragansett Bay."
- Table 2-3, p.2 For the EPA Groundwater Protection Guidance, change the Action to be Taken text to (as how it was cited in the NUSC ROD): Under federal standards, groundwater within the Site is considered a potential drinking water source except within the compliance boundary of any waste management area established under the soil alternatives; therefore, groundwater must achieve federal drinking water and risk-based standards or more stringent State groundwater standards outside of the compliance boundary. Groundwater use restrictions outside of the compliance boundary will be maintained until these standards are achieved. Inside of the compliance boundary groundwater use restrictions will be in effect for as long as the waste management area remains in place. Groundwater monitoring using these standards will be used to ensure that groundwater exceeding these standards does not migrate beyond the compliance boundary. Exceedances of these standards within the compliance boundary is a basis for establishing prohibitions on the use of groundwater within the compliance boundary.
- Table 2-3, p. 3 Cite federal management of invasive plant standards (as cited in the NUSC ROD):

Management of Undesirable Plants on Federal Lands

7 U.S.C. §2814

Relevant and Appropriate

Requires federal agencies to establish integrated management systems to control or contain undesirable plant species on federal lands under the agency's jurisdiction.

Measures will be taken to control the establishment of invasive plants within all remediated areas. An invasive species control plan will be developed as part of the long-term O&M for this site. The responsibility of control will be transitioned to NAVSTA after (1) the remedy is in place, and (2) NAVSTA develops a base-wide program for controlling undesirable plants.

- Table 2-3, p. 6 For the "Drilling of Drinking Wells" Consideration text, change "near" to "within" and at the end of the sentence add "until groundwater cleanup standards are achieved in areas outside of any waste management area."
- For each of the alternative-specific ARARs Table, make the changes noted above in both the text comments and the comments to the Table 2 ARARs tables.
- Table 4-4 Change the second sentence of the Consideration text for each standard to: "Limited excavation, disposal, LUCs, inspection and monitoring will prevent exposure to site contaminants exceeding risk levels."
- Table 4-4, p. 2 Table 4-7, page 2 notes that there are exceedances of state leaching standards. If so, this alternative description needs to identify whether it will meet state leaching standards.
- Table 4-5, p. 4 Make the change to the State ESA line noted above (make change to all subsequent Table 4 location-specific tables).
- Table 4-6, p. 1 Specify whether there is any remaining PCB contamination above risk levels in soil or if it was all addressed by the previous removal action. If removed, delete this line (the ARAR would apply to the sediment alternatives where PCBs are still present above risk levels). This comment applies to all the other Table 4 soil alternative tables.
- Table 4-6, p. 2 Add State Solid Waste standards (*see* comments above).
- Table 4-9, p. 2 Add State Solid Waste standards (particularly any that may apply to the solidification/stabilization process).
- Table 4-10 Clarify why LUCs are required if the alternative consists of full excavation.
- Table 4-10, p. 2 In the Consideration text, add at the end: "and remove soil exceeding leachability standards."
- Table 5-4, p. 1 The Action to be Taken text for each line needs to state how long it will take for sediment cleanup standards to be achieved through MNR.
- Table 5-5, p. 1 Change the "Permits for Structures..." to the "Rivers and Harbors Act" citation noted above (and make this change for all of the Table 5 location-specific tables).
- Table 5-5, p. 3 Change the state ESA text as noted above (and make the change for all of the Table 5 location-specific tables).
- Table 5-6, p. 1 For the Consideration text for TSCA, change the first sentence to "PCB cleanup standards identified meet TSCA risk-based standards for sediment. MNR will achieve these cleanup standards within [identify how long MNR will take]."

- Table 5-6, p. 2 Remove state water discharge standards since the alternative does not involve water discharges.
- Table 5-6 Identify what standards will be used for sediment monitoring if one of the ARARs already identified (TSCA, federal risk-based standards). See previous comments about including State LUC standards to prevent shellfishing/fishing.
- Table 5-7 The alternative needs to clarify how it is addressing the eelgrass areas (covering these areas also or MNR), since the Response to GC2 did not discuss this alternative. Also the text for the ARARs needs to remove any reference to ENR since the Navy has stated that this alternative will consist of installing a 2 foot thick cover (*see response the SC #56*). Replace ENR with "monitoring."
- Table 5-7, p.2 The Action to be Taken text should replace "enhanced natural recovery" with "monitoring and LUCs."
- Table 5-8, p. 1 For all of the federal Clean Water Act, Section 404 "Action to be Taken" text for each alternative the text should identify whether the alternative is the "least environmentally damaging practicable alternative." Only one of the alternatives can be chosen.
- Table 5-9, p.1 The TSCA standards apply to establishing the PCB risk-based cleanup number as well as the cover standards (with monitoring and LUCs).
- For the Sediment Guidance "Action to be Taken" text, if the eelgrass areas are not covered then the alternative for those areas needs to meet MNR standards.
- Table 5-9, p. 2 Any State ARAR standards for establishing enforceable LUCs need to be identified.
- Table 5-11, p. 2 For the Floodplain/Wetland Action to be Take, replace soil with sediment and state that on-shore sediment off-loading, dewatering, and handling facilities constructed as part of this alternative will meet these standards.
- Table 5-12 Based on the response to GC2, this alternative should be renumbered "4A" and the next alternative "4B."
- Table 5-12, p. 1 This alternative only meets TSCA standards if any unexcavated area that exceeds PCB risk-based cleanup standards meet MNR standards for cleanup. The TSCA standards apply to establishing the PCB risk-based cleanup number as well as the dredging, handling, and dewatering of the PCB contaminated sediment.
- Table 5-12, p. 1 Any unexcavated sediment areas exceeding cleanup standards need to meet MNR standards.
- Table 5-13 This alternative should be renumbered "4B."

- Table 5-13, p. 1 For all of the citations' Action to be Taken text remove "and LUCs" since all contaminated sediment above cleanup standards will be removed.
- Table 5-14, p. 1 For the Clean Water Act, Sec. 404 Action to be Taken, the Navy needs to identify if this is the Least Environmentally Damaging Practicable Alternative.
- Table 5-14, p. 2 For the Floodplain/Wetland Action to be Taken text, replace soil with sediment and identify that on-shore sediment off-loading, dewatering, and handling facilities constructed as part of this alternative will meet these standards.
- Table 5-15, p. 1 The TSCA standards apply to establishing the PCB risk-based cleanup number as well as the dredging, handling, and dewatering of the PCB contaminated sediment.
- Table 5-15, p. 1 Contaminated Sediment Guidance Action to be Taken should discuss dredging/dewatering rather than capping.
- Table 5-17, p. 2 For the Floodplain/Wetland Action to be Taken text, replace soil with sediment and identify that on-shore sediment off-loading, dewatering, and handling facilities constructed as part of this alternative will meet these standards.
- Table 6-4, p. 1 Change the last sentence of the Action of be Taken for the first four guidances cited to: "Groundwater LUCs will be maintained until these standards are achieved through MNA."
- Table 6-6, p.1 For the EPA Groundwater Protection Guidance, change the Action to be Taken text to (as how it was cited in the NUSC ROD): Under federal standards, groundwater within the Site is considered a potential drinking water source except within the compliance boundary of any waste management area established under the soil alternatives. Therefore, groundwater must achieve federal drinking water and risk-based standards or more stringent State groundwater standards outside of the compliance boundary. Groundwater use restrictions outside of the compliance boundary will be maintained until these standards are achieved. Inside of the compliance boundary groundwater use restrictions will be in effect for as long as the waste management area remains in place. Groundwater monitoring using these standards will be used to make sure groundwater exceeding these standards does not migrate beyond the compliance boundary. Exceedances of these standards within the compliance boundary is a basis for establishing prohibitions on the use of groundwater.
- Table 6-6, p. 1 For the MNA Guidance, change the Action to be Taken to: MNA can attain federal drinking water and risk standards as defined by this guidance within a reasonable time frame [identify the time period] outside of the compliance boundary for any waste management area that might be established under a soil alternative.
- Table 6-6, p. 2 Add the monitoring well state ARARs cited in Table E-9 of the NUSC ROD.